

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: July 10, 2012
Date of Transcription: July 11, 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: John D. Foster, Interim Town Administrator

3. ANNOUNCEMENT

Wareham Free Library story walk to the garden opens Saturday, July 14th 9:30am - 2:00 pm.

Donations can be made to the family of the late Christopher Elicier who was killed on June 16th. For more information please visit www.youcaring.com

The Spinney Library branch will hold it's grand opening on Monday, July 23rd at 11:30 a.m.

The American Legion will hold it's 34th annual flea market on August 11th from 9am 3pm on the corner of Tobey Road and Main street. Table space can be obtained for \$15 by calling Joe at 508-995-4481 or Jim 508-295-4790.

4. CITIZENS PARTICIPATION

Present before the board: Jim Newman

Mr. Newman presented Dean Decas, Stephen Kearney and Richard Robidoux along with Chief Stanley Certificates of Appreciation.

Present before the board: Bill Whitehouse

Mr. Whitehouse was before the board stating that the Town is in non-compliance with a request for public information that he submitted.

Present before the board: Dorothy Heath

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Ms. Heath was before the board asking if they have put in place sewer commissioners yet? Attorney Bowen stated that said there was a question on the senate council and a conflict with 1940 legislation. Selectman Slavin asked that this be placed on the next agenda for discussion.

Present before the board: Sandy Slavin

Ms. Slavin thanked everyone that supported the Wareham Garden Club tours and also those who came to support the Antique Faire and Swan Festival. Ms. Slavin also stated that Wareham should compile a list of the residents of Wareham who are serving in the military and show support to them as well as their families. Chairman Holmes stated that it was very special to see the hero welcoming recently. Selectman Begley stated that it was an incredible experience to attend the homecoming along with Claire and Howie Smith, the Fire Department, EMS, Harbormaster, Police and having the Police stand at attention and salute the soldier as he returned home.

Present before the board: Dave Willis

Mr. Willis was before the board upset with the trash situation in town and wanted to know how to move this forward.

Present before the board: Sharon Gomes

Ms. Gomes wanted to know if the board was close to getting answers to the questions asked regarding the betterment.

Present before the board: Dan Davis

Mr. Davis spoke about some issues he had such as speed limit on Tremont Road as well as drainage issues in front of his home. He also spoke about a fire hydrant in front of his home on Main Street and wanted to know who he would speak with since his property is zoned commercially he would like to have a gift shop and or Antique store. Selectman Teitelbaum referred Mr. Davis to the Water and Fire District to talk about the fire hydrant situation.

5. WESTFIELD DISCUSSION

The Westfield project has gone out to bid.

6. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of bill from Blatman, Bobrowski & Mead, LLC

MOTION: Selectman Winslow moved to approve payment to Blatman, Bobrowski & Mead, LLC, Invoice # 7928 in the amount of \$15.000. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

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c. Appointment of election poll workers

MOTION: Selectman Winslow moved to appoint Jack Silva as a warden, precinct 1 to a term to expire no later than June 30, 2013. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to appoint Joyce E. Veiga as an election/poll worker to a term to expire no later than June 30, 2012. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

d. Approval of meeting minutes of: May 22, 2012, June 12, 2012 & June 26, 2012 and executive session of May 8, 2012.

MOTION: Selectman Winslow moved to approve the meeting minutes of May 22, 2012 as written. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve the meeting minutes of June 12, 2012 as written. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve the meeting minutes of June 26, 2012 amending page to read Main Street Madness on July 20th. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve and hold the executive session meeting minutes of May 8, 2012 as written. Selectman Slavin seconded.

VOTE: 5-0-0 (unanimous)

7. LICENSES & PERMITS

None

8. SEWER BUSINESS

a. Any sewer business

Present before the board: Guy Campinha

Mr. Campinha has the responses from CDM and he will finalize this with Attorney Bowen. He stated that so far everyone is planning on attending the sewer meeting scheduled for Saturday at 10am.

9. TOWN BUSINESS

a. Budget transfers

Present before the board: Derek Sullivan and Brian Kudish

Mr. Kudish spoke about the line item transfers, some for unforeseen circumstances and legal fees as well as collective bargaining retro's. Selectman Winslow asked why the legal amount was so high? Mr. Sullivan stated that they did receive a bill for an entire year of services from one Attorney, which was just received in June

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of this year. Some discussion ensued about the legal bill. Selectman Slavin asked about transfers under the MGL.

MOTION: Selectman Winslow moved to transfer a total amount of \$229,901.00 to cover a total projected deficit in the FY12 operating budget of \$229,901.00 by using the 3% or \$5,000 and/or reserve fund transfers as necessary to be determined by the Interim Town Administrator, Financial Analyst, Town Accountant and presented to the Finance Committee tomorrow. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

b. Approval of certificate of vote for CEDA

Present before the board: Salvatore Pina & Jean Connaughton

The board discussed the certificate of vote which would authorize the Director of CEDA, Salvatore Pina to execute and deliver on behalf of CEDA and the Town of Wareham agreements, deeds, mortgages, discharges of mortgages, and other instruments incidental to the purchase, sale and mortgaging of real estate personally owned or financed by CEDA and contract amendments associated with CDBG mini-entitlement block grant programs, grants, loans, and contracts with sub recipients and sub grantees; and contracts and agreements associated with gifts given to CEDA and grants secured by and awarded to CEDA. Selectman Begley wasn't in favor of this certificate of vote and Selectman Winslow would like to have the Town Administrator be the person to sign such documents. Selectman Slavin's only concern he has is with the process and didn't think the chain of command would allow them to go all the way down and bypass the Town Administrator as it is written.

c. Powers & Sullivan invoice for CEDA

Present before the board: Salvatore Pina & Jean Connaughton & Derek Sullivan
The previous Town Administrator had an audit done and CEDA was refusing to pay the bill. Mr. Sullivan spoke about the engagement letter from Powers and Sullivan and the audit invoice in the amount of \$20,000. Some discussion ensued on the payment of the invoice due.

d. State House serial loan notes

Mr. Foster said they received four bids and the lowest bid was 2% by Century Bank and before you can award the bid a vote needs to be taken.

MOTION: Selectman Winslow moved the following: I, the clerk of the Board of Selectmen of the Town of Wareham, Massachusetts, certify that a meeting of the board held on July 10, 2012 of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody: Voted: That the maximum useful life of the departmental equipments listed below to be financed with the proceeds of the \$500,000 borrowing authorized by the

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vote of the town passed October 25, 2012 (article 7) is hereby determined pursuant to G.L. c.44, §7(9) to be as follows:

Purpose	Borrowing	Maximum Useful life
Johnson Vac Sweeper	\$180,000	7 years
Catch Basin Truck	200,000	7 years
Backhoe 4x4 extended with attachments	120,000	7 years

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c. 30A, §§18-25 as amended. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

e. Sale of grave lots at Centre Cemetery

MOTION: Selectman moved to approve Centre Cemetery lot, baby section, baby grave # 279 in the amount of \$200.00 No. 2012-5. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve Center Cemetery annex section lot 302, graves 3 & 4 No. 2012-4 in the amount of \$1601.00. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve Annex section, Lot 245, grave #7 No. 2012-6 in the amount of \$601.00. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

f. Discussion and appointment of Trash committee

Selectman Holmes spoke about the trash as well as signs at establishments that are not professional and spray-painted. The board discussed that the Municipal Maintenance Department is working very hard even though they are short staffed. Selectman Winslow would like to see someone from the Municipal Maintenance on the committee. She also noted that the beaches closer to the food establishments has more trash due to pizza boxes, etc. Selectman Teitelbaum stated that part of the problem is not having municipal trash collection in town and stated that this needs to be a multi-faceted approach. Selectman Slavin stated this needs to be a town wide project in order for it to work. The board will hold off on the formation of the committee until they can have the Municipal Maintenance Director present.

g. Approval bonds for the Town Clerk's office

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MOTION: Selectman Winslow moved to approve the surety bond in the amount of \$10,000 for Department Assistant 2 for the Town of Wareham bond # 61389707. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve the surety bond in the amount of \$10,000 for Assistant Town Clerk for the Town of Wareham bond # 61389701. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

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

MOTION: Selectman Winslow moved to approve payment to Huggins & Witten, LLC Invoice # Warehambos dated 9/13/11 in the amount of \$3112.50. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve payment to Emerson & Emerson, Bill # 616 in the amount of \$1620.00. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Winslow moved to approve payment to Emerson & Emerson, Bill # 630 in the amount of \$2745.00. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

- i. Old/unfinished business

Selectman Slavin stated that some of the unfinished business would be waiting on the committees formed by the Board of Selectmen, also the special act that was passed on the meals tax. The board would also like added appointment of sewer commissioners on the next agenda.

10. TOWN ADMINISTRATOR'S REPORT

Mr. Foster read an email from Mr. Sullivan regarding meals tax as well as Hotel/Motel tax. The meals tax program proved to be a strong revenue generator for the town, earning 5.25% more than the 10 month adjusted DOR estimate of \$321,822. The total collection was \$338,732. The Hotel/Motel tax didn't yield as anticipated the following three quarters were below estimates. The total collection, less community events 70%, was \$15,769 or \$4,953 below the revenue estimate.

Selectman Winslow would like the Community Events Committee come in and talk about them receiving a % of the hotel motel tax and parking receipts.

11. LIAISON REPORTS

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Selectman Slavin stated that a site plan approval was done for the Hawthorne Kidney Center dialysis unit. They will be located on Cranberry Highway.

Selectman Winslow stated the Capital Planning Committee would be meeting at 9am on Friday.

a. Discussion of Selectmen policies

b. Discussion of liquor policies

Selectman Begley had questioned page 2 of the license regulations about if the conditions would need to be placed on the front of the license. She also had a question on page 5 hours of operation. Selectman Begley wanted to know what about the businesses that are open for pool tournaments and is there a provision for extending days or hours? Attorney Bowen stated there is nothing in the regulations for expanding hours since the process is set out in chapter 138 it states that the licensee shall have to apply for a modification of the liquor license and the board would have to approve the license. Selectman Begley asked Attorney Bowen what about the establishments that notify the board the day before or even the day of about a change of hours. Attorney Bowen said that they have a totally unique liquor policy and right now the policy allows for variations of opening and closing of hours just by sending a note. Selectman Begley asked about page 8 section L and wanted some clarification on this section as to whether this is a closing for renovations or closing for a day? Attorney Bowen said it could be for renovations and it could be it's snowing and we don't have anybody here, or it could even be if someone wanted to go away for a couple of months and any combination of them. It would be up to the board to approve the closure or not.

MOTION: Selectman Begley moved to go beyond the hour of 10:00 pm for a maximum time of 10:10 pm. Selectman Slavin seconded.

VOTE: 5-0-0 (unanimous)

Selectman Begley also had a question about a business hanging onto a liquor license without being open? Attorney Bowen stated that it would be covered under Chapter 138 under cessation of business, which can be addressed at the time of renewal or it, could be addressed at a disciplinary hearing. There is nothing wrong with letting someone keep their license as a pocket license as long as the board approves. He said that on the other hand if there is a need for a liquor license and none is available then the board could hold a disciplinary hearing.

12. ADJOURNMENT

Selectman Winslow moved to adjourn. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

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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: 8-21-12
Date sent to the Town Clerk: 8-24-12