



# TOWN of WAREHAM

## Board of Selectmen/Sewer Commissioners

### Meeting Agenda

7:00 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.
    - i. Blatman, Bobrowski & Mead, LLC, Invoice # 8142, dated 9/20/12 in the amount of \$15,134.86
  - b. Presidential Election Warrant.
  - c. Appointment and or Interviews of Election/Poll Workers; Board of Road Commissioners, Conservation Commission, Marine Resources Commission, Plymouth Carver Aquifer Committee, Commission on Disability, and Wareham Cultural Council.
- 6. LICENSES AND PERMITS**
  - a. Application from Wasabi Steakhouse dba Zen Palace for Transfer or Issuance of Stock, New Officers/Directors and Change of Manager.
  - b. Request for use of town roads by Wareham Veterans Council, c/o William R.C. White, 11 Regent Avenue, Wareham for their annual Veterans' Day Parade. The Parade starts at Besse Park and Merchant's Way down main Street and left up Chapel Hill to Marion Road to Viking Drive and end at the Town Hall on Monday, November 12, 2012.
  - c. Discuss Veterans Day parade.
- 7. SEWER BUSINESS**
  - a. Approval of sewer abatements.
  - b. Any other sewer business.
- 8. TOWN BUSINESS**
  - a. Street light request at Swifts Neck.

Continued – Board of Selectmen/Sewer Commissioners Meeting Agenda 10/16/2012

- b. Discussion of town meeting article re. Future Generation Wind.
- c. Discussion of town meeting article re. Recycling Committee.
- d. Discussion of town meeting articles re. Tax Increment Financing.
- e. Discussion of town meeting articles re. Harbormaster.
- f. Discussion of creation of beach and tourism committee.
- g. Vote on Town Meeting articles.
- h. Discussion of Town Counsel.
- i. 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. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

12/20/2012

## **MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS**

Date of Meeting: October 16, 2012  
Date of Transcription: October 17, 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

### **3. ANNOUNCEMENT**

Selectman Winslow wished Mr. Drinkwater and his wife a Happy Anniversary!

On October 18<sup>th</sup> there will be a Cape Verdean dinner at 6pm. Proceeds to benefit a trip to the Cape Verde Islands. Tickets are \$8 for adult's \$5 for children. For more information contact Carolyn Viera.

On November 8<sup>th</sup> at 2pm, Room 225 the Affordable Housing Trust will be holding a public hearing to discuss a draft affordable housing plan.

The Polar Express had to change it's name to Frosty the Train Ride due to copyright issues.

The Board of Health will be meeting on Wednesday, October 17<sup>th</sup> at 4pm to discuss the proposed regulations for rental properties.

The VFW will be hold it's annual all Veterans Thanksgiving on Saturday, November 17<sup>th</sup> from noon – 3pm.

The Art of Marriage will be held at the Church of the Nazarene on October 19<sup>th</sup> and 20<sup>th</sup>. The cost is \$40 per couple and tickets can be purchased at the door.

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12  
(CONT'D)

**4. CITIZENS PARTICIPATION**

Present before the board: Nicole Nault & Charlemya Erasme

The two students were before the board with a petition requesting a new roof for the school gymnasium.

Present before the board: Claire Smith, Town Moderator

Ms. Smith stated that she has granted permission to the two students to also talk at Town Meeting. She suggested checking which precinct your in prior to Town Meeting to keep the line moving as well as arriving around 6:30 since Town Meeting will take place promptly at 7pm.

**5. CONSENT AGENDA**

a. Authorization to sign bills and documents, etc.

i. Blatman, Bobrowski & Mead, LLC, Invoice # 8142, dated 9/20/12 in the amount of \$15,134.86.

**MOTION:** Selectman Winslow moved to approve payment to Blatman, Bobrowski & Mead, LLC, Invoice #8142, dated 9/20/12 in the amount of \$15,134.86. Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

b. Presidential Election Warrant

**MOTION:** Selectman Winslow moved to approve the Presidential Election warrant (as attached). Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

c. Appointment and or Interviews of Election/Poll Workers, Board of Road Commissioners, Conservation Commission, Marine Resources Commission, Plymouth Carver Aquifer Committee, Commission on Disability and Wareham Cultural Council

**MOTION:** Selectman Winslow moved to approve the emergency appointments of the following election/poll workers to a term to expire June 30, 2013: Catherine Anderson, Marie F. Barry, Elsie May Ganeto, Laura A. Lopes, Charlotte D. Short, Brenda E. Silvia, Bernice E. Veiga. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Interview for Board of Road Commissioners – Present before the board: John McGonnell

Mr. McGonnell expressed his interest in serving on the Board of Road Commissioners. He is a retired Police Sergeant.

**MOTION:** Selectman Winslow moved to appoint John McGonnell to the Board of Road Commissioners to a term to expire no later than June 30, 2014. Selectman Slavin seconded.

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12

(CONT'D)

**VOTE: 5-0-0 (unanimous)**

Interview to the Conservation Commission – Applicant wasn't present for interview.

Interview to the Marine Resources Commission - Present before the board:  
Donald Jepson

Mr. Jepson stated he has been a resident since 1997 and a full time resident since August. He stated that the waterways are one of the greatest assets to the area.

Present before the board: Warren Hall

Mr. Hall has been a resident since 2005 and has been boating in the area since the 1960's. He has experience in the local harbors and has sat in on several meetings of the MRC since the spring.

**MOTION:** Selectman Winslow moved to appoint Donald Jepson to the Marine Resources Commission to a term to expire no later than June 30, 2013. Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

**MOTION:** Selectman Winslow moved to appoint Warren Hall, Jr. to the Marine Resources commission to a term to expire no later than June 30, 2014. Selectman Teitelbaum seconded.

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

Interviews to the Plymouth County Aquifer Committee – No action taken

Commission on Disability – Present before the board: Ken Barrows  
Mr. Barrows was seeking appointment to the Commission on Disability.

Wareham Cultural Council – Present before the board: Ellen Ugi  
Ms. Ugi was before the board seeking appointment to the Wareham Cultural Council.

**MOTION:** Selectman Winslow moved to appoint Ellen Ugi to the Wareham Cultural Council to a term to expire no later than June 30, 2015. Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

**6. LICENSES & PERMITS**

- a. Application from Wasabi Steakhouse, d/b/a Zen Palace for Transfer or Issuance of Stock, New Officers/Directors and Change of Manager.

**MOTION:** Selectman Winslow moved to open the hearing. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12

(CONT'D)

Present before the board: Chris Coleman & Sysay Phetsangharn

Mr. Phetsangharn is tips trained and was before the board seeking a change of Manager as well as a transfer of stock, and Directors/Officers.

**MOTION:** Selectman Winslow moved to close the public portion of the hearing for Wasabi Steakhouse d/b/a Zen Palace. Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

**MOTION:** Selectman Winslow moved to approve the application from Wasabi Steakhouse, d/b/a Zen Palace for Transfer or Issuance of Stock, New Officers/Directors and Change of Manager of an existing annual Common Victualer All Alcoholic Beverages License with the provisions of Chapter 138 of the Massachusetts General Laws upon receipt of a copy of the tips training. Selectman Slavin seconded.

**VOTE: 5-0-0 (unanimous)**

- b. Request for use of town roads by Wareham Veterans Council, c/o William R.C. White, 11 Regent Avenue, Wareham for their annual Veteran's Day Parade. The parade starts at Besse Park and Merchant's Way down Main Street and left up Chapel Hill to Marion Road to Viking Drive and end at the Town Hall on Monday, November 12, 2012

**MOTION:** Selectman Winslow moved to approve the permit for the use of town roads by Wareham Veterans Council, c/o William R. C. White for the use of town roads for their 53<sup>rd</sup> Annual Veteran's Day parade. The parade starts at Besse Park and Merchant's Way, down Main Street and left up Chapel Hill to Marion Road to Viking Drive and ends at the Town Hall on Monday, November 12, 2012 at 10:30 a.m. It is understood and agreed that the Town will be held harmless from all liability as to damage to property or injuries to any persons. Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

- c. Discuss Veterans Day Parade

Present before the board: Bob White, Sharon Boyer and Mr. Ingraham

Mr. White and Ms. Boyer spoke about the plans for the parade. Mr. Ingraham was chosen as the Grand Marshall for the parade.

**7. SEWER BUSINESS**

- a. Approval of sewer abatements

Present before the board: Guy Campinha

Mr. Campinha was before the board with abatements however, the board didn't want to vote to approve any of the abatements at this time.

- b. Any Sewer business

**8. TOWN BUSINESS**

a. Street light request at Swifts Neck

Present before the board: Tom & Janet Pilleri

Mr. Pilleri spoke about the vandalism occurring in the Swifts Beach area. He said that this has been happening for about three years. Multiple windows have been broken as well as siding being cracked. They are requesting additional lighting be installed in the Swifts Neck Beach Parking Lot. Mr. Pilleri would also like to see Police cruisers patrol the area more often as well as having the gate closed at 9pm as posted on the sign.

b. Discussion of town meeting article re: Future Generation Wind

Present before the board: Keith Mann

Mr. Mann spoke about article #16 – Purchasing Wind Power – for the purchase of electricity and associated net metering credits to be generated from FGW's planned wind energy project to be co-located with the Mann Farms cranberry farm off Head of the Bay Road in Buzzards Bay. Mr. Mann stated that with the discount of 20-30% this would have saved the town approximately \$207,000 last year.

c. Discussion of town meeting article re: Recycling Committee

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

Ms. Russell was before the board to discuss article #14 – To fund recycling committee an additional \$3000.

d. Discussion of town meeting article re: Tax Increment Financing

Present before the board: Ken Darcy, Bob Foley and Salvadore Pina

Mr. Foley spoke about the proposed town meeting warrant article. This would allow them to close the facility in New Bedford and transfer the workers to this location and to add an additional 35 positions.

e. Discussion of town meeting article re: Harbormaster

Present before the board: Garry Buckminster & Jamie McIntosh

Mr. Buckminster spoke about his articles - #8 to transfer from the waterways account to the Harbormaster's maintenance improvement account. These funds would be used to survey the Onset pier, which is in need of repair. Article #9 transfer from harbor services permits receipts to Harbormaster's maintenance and improvement accounts. This money would be used to purchase a vessel that would allow them to pull moorings, also pay for patrol boat dockage, upgrade life jackets, medical kits, etc. This money would also allow navigational equipment upgrades and the purchase of a new motor for a skiff and maintenance of the patrol boat. Article #25 – Amend the waterways bylaws, division IV, article 1, section 2 & 2A. This would streamline the mooring process.

f. Discussion of creation of beach and tourism committee

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12  
(CONT'D)

Selectman Teitelbaum will discuss this at a future meeting.

g. Vote on town meeting articles

Article #1 – Budget Amendments – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #2 – FY2013 Capital Plan – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 4-0-1 (Selectman Begley abstained)**

Article #3 – Fund Capital Plan – **MOTION:** Selectman Winslow moved favorable action. Selectman Teitelbaum seconded.

**VOTE: 4-0-1 (Selectman Begley abstained)**

Article #4 – Police Transfer – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #5 Additional State Education Aid (chapter 70) – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #6 – McKinney-Vento Homeless Student Transportation – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 2-0-3 (Selectman Begley, Winslow & Slavin abstained)**

Article #7 – High School Gymnasium Roof – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 4-1-0 (Selectman Slavin opposed)**

Article #8 – transfer to Harbormaster's Maintenance/Improvement acct. – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #9 – transfer to Harbormaster's Maintenance/Improvement acct. – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #10 – Cardiac Monitor/Defibrillators – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #11 – Transfer to Harbors/Beaches Maintenance acct. – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

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

Article #12 – Transfer to sign materials account – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #13 – Transfer to line painting account – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**



SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12  
(CONT'D)

Article #14 – Recycling Committee – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 4-1-0 (Selectman Begley opposed)**

Article #15 – FY2012 unpaid bills – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #16 – Purchasing Wind Power – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 2-0-3 (Selectman Teitelbaum, Winslow & Begley abstained)**

Article #17 – Solar Credit Purchase Agreements – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 3-0-2 (Selectman Begley & Winslow abstained)**

Article #18 – Solar lease & Wastewater plant – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

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

Article #19 – CPC fund transfers – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #20 – CPC Preservation & Restoration of Old Town offices – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #21 – CPC Rescind article #49 from Spring 2010 Town meeting – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #22 – Tax Increment Financing Agreement #1 – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 3-0-2 (Selectman Begley & Winslow abstained)**

Article #23 – Tax Increment Financing Agreement #1A – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 3-0-2 (Selectman Begley & Winslow abstained)**

Article #24 – Transfer of Hammond School – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 0-0-5 (unanimous)**

Article #25 – Amend Waterways by-law – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

Article #26 – Repeal provisions of Special acts of 1994 – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 2-0-3 (Selectman Winslow, Begley & Teitelbaum abstained)**

Article #27 – Extend dog by-law study committee – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 4-0-1 (Selectman Teitelbaum abstained)**

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12

(CONT'D)

Article #28 – Election of Sewer Commissioners – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 3-0-2 (Selectman Winslow & Begley abstained)**

Article #29– Hiring of 4 Seasonal Laborers – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 3-2-0 (Selectman Slavin & Teitelbaum opposed)**

Article #30 – Hiring of Arborist – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 2-3-0 (Selectman Slavin, Teitelbaum & Begley opposed)**

Article #31 – Amend Zoning by-laws – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

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

Article #32 – Petition – Oakdale/Cromesett Betterment Fee – **MOTION:**

Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 2-0-3 (Selectman Begley, Winslow & Slavin abstained)**

Article #33 – Report of BoS Re: Westfield project – **MOTION:** Selectman Winslow moved favorable action. Selectman Begley seconded.

**VOTE: 5-0-0 (unanimous)**

**MOTION:** Selectman Begley moved to go beyond the hour of 10:00 p.m. Selectman Teitelbaum seconded.

**VOTE: 5-0-0 (unanimous)**

h. Discussion of Town Counsel

Mr. Sullivan read the opinion letter into record (as attached). The board discussed putting out an RFQ for Town Counsel as well as negotiating fees.

**MOTION:** Selectman Teitelbaum moved to appoint Richard Bowen, Esquire to serve as Town Counsel going forward from the present date through such time in March as the Charter requires to retain or retain new counsel and further that this body shall meet no later than the last scheduled Board of Selectmen meeting in December for the purposes of discussing and RFQ for the procurement of legal services and further that the compensation be fixed at \$15,000 per month. Selectman Winslow seconded.

**VOTE: 5-0-0 (Unanimous)**

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

**9. TOWN ADMINISTRATOR'S REPORT**

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-16-12

(CONT'D)

**10. LIAISON REPORTS**

- a. Discussion of selectmen policies. (none)
- b. Discussion of liquor policies. For discussion and approval. (none)

**11. ADJOURNMENT**

Selectman Winslow moved to adjourn Selectman Begley seconded.

**VOTE: 5-0-0 (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: *1-8-13*  
Date sent to the Town Clerk: *1-9-13*

ENDS / / MM