 <p>TOWN of WAREHAM Board of Selectmen/Sewer Commissioners Meeting Agenda</p>

7:00 P.M. Multi-Service Center, Room 320, 48 Marion Road, Wareham, MA

1. CALL TO ORDER BY CHAIRMAN
2. ROLL CALL
3. ANNOUNCEMENTS
4. CITIZENS PARTICIPATION
5. TOWN CLERK UPDATE AND PRESIDENTIAL PRIMARY WARRANT
6. WESTFIELD DISCUSSION
7. CONSENT AGENDA
 - a. Authorization to sign bills and documents, etc.
 - b. CDM – Cromesett Park & Oakdale Sewers – Monthly Estimate for Partial Payment No. 17 - \$210,815.78.
 - b. Approval of regular meeting minutes: December 13, 2011 (held from 1/10/12 meeting).
8. LICENSES & PERMITS
 - a. Application for Change of Hours from The Mill Pond Station, LLC dba Mill Pond Station, 2569 Cranberry Highway, Wareham under the provisions of Chapter 138 of the Massachusetts General Laws.
 - b. Application for Common Victualier's License from Papa Gino's, Inc., 2899 Cranberry Highway, Wareham, MA, under the provisions of Chapter 140 of the Massachusetts General Laws.
9. TOWN ADMINISTRATOR'S REPORT
 - a. Leadership Team.
 - b. Massachusetts Municipal Association 33rd Annual Meeting and Trade Show.
 - c. Joint meeting between the Board of Selectmen and School Committee – FY2013 Budget.

Status Report of ongoing issues/projects.

- 10. TOWN BUSINESS**
 - a. Transportation Study Group.
 - b. Right of 1st refusal – Digital Federal Credit Union.
 - c. Meet with Recycling Coordinator/Committee.
 - d. Meet with Capital Planning Committee.
 - e. Vote on Senior Work-Off Program.
 - f. Smelt Regulations.
 - g. Any other Town business.
- 11. SEWER BUSINESS**
 - a. Discussion re. Contract 2 and Contract 3.
 - b. Board of Selectmen Policy re. EDU rates.
 - c. Sewer Abatement – 39 Bayview Street.
 - d. Sewer Abatements (held from the 11/1/11 meeting).
 - e. Failed septic system at 3 Indian Neck Road.
 - f. Any sewer business.
- 12. LIAISON REPORTS**
- 13. ADJOURNMENT**
- 14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

3/22/2012

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: January 24, 2012
Date of Transcription: February 13, 2012
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Chairman Holmes called the meeting to order

Selectmen Present:

Walter B. Cruz, Sr., Chairman (absent)

Stephen M. Holmes, Chairman pro-tem

Cara A. Winslow, Clerk pro-tem

Ellen M. Begley

J. Michael Schneider

MOTION: Selectman Schneider moved to have Selectman Winslow serve as clerk pro-tem.

Selectman Begley seconded.

VOTE:

5-0-0 (unanimous)

Also present: Mark J. Andrews, Town Administrator

3. ANNOUNCEMENT

The OBA will be holding a Las Vegas Night January 28th at Stevie B's 8pm-midnight.
The Spinney Library will be having a book sale on February 25th 10am-3:30pm.
The COA is looking for volunteers to delivery meals on wheels
WCTV will present postcards from Onset on January 26th at 6:30pm at the Wareham Free Library.

4. CITIZENS PARTICIPATION

Present before the board: Ronald Robinson
Mr. Robinson was before with concerns about the sewer business be addressed at the end of the meeting and not allowing citizens to be able to participate. Mr. Robinson had some questions regarding contract 1 and 2. Chairman Holmes stated that these answers would be forthcoming from Town Counsel.

Present before the board: Paula Mazzola
Mrs. Mazzola was before the board for abatement scheduled for later in the agenda and asked if she would be able to speak about that later in the meeting? Chairman Holmes stated that she would be able to speak when that item came up.

5. TOWN CLERK UPDATE AND PRESIDENTIAL PRIMARY WARRANT

Present before the board: Mary Ann Silva, Town Clerk

Mrs. Silva was before the board with some announcements. She stated that the state primary is scheduled for March 6th precincts are open from 7am to 8pm. Last day to register to vote, change your party or address is February 15th and the office will be open until 8pm. Mrs. Silva stated that in a primary such as this there are only certain people are allowed to vote such as un-enrolled, Democrat, Republican or Green Rainbow. She said that anyone with any questions should call her office at 508-291-3140. Mrs. Silva also asked the board to vote on the warrant to call the election and to please sign it so that it can be posted.
MOTION: Selectman Winslow moved to approve the presidential primary warrant and read (as attached). Selectman Schneider seconded.
VOTE: 4-0-0 (UNANIMOUS)

6. WESTFIELD DISCUSSION

Mr. Andrews advised the board that the RFP has been updated and the board will review it and bring it up next week.

7. CONSENT AGENDA

a. Authorization to sign bills and documents, etc.
CDM - Cromsett Park & Oakdale Sewers - Monthly estimate for partial payment no. 17 - \$210,815.78
MOTION: Selectman Winslow moved to approve the CDM - Cromsett Park & Oakdale Sewers - Monthly estimate for partial payment no. 17, project #2 CWSRF3022 in the amount of \$210,815.78. Selectman Begley seconded. Selectman Schneider asked how far along they were with the project to set the betterments? Mr. Guidice stated that to be clear this bill is an estimate from Gioioso. He said they are getting close enough to know what the final cost will be and they are working on the final punch list. Selectman Begley asked that two issues be added to the next agenda, which was the water main change and the pump station relocation.
VOTE: 4-0-0 (UNANIMOUS)

b. Approval of regular meeting minutes: December 13, 2011 (held from January 10, 2012 meeting)
MOTION: Selectman Winslow moved to approve the meeting minutes of December 13, 2011 as written. Selectman Schneider seconded.
VOTE: 4-0-0 (UNANIMOUS)

8. LICENSES & PERMITS

a. Application for Change of Hours from the Mill Pond Station, LLC d/b/a Mill Pond Station, 2569 Cranberry Highway, Wareham under the provisions of Chapter 138 of the Massachusetts General Laws

Present before the board: Linda Burke
MOTION: Selectman Winslow moved to approve the change of hours from the Mill Pond Station, LLC d/b/a Mill Pond Station, 2569 Cranberry Highway, Wareham under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Schneider seconded.
VOTE: 4-0-0 (UNANIMOUS)

b. Application for Common Vicualler's License from Papa Gino's Inc., 2899 Cranberry Highway, Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws.

Present before the board: Dan Fortunato, General Manager, Papa Gino's
Mr. Fortunato stated that they forgot to renew their license due to a communication error between the corporate office.
MOTION: Selectman Winslow moved to approve the application for Common Vicualler's License from Papa Gino's Inc., 2899 Cranberry Highway, Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws.
VOTE: 4-0-0 (UNANIMOUS)

9. TOWN ADMINISTRATOR'S REPORT

LEADERSHIP TEAM UPDATED

Susan Green - Senior Work-off program
Present before the board: Susan Green, Acting COA Director
Ms. Green had a concern that people who once volunteered their time are now asking that the time be included in the Senior Tax Work-off Program. Ms. Green stated that the beaches and the piers should come first in filling the positions. Also, some of the other towns limit it to a maximum of \$500. Mr. Andrews stated the key is to have the Department Heads come forward with their need and try and match up the seniors. Selectman Winslow would like to have a lottery or random drawing to make it fair for the seniors. Selectman Holmes feels that the person who is running the program should be the one to place the people based on their experience. Selectman Begley asked about income guidelines. Selectman Schneider asked how many people are working at the beaches and piers? Ms. Green didn't have the information available at this time and would get back to the board.

MOTION: Selectman Winslow moved that the Board of Selectmen support the Senior Work-off program and that the Town Administrator will provide the Board with a copy of the guidelines for approval prior to implementation. Selectman Schneider seconded.
VOTE: 4-0-0 (UNANIMOUS)

MASSACHUSETTS MUNICIPAL ASSOCIATION 33RD ANNUAL MEETING AND TRADE SHOW January 20th and 21st, 2012 at the Hynes Convention Center.

Mr. Andrews attended the annual meeting along with Selectwoman Ellen Begley and participated in various workshops and conference presentations. This year's theme was Recovery, Reinvestment and Renewal as cities and towns look ahead. Many of the workshops focused

upon alternative revenue sources, environmental issues, technology advancements, transportation and energy needs.

JOINT MEETING BETWEEN THE BOARD SELECTMEN AND SCHOOL

COMMITTEE FY 2013 BUDGET

On Wednesday, January 18, 2012, Derek Sullivan, Financial Analyst and Mr. Andrews presented the Town Administrators' FY2013 operating and Capital Budget. This included, his Town Administrators Budget message and supporting documentation.

Mr. Andrews stated that in respect to his evaluation last week, he wanted to go on record stating that he does intend on working with the town and hoping that he receives an extension on his contract that he feels he deserves.

10. TOWN BUSINESS

Selectman Schneider asked how the weekly spread sheet was coming along?

2. Transportation Study Group

Selectman Winslow stated that the Transportation Action Committee consists of the Town Administrator, School Superintendent, Capital Planning member, Chairman of the School Committee as well as the Chairman of the Board Selectmen or a designee. Selectman Winslow asked if anyone had any communication with Chairman Cruz as to who is going to be the member on the committee?

MOTION: Selectman Schneider moved to appoint Selectman Begley as the representative from the Board of Selectmen. Selectman Winslow seconded.

VOTE:

4-0-0 (UNANIMOUS)

b. Right of 1st refusal - Digital Federal Credit Union
Present before the board: Mark Hartman

Mr. Hartman was before the board stating that the price of the property has dropped to \$1.4 million and was before the board to waive the right of 1st refusal.

MOTION: Selectman Schneider moved that the Town of Wareham on this 24th day of January 2012, hereby waives its Right of First Refusal as set forth in that certain Deed from the Town of Wareham to Wareham Economic Development and Industrial Corporation, dated November 23, 1981, recorded with the Plymouth County Registry of Deeds in Book 5091m Page 489, and filed with the Plymouth County Registry District of the Land Court as Document No. 210150, as set forth in the deed (the "deed") from the Wareham Economic Development and Industrial Corporation to Four Pines Development Corporation, dated August 7, 1987, recorded with the Plymouth County Registry of Deeds in Book 7919, page 128, and filed with the Plymouth County Registry District of the Land Court as Document No. 276278, and as set forth in the Ratification and Acknowledgement regarding protective restrictions, dated August 25, 2006, recorded with the Plymouth County Registry of District of the Land Court as Document No. 611449, with respect to a conveyance from Digital Federal Credit Union to Stone Street Corporation or its nominee. It is intended that this waiver have the effect of an instrument under seal under the laws of the Commonwealth of Massachusetts. Selectman Begley seconded

VOTE:

3-1-0 (Selectman Winslow opposed)

c. Meet with Recycling Coordinator/Committee

Present before the board: Marilyn Russell, Earl Russell, and Jennifer Gady & Jack Dixon

Ms. Russell stated that the Recycling Center is open on Wednesdays from 1-3pm and Saturdays from 9am-1pm and is strictly run by volunteers. She went over some of the things happening at the Recycling Center, they recently celebrated "America Recycles Day" and also stated that most of the money made is from white goods, and recycling of bottles and cans has also gone up. They have developed a newsletter, which is very informative, and she also spoke about the disposal of latex paint. They also have opened a book barn thanks to the donation of a barn from SEMASS. Ms. Russell stated that they are always looking for volunteers. Selectman Winslow encouraged residents to recycle and said that we are very fortunate to have such a dedicated group of volunteers who put a lot of hours into the recycling center. Mr. Dixon spoke about the board adding \$2000-\$3000 into the recycling budget to defray some of the cost of the Recycling Coordinator so their funds can be used in lieu of the salary so that it could be used towards education. Mr. Dixon also wanted to thank Jennifer Gady for the donation of a shed as well. Selectman Schneider thanked the Recycling Committee as well. Selectman Begley thanked them as well and asked there was any increase with curbside pickup and also said that she saw in the Town Report that they were stating they were going to run out of money in FY12. Mr. Dixon stated that the revolving fund is going down each year. Mr. Dixon said at one point they thought the money was being deposited into the Recreation fund rather than the Recycling fund. Mr. Andrews was going to look into this matter and report back to the Board. Selectman Holmes thanked them for their hard work.

d. Meet with Capital Planning Committee

Selectman Winslow read an email received from the Capital Planning that read Dear Chairman Cruz. The Capital Planning committee reviewed the emails sent by Mrs. Figueroa requesting the committee to come before the BOS. The Committee voted not to come before the BOS at this time. The Committee would ask that the BOS submit a list of questions on what they wish to discuss. The committee would then revisit the issues and make a determination. It's possible we could arrange a joint meeting with a printed agenda. Yours truly, Alan Slavin - Chair they have also asked that the statement be read into record. Selectman Winslow stated her request would be to add this to the next agenda for discussion. Selectman Schneider said it was his understanding that the board was going to have all the committees come in to give the board updates on what their activities have been. Mr. Andrews said that he didn't support this response and would ask the Chairman in the morning to reconsider.

MOTION: Selectman Schneider moved to send a letter to the appointing authority asking the capital planning committee to come in to a near future Board of Selectmen meeting to report on the FY11 and FY12 report. Selectman Begley seconded.

4-0-0 (unanimous) VOTE:

e. Vote on Senior Work-off Program (discussed under Town Administrators Report)

f. Smelt regulations

There are no changes to the smelt regulations. These permits will be available Thursday, February 16, 2012 in the Harbormaster's Office, in the Multi-Service Center.

MOTION: Selectman Winslow moved to approve the smelt regulations (as attached).
Selectman Begley seconded.

4-0-0 (unanimous) VOTE:

g. Any other town business

Selectman Winslow stated that she recently met with an Environmental Engineer who designs programs for the town to "go green" and she would like to give the contact information to Mr. Andrews and have him reach out to the firm.

Selectman Begley stated that there were a number of companies at the MLVA show and perhaps there are other companies as well that we should reach out to. Selectman Winslow stated the reason she mentioned this one was due to the fact the way the company gets paid is different then most.

Selectman Schneider stated that he would like to have an update on Atlantic Metals Recycling. Mr. Andrews said that they are working very closely with the owner to get him to a spot in the Industrial Park. He did come into the office for an application for a license.

11. SEWER BUSINESS

a. Discussion re: Contract 2 & Contract 3

The board would like to have a workshop to discuss contracts 2 & 3 and the process of betterment costs and how they set the rates, and also make available the current design to the board along with a detailed explanation. They would also discuss what the impact they have seen with contract 1 and whether or not it's in line of their expectations. They will also like to investigate alternatives for contract #3 to bring the cost of the betterments down as a possibility. The board would like some type of communication go out to residents of contract #2 to provide them with an update.

b. Board of Selectmen Policy - re: HDU rates

Mr. Campinha was before the board to discuss a draft policy in regards to Laundromats and the usage for non-season. Selectman Winslow suggested this discussion be put off until the board has it's workshop meeting.
c. Sewer Abatement - 39 Bayview Street
Present before the board: Paula Mazzola
Mrs. Mazzola was before the board for abatement for property located at 39 Bayview Street. Some discussion ensued on the abatement process.

MOTION: Selectman Winslow moved to approve the abatement request in the amount of \$99,34 for 39 Bayview Street acct 738550. Selectman Schneider seconded.

VOOTE: 4-0-0 (unanimous)

MOTION: Selectman Winslow moved to place on hold on Acct 738550 located at 38 Bayview Street until such time as the water is turned back on. Selectman Schneider seconded.

VOOTE: 4-0-0 (unanimous)

d. Sewer Abatements (held from 11/1/11 meeting)

MOTION: Selectman Winslow moved to place in hold Account # 735691, 767428, 739708, 738992, 738196 and 736644 on hold until such time the Board of Selectmen has reviewed the policies at the Sewer Workshop scheduled for the near future. *No second.*

The board had a request from the owner of 3 Indian Neck Road to tie into the sewer. Selectman Winslow asked if the board could have Town Counsel look into this prior to them approving.

Selectman Begley drafted a letter of support to be sent to request the final release of the Wareham River Estuary Report. (As attached)

MOTION: Selectman Begley moved to send a letter of support requesting the immediate release of the final Wareham River Estuary Report (as attached). Selectman Winslow seconded.

VOTE: 4-0-0 (unanimous)

12. LIAISON REPORTS

Selectman Winslow stated that she hopes residents stop by the Recycling Center. The Capital planning committee met last Thursday as well as the Library Board of Trustees. They are looking forward to their upcoming program.

Selectman Schneider stated that the Affordable Housing Trust met a few weeks ago and they are expressing concern that they are receiving legal bills from other boards and committees. He said that some type of communication is needed to let boards know that they would need to get prior approval.

Selectman Begley said that the Board of Health discussed at their meeting about scheduling another workshop for the nitrogen regulations.

13. ADJOURNMENT

MOTION: Selectman Winslow moved to adjourn the meeting. Selectman Begley seconded.

VOTE: 4-0-0 (Unanimous)

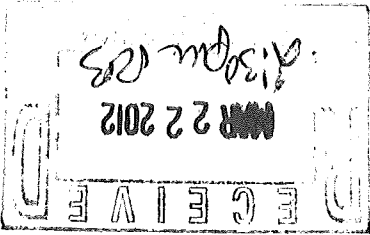
12. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted,
Janet Wilson
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on: *3/20/12*

Attest: *Cara A. Winslow*
Cara A. Winslow, Clerk pro-tem

Date Signed: *3/20/12*
Date sent to the Town Clerk: *3/22/12*



Attachment 1/24/12 meeting minutes

Town of Wareham
54 Marion Road
Wareham, MA 02571
www.wareham.ma.us



Walter B. Cruz, Sr., Chairman
Stephen M. Holmes, Clerk
Cara A. Winslow
Ellen M. Begley
J. Michael Schneider

SELECTMEN'S OFFICE
Phone: 508.291.3100
Fax: 508.291.3116
selectmen@wareham.ma.us

January 25, 2012

Commissioner Kenneth Kimmell
MA Department of Environmental Protection
One Winter Street
Boston, MA 02108

Chancellor Jean MacCormack
University of Massachusetts Dartmouth
285 Old Westport Road
N. Dartmouth, MA 02747

Re: Massachusetts Estuaries Project (MEP) Wareham River Report

Dear Commissioner Kimmell and Chancellor MacCormack:

The Wareham Board of Selectmen voted at their January 24, 2012 meeting to send you this letter requesting the immediate release of the final Wareham River Estuary Report. The town is eager to take action to reduce nitrogen pollution to our critical coastal resources and the release of this long overdue report will serve to help guide us in those actions.

It is our understanding that the Wareham River MEP Report was originally due in 2004 and much of the information needed for the report was collected as part of the Water Quality Investigation of the Wareham River Estuary Complex completed by CDM in 2000 in which Dr. Brian Howes, Center Marine Science and Technology at UMass-Dartmouth was co-author. This investigation served to support the development of the 2002 Comprehensive Wastewater Management Plan (CWMP), which led to the successful upgrade of the Wareham Wastewater Treatment Plant.

The now eight year delayed Wareham River report together with the delays of other reports throughout Buzzards Bay compelled the Buzzards Bay Coalition to draft an extensive public records request to your agencies to determine the underlying reason for the delays. Our Board supports the Buzzards Bay Coalition's efforts and urges you to release the requested records together with the Wareham River MEP Report as quickly as possible. It is critical that the MEP give towns the tools needed to protect their coastal resources.

Sincerely,

Walter B. Cruz, Sr.
Chairman

Cc: Senator Marc Pacheco
Representative Susan Williams-Gifford

attachment 1/04/12
meeting minutes

March 1, 2012

Michael Schneider, Member

Ellen Begley, Member

Stephen M. Holmes, Clerk

Cara A. Winslow, Member

Walter B. Cruz Sr., Chairman

BOARD OF SELECTMEN

Violation or abuse of privileges hereby granted shall result in revocation of this permit, in addition to any fine incurred.

NOTE: Land owner not responsible for any damages to person or property.

No charge for permit.

Application to **TOWN OF WAREHAM ONLY**. Permits available to **INHABITANTS** of the **TOWNS OF WAREHAM, ROCHESTER, MARION AND MATTAPOISETT**.

1. Limit: 36 fish per day.
 2. Net Size: shall not contain more than five square feet of net surface.
 3. It is understood and agreed by the permit holder that he/she will abide by all laws and regulations of the State of Massachusetts pertaining to the catching of smelt.
 4. Fishing is allowed seven (7) days per week.
- To take SMELT from the Wewantic River between MARCH 1, 2012 to APRIL 1, 2012, both date inclusive, for family use, subject to the following regulations:

(AS AUTHORIZED BY CHAPTER 67 OF THE ACTS OF 1931)

SMELT REGULATIONS

TOWN OF WAREHAM
HARBOR MASTER/SHELLFISH CONSTABLE
MEMORIAL TOWN HALL
WAREHAM, MASSACHUSETTS 02571



*attachment 1/24/12
meeting minutes*



TOWN OF WAREHAM
HARBOR MASTER/SHELLFISH CONSTABLE
MEMORIAL TOWN HALL
WAREHAM, MASSACHUSETTS 02571

Date: March 1, 2012

SMELT Permit

Under the provisions of Chapter 67 of the Acts of 1931, permission is hereby given

To: _____

Address: _____

Town: _____

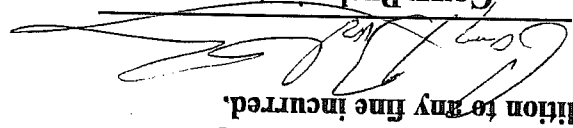
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No charge for permit.
NOTE:

Land owner not responsible for any damages to person or property.
Violation or abuse of privileges hereby granted shall result in revocation of this permit, in addition to any fine incurred.



Garry Buckminster
Shellfish Constable
For: Board of Selectmen

NOTE: Abuse of the privileges herein granted may force the closing of this fishway.

PLEASE COMPLY WITH THE REGULATIONS

attachment 1 by 12 meeting minutes