



# TOWN of WAREHAM

## Board of Selectmen/Sewer Commissioners

### Meeting Agenda

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. **WESTFIELD DISCUSSION**
6. **LICENSES & PERMITS**
  - a. **7:15 p.m. Show Cause Hearing** – Ella's Woodburning Oven Restaurant.
  - b. **7:30 p.m. Show Cause Hearing** – The Stonebridge
  - c. Application from Lindsey's Restaurant, Inc. for Pledge of License.
  - d. Application from Subway for Common Victualler's License re. Change of Location continued from 4/10/2012.
  - e. Use of Town roads by National Multiple Sclerosis Society on June 23, 2012 from 7:00 a.m. to 4:00 p.m.
7. **CONSENT AGENDA**
  - a. Authorization to sign bills and documents, etc.
  - b. Appointment of associate member to the Conservation Commission.
8. **SEWER BUSINESS**
  - a. Wind Resource Data Report by Atlantic Engineering.
  - b. Solar Farm Proposal by Siemens.
  - c. Update Policies & Procedures Discussion set timeline for completion.
  - d. Any other sewer business.
9. **TOWN BUSINESS**
  - a. Close special town meeting warrant.
  - b. Review and discuss Town Administrator's job description for posting.
  - c. Discuss and determine Town Administrators interview process.
  - d. Discuss process of reappointing Boards & Committee members.
  - e. Update Policy and Procedures Discussion.
  - f. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

**10. LIAISON REPORTS**

**11. ADJOURNMENT**

**12. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

5/3/2012

## MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: April 17, 2012  
Date of Transcription: April 18, 2012  
Transcribed by: Janet Wilson

### 1. CALL MEETING TO ORDER BY CHAIRMAN

### 2. ROLL CALL

Chairman Holmes called the meeting to order

Selectmen Present: Stephen M. Holmes Chairman  
Cara A. Winslow, Clerk  
Ellen M. Begley  
Alan H. Slavin

Also present: Derek Sullivan, Acting Town Administrator

### 3. ANNOUNCEMENT

New FEMA Flood Insurance Rate Maps effective soon for Plymouth County. There will be a Community Outreach Meeting open house for Plymouth County residents to learn more about these changes on April 19, 2012 at the Wareham Town Hall Auditorium from 6:30 p.m – 9:00 p.m.

The Kiwanis Club of Bourne & Wareham along with the Onset Youth Center will be holding it's first youth Walk-a-thon at the Cape Cod Canal on June 10<sup>th</sup> from 12noon – 6pm for more information contact the Onset Youth Center.

Wareham Coffee Hour will host Priscilla Porter this week to discuss the article on the warrant regarding the Spinney Library. This will take place on April 19<sup>th</sup> at 9am in the Multi Service Center.

The Friends of the Library will be hosting informational sessions on Spinney Tuesday at 6:30pm at the Spinney Library and Wednesday, April 18<sup>th</sup> at the Wareham Free Library at 6:30 pm.

The Veterans are looking for assistance with the Memorial Day preparation, please contact James Newman at 508-291-3100, ext 6513 or Charles Vanderstaay at 508-295-6060.

Minot Forest School will host an art show and auction on Thursday May 3<sup>rd</sup> at 5pm. The school is looking for local artists to display and donate art for their auction. Please contact Nancy Lennon 508-291-3555.

There will be a Comedy Night fundraiser benefiting the Middle School PTA, Friday, April 27<sup>th</sup> at Salerno's function. Tickets are \$25 and for more information contact Chris at 781-588-8200 or Rhonda at 508-295-7431.

## SELECTMEN/SEWER COMMISSIONERS MEETING - 4-17-12 (CONT'D)

WCTV is seeking building and task force volunteers. If interested please contact John White at 508-295-4100.

Flushing of Wareham Water Pipes begins on April 23<sup>rd</sup> until Saturday June 30<sup>th</sup>

Selectman Slavin stated that they businesses on Main Street are hurting and urged residents to support the small stores and shop them.

### **4. CITIZENS PARTICIPATION**

Present before the board: Claire Smith, Town Moderator

Ms. Smith stated that there has been some confusion between the difference of an override and debt exclusion. Ms. Smith stated that WCTV taped a public service segment, which included Town Counsel, Ms. Smith and Mary Ann Silva. The segment explains what debt exclusion meant as well as an override. This will be aired this week and she also asked if anyone has any handouts for town meeting they first need approval from the Moderator and need to be done ASAP.

Present before board: Peter Teitelbaum

Mr. Teitelbaum stated that the house members of the joint committee have given their concurrence and they are now waiting on the senate in regards to his election status. Mr. Teitelbaum will be contacting Senator Pacheco's office in the morning to see if they can expedite the process so that he can participate as a Selectmen for Town Meeting.

### **5. WESTFIELD DISCUSSION**

The board received the latest version of the Westfield RFP this evening and they are going to go through the document. Some question arose about page 17, section 10 regarding the ball fields. They asked that the ball fields be maintained the same as Babe Ruth Standards as well as Little League Standards. Selectman Winslow asked if any changes that need to be made to send them along to Derek Sullivan so that he can forward them to Mr. Heaney no later than 4:30 p.m. on Friday.

### **6. LICENSES & PERMITS**

- a. 7:15 p.m. Show Cause Hearing – Ella's Wood Burning Oven Restaurant

**MOTION:** Selectman Winslow moved to open the public hearing for Ella's at 7:26 pm.  
Selectman Begley seconded.

**VOTE: 4-0-0 (Unanimous)**

Also before the board was Attorney Lynnea Thody from Blatman, Brobrowski & Mead, LLC. Ms. Thody stated the Manager from Ella's Restaurant has signed a stipulation stating that the restaurant was open on February 14, 2012. The reason for violation was due to the fact that she was open on a Tuesday and her liquor license doesn't allow for the sale of liquor on Tuesdays.

Present before the board: Bree Swierkowski

Ms. Swierkowski was before the board and apologized and stated this was not done with malice and the only reason they were open was because it was Valentine's Day. She stated that they were answering a call from their patrons to open the restaurant for the night. She stated that it

SELECTMEN/SEWER COMMISSIONERS MEETING - 4-17-12 (CONT'D)

wasn't until the Police Officer came to the door to check the license that she even thought about it. She stated that they are very good at carding people and all her servers are tips certified. Selectman Begley asked if she was aware that she could come before to board to open for special hours? Ms. Swierkowski stated that she wasn't but she does know now. Selectman Winslow stated that this is the first year this establishment held a year round liquor license and this would have been her first opportunity to be open on Valentine's Day and wanted to stress that she should go over the policies. The board asked if anyone was to speak about the issue. Present before the board: Justin Hadley, Owner of Stonebridge Bistro. Mr. Hadley felt that he had some role in her receiving the violation since the Police first received a text a tip about his establishment being open. He stated that he feels a select group has hijacked the laws because he was trying to get a porch on his restaurant. Attorney Thody stated Mr. Hadley should stick with the topic of the violation at Ella's at this point.

**MOTION:** Selectman Winslow moved to close the show cause hearing at 7:36 p.m. Selectman Slavin seconded.

**VOTE: 4-0-0 (Unanimous)**

Selectman Begley asked that a copy of the letter be placed in the file along with a copy being sent to Ella's Woodburning.

**MOTION:** Selectman Winslow moved to issue a verbal warning to Bree Swierkowski to serve as the reprimand to the violation that occurred on February 14, 2012. Selectman Slavin seconded.

**VOTE: 4-0-0 (Unanimous)**

b. 7:30 p.m. Show Cause Hearing – The Stonebridge

**MOTION:** Selectman Winslow moved to open the hearing at 7:38 pm. and turn it over to Town Counsel. Selectman Begley seconded.

**VOTE: 4-0-0 (Unanimous)**

Present before the board: Justin Hadley, Owner of Stonebridge Bistro and Sergeant Christopher Park

Sgt. Park has been on the force for 22 years and his duties include liquor license enforcement. He stated that a compliance check is when they check the liquor licenses and also check at closing time to make sure everything is proper at the establishment. Attorney Thody handed Sgt. Parks a report and asked if he recognized it? He stated that it was a report that was completed by him that night. The Police Report states that approximately 18:00 hours he received a call from the Police Chief that The Stonebridge Bistro was open and they were in violation of their liquor license for that day. He went to the establishment to confirm they were open and they were serving alcoholic beverages. Sgt. Parks said during that night all alcoholic beverages establishments were checked. Mr. Hadley asked Sgt. Parks if his establishment was the first to be checked? Sgt. Parks responded that yes it was. Mr. Hadley stated that the police report states they received several text a tips, is that how it was determined? Mr. Parks stated that the text came in after he received a call from the Chief of Police. Mr. Hadley stated that he was not denying what happened. Mr. Hadley stated that his general hours are posted on his license and in the past such as Easter he would be closed and on holidays like July 4<sup>th</sup> they would be open within the guidelines of the general hours posted on his license. He also stated that a liquor license held by a function hall down the street states they can be open 8am to 1am every day of the week and there is an understanding with the town that they are not really open on those hours. Mr. Hadley stated that this would not be a problem again in the future. Selectman Begley stated that he chose the dates and the hours for his license and stated that she would doubt this

SELECTMEN/SEWER COMMISSIONERS MEETING - 4-17-12 (CONT'D)

board would deny him to open on a holiday. Selectman Slavin asked if he had any problems in the past? Mr. Hadley stated that he has not had a single problem in the years that he has been open. Selectman Winslow stated that it's important that he reads everything that is given to him and does understand the procedures.

**MOTION:** Selectman Winslow moved to close the hearing for Stonebridge at 7:53pm. Selectman Slavin seconded.

**VOTE:** 4-0-0 (Unanimous)

**MOTION:** Selectman Slavin moved for a letter of reprimand for Stonebridge. Selectman Winslow seconded for discussion and stated that the restaurant that came prior to the Stonebridge was issued a verbal reprimand. Attorney Thody stated that the board has a wide discretion.

**VOTE:** 4-0-0 (Unanimous)

c. Application from Lindsey's Restaurant

Present before the board: Attorney Susan Callan

Attorney Callan was before the board with a pledge of license for Lindsey's Restaurant.

**MOTION:** Selectman Winslow moved to approve the application from Lindsey's Restaurant Inc. for a pledge of license to Rockland Trust Company. Selectman Slavin seconded.

**VOTE:** 4-0-0 (Unanimous)

d. Application from Subway for Common Victualler's License re: Change of Location – continued from 4/10/12.

Present before the board: Mr. Patel

Mr. Patel was before the board for a change of location.

**MOTION:** Selectman Winslow moved to approve the application from Subway for a Common Victualler's License regarding a change of location with the new location address 2890 Cranberry Highway Wareham, MA. Selectman Begley seconded.

**VOTE:** 4-0-0 (Unanimous)

e. Use of town roads by National Multiple Sclerosis Society on June 23, 2012 from 7am – 4pm.

Present before the board: Bill Sykes

Mr. Sykes was before the board seeking approval to use town roads for the MS Bike ride. He stated that this is the 100 mile portion of the ride therefore only a small percentage of people will be passing thru the town most likely between the hours of 11am – 4pm. If anyone is interested in joining the ride they can log onto the National MS society website and click on the link to MS Cape Cod Getaway.

**MOTION:** Selectman Winslow moved to approve the application from National Multiple Sclerosis Society, c/o Bill Sykes, 101A First Avenue, Suite 6, Waltham, MA for the use of town roads to hold a MS 150 cape Cod Getaway Bike Tour on Saturday, June 23, 2012 from 7am – 4pm. Selectman Begley seconded.

**VOTE:** 4-0-0 (Unanimous)

7. CONSENT AGENDA

SELECTMEN/SEWER COMMISSIONERS MEETING - 4-17-12 (CONT'D)

- a. Authorization to sign bills and documents, etc. (none)
- b. Appointment of associate member to the Conservation Commission

**MOTION:** Selectman Winslow moved to appoint Joseph Leggett as an associate member to the Conservation Commission to a term to expire no later than June 30, 2102. Selectman Slavin seconded

**VOTE:** 4-0-0 (Unanimous)

8. SEWER BUSINESS

- a. Wind resource data report by Atlantic Engineering

Present before the board: Simon Thomas and Andrew Young Atlantic Design along with Guy Campinha

Mr. Thomas spoke about the history of the project, the Board of Selectmen voted in 2008 to approve the funding for wind resource investigation. The town received Mass CEC grant for the turbine feasibility investigation. In 2011 a 60-meter metrological tower was installed on the WPCF site. The wind resource data collection and wind recourse assessment report was discussed. The Wind Resource Assessment results showed that the data recovery rate for the exposure period was acceptable at 80% and higher for each of the instrument channels. The average on-site recorded wind speed between February 2011 – February 2012 was 5.18 meters per second and the prevailing wind direction was from southwest. The average monthly wind speed showed a normal seasonal variation, with higher winds being experienced during the winter months. Daily wind speed variation shows increased energy production in the afternoon hours. Mr. Simon stated that his original opinion was a larger scale turbine would be required and now based on the data a turbine in the scale of 80 meters which is the same size as the ones located in Fairhaven and Sandwich. They went over some of the projects at Mt. Wachusett Community College and North Central Correctional Institute, Narragansett Bay Commission at Fields Point Waste Water Treatment Plant. They are in the process of installing at UMass Dartmouth as well as the Town of Scituate Water Treatment plant. Mr. Thomas spoke about the projected savings based on the past projects. There has been no filing for this project and at this point they are just collecting data. Mr. Campinha stated that a letter off to the CEC stating that the town would like to move forward with the feasibility study and at that point they could review the study.

**MOTION:** Selectman Winslow moved to direct Mr. Sullivan to assist Mr. Campinha and Atlantic Engineering with the filing of the appropriate permitting for the wind project at the Wastewater Facility Plant prior to April 23, 2012. Selectman Slavin seconded.

**VOTE:** 3-1-0 (Selectman Begley opposed)

Selectman Winslow asked Mr. Sullivan to send a letter to Atlantic Engineering stating the motion and vote of the Board of Selectmen so they can get it to CEC.

- b. Solar Farm Proposal by Siemens

Present before the board: Daniel Smith & David Nelson

## SELECTMEN/SEWER COMMISSIONERS MEETING - 4-17-12 (CONT'D)

Mr. Smith gave a presentation on the Power Purchase Agreement.

Siemens Solar services provides financing, system design and construction, sells electricity to host and owns renewable attributes. It also operates and maintains the solar PV system over the term of the contract. The town would purchase electricity services at a fixed priced schedule. Mr. Smith spoke about the projected savings during the 1<sup>st</sup> year and the ability to expand by clearing additional land and adding new modules. Mr. Campinha stated that he would like to have move forward with an RFQ.

**MOTION:** Selectman Begley would like a RFP be presented to the board no later than June 1, 2012. Selectman Slavin seconded.

**VOTE:** 3-1-0 (Selectman Winslow opposed)

c. Update policies & procedures discussion: Set timeline for completion  
Chairman Holmes stated that Mr. Campinha would provide policies prior to the meeting and the board will have one week to discuss it. Chairman Holmes asked for a member of the board to work with Guy on the policies. Selectman Begley will assist Mr. Camphina with this.

d. Any other sewer business  
Selectman Begley asked what was going on with setting the betterment? Mr. Campinha stated that there is still an issue with the Narrows and the alarms are not working and until the alarms are working there is a cost issue between CDM and the Electrician. They have not signed off until that is complete and he hasn't received the numbers from the Attorney. Mr. Campinha stated that they haven't accepted the pump stations yet. Selectman Begley asked for him to submit a punch list with the ongoing issues to the board.

### **9. TOWN BUSINESS**

a. Close special town meeting warrant  
**MOTION:** Selectman Winslow moved to close the warrant for the Town of Wareham's Special town meeting, which is scheduled to commence on May 21, 2012 at 7:30 p.m. at the Wareham High School Auditorium, Viking Drive. Selectman Slavin seconded.

**VOTE:** 4-0-0 (Unanimous)

b. Review and discuss Town Administrator's job description for posting  
c. Discuss and determine Town Administrators interview process  
Selectman Winslow spoke about having a screening committee in place to review resumes, conduct interviews and select the final three that would be interviewed by the Board of Selectmen at a public meeting. Some of the ground rules for the committee would be to agree to a schedule, if you were not able to attend a meeting then you would have lost your right to vote and also to have no outside communication about the candidates. The scoring is a rating system such as: Highly interested, somewhat interested, not interested, and definitely not interested. She was hoping that the board would give some consideration to use a screening committee consisting of: Chairman or designee of the Board of Selectmen, Chairman or designee of Finance Committee, Chairman or designee of School Committee, Town Moderator, and also by invitation President or designee of Wareham Village Association, President or designee of the OBA, Town Counsel and two employees who would be chosen by a random drawing. Selectman Slavin would like to make sure that they take their time on choosing a Town



SELECTMEN/SEWER COMMISSIONERS MEETING - 4-17-12 (CONT'D)

Administrator. Selectman Begley would rather be at the beginning stages of the process rather than at the end. Chairman Holmes stated he likes having public input and would like to have every applicant a chance for an interview.

d. Discuss process for reappointing Board and Committee members

The board had a discussion on the process for reappointments. The board has asked that the vacancies be listed for the upcoming appointments that are due to expire on June 30, 2012. Selectman Winslow would like for everyone to reapply and come before the board for an interview.

e. Update policy and procedures discussion

Selectman Winslow and Slavin will be working together on the Board of Selectmen's policies.

f. Any other town business not reasonably anticipated 48 hours prior to the posting of this meeting

Selectman Begley asked what Mr. Foster's education qualifications were for acting Town Administrator? Selectman Slavin stated that Mr. Foster didn't have the education she was looking for however, he does have the experience. Selectman Begley stated that didn't answer her question and would like to know by next week.

10. LIAISON REPORTS

The Board of Health will be meeting tomorrow night at 7pm.

The Library Board of Trustees will be meeting on Thursday at the Library

11. ADJOURNMENT

Selectman Winslow moved to adjourn. Selectman Slavin 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:

Attest: *Cara A. Winslow*  
Cara A. Winslow, Clerk

Date Signed: 5-9-12

Date sent to the Town Clerk: 5-9-12

