



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.
- b. Appointment to the Community Preservation Committee (Open Space Committee Representative)

6. LICENSES AND PERMITS

- a. HEARING 7:15 PM. – Application for Annual Common Victualer All Alcoholic Beverages License from Bay Pointe Club, LLC, Shannon Woodward, Manager, 10 Bay Pointe Drive, Onset, MA under the provisions of Chapter 138 of MGL for the year 2013:
- b. Use of Town roads by Church of the Good Shepherd/Project Bread, c/o Rev. Dan Bernier, 74 High Street, Wareham for their Wareham Walk for Hunger. The walk starts at the church down Sandwich Road to the Church of the Nazarene along Route 28 before turning onto Depot Street then to Minot Avenue to Main Street then back to the Church of the Good Shepherd.
- c. Use of Town roads by Wareham Little League c/o Antoinette Walsh, P.O. Box 614, Wareham, MA for their Little League Opening Day Parade. The parade will start at Elm Street to Rte 28 to the Little League field on Charge Pond Road on April 21, 2013 (rain date April 28, 2013) from 11:30 a.m. – 12: 30 p.m.

7. SEWER BUSINESS

- a. Allocation of sewerage flow – Rosebrook Business Park.
- b. Town of Bourne usage fee – 3rd quarter billing.

8. TOWN BUSINESS

- a. Discussion re. Spring Town Meeting Start Date.
- b. Discussion re. Cable Contract with WCTV.
- c. Town Counsel appointment.
- d. Senior Work-Off program.
- e. Inflammable Fluids License – WPCF.
- f. Chapter 61A.
- g. Any town business.
- h. Preliminary discussion on Department submitted warrants articles.

9. TOWN ADMINISTRATOR'S REPORT

10. LIAISON REPORTS

11. ADJOURNMENT

12. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

4/3/2013

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: March 26, 2013
Date of Transcription: March 28, 2013
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
Alan H. Slavin
Peter Teitelbaum

Also present: Derek Sullivan, Town Administrator

3. ANNOUNCEMENT

Coffee Hour this week will feature Cara Winslow as well as Rhonda Veugen on March 28th at 9am.

Selectman Teitelbaum stated that if anyone is interested in attending a smoke cessation class they should contact the Board of Health or the Selectmen's Office.

Onset Village Music will be having an event on May 19th 2-4pm at the Onset Campgrounds Function Hall.

4. CITIZENS PARTICIPATION

Present before the board: Claire Smith, Town Moderator
The Pre Town Meeting will be held on April 11th 6:30pm at the Town Hall Auditorium. The Hurricane Coalition sent down \$2000 worth of Home Depot gift cards. Ms. Smith wanted to thank everyone in the community who contributed.

Present before the board: Dorothy Heath
Ms. Heath asked why funding for contract #2 isn't an agenda item anymore?
Chairman Holmes stated that it was taken off the agenda one week when Mr. Campinha wasn't going to be at the meeting and was just never put back on but it will be on their next agenda.

Present before the board: Sandy Slavin
Ms. Slavin was before the board asking if they were going to review the policies that they started approximately 10 months ago?

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13
(CONT'D)

Present before the board: Paul Ciccotelli, Cable Advisory Committee
He stated that the assessment survey has been completed and will be available on the town website. He said that any cable subscriber can fill out the survey and will be out for 6 months.

5. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Appointment to the Community Preservation Committee (Open Space Committee Representative)

MOTION: Selectman Winslow moved to appoint Joseph Leggett as a member to the Community Preservation Committee (Open Space Committee Rep) to a term to expire no later than June 30, 2014. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

6. LICENSES AND PERMITS

- a. Hearing 7:15pm – Application for Annual Common Victualer All Alcoholic Beverages License from Bay Pointe Club, LLC, Shannon Woodward, Manager, 10 Bay Pointe Drive, Onset, MA under the provisions of Chapter 138 of MGL for the year 2013.

MOTION: Selectman Winslow moved to open the public hearing. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

Present before the board: Shannon Woodward, General Manager of Bay Pointe
He was before the board seeking a year round license for the pavilion. He said that would like to have banquets all year long.

MOTION: Selectman Winslow move to close the public hearing for the Bay Pointe Club. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Winslow moved to approve the application for Annual Common Victualer All Alcoholic Beverages License from Bay Pointe Club, LLC, Shannon Woodward, Manager, 10 Bay Pointe Drive, Onset, MA under the provisions of Chapter 138 of MGL for the year 2013. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

- b. Use of Town roads by the Church of the Good Shepherd/Project Bread, c/o Rev. Dan Bernier, 74 High Street, Wareham for their Wareham Walk for Hunger. The walk starts at the church down Sandwich Road to the Church of the Nazarene along Route 28 before turning onto Depot Street then to Minot Avenue to Main Street then back to the Church of Good Shepherd.

Present before the board: Rev. Bernier

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13

(CONT'D)

Rev. Bernier was looking for approval of their 4th annual Walk for Hunger.

MOTION: Selectman Winslow moved to approve the application for Use of Town roads by the Church of the Good Shepherd/Project Bread, c/o Rev. Dan Bernier, 74 High Street, Wareham for their Wareham Walk for Hunger. The walk starts at the church down Sandwich Road to the Church of the Nazarene along Route 28 before turning onto Depot Street then to Minot Avenue to Main Street then back to the Church of Good Shepherd. 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: 4-0-0 (Unanimous)

- c. Use of Town roads by Wareham Little League, c/o Antoinette Walsh, P.O. Box 614, Wareham MA for their Little League Opening Day Parade. The parade will start at Elm Street to Route 28 to the Little League Field on Charge Pond Road on April 21, 2013 (rain date April 28, 2013) from 11:30 am. – 12:30 pm.

Present before the board: Antoinette Walsh

Ms. Walsh was before the board seeking approval of town for their Little League parade.

MOTION: Selectman Winslow moved to approve the application for use of town roads by Wareham Little League, c/o Antoinette Walsh, P.O. Box 614, Wareham MA for their Little League Opening Day Parade. The parade will start at Elm Street to Route 28 to the Little League Field on Charge Pond Road on April 21, 2013 (rain date April 28, 2013) from 11:30 am. – 12:30 pm. It is understood and agreed that the town will be held harmless from all liability as to damage to property or inquiries to any persons. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

7. SEWER BUSINESS

- a. Allocation of sewerage flow – Rosebrook Business Park

Mr. Sullivan said that the 10,000 gallons is part of the allocation that was approved.

MOTION: Selectman Winslow moved to approve Mr. Campinha's request for 10,000 gallons per day of flow to the Rosebrook Business Park. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

- b. Town of Bourne usage fee – 3rd quarter billing

MOTION: Selectman Winslow moved to approve the Town of Bourne usage fee 3rd quarter billing in the amount of \$59,950.97. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13
(CONT'D)

8. TOWN BUSINESS

a. Discussion re: Spring Town Meeting Start Date

Policy reads: The date used for triggering the start of Wareham's Spring Town meeting is the 1st Tuesday in the month of April as outlined in the Town Charter and Bylaws. All dates for filings, reports, meetings, etc. as required by Charter and Bylaws in conjunction with Spring Town Meeting will commence from the 1st Tuesday in the month of April. This policy shall take effect immediately.

MOTION: Selectman Winslow moved to approve policy # 13-02 as read into record. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

b. Discussion re: Cable Contract with WCTV

Present before the board: Margaret Ishishara, John White, Jay Heard, Tom Worthen and Peter Barrows

Attorney Bowen stated the following changes have been made to the contract. Page 4- subsections O edit – The board and WCTV shall bear the expenses of the neutral equally total cost paid by the parties not to exceed \$1000 in total. Page 9 subsections B edit – Upon request from the Town, WCTV shall, at a reasonable time(s) during normal business hours, make available any or all of it's records with respect to all matters covered by this Agreement at no cost to the Town.

Selectman Winslow brought up an edit that needs to be made on page 4 it should read it is not the intent of this agreement, rather than it is not intent. Selectman Teitelbaum found a word that was repeated that needs to be deleted in Section 7 subsection V the last sentence reads that all parties understand that the Verizon license provides provides.

MOTION: Selectman Winslow moved to approve the cable contract with WCTV inclusive of the edits previously mentioned. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

There was a discussion on the WCTV side agreement. They have a remaining question on one of the capital payments from Verizon. This wasn't ready for the board to approve and should be ready for the April 9th meeting.

c. Town Counsel appointment

Last week the board held interviews on the three candidates who responded to the RFP. Selectman Teitelbaum thanked all three for their presentations and would like to see Attorney Bowen remain as Town Counsel. He said that K&P came in at a lower rate however, after you add in the hours for attending boards meetings as well as office hours which wasn't included in the RFP, he would estimate their cost to be around \$206,000. Selectman Teitelbaum stated that in a few years Attorney Mayo would have a full background and would be a good candidate at that time.

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13
(CONT'D)

Selectman Slavin stated that he has dealt with Attorney Bowen over the past 4-5 years and he's very straightforward and provides straight answers. He says Attorney Bowen will tell you the right way to do things. Selectman Winslow stated that she is concerned with the labor costs and needs to find a way to bring down those costs. She feels the board should look at in house Counsel in the future. Chairman Holmes stated that Attorney Bowens' price does include John Whitten who deals with all the land and zoning issues. He said that credit should be given to Town Counsel on the reduction of lawsuits. Mr. Sullivan said that he would be in favor and recommend staying with Attorney Bowen for one year.

MOTION: Selectman Teitelbaum moved to appoint Attorney Richard Bowen to the position of Town Counsel for the period of April 1, 2013 to March 31, 2014. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

d. Senior Work-off program
Present before the board: Janice Churchill
Mr. Sullivan stated that his recommendation for the program would be a maximum of \$25,000, \$500 per Senior Citizen, and \$ 8 per hour for a total of 62.5 hours. Mr. Sullivan stated that Susan Green would be the one overseeing this.

MOTION: Selectman Winslow moved to approve \$25,000 for the senior work off program for the summer of 2013. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

e. Inflammable fluids license - WPCF
MOTION: Selectman Winslow moved to approve underground storage tanks at the following Wareham Town facility, Wareham Pollution Control Facility 6 Tony's Lane, Wareham, MA 02571 (1) one 3500-gallon diesel tank above ground, (1) one 2000-gallon diesel tank above ground, (1) one 2000-gallon diesel tank underground. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

f. Chapter 61A
Selectman Slavin said that the Planning Board and Conservation Commission have voted at their meeting not to purchase the land. He said that Open Space, CPC and Land Trust have 30 days from the date of notification. Selectman Slavin stated that this should be moved to the April 16th agenda.

g. Any town business

h. Preliminary discussion on Department submitted warrant articles
MOTION: Selectman Winslow moved favorable action on Article #1 - Transfer & Appropriations. Selectman Slavin seconded.

VOTE: 0-0-4

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13
(CONT'D)

MOTION: Selectman Winslow moved favorable action on article #2 to transfer from the FY2013 Free Cash the sum of \$1,284,829.00 to the Health care trust Fund or to do or act in a any manner relative thereto. Selectman Slavin seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Winslow moved favorable action on article #3 To see if the town will vote to approve the Upper Cape Cod Regional Technical School District Committee's vote on January 10, 2013 to establish a Stabilization Fund, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain it's own interest earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund, or to do or act in any manner relative thereto. Selectman Slavin seconded.

VOTE: 0-2-2 (Selectman Holmes & Slavin opposed)

MOTION: Selectman Winslow moved favorable action on article #4. To see if the town will vote to (a) approve the form of the Tax Increment Financing (TIF) agreement by and between the Town of Wareham and the LaFrance Hospitality Company on file with the Board of Selectmen; (b) designates as an Economic Opportunity Area land and buildings located on one tax parcel containing 4 acres located on Rosebrook Way, as further depicted on the Wareham Town Assessor's map 109A, lot 1023A, respectively and pursuant to Massachusetts General Laws Chapter 23A, §E; and (c) authorize the Board of Selectmen to execute the TIF Agreement and to take such other actions as are necessary or appropriate to implement the TIF agreement. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Winslow moved favorable action on article #5 to see if the town will vote to authorize the transfer of \$25,000 twenty five thousand and no cents from receipts reserved for appropriation community events funds drawn from 70% of the Hotel/Motel tax and 40% from the Parking Meter fund to the Community Events Special revenue account. The funds will solely be used for the continuing support and assistance of community events, projects, activities, services, programs and public improvements which are of mutual interest to residents and visitors of the town or to do or act in any manner relative thereto. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectman Winslow moved favorable action on articles 6-17 Collective Bargaining Agreements. Selectman Teitelbaum seconded.

VOTE: 4-0-0 (Unanimous)

9. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan stated that Mr. Campinha has two employees Philip Vary & Ron Gadbout that are now nationally certified to inspect underground pipes and manholes.

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13
(CONT'D)

Selectman Winslow asked Mr. Sullivan if he was planning to de-fund the recycling center then the coordinator should be notified. Mr. Sullivan stated that he did meet with Mr. Dixon on the Recycling Committee and did let him know and called the Coordinator as well and apologized for not informing her directly.

10. LIAISON REPORTS

Selectman Slavin stated that the School Bus Action Committee voted to reduce the busses for the Middle and High Schools. They will have 16 rather than 20 busses for Decas & Minot Schools and also approximately 130 students that live within 1 mile of the Middle and High Schools will be walking.

Selectman Slavin stated that the Community Events Committee met and there was a flaw in the wording of the original article back in 2007. He said that the language states that funding would be for one year and it will have to go back to fall town meeting to correct the language.

Selectman Slavin stated that Holy Cross offers training for Planning and they were discussing the medical marijuana dispensaries. He said that it's legal to place a temporary moratorium on them. Another issue addressed were funding for solar.

Selectman Slavin attended the MMA Breakfast and they had a discussion on the Governors' budget and it may have an adverse effect on the community. They also discussed chapter 90 funds, veteran's payments, proposition 2 ½, Towns setting EMS rates.

Selectman Winslow stated that the Library Board of Trustees has an opening on their committee.

11. ADJOURNMENT

Selectman Winslow moved to adjourn. Selectman Teitelbaum 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:



SELECTMEN/SEWER COMMISSIONERS MEETING - 3-26-13
(CONT'D)

Attest: _____

Date Signed: 4-9-13

Date sent to the Town Clerk: 4-10-13