



TOWN of WAREHAM
Board of Selectmen/Sewer Commissioners
Meeting Agenda

7:30 P.M. Wareham Multi Service Center, Selectmen's Meeting Room 320, 48 Marion Road,
Wareham, MA

- 1. CALL TO ORDER BY CHAIRMAN**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS**
- 4. CITIZENS PARTICIPATION**
- 5. CONSENT AGENDA**
 - a. Authorization to sign bills and documents, etc.
 - b. Board to sign letter to John Cornish re: Zoning Ruling
- 6. LICENSES AND PERMITS**
 - a. Request for use of Town Roads from Wareham Middle School, for their annual Readers Become Leaders 5K Race and Walk from the Minot Forest School to Great Neck Road to R.D. Stillman Drive and back to Minot Forest School on Sunday, October 21, 2012 from 12:00 noon to 1:30 p.m.
- 7. SEWER BUSINESS**
 - a. Approval of commitment letter 1st half of FY2013.
 - b. Status update on setting the Betterment for Contract 2.
 - c. Any other sewer business.
- 8. TOWN BUSINESS**
 - a. Attorney Bowen to address Selectman Slavin and the Intern Program.
 - b. Legal Opinion on discussion based on the 48 hour reasonably anticipated items for discussion.
 - c. Discuss Town Counsel Status
 - d. Discussion of and potential selection of TA Candidate
 - e. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.
- 9. TOWN ADMINISTRATOR'S REPORT**
- 10. LIAISON REPORTS**
- 11. ADJOURNMENT**
- 12. ENTER INTO AN EXECUTIVE SESSION (if a candidate is selected, to**

discuss negotiations)

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

10/23/2012

At MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: September 24, 2012
Date of Transcription: October 2, 2012
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Holmes called the meeting to order

2. ROLL CALL

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

Also present: Derek Sullivan, Interim Town Administrator
Attorney Rich Bowen

3. ANNOUNCEMENTS

A Veterans Day is being planned on November 12th and they are looking for volunteers. If interested please contact Bob White at 508-274-4963 or Sharon Boyer at 508-291-0187 or email Bob at wrcw@verizon.net

Captain Kendrick Day is planned for September 30th.

The Mary Jane Pillsbury Scholarship Fundraiser will be held on September 29th at the Elks Club. Tickets are available at the door.

4. CITIZENS PARTICIPATION

Present before the board: Mr. Carter, President of the Cromesett Park Improvement Association

Mr. Carter spoke about the drainage problems in his area. He said that the catch basins are raised higher than the road, which does not allow drainage. He said that there are grading issues at the end of every street in Cromesett Park.

Present before the board: Sharon Gomes

Ms. Gomes wanted to know what the rush was with setting the betterment? Selectman Winslow stated that they were not setting the betterment at this meeting and a process needs to be followed. The project needs to be accepted prior to setting the betterment.

SELECTMEN/SEWER COMMISSIONERS MEETING 9-24-12
(CONT'D)

Present before the board: Arthur Shriner

Mr. Shriner said he has heard some scuttlebutt on the 2 pump stations leaking in the Cromesett area. Mr. Camphina stated that they have an infiltration problem and they are looking to correct the problem.

Present before the board: Marilyn Jordan

Ms. Jordan was before the board asking the board not to sign off on a project that isn't 100%. She was looking for a letter from Kopelman & Paige handing down a legal decision on splitting of two projects.

5. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Board to sign letter to John Cornish re: Zoning Ruling

Selectman Winslow read into record a letter to John Cornish regarding the special permit to the Stonebridge Bistro (as attached).

MOTION: Selectman Winslow moved to approve as read. Selectman Slavin seconded. Selectman Begley asked who would determine this? Attorney Bowen stated that if something was done to infringe upon this and brought to the attention to the Town it could come through building or the ZBA. The Board of Selectmen would need to vote to bring an enforcement action to protect the right.

VOTE: 3-1-1 (Selectman Begley opposed, Selectman Teitelbaum abstained)

6. LICENSES & PERMITS

- a. Request for the use of Town Roads from Wareham Middle School, for their annual Readers Become Leaders 5K Race and Walk from the Minot Forest School to Great Neck Road, to R.D. Stillman Drive and back to Minot Forest School on Sunday, October 21, 2012 from 12:00 noon to 1:30 pm.

MOTION: Selectman Winslow moved to approve the request from the Wareham Middle School for their annual Readers Become Leaders 5K race and walk from the Minot Forest School to Great Neck Road, to R.D. Stillman Drive and back to the Minot Forest School on Sunday, October 21, 2012 from 12:00 noon to 1:30 p.m. Selectman Slavin seconded.

VOTE: 5-0-0 (unanimous)

7. SEWER BUSINESS

- a. Approval of commitment letter 1st half of FY2013

SELECTMEN/SEWER COMMISSIONERS MEETING 9-24-12
(CONT'D)

MOTION: Selectman Winslow moved to send the letter for the 1st half sewer usage billing for FY14 Sewer Usage fees, in the amount of \$2,611,591.54. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

b. Status update on setting the Betterment for Contract 2
Selectman Winslow and Selectman Begley expressed frustration that Mr. Guidice from CDM wasn't at the meeting. At this time Selectman Slavin recused himself from this discussion.

Present before the board: Guy Campinha

Mr. Campinha said that he would be meeting with Mr. Guidice to go over the punch list and will inform Mr. Guidice that he needs to appear before the board to go over the contract. Selectman Winslow stated that she would like the board to receive a copy of the punch list. At this time Selectman Slavin returned.

c. Any other sewer business

8. **TOWN BUSINESS**

a. Attorney Bowen to address Selectman Slavin and the Intern Program
Attorney Bowen went through the intern documents and spoke about the contract with UMASS under the Federal Study Program. Mr. Sullivan explained that Selectman Slavin would go to the College to promote the town to get the Interns and then the Intern would directly report to the office they were selected for. Selectman Begley asked if someone else other than Selectman Slavin could take over getting the interns since he is an elected official? Attorney Bowen stated that Selectman Slavin isn't supervising the interns he is running the program. Selectman Winslow suggested having the board appoint a liaison to work along side of the Town Administrator.

MOTION: Selectman Winslow moved to appoint Selectman Slavin as the liaison to the Internship program. Selectman Teitelbaum seconded.

VOTE: 4-0-1 (Selectman Slavin abstained)

Selectman Slavin stated that there is no violation in the charter with regards to the Intern program and does not interfere with day to day. He said he believes that the program has been very positive.

b. Legal Opinion on discussion based on the 48 hour reasonably anticipated items for discussion

Attorney Bowen said the agenda item is proper however, it must be used with care and it should be for a set of circumstances that require immediate action, such as a threat to public health or safety. He also stated that under unfinished business it should have sub headings.

SELECTMEN/SEWER COMMISSIONERS MEETING 9-24-12

(CONT'D)

c. Discuss Town Counsel status

Present before the board: Attorney Rich Bowen

Attorney Bowen stated that he would be leaving the Law Firm of Blatman, Bobrowski & Mead effective October 23, 2012. Attorney Bowen stated that he would honor the contract and stated that he has enjoyed working with Wareham and would like to continue to work with Wareham and asked if the board would consider appointing him as Town Counsel. He stated that he would honor the contract that is in place with the prices and at the boards option use Mark Bobrowski as well as his associate to do land court or use Attorney Jon Witten or Huggins all within the same contract terms and price. Selectman Winslow suggested keeping Attorney Bowen on and put out an RFP and also have a discussion on hiring in-house counsel. Selectman Teitelbaum stated before they commit to anything tonight they should conditionally continue the way they are and have someone look at the contract.

d. Discussion of and potential selection of TA Candidate

Chairman Holmes said that they posted the position of Town Administrator, formed a screening committee held interviews and did background checks on all three candidates.

Selectman Winslow asked if anyone on the board was interested in hiring any of the three candidates?

MOTION: Selectman Winslow asked all in favor of hiring any of the three finalist say "I"....Selectman Holmes was in favor.

VOTE: 1-3-1 (Selectman Begley, Teitelbaum & Slavin opposed Selectman Winslow abstained).

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

9. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan stated that Municipal Maintenance received its 1st MIIA grant in the sum of \$5000 for safety equipment.

They have hired Mr. Cardoza temporarily for Municipal Maintenance to work 40 hours for the next 15 weeks.

MOTION: Selectman Slavin moved to affirm the hiring by the Town Administrator. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (Unanimous)

10. LIAISON REPORTS

The Transportation Study Committee will be meeting next Tuesday.

SELECTMEN/SEWER COMMISSIONERS MEETING 9-24-12
(CONT'D)

11. ADJOURNMENT

Selectman Winslow moved to adjourn. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

12. ENTER INTO AN EXECUTIVE SESSION (if a candidate is selected, to discuss negotiations)

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

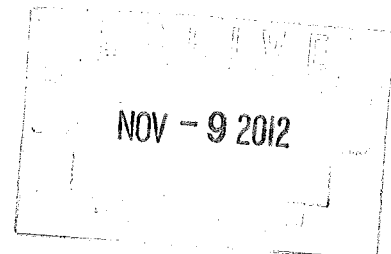
Respectfully submitted,
Janet Wilson
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on:

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

Date Signed: 11-6-12

Date sent to the Town Clerk: 11-7-12



Attachment 9/24/12 meeting minutes



TOWN OF WAREHAM

54 Marion Road
Wareham, MA 02571

BOARD OF SELECTMEN

Stephen M. Holmes, Chairman
Cara A. Winslow, Clerk
Ellen M. Begley
Alan H. Slavin
Peter W. Teitelbaum

September 24, 2012

John Cornish
PO Box 600
East Wareham, MA 02538

Re: Board of Appeals Decision

Dear Mr. Cornish:

As you may recall, the Board of Appeals issued a Special Permit to the Stonebridge Bistro ("Stonebridge") on 7/16/12 concerning construction of a deck. The decision contained several conditions, one of which concerns the Board of Selectmen. Condition 5 provides as follows: "Applicant will obtain a letter from the BOS stating that the interests of the Town in relation to the Onset Bay 1916 Decree or such other judgments shall not be infringed upon."

The plain language on Condition 5 requires only that Stonebridge obtain a letter from the Board in which the Board in effect warns Stonebridge not to infringe upon the 1916 Decree or other pertinent judgments. The condition does not ask the Board to make a determination as to whether the 1916 Decree or other judgments are being infringed upon the activities that are the subject of the Special Permit application.

Therefore, in accordance with Condition 5, the Board of Selectmen hereby advises you that you should not act in any fashion that infringes upon the interest of the Town in relation to the Onset Bay 1916 Decree and other related judgments. Please be advised that the Town reserves all of its rights should Stonebridge ever act in a manner that violates the pertinent decrees and judgments.

Very truly yours,

Stephen M. Holmes, Chairman

Cara A. Winslow, Clerk

Ellen M. Begley

