

October 21, 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/INTERVIEWS/REAPPOINTMENTS**
 - a. Interview/Appointment to the Marine Resources Commission.
- 6. LICENSES AND PERMITS**
 - a. Four one day wines application by Buzzards Play Productions.
- 7. SEWER BUSINESS**
 - a. Sewer abatement (Map 8, Lot 1020) for property at 3125 Cranberry Highway.
 - b. Sewer abatement (Map 12, Lot LC35) for property at 3033 Cranberry Highway.
 - c. Sewer abatement (Map 50E-2, Lot 17A) for property at 122 Swifts Beach Road.
 - d. Sewer abatement (Map 50E-4, Lot 549) for property at 5 Cliff Avenue.
 - e. Sewer abatement (Map 134, Lot F96) for property at 17 Cherry Street.
 - f. Sewer abatement (Map 50A, Lot 2) for property at 65 Pleasant Street.
 - g. Sewer abatement (Map 132, Lot A1) for property at 8 Elm Street.
- 8. TOWN BUSINESS**
 - a. Vote on State Election Warrant.
 - b. Discussion and vote to expand the Beach & Tourism Advisory Committee.
 - c. Any other Town business not reasonably anticipated 48 hours prior to the posting of this meeting.

Continued – Board of Selectmen/Sewer Commissioners Meeting Agenda 10/21/2014

9. TOWN ADMINISTRATOR'S REPORT

10. LIAISON REPORTS

11. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc.
- b. Approval of regular session meeting minutes of October 14, 2014.

12. ADJOURNMENT

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

10/29/2014

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: October 21, 2014
Date of Transcription: October 22, 2014
Transcribed by: Janet Wilson

1. **CALL MEETING TO ORDER BY CHAIRMAN**
2. **ROLL CALL**

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

Also present: Derek Sullivan, Town Administrator
Attorney Rich Bowen

MOTION: Selectman Whiteside moved to have Peter Teitelbaum serve as Clerk pro-tem for the meeting. Selectman Tropeano seconded.

VOTE: 3-0-0 (Unanimous)

3. ANNOUNCEMENTS

The Recycling Committee was awarded a grant in the amount of \$1250 thanks to Marilyn Russell for submitting the grant.

Coffee Hour will be held this Thursday at 9am at the Agawam Village Community Room, several members of the Finance Committee will be there to discuss some of the warrant articles.

The Water Pollution Control Facility was awarded a grant in the amount of \$75,000 to help lower the amount of nitrogen discharged into the local waterways. Thanks to Mr. Campinha for his hard work in applying for this grant.

On November 7th at 6pm the Library will be holding a Murder Mystery Fundraiser.

4. CITIZENS PARTICIPATION

Present before the board: Gerry Barrows
Mr. Barrows was looking for answers as to how much revenue was raised by letting AD Makepeace use the school buses for their Cranberry Festival.

Present before the board: Bethany Gay, Chairman of the Library Board of Trustees
Ms. Gay said that the Trustees are planning on having a meeting on October 30th at 5pm and said the public is welcome to attend. She also said that if anyone has any

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-21-14 (CONT'D)

questions or comments they are welcome to go to the website and email the Library or like them on Facebook.

Present before the board: Sharon Gomes

Ms. Gomes asked if the any of the money that the Water Pollution Control Facility receives can go into the general fund. Chairman Tropeano stated that the town isn't allowed to spend any money they have since it's an enterprise fund.

Present before the board: Johnna Fredrickson

Ms. Frederickson provided the board with a Data Source for the Massachusetts Board of Library Commissioners (as attached).

5. APPOINTMENTS/REAPPOINTMENTS

a. Appointment/Interview to the Marine Resources Commission

Present before the board: Lawrence Bearse

Mr. Bearse said that he attended a couple of Marine Resources Commission meetings and was very interested. He is retired from the Woods Hole Oceanographic Institution.

MOTION: Selectman Teitelbaum moved to appoint Lawrence Bearse as a member to the Marine Resources Commission to a term to expire no later than June 30, 2016. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

6. LICENSES AND PERMITS

a. Four one day wines and malts application by Buzzards Play Productions

Present before the board: Frank Rogers

MOTION: Selectman Teitelbaum moved to approve the application from Buzzards Play Productions, 3065 Cranberry Highway E. Wareham for a beer and wine license for October 24th, 25th and November 21st and 22nd from 7pm to midnight. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

7. SEWER BUSINESS

a. Sewer abatement (Map 8, Lot 1020) for property at 3135 Cranberry Hwy.

MOTION: Selectman Teitelbaum moved to approve the abatement for 3135 Cranberry Highway Account # 736651, Map 8, Lot 1020 in the amount of \$2693.00. Selectman Tropeano seconded.

VOTE: 2-1-0 (Selectman Whiteside opposed)

b. Sewer abatement (Map 12, Lot LC35) for property at 3033 Cranberry Hwy.

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-21-14 (CONT'D)

MOTION: Selectman Whiteside moved to abate Account # 736891, Map 12, Lot LC35 in the amount of \$477.00 from May 2014 through July 2015. Selectman Teitelbaum seconded.

VOTE: 3-0-0 (unanimous)

c. Sewer abatement (Map 50E-2, Lot 17A) for property at 122 Swifts Beach Rd
MOTION: Selectman Whiteside moved to abate Account # 739649, Map 50E-2, Lot 17A, 122 Swifts Beach Road in the amount of \$397.36. Selectman Teitelbaum seconded.

VOTE: 3-0-0 (unanimous)

d. Sewer abatement (Map 50E-4, Lot 549) for property at 5 Cliff Ave
MOTION: Selectman Teitelbaum moved to abate Account # 739694, Map 50E-4, Lot 549, 5 Cliff Avenue in the amount of \$198.68. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

e. Sewer abatement (Map 134, Lot F96, 17 Cherry Street
MOTION: Selectman Teitelbaum moved to abate Account # 793020, Map 134, Lot F96, 17 Cherry Street in the amount of \$496.68. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

f. Sewer abatement (Map 50A, Lot 2) for property at 65 Pleasant Street
MOTION: Selectman Teitelbaum moved to abate Account # 738284, Map 50A, Lot 2, 65 Pleasant Street in the amount of \$298.00. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

g. Sewer abatement (Map 132, Lot A1) for property at 8 Elm St.
MOTION: Selectman Teitelbaum moved to abate Account # 743961, Map 132, Lot A1, 8 Elm Street in the amount of \$258.74. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

Mr. Campinha provided a copy of a letter that will be hand delivered to the neighbors letting them know about some scheduled routine maintenance (as attached)

8. TOWN BUSINESS

a. Vote on State Election Warrant
MOTION: Selectman Teitelbaum moved to approve the State Election Warrant and read (as attached). Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

b. Discussion and vote to expand the Beach & Tourism Advisory Committee
Selectman Teitelbaum serves as the Board of Selectmen member on the committee and said that they have had people who are interested in promoting the beaches wanting to be on the committee and would like to increase the committee to seven members.

MOTION: Selectman Whiteside moved to increase the number of members to seven for the Beach & Tourism Advisory Committee. Selectman Teitelbaum seconded.

VOTE: 3-0-0 (unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-21-14 (CONT'D)

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

9. TOWN ADMINISTRATOR'S REPORT

Mr. Sullivan stated that free cash has been certified at \$1,462,883. This will allow transfer to the stabilization fund.

10. LIAISON REPORTS

Selectman Teitelbaum attended the Pre-Town meeting and he said that there seems to be confusion about Article #11 – They wanted to make it clear to the residents that whether or not Article #11 passes it will still be on the election ballot in the Spring.

Selectman Whiteside said that the Cemetery Commissioner meeting from October 9th was postponed until October 16th in which one member indicted she wasn't able to attend only one member showed up and the other member never communicated that they were not showing up. They have scheduled another meeting for Thursday at 8am. Ms. Whiteside said by them not meeting deeds and approval of the headstones are not getting done which is impeding the day to day business of the town.

11. CONSENT AGENDA

a. Authorization to sign bills and documents, etc.

b. Approval of regular session meeting minutes of October 14, 2014.

MOTION: Selectman Teitelbaum moved to approve the regular session of meeting minutes of October 14, 2014. Selectman Whiteside seconded.

VOTE: 3-0-0 (unanimous)

11. ADJOURNMENT

MOTION: Selectman Teitelbaum moved to adjourn. Selectman Whiteside seconded.

VOTE: 3-0-0 (Unanimous)

12. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

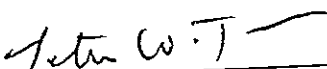
Respectfully submitted

Janet Wilson

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on:

Attest:



Peter W. Teitelbaum, Clerk, pro-tem

Date Signed: 11-13-14

Date sent to the Town Clerk: 11-4-14



Attachment to 10/21/14
Meeting minutes

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

PLYMOUTH, SS.

To either of the Constables of the Town of Wareham:

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town of Wareham who are qualified to vote in State Election to vote at:

Precinct 1 – Wareham Town Hall, 54 Marion Road Precinct 4 – Decas School, 760 Main Street
Precinct 2 – Ethel Hammond School, 13 Highland Ave Precinct 5 - Decas School, 760 Main Street
Precinct 3 – Minot Forest School, 63 Minot Avenue Precinct 6 – Minot Forest School, 63 Minot Ave

on **TUESDAY, THE FOURTH DAY OF NOVEMBER, 2014**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS.....	FOR THIS COMMONWEALTH
GOVERNOR AND LIEUTENANT GOVERNOR.....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....	FOR THIS COMMONWEALTH
SECRETARY OF STATE.....	FOR THIS COMMONWEALTH
TREASURER.....	FOR THIS COMMONWEALTH
AUDITOR.....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....	NINTH DISTRICT
COUNCILLOR.....	FIRST DISTRICT
SENATOR IN GENERAL COURT.....	FIRST PLYMOUTH & BRISTOL DISTRICT
REPRESENTATIVE IN GENERAL COURT.....	SECOND PLYMOUTH DISTRICT
DISTRICT ATTORNEY.....	PLYMOUTH COUNTY
REGISTER OF PROBATE.....	PLYMOUTH COUNTY
COUNTY TREASURER.....	PLYMOUTH COUNTY
COUNTY COMMISSIONER.....	PLYMOUTH COUNTY
REGIONAL SCHOOL COMMITTEE.....	UPPER CAPE COD

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A YES VOTE would eliminate the requirement that the state's gas tax be adjusted annually based on the Consumer Price Index.

A NO VOTE would make no change in the laws regarding the gas tax.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was $2\frac{1}{4}$ cents as of September 2013, to $3\frac{1}{2}$ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to $3\frac{1}{2}$ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A YES VOTE would expand the state's beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A NO VOTE would make no change in the laws regarding beverage container deposits.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

Massachusetts Gaming Commission from issuing any license for a

establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of "illegal gaming" under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A NO VOTE would make no change in the current laws regarding gaming.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 hours. Employers could not delay the taking of or payment for earned sick time.

employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support or another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

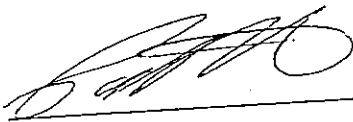
A NO VOTE would make no change in the laws regarding earned sick time.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 21st day of October, 2014.

Alan Slavin, Chairman

Stephen M. Holmes


Patrick G. Tropeano

Peter W. Teitelbaum


Judith Whiteside

Selectmen of the Town of Wareham

(Indicate method of service of warrant.)

Constable

_____, 2014
(month and day)

Warrant must be posted by October 28, 2014, (at least seven days prior to the November 4, 2014 State Election.)



WAREHAM WATER POLLUTION CONTROL FACILITY

6 Tony's Lane
Wareham, MA 02571
Telephone (508) 295-6144
Fax (508) 291-0155

Attachment 10/21/14
meeting minutes

Read into record

October, 2014

To: Water Pollution Control Facility Abutter

Re: Scheduled Routine Maintenance

Dear Property Owner/Resident:

On or about November 3, 2014, we will begin our routine maintenance of the aeration basin at the sewer treatment plant. This involves the dewatering of the basin. This process could possibly take a week to complete and there could be an odor issue. We will make every effort to minimize any potential problems.

Your patience and understanding will be greatly appreciated.

Sincerely,

Guy Campinha, Director

GS/rbf

cc: Board of Sewer Commissioners
Derek Sullivan, Town Administrator
David Menard, Municipal Maintenance Director

Data Source: Massachusetts Board of Urban Communities
 www.mbc.state.ma.us

Municipality	Population	Municipal Appropriations	Per Capita Appropriation
Bourne	19,754	\$608,176	\$30.79 *
Carver	11,509	\$358,650	\$31.16 *
Fairhaven	15,606	\$576,936	\$36.97 *
Lakeville	10,602	\$273,653	\$25.81 *
Marion	4,907	\$147,461	\$30.05 *
Matapoisett	6,045	\$301,918	\$49.96
Middleborough	23,116	\$561,893	\$24.31 *
New Bedford	95,072	\$2,187,220	\$23.01 *
Plymouth	56,468	\$1,562,579	\$27.67 *
Barnstable	9,531	\$274,442	\$28.79 *
Cotuit	3,132	\$144,018	\$45.98 *
Hyannis	15,564	\$423,781	\$27.23 Sturgis Lib.
Osterville	3,037	\$219,186	\$72.17 *
Marston's Mills	7,999	\$164,516	\$20.57 *
Wheldon lib	2,969	\$92,073	\$31.01
Brewster	9,820	\$552,754	\$56.29 *
Chatham	5,819	\$424,217	\$72.90 *
Dennis	613	\$5,100	\$8.32 *
South Dennis	2,841	\$295,978	\$104.18 *
Jacob Sears		\$34,226	\$12.05 *
West Dennis	2,841	\$32,085	\$11.29 *
		\$39,085	\$13.76 *

Financial Data Summary - Income & Expenditures to FY 2013.

Municipality				
Bourne				
Cotuit				
Fairhaven				
Lakeville				
Marion				
Mattapoisett				
Middleborough High				
New Bedford				
Plymouth				
Barnstable				
Centerville				
Cottuit	\$70.08 *			
Hyannis	\$207,442			
Osterville				
Marston's Mills				
Wheldon lib.				
Brewster				
Chatham				
Dennis				
South Dennis				
Jacobs/Sears				
West Dennis				

Municipality	Population	Mun. Appropriations/ funding	Per Capita appropriation
Eastham	4956	\$295,669	\$59.66 *
Falmouth	31,531	\$1,673,982	\$53.09 *
Harwich	12,243	\$668,230	\$54.58 *
Chase Lib.	612	\$10,000	\$16.34 Harwich Port 1224
Mashpee	14,006	\$398,401	\$28.45 *
Provincetown	2,942	\$291,776	\$99.18 *
Sandwich	20,675	\$977,746	\$47.29 *
Tauro	2,003	\$307,447	\$153.49 *
Wellfleet	2750	\$365,285	\$132.83 *
Wareham	21,822	\$432,835	\$19.83 *
Unmet Gen. level		\$124,839	\$5.72 *
Current			

