

September 9, 2014



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. **APPOINTMENTS/REAPPOINTMENTS**
 - a. Appointment/Reappointments to: Council on Aging Board of Directors and Election Poll Worker.
6. **LICENSES AND PERMITS**
 - a. Application for (2) one day all alcoholic beverages license request from Dudley L. Brown Post 2846 VFW, Inc., 4 Gibbs Ball Park Road, Onset.
 - b. Application for (1) one day wines & malt beverages license request from The Bartending Service of New England, LLC, PO Box 425, Middleboro, MA.
7. **TOWN BUSINESS**
 - a. Vote to approve Tighe & Bond proposal to provide alternative plan to existing EDU.
 - b. Private roads update.
 - c. Everett School update.
 - d. Discussion re. policy 08-01.
 - e. Vote on Town of Lakeville agreement for animal shelter.
 - f. Vote to put articles on the Fall Town Meeting Warrant.
 - g. Discuss setting next joint meeting with FinCom and School Committee.
 - h. Discuss and vote to have combination meetings with FinCom as concerns, review and vote on actual Town Meeting Warrant articles.

Continued – Board of Selectmen/Sewer Commissioners Meeting Agenda 09/9/2014

- i. Discussion and vote to amend BOS Liquor Policy to include insurance requirements.
- j. Discussion and vote on standard contract between the Dept. of Housing and Community Development and the Town of Wareham.
- k. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

8. TOWN ADMINISTRATOR'S REPORT

9. LIAISON REPORTS

10. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Invoice from the Law Office of Richard Bowen in the amount of \$15,000
- c. Approval of meeting minutes of August 19, 2014;

11. ADJOURNMENT

12. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

10/15/2014

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: September 9, 2014
Date of Transcription: September 10, 2014
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

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

Also present: Derek Sullivan, Town Administrator
Attorney Rich Bowen

3. ANNOUNCEMENTS

The Oakdale Playground Cleanup day is scheduled for October 5th at 9:30 a.m. If interested in helping contact Sandy Silva in the Inspectional Services or Selectman Tropeano.

Selectman Holmes thanked everyone for their concerns and support asking about his health.

Coffee Hour returns on September 11th at 9am. This week's guest will be Carol Anderson and is going to be held at Agawam Village, 67 Sandwich Road.

Chairman Slavin urged non-profits to contact the Selectmen's Office and to let them know of any events they want to announce during a Selectmen's Meeting.

A celebration of Life memorial will be held at Stevie B's for Melissa Drake on Saturday, September 20th at 1pm. Donations are needed for the raffle and auction and can be dropped off at Stevie B's. All proceeds will be donated to the Wareham Public Schools.

The Town will be getting five interns from Bridgewater State and they will be working at the Police Dept., School Dept., WPCF, Planning as well as working on the GIS mapping with Matthew.

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

The Boating Magazine visited Wareham yesterday and was taken around Onset and the Town will be featured in its next TV show.

4. CITIZENS PARTICIPATION

Present before the board: Angela Dunham
The Historical Society will be having a presentation by Bill Gomes on Monday, September 15th at 7pm at the Methodist Meeting House.

Present before the board: Pat Rumney
Ms. Rumney made mention of the fact that Wilma Ave in Onset is private and the Town is charging residents to pay to park on that road. Ms. Rumney also spoke about unfunded mandates and she would like to see the State pay for these mandates.

Present before the board: Mr. Clemmey
Mr. Clemmey wanted to present the board with a legal opinion from their Attorney. Chairman Slavin stated that the board wouldn't be allowed to discuss this under Citizen's Participation and that they could present the legal opinion to our Town Counsel.

5. APPOINTMENTS/REAPPOINTMENTS

- a. Appointment/Reappointments to: Council on Aging Board of Directors & Election Poll Worker.

MOTION: Selectman Tropeano moved to appoint Lois Letourneau as an Election/Poll Worker to a term to expire no later than June 30, 2015. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Tropeano moved to appoint Nancy Sawyer as a member to the Council on Aging Board of Directors to a term to expire no later than June 30, 2016. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Tropeano moved to appoint Muriel June Slaney as a member to the Council on Aging Board of Directors to a term to expire no later than June 30, 2016. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Tropeano moved to appoint Sharon G. Frank as a member to the Council on Aging Board of Directors to a term to expire no later than June 30, 2016. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

MOTION: Selectman Tropeano moved to appoint Francine Balanca as a member to the Council on Aging Board of Directors to a term to expire no later than June 30, 2016. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

6. LICENSES AND PERMITS

a. Application for (2) one day all alcoholic beverages license request from Dudley L. Brown Post 2846 VFW, Inc., 4 Gibbs Park Road, Onset.
Present before the board: Paul Rose

MOTION: Selectman Tropeano moved to approve the application for (2) one day all alcoholic beverages license to Dudley L. Brown Post 2846 VFW, Inc., 4 Gibbs Park Road, Onset on September 21, 2014 (rain date 9/28/14) from 1-9pm and September 27, 2014 from 1-8pm. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

b. Application for (1) one day wines & malt beverages license request from The Bartending Service of New England, LLC, P.O. Box 425, Middleboro, MA
Present before the board: Nicole Phillips

MOTION: Selectman Tropeano moved to approve the application for a (1) one day wines & malt beverages license request from The Bartending Service of New England, LLC, P.O. Box 425, Middleboro, MA on September 20, 2014 from 3:30pm-9:00pm. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

7. TOWN BUSINESS

a. Vote to approve Tighe & Bond proposal to provide alternative plan to existing EDU

MOTION: Selectman Teitelbaum moved to authorize that the Town Administrator and Town Counsel begin discussions with Tighe & Bond relative to the developing a contract for the boards review pursuant to a Sewer Rate Implementation Plan. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

b. Private roads update
Selectman Whiteside stated that the volunteer working on this project will meet with the Town Administrator to go over the findings.

c. Everett School update
Present before the board: Salvador Pina & Pastor David Shaw

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

Mr. Pina spoke about the concept of using the Everett School and perhaps renovating the building and turn it over to non-profits. This would be eligible for the Community Development Block Grant Funds.

d. Discussion re: policy 08-01

Selectman Tropeano would like to tweak a couple of things on this policy when it comes to Department Heads and will bring it before the board in two weeks.

e. Vote on Town of Lakeville agreement for animal shelter
MOTION: Selectman Whiteside move to approve signing the agreement with the Lakeville Animal Shelter. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

f. Vote to put articles on the Fall Town Meeting Warrant

Article #28 - CPC - Parker Mills Dam Restoration

MOTION: Selectman Tropeano moved to place the CPC Article - Parker Mills Dam Restoration to see if the Town will vote to transfer from the CPA Historic Preservation Account the sum of \$835,005.00 for the preservation of the Parker Mills Sam, so-called and located on Elm Street, or to do or take any other action relative thereto using the language provide by bond counsel (as attached).

VOTE: 5-0-0 (unanimous)

Article #4 - TRANSFER OF FUNDS TO FUND THE PARKING KIOSK PROGRAM

MOTION: Selectman Tropeano moved to place article #4 on the warrant. Selectman Holmes seconded.

VOTE: 5-0-0 (unanimous)

Article # 6 - FREE CASH TO STABILIZATION FUND

MOTION: Selectman Tropeano moved to place article #6 on the warrant. Selectman Holmes seconded.

VOTE: 5-0-0 (unanimous)

SEWER SYSTEM AT SWIFTS BEACH

MOTION: Selectman Tropeano moved to place the article for the Sewer System at Swifts Beach on the warrant. Selectman Holmes seconded.

VOTE: 4-0-0 (unanimous)

(Selectman Whiteside wasn't in the room at the time of the vote)

RESCIND ARTICLE 5 OF THE APRIL 23, 2007 SPECIAL TOWN MEETING

MOTION: Selectman Tropeano moved to place the article to Rescind article 5 of the April 23, 2007 Special Town Meeting on the warrant. Selectman Holmes seconded.

VOTE: 5-0-0 (unanimous)

AMEND SEWER COMMISSIONER LAW AND TOWN CHARTER

MOTION: Selectman Tropeano moved to place Amend Sewer Commissioner Law and Town Charter "Chapter 114 of the Acts of 2014" on the warrant. Selectman Whiteside seconded.

VOTE: 5-0-0 (unanimous)

REORGANIZE TOWN DEPARTMENTS

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

MOTION: Selectman Tropeano moved to place the article to Reorganize Town Departments on the warrant. Selectman Whiteside seconded.
VOTE: 5-0-0 (unanimous)

TITLE V SEPTIC PROGRAM

MOTION: Selectman Tropeano moved to place the Title V Septic Program article on the warrant. Selectman Whiteside seconded.
VOTE: 5-0-0 (unanimous)

ROBOTIC CLOSED CAPTION TV SYSTEM FOR WPCF

MOTION: Selectman Tropeano moved to place the Robotic Caption TV System for WPCF on the warrant. Selectman Whiteside seconded.
VOTE: 5-0-0 (unanimous)

CPC - AMERICAN LEGION HALL RESORATION

MOTION: Selectman Tropeano moved to place the CPC American Legion Hall Restoration on the warrant. Selectman Whiteside seconded.
VOTE: 5-0-0 (unanimous)

CPC - PLAYGROUND REHABILITATION FUND

MOTION: Selectman Tropeano moved to place the Playground Rehabilitation Fund article on the warrant. Selectman Whiteside seconded.
VOTE: 5-0-0 (unanimous)

COMMUNITY EVENTS FUND

The Community Events Committee was before the board and Ms. Ricci explained that we need to support the events so that they continue to be held which does help the businesses in town.

MOTION: Selectman Teitelbaum moved to see if the Town will vote to petition the Legislature for special legislation amending Section 2 of Chapter 82 of the Acts of 2008 to allow for the annual deposit of (twenty five percent) 25% of the proceeds of the Wareham parking meter fund into the Community Events fund, and (twenty percent) 20% of the excise collected under section 3A of the General laws, Chapter 64G, also known as the "hotel and motel tax", as of the effective date of this act, and for the subsequent fiscal years, but in no event earlier than January 1, 2015, and further in no event shall the amount in the aggregate in the Community Events Fund for any fiscal year exceed \$60,000, or take other action relative thereto. Selectman Whiteside seconded.

VOTE: 4-1-0 (Selectman Tropeano opposed)

REPLACE INCLINED WHEELCHAIR LIFT AT MINOT FOREST SCHOOL

MOTION: Selectman Tropeano moved to place this article on the warrant. Selectman Whiteside seconded.
VOTE: 5-0-0 (unanimous)

RETURN ETHEL E. HAMMOND SCHOOL TO TOWN CONTROL
RETURN WEST SCHOOL TO TOWN CONTROL

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

(both articles will be discussed at the next meeting)

g. Discuss setting next joint meeting with FinCom and School Committee
Chairman Slavin will work on setting a date for the meeting.

h. Discuss and vote to have combination meetings with FinCom as concerns,
review and vote on actual Town Meeting Warrant articles
Chairman Slavin stated he would like to have a joint meeting so that both the Finance
Committee and the Board of Selectmen can both listen to the proponents and they
won't have to attend both meetings.

i. Discussion and vote to amend BOS Liquor Policy to include insurance
requirements

The board wanted to amend the policy to add that pouring license holders have
coverage under a liquor legal liability insurance for bodily injury or death for a
minimum amount of \$250,000 on account of injury to or death of 1 person, and
\$500,000 on account of any 1 accident resulting in injury to or death of more of 1
person. For temporary licenses on Town property the coverage shall be 1 million
dollars per single event or \$3 million in aggregate.

MOTION: Selectman Whiteside moved to amend the liquor policy to include the
insurance requirements (as attached). Selectman Tropeano seconded.

VOTE: 5-0-0 (unanimous)

j. Discussion and vote on standard contract between the Department of
Housing and Community Development and the Town of Wareham

MOTION: Selectman Tropeano moved that the board approve the agreement and
authorize the Chairman to sign. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

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

8. TOWN ADMINISTRATOR'S REPORT

The new hours for Town Hall starting on September 29th will be Monday, Wednesday
& Thursday from 8:15 am to 6:00pm and Tuesday from 8:15 am - 6:30 pm and the
Town Hall will be closed on Fridays.

The Mayflower Group has now accepted the Town.

During the installation of the doors and windows at the Library it was noticed while
installing the last window that it had rot and ant damage. Mr. Sullivan authorized
them to move on to find out the extent of the damage.

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

The Municipal Maintenance Director had noticed that the Old Town Hall wasn't properly painted, the contract was for them to brush on the paint however, it was being sprayed on and not brushed. They were instructed to scrap off the paint and repaint it with the brush as agreed to in the contract. This is currently being done at no additional cost to the town.

The Parking Kiosks for the month of August generated \$51,176.75 and last year it brought in \$35,906.75. The total revenue for FY14 so far is \$132,351.25.

Selectman Holmes asked about something that was brought up last week in which two businesses on Cranberry Highway were not in compliance. Mr. Sullivan stated that one of the Sergeants on duty along with Attorney Bowen visited the establishments and they were not able to produce a license at the time. One of the businesses has applied to the Board of Selectmen's Office for a junk dealers license and the other one hasn't shown up and they will take further action.

9. LIAISON REPORTS

Chairman Slavin attended a Planning Board meeting last night in which they discussed the rehab of the Snow and Jones building across from the Minot Forest School.

The Best Friends Preschool will be getting their occupancy permit.

S&H Realty located near the new Walmart had made a change and will be going before the ZBA.

Rosebrook has signed an agreement for 5 Guys Burgers and Fries to occupy one of the spaces they have available.

10. CONSENT AGENDA

a. Authorization to sign bills and documents, etc.

b. Invoice from the Law Office of Richard Bowen in the amount of \$15,000

MOTION: Selectman Tropeano moved to pay the invoice from the Law Office of Richard Bowen in the amount of \$15,000. Selectman Teitelbaum seconded.

VOTE: 5-0-0 (unanimous)

c. Approval of meeting minutes of August 19, 2014

MOTION: Selectman Tropeano moved to approve the meeting minutes of August 19, 2014. Selectman Teitelbaum seconded.

VOTE: 3-0-2 (Selectman Holmes & Whiteside abstained)

SELECTMEN/SEWER COMMISSIONERS MEETING - 9-9-14 (CONT'D)

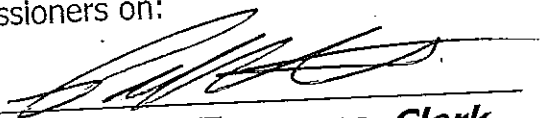
11. ADJOURNMENT

MOTION: Selectman Tropeano moved to adjourn. Selectman Whiteside 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: 
Patrick G. Tropeano, Clerk

Date Signed: 10-14-14
Date sent to the Town Clerk: 10-15-14

A TRUE COPY
ATTEST


TOWN CLERK

Meeting minutes
attachment 9-9-14

Kara K. Adams
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kadams@edwardswildman.com

September 8, 2014

Ms. Mary Carney, Senior Vice President
First Southwest Company
255 Park Avenue, Suite 1000
Worcester, MA 01609

Dear Mary:

(Wareham)

As requested, I have prepared a suggested form of article and motion:

Article

To see if the Town will vote to appropriate a sum of money for dam repairs at Parker Mills Pond, and all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Motion

Moved: that \$1,000,000 is appropriated to pay the costs of dam repairs at Parker Mills Pond, and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,000,000 under G.L. c.44B, or any other enabling authority; that the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this vote; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project.

If the Town would like to condition approval upon a debt exclusion vote, the following sentence should be added at the end:

This vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

In the event that a debt exclusion vote is desired, a ballot question in the following form would be appropriate:

Ballot Question #

Shall the Town of Wareham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to pay costs of dam repairs at Parker Mills Pond and all other costs incidental or related thereto?

Thank you.

Yours truly,

Kara K. Adams
AM 37183397.1

Attachment to 9/9/14
meeting minutes

1.20 LIQUOR LICENSE INDEMNITY AND INSURANCE POLICY

a. All License Indemnity

All applicants for a new liquor license, "one day" liquor license, or for an annual liquor license renewal, shall as part of the application submit an executed, notarized statement providing as follows:

"In consideration of the issuance of the liquor license that is the subject of this application, the applicant's duly authorized signatory binds the applicant to defend, indemnify and hold harmless the Town of Wareham, its officers and employees from any and all causes of action that may arise from the Wareham Board of Selectmen's issuance of this license."

b. Insurance Required of Pouring Licenses

All "pouring" license holders are reminded of the insurance requirements of G.L. c. 138, s. 12, which applies to so-called "on premises" consumption licenses issued under that section:

"No license shall be issued or renewed under this section until the applicant or licensee provides proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance in a form acceptable to the local licensing authority."

c. Temporary Licenses

1. Applicants for G.L. c. 138, s. 14 licenses, commonly referred to as "one day licenses", shall provide proof of coverage under a liquor legal liability insurance policy for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. Proof of the insurance coverage required by this section shall be made by filing a certificate of insurance with the Board of Selectmen before the approved license will be physically issued.
2. Should the premises on which the license will be exercised be in whole or in part on Town property, the applicant shall obtain a liquor liability certificate of insurance naming the Town of Wareham as an additional co-insured. The amount of coverage shall be 1 million dollars per single event or \$3 million in the aggregate. The appropriate certificate of insurance must be filed with the Board of Selectmen before the approved license will be physically issued.