

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

Date of Meeting: September 10, 2013  
Date of Transcription: September 11, 2013  
Transcribed by: Janet Wilson

### **1. CALL MEETING TO ORDER BY CHAIRMAN**

### **2. ROLL CALL**

Selectmen Present: Peter W. Teitelbaum, Chairman  
Alan H. Slavin, Clerk  
Stephen M. Holmes, absent  
Patrick G. Tropeano  
Judith Whiteside

Also present: Derek Sullivan, Town Administrator  
Rich Bowen, Town Counsel

### **3. ANNOUNCEMENTS**

Selectman Whiteside stated that she has been asked to be in a Murder Mystery play at the Library in the end of October.

The Wareham Historical Society will celebrate the 150<sup>th</sup> Anniversary of the Civil War on September 16<sup>th</sup> at 7pm at the Methodist Meeting House.

Chairman Teitelbaum held a moment of silence to remember those lost on September 11<sup>th</sup>.

Chairman Teitelbaum stated that Selectman Holmes wasn't able to attend the meeting due to work however he wanted to let people know that he did visit Ann's Antique Barn in Onset and found some really nice things. He also had lunch on the deck at Captain Al's and the food as well as the environment was good.

### **4. CITIZENS PARTICIPATION**

Present before the board: Pat Rumney

Ms. Rumney stated she has a petition for voters to sign to accept the MGL that would allow the town of Wareham to use its funds to plow the private ways. She said that people can watch her on WCTV and can come by and sign after her show ends at 9am to the studio. She said people can also go to her home at 6 Helen Street or give her a call at 508-295-3518.

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

Present before the board: Mr. Burroughs & Ms. Martin

Both were before the board to say they are planning a Street Festival Painting on the same night as the illumination night next year.

Present before the board: Ken Levitt

Mr. Levitt was before the board to speak about the denial of his abatement request. He said that he did have a conversation with Mr. Simmons and was told that his letter to Mr. Blagden also applied to him that he would not be assessed betterment or be required to connect to town sewer. Mr. Levitt stated that he understands that he has 10 days to appeal this decision. Attorney Bowen stated that the letter wasn't addressed to Mr. Levitt and that a telephonic communication does not rise to the level of a contract. Attorney Bowen also stated that Mr. Simmons wasn't a sewer commissioner and had no authority to bind the town with respect to any representation to the town.

Presented before the board: Winna Dean

Ms. Dean wanted to announce that the Summer Celebration 2014 is having a fundraiser at the Bay Pointe Country Club this Sunday, September 15<sup>th</sup> at 2pm

**5. CONSENT AGENDA**

a. Authorization to sign bills and documents, etc.

i. Law Office of Richard Bowen dated August 30, 2013 in the amount of \$15,000.

**MOTION:** Selectman Whiteside moved to approve payment to Law Office of Richard Bowen in the amount of \$15,000. Selectman Slavin seconded.

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

b. Appointment/Interview to the Library Board of Trustees and Master Plan Committee.

Present before the board: Roger Bacchieri, Library Board of Trustees member  
Mr. Bacchieri stated that Rachel Kuklinski had to leave the meeting prior to being interviewed. He did state that she wanted to be on the board because she was a supporter of the Library. Selectman Whiteside stated that she has known Ms. Kuklinski for years and was pleased that someone of her caliber is interested in serving.

**MOTION:** Selectman Slavin moved to appoint Rachel Kuklinski as a member to the Library Board of Trustees to a term to expire no later than June 30, 2014. Selectman Whiteside seconded.

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

Present before the board: Diane O'Brien

Ms. O'Brien just moved into town and is a Teacher in Taunton and stated that she did meet with the board and is looking forward to working with them and stated they are an enthusiastic group of people.

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

**MOTION:** Selectman Slavin moved to appoint Diane O'Brien as a member to the Library Board of Trustees to a term to expire no later than June 30, 2014. Selectman Whiteside seconded.

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

c. Approval of meeting minutes of August 20, 2013

**MOTION:** Selectman Whiteside moved to approve the meeting minutes of August 20, 2013 as written. Selectman Teitelbaum seconded.

**VOTE: 3-0-1 (Selectman Tropeano abstained)**

Interview to the Master Plan Committee

Present before the board: Donald Jepson

Mr. Jepson said that he is vested in the town and interested in what is going to happen in the future.

**MOTION:** Selectman Slavin moved to appoint Donald Jepson as a member to the Master Plan Committee (citizen at-large) to a term to expire no later than June 30, 2015. Selectman Whiteside seconded.

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

**6. LICENSES & PERMITS**

- a. Application for a one day all alcohol license from Dudley L. Brown Post 2846, 4 Gibbs Park Road, Onset for a Fundraiser on September 15, 2013 (rain date September 22, 2013) from 1pm-9pm.

Present before the board: Paul Rose

**MOTION:** Selectman Slavin moved to approve the application for a one day all alcohol license from Dudley L. Brown Post 2846, 4 Gibbs Park Road, Onset for a Fundraiser on September 15, 2013 (rain date September 22, 2013) from 1pm-9pm. Stipulation: No alcoholic beverages to be consumed on town property. Selectman Tropeano seconded.

**VOTE: 3-0-0 (UNANIMOUS)**

*NOTE: Selectman Whiteside wasn't in the room at the time of the vote.*

- b. Application for one day all alcohol license from Professional Bartending Service, 410 W. Falmouth Highway, W Falmouth, MA for a Fundraiser at the Box Mill Hall, Tihonet Road, Wareham, MA on September 27, 2013 from 6-11pm.

**MOTION:** Selectman Slavin moved to approve the Application for one day all alcohol license from Professional Bartending Service, 410 W. Falmouth Highway, W Falmouth, MA for a Fundraiser at the Box Mill Hall, Tihonet Road, Wareham, MA on September 27, 2013 from 6-11pm. Selectman Tropeano seconded.

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

Officer Brian Whalen came before the board and explained the liquor license that was granted was to benefit the family of Paul Fleugel who is a 27 year veteran of the

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

Police Department. Mr. Fleugel is battling cancer and they are planning on having raffles at the event and gave the board some invitations to attend.

- c. 7:15 pm Public Hearing on a petition that Cranberry Lane be laid out as a public way.

Present before the board: Dennis Mascetta

**MOTION:** Selectman Whiteside moved to open the public hearing. Selectman Tropeano seconded.

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

Present before the board: Diana Thompson

Ms. Thompson stated that her grandchildren live with her and one of them is Special needs and she hopes to get this road accepted so that the bus can pick him up.

Attorney Bowen explained the process of getting the road accepted.

**MOTION:** Selectman Whiteside moved to accept the petition from the Cranberry Lane Homeowners Association accepting Cranberry Lane as a public way. Selectman Tropeano seconded.

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

**MOTION:** Selectman Whiteside moved to continue the hearing to a later date. Selectman Slavin seconded.

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

- d. 7:30 pm Public Hearing on the application of Murphy's Towing, 2648 Cranberry Highway, Wareham to be added to the Town of Wareham's Tow Rotation List.

**MOTION:** Selectman Tropeano moved to open the public hearing. Selectman Whiteside seconded.

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

Present before the board: Mr. Murphy & Attorney Matthews

Mr. Murphy was requesting to be on the tow rotation list. Attorney Matthews provided the board with some letters from neighboring town Police Chiefs in which Murphy's is on the rotation list. He is also on the state police towing and recovery list as well as the AAA and the Allstate list. Next before the board was Mr. Vaughn from Vaughn's towing and stated that this has already been turned down and denied and doesn't feel he should be on the rotation list due to the fact that he doesn't have his business in town. Mr. DeMiranda, owner of Discount Auto said that the Chief of Police previously gave him approval to tow in the town. He said that Mr. Murphy leases an office from his garage as well as the impound yard. Chairman Teitelbaum asked Attorney Bowen if the town in setting its tow operators can set a preference or a restriction to having only businesses located within that town eligible for consideration. Attorney Bowen stated that the Police rotation policy states that any tow company shall be located in the Town in Wareham and all vehicles will be stored within the town unless otherwise authorized.

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

**MOTION:** Selectman Slavin moved to take Administrative notice of the Police Department tow policy, former votes of the Board of Selectmen and the Murphy's Tow Filings. Selectman Whiteside seconded.

**MOTION:** Selectman Slavin moved to continue the evidentiary hearing on September 24, 2013 at 7:30 pm. Selectman Whiteside seconded.

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

**7. SEWER BUSINESS**

a. Funding source for contract 2

b. Any other sewer business

Selectman Slavin stated that he did review all the meeting minutes from 2009 and he couldn't find any mention of the issue that was brought up earlier under citizen's participation.

**8. TOWN BUSINESS**

a. Discussion on guidance to Town Administrator for the next year.

b. Vote to accept gift of HMS Nimrod attack mural from Josephine Thoms.

Present before the board: Josephine Thoms

Ms. Thoms spoke about the painting of the Nimrod attack and she was very proud to donate it to the town.

**MOTION:** Selectman Slavin moved to accept the gift of the HMS Nimrod attack mural from Joseph Thoms. Selectman Whiteside seconded.

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

c. Vote to approve opening of temporary closure and adoption of Shellfish regulations.

Present before the board: Garry Buckminster

Mr. Buckminster was before the board for the reopening of a temporary closure for recreational only area.

**MOTION:** Selectman Slavin moved to Shellfish Management Area #3 Recreational Shellfishing Area (effective 9/15/13). In accordance with the provisions of Chapter 130, Section 52 of the Massachusetts General Laws, the Board of Selectmen declares the following described area a Shellfish Management Area, subject to special regulations. Management Area – Miller Cove – "The waters and flats of Miller Cove, In the Town of Wareham, southwest of a line drawn from the "SHELLFISHING STATUS" sign 50' south of the storm drain at #43 Jefferson Shores Road and continuing to the 'SHELLFISHING STATUS" sign located approximately 100' north from the end of Salt Works Road" Special Regulations (Rainfall Status) Year Round Status 1. To determine the harvesting status of the Rainfall Management Area, call the Shellfish Information Line at 508-291-3100 Ext. 3184. 2. Two (2) shellfishing status information signs as described above will indicate the Rainfall Management Areas status. \*Red – Closed to

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

Shellfishing \*Green – Open to Shellfishing. 3. Recreational Permit Holders may harvest no more than one (1) peck of shellfish per calendar week. 4. No commercial harvesting permitted within this Rainfall Management area. 5. All other provisions within the Rules for the Taking of shellfish, eels, and sea worms shall apply. Selectman Whiteside seconded.

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

- d. Discussion with Community Preservation Committee re: Multi-Service Center Roof Repair Project application.

Present before the board: Angela Dunham & Dave Menard

Mr. Menard was before the board looking for a letter of approval to use CPC funds to restore the roof at the Multi-Service Center.

**MOTION:** Selectman Slavin moved to issue a letter of approval to the Municipal Maintenance Department to make a request to Community Preservation Committee for the repair of the roof at the Multi-Service Center. Selectman Whiteside seconded.

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

- e. Discussion/vote to whether to put submitted articles on warrant for Town Meeting.

- f. Vote on Town Administrator's contract

**MOTION:** Selectman Tropeano moved to approve the contract between the Town of Wareham and Derek D. Sullivan dated September 10, 2013 which goes into effect in January. Selectman Whiteside seconded. Chairman Teitelbaum stated that Selectmen Holmes has been impressed with his performance.

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

- g. Assignment of reviewing existing Selectmen's Policies  
Each board member will take a policy and review it and report back to the board.

- h. Continued discussion on TDR, Sign by-law and Marijuana Laws.  
Selectman Slavin stated that Attorney Whitten is going over the bylaw and will simplify it and a public hearing has been scheduled for October 21<sup>st</sup>.

The Sign by-law is done and the final version should be ready on Friday.

The Marijuana Clinic will be located in institutional zoning in the Town and Town Counsel will be preparing the Marijuana by-law and then it will go before the public.

- i. Status update for Master Plan Committee and PSAC  
Selectman Slavin stated that the boards need to be notified to pick a representative and the PSAC will be discussed during the Town Administrators report.

- j. Discussion with Community Preservation Committee re: Proposed Town Meeting Warrant articles & votes re: same  
Present before the board: Angela Dunham & Sandy Salvin

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

Ms. Slavin stated that one of the articles is a housekeeping article to return unspent funds in the amount of \$28,430.66 into the unallocated fund.

**MOTION:** Selectman Whiteside moved that the funds that were unallocated be returned. Selectman Tropeano seconded.

**VOTE: 3-0-1 (Selectman Slavin abstained)**

Ms. Dunham stated that the other article is the Nature Explore playground at the Wareham Free Library. The Library Director Denise Medeiros had been before the board as well as Bethany Gay from the Library Board of Trustees to explain the project.

**MOTION:** Selectman Tropeano moved to put the playground article on the warrant. Selectman Teitelbaum seconded.

**VOTE: 2-1-1 (Selectman Whiteside opposed/Selectman Slavin abstained)**

- k. Status of scheduled meetings with the School Committee and Finance Committee

Chairman Teitelbaum is trying to arrange a meeting with Mr. Sullivan the Superintendent of School and the Chairman of the School Committee and Finance Committee. It is necessary to meet so that Mr. Sullivan is able to present a draft budget as accurate as possible. Selectman Tropeano stated that he didn't see any expenditure reports. Mr. Sullivan stated that they were in his packet last week but would email him another copy.

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

**9. TOWN ADMINISTRATOR'S REPORT**

Mr. Sullivan thanked the Board for their support and is looking forward to the next three years.

They will be posting for the Municipal Maintenance Director and the Town Planner positions.

Mr. Sullivan spoke of an email he received from the Principal at Decas School thanking the Board, Mr. Sullivan and the Finance Committee for supporting the school.

- a. Vote to request DOR Technical Assistance to review WPCF accounts.

**MOTION:** Selectman Whiteside moved that Mr. Sullivan ask the Deputy Commissioner of Review, Robert G. Nunes to have the Technical Assistance Bureau perform financial review of the Wareham Wastewater Pollution Control Facility. Selectman Slavin seconded.

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

**10. LIAISON REPORTS**

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-10-13 (CONT'D)

Selectman Whiteside has done some research on the SEMASS agreement and found that we do have a CMW Regional contract which doesn't expire until 2022. She said that only one person Marietta Maraccini has been attending the meetings and Mr. Pickles has suggested that the board appoint David Menard since has been actively attending meetings.

The Cemetery Commissioners have a meeting this Monday and also has a very extensive agenda and wasn't sure if they would be able to meet due to one member being out of town.

The Planning board met last night and they will hold public meetings on the sign bylaw and the Marijuana bylaw as well as the TDR.

**11. ADJOURNMENT**

**MOTION:** Selectman Slavin moved to adjourn. Selectman Tropeano 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:

  
***Alan H. Slavin, Clerk***

Date Signed: 10-1-13

Date sent to the Town Clerk: 10-2-13