

## **MINUTES OF MEETING OF THE BOARD OF SELECTMEN**

Date of Meeting: September 29, 2020  
Date of Transcription: September 30, 2020  
Transcribed by: Cassandra Slaney

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

### **2. ROLL CALL**

Selectmen Present: Peter W. Teitelbaum, Esq., Chairman  
Judith Whiteside, Clerk  
Alan H. Slavin  
Patrick G. Tropeano  
James M. Munise

Also Present: Derek Sullivan, Town Administrator

Not Present: Richard P. Bowen, Town Counsel

### **3. PLEDGE OF ALLEGIANCE**

### **4. ANNOUNCEMENTS**

Selectman Slavin announced that the Jewish holiday, Yom Kippur was September 28th. This holiday encourages making amends and asking forgiveness for sins committed during the past year and is observed with a 25-hour fast and special religious service.

Selectman Munise asked about new members to boards and committees could get training in order to get a better understanding of the rules and regulations.

Thursdays from 4:00 p.m. – 5:00 p.m. there will be takeout meals at the Church of the Good Shepherd.

Every Thursday and Saturday from 9:30 a.m. – 11:30 a.m., Damien's Pantry will be open.

The Church of the Good Shepherd has a food pantry the first Tuesday of the month from 3-5.

Turning Point and Baby Point have a day resources center for the homeless or near homeless. The phone number is 508-291-0535 or information can be found on the website.

SELECTMEN MEETING MINUTES-9/29/2020 (CONT'D)

Congratulations to the Wareham High School Key Club which adopted Minot Forest Avenue five years ago under the Don't Trash Wareham banner. Each semester, the Key Club group picks up trash along Minot Avenue. The Key Club is a community minded service club and Don't Trash Wareham is very proud to have them as partners.

Thank you to AD Makepeace and the Wareham Fire Department who raised over 130 blood donations since May. AD Makepeace and the Wareham Fire Department started a challenge to see which group could raise the most blood donations and have netted \$100.00 to their favorite charity, Don't Trash Wareham. Blood donations will continue through the end of the year. The dates to sign up are October 21<sup>st</sup>, November 17<sup>th</sup>, and December 16<sup>th</sup> and registration is at [admakepeace.com](http://admakepeace.com).

The Dog Park Affiliation (DPAWS) has met its first goal of \$10,000.00 mostly through donations of cans and bottles. They are in the process of writing their Stanton Grant for the completion of the dog park. There will be a winter fundraiser. Pay a certain amount of money to submit a photo of your dog to enter into a contest to be on a calendar. This calendar will be sold to the community.

Selectman Whiteside wanted to thank social media groups who have posted pictures on social media promoting the beauty of Wareham.

**5. CITIZEN'S COMMENTS**

None.

**6. BOARD'S COMMENTS**

None.

**7. APPOINTMENTS/REAPPOINTMENTS/INTERVIEWS**

**8. LICENSES AND PERMITS**

- a. Application from Red Robin, 2421 Cranberry Hwy, Wareham, for a Temporary Outdoor Seating Liquor License.

**MOTION:** Selectman Tropeano moved to approve the application from Red Robin, 2421 Cranberry Hwy, Wareham, for a Temporary Outdoor Seating Liquor License subject to approval from the Board of Health. Selectman Whiteside seconded.

**VOTE: 5-0-0 (Unanimous)**

- b. Application from Bay State Textile, Inc. for Collection Bins at the Wareham High School and Wareham Middle School.

**MOTION:** Selectman Slavin moved to approve the application from Bay State Textile, Inc. for Collection Bins at the Wareham High School and Wareham Middle School. Selectman Whiteside seconded.

**VOTE: 5-0-0 (Unanimous)**

**9. TOWN BUSINESS**

- a. Presentation from GHD regarding sewer project financing from State Revolving fund and vote to execute loan forms.

Present Before the Board: Russ Kleekamp, Project Manager for GHD; Marc Drainville, Principal Engineer for GHD.

Mr. Kleekamp and Mr. Drainville are seeking authorization to certify and file for the SRF application on behalf of the Water Pollution Control Facility improvements project. Mr. Kleekamp provided information regarding the application for a State Revolving Fund loan for up to nine million dollars. These funds would be used for improvements to the Water Pollution Control Facility which include installation of equalization basins, additional denitrification filters, and reducing odor control. *(Please see attachment).*

**MOTION:** Selectman Whiteside moved to authorize the Town Administrator to act as the representative for the Town of Wareham to file, sign for, and accept and take whatever action is necessary for the project and SFR application. Selectman Slavin seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Whiteside moved to certify the authority to file and the Town Administrator act on behalf of the Town for the WPCF Improvements-FY2021. Selectman Slavin seconded.

**VOTE: 5-0-0 (Unanimous)**

- b. COVID-19 Update.

The Governor stated any community in the white or green status can move up to Phase III, Step II.

As of September 28th, restaurants can open their bar areas with restrictions and the seating capacity per table has been increased from six to ten.

Effective October 5th, lower risk communities have revised gatherings as follows:

Indoor performance venues – 50% capacity – maximum of 250 people.

Outdoor performance venues – 50% capacity – maximum of 250 people.

Arcades, indoor/outdoor recreation business, roller rinks, laser tags – permitted to open at 50% capacity.

Fitting rooms will be open in all types of retail stores.

Gyms, museums, libraries, driving and flight schools will be permitted to increase capacity to 50%.

The limit for indoor gatherings remains at a maximum of 25 people and outdoor gatherings at private residents remain at a maximum of 50 people in all communities.

Outdoor gatherings at event venues and public setting will a limit of 50 people in Step I communities and 100 people in Step II communities.

Mr. Sullivan stated that total cases for the month of September is fourteen.

- c. Refuse Update.

There will be a meeting on September 29<sup>th</sup> and will focus on the bundling of costs for curbside pickup and transfer station and or just a transfer station.

- d. Vote to ratify hiring of Eva Golden – Natural Resources Officer.

SELECTMEN MEETING MINUTES-9/29/2020 (CONT'D)

**MOTION:** Selectman Whiteside moved to ratify the hiring of Eva Golden – Natural Resources Officer. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

e. Collection Bin Licensing.

Selectman Whiteside stated that there is an illegal bin located in West Wareham. Notices have been sent to the collection bin owner as well as the property owner requesting removal of the bin or to submit an application for a permit.

f. Recommendation votes for 2020 Fall Town Meeting Warrant.

**MOTION:** Selectman Tropeano moved to recommend the PEG Access Receipts article on the 2020 Annual Fall Town Meeting Warrant. Selectman Whiteside seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Tropeano moved to recommend the Gift of Land-Elicone Trust article on the 2020 Annual Fall Town Meeting Warrant. Selectman Whiteside seconded.

**VOTE: 4-0-1 (Selectman Slavin abstained)**

**MOTION:** Selectman Tropeano moved to recommend the Gift of Land-Volpe Estate on the 2020 Annual Fall Town Meeting Warrant. Selectman Whiteside seconded.

**VOTE: 4-0-1 (Selectman Slavin abstained)**

**MOTION:** Selectman Whiteside moved to recommend the Transfer of Decas School article on the 2020 Annual Fall Town Meeting Warrant. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Tropeano moved to recommend the McKinney-Vento Funds article on the 2020 Annual Fall Town Meeting Warrant. Selectman Whiteside seconded.

**VOTE: 4-1-0 (Selectman Slavin opposed)**

**MOTION:** Selectman Munise moved to recommend the Harbor Services Appropriation article on the 2020 Annual Fall Town Meeting Warrant. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Whiteside moved to recommend the CPC-Tremont Nail Remediation article on the 2020 Annual Fall Town Meeting Warrant. Selectman Slavin seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Whiteside moved to recommend the CPC-Fund Reserves article on the 2020 Annual Fall Town Meeting Warrant. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Tropeano moved to recommend the WPCF State Revolving Fund article on the 2020 Annual Fall Town Meeting Warrant. Selectman Whiteside seconded.

**VOTE: 5-0-0 (Unanimous)**

SELECTMEN MEETING MINUTES-9/29/2020 (CONT'D)

Selectman Whiteside explained that the Town Charter-Chart 1 consist of changes in punctuation, spelling, capitalization, word order, and presentation in order to make the Charter clear, concise, readable, and understandable.

**MOTION:** Selectman Tropeano moved to recommend the Town Charter-Chart 1 article on the 2020 Annual Fall Town Meeting Warrant. Selectman Slavin seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Whiteside moved to recommend the Endorse Master Plan article on the 2020 Annual Fall Town Meeting Warrant. Selectman Slavin seconded.

**VOTE: 5-0-0 (Unanimous)**

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

Selectman Teitelbaum stated that the Clerk sent notification regarding two gas stations that have not renewed their storage fuel licenses. He is seeking authorization to send letters to renew to avoid disciplinary action.

**MOTION:** Selectman Whiteside moved to authorize the Chairman to send the appropriate letters to the appropriate parties pertaining to the renewal of storage fuel licenses. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

**10. TOWN ADMINISTRATOR'S REPORT**

None.

**11. LIAISON REPORTS/INITIATIVE REPORTS**

Selectman Slavin stated that the Veterans Day proclamation had to be written.

SRPEDD had a meeting and talked about solar sighting and removal of trees.

Selectman Tropeano asked the Chairman of the Sewer Commission to vote on allowing the Board of Selectmen to take over the rate structure change.

FEMA sent notification regarding the maps for June 2021 which needs to be included in the Spring Town Meeting.

The Library is closed, but is open for business on certain days. At present, the circulation numbers are up.

The Wareham Housing Authority has a bulletin board outside their office which has information on affordable units in other towns as well as the contact information.

**12. CONSENT AGENDA**

- a. Approve meeting minutes for September 22, 2020.

**MOTION:** Selectman Whiteside moved to approve the meeting minutes for September 22, 2020. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

- b. Authorize payment to the Law Office of Richard P. Bowen.

SELECTMEN MEETING MINUTES-9/29/2020 (CONT'D)

**MOTION:** Selectman Whiteside moved to authorize payment to the Law Office of Richard P. Bowen. Selectman Tropeano seconded.

**VOTE: 5-0-0 (Unanimous)**

**13. ADJOURNMENT**

**MOTION:** Selectman Slavin moved to adjourn at 8:39 pm. Selectman Munise seconded.

**VOTE: 5-0-0 (Unanimous)**

**14. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

Respectfully submitted

***Cassandra Slaney***

Department Assistant

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

Attest: *Judith Whiteside*  
***Judith Whiteside, Clerk***

Date Signed: 10-6-20

Date sent to the Town Clerk: 10-7-20

Attachment for  
9-28-20  
minutes

AUTHORITY TO FILE

Whereas, Town of Wareham, after thorough investigation,  
(Applicant)

has determined that the work activity consisting of: WPCF Improvements - FY 2021

(describe project)

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth (Chapter 21 and Chapter 29C) are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by Board of Selectmen

(Governing Body)

as follows:

1. That Town Administrator is hereby authorized on behalf  
(Title of Official)

of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;

2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Peter W. Teitelbaum

Peter W. Teitelbaum, Esq.

Judith Whiteside

Judith Whiteside

James M. Munise

James M. Munise

Alan H. Slavin

Patrick G. Tropeano

Patrick G. Tropeano

September 29, 2020

CERTIFYING AUTHORITY TO FILE

*Attachment for 9/28/20 minutes*

I hereby certify that the \_\_\_\_\_ Board of Selectmen \_\_\_\_\_ of \_\_\_\_\_  
(Name of Governing Body)

the \_\_\_\_\_ Town of Wareham \_\_\_\_\_  
(Corporate Name of Local Government Unit)

(hereinafter referred to as the "Applicant"), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize

\_\_\_\_\_  
Town Administrator

\_\_\_\_\_  
(Title of Local Government Unit Official)

to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such loan(s) for construction or planning of Water Pollution Abatement Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

\_\_\_\_\_  
WPCF Improvements - FY 2021

\_\_\_\_\_  
(describe project)

I hereby certify that \_\_\_\_\_ Derek Sullivan \_\_\_\_\_ is the present incumbent of the \_\_\_\_\_  
(Name of Person)

position referenced above, and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and duly recorded in my office:
2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice of such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:
3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this 29<sup>th</sup> day of September, 2020

\_\_\_\_\_  
Peter W. Teitelbaum, Esq.

\_\_\_\_\_  
Judith Whiteside

\_\_\_\_\_  
James M. Munise

\_\_\_\_\_  
Alan H. Slavin

\_\_\_\_\_  
Patrick G. Tropeano

*For Minutes  
as attachment*

### Timeline of Events Leading to 9 Million Dollar Budget for WPCF Upgrades

**March 2018.** Three nor'easters hit Wareham. Existing EQ basins almost overflow, WPCF forced to divert flow. Guy alerts Russ of the situation. Russ advises to pursue CZM funding to determine options to address this, since problem is primarily I/I related.

**May 2018.** WPCF submits and gets awarded CZM grant to determine best solution to this problem. Final report produced as part of this grant identifies additional equalization capacity is needed.

**May 2019.** WPCF submits and gets awarded CZM grant for final design and permitting of new EQ basins.

Over May and June 2019, Russ and Guy discuss pursuing State Revolving Funds (SRF) from Massachusetts Department of Environmental Protection (DEP). The SRF program provides either low (2%) or no (0%) interest funding for large capital improvements projects to municipalities. To get 0% financing, certain criteria are required. Note that if 0% interest can be secured, the savings equate to close to \$1,800,000 for a 20-year 9 million dollar loan.

The 5 criteria to get 0% funding are (in brief):

1. Town needs a "growth-neutral" bylaw
2. Project must remove nutrients
3. Town does not have any consent orders pending
4. Town has a completed Comprehensive Wastewater Management Plan (CWMP)
5. Project is deemed consistent with regional wastewater plans

Russ and Guy discuss three priority projects for the WPCF that are:

1. New EQ Basins 3 & 4
2. Additional Denitrification (Denite) Filter
3. Odor Control

Because GHD had worked on the assessment and design of the new EQ basins 3 and 4 through the two previous CZM grants, we had a very good estimate of construction costs, which was 2.5 million.

GHD was aware the WPCF desired a new denite filter and odor control, but since we had no design background, we could only provide an order-of-magnitude cost, which is less accurate than the cost estimate developed for the new EQ basins 3 and 4.

**June 19, 2019.** GHD was asked to develop and submit the Project Evaluation Form (PEF) to DEP to reserve SRF funds. This is the first step in seeking SRF funds. It is basically a letter of intent asking DEP to hold a certain sum of money for a future loan. In this case, we asked for 9 million dollars for the three projects (10 million total, but 1 million was for engineering design that SRF will not cover). While we had a good cost estimate for EQ basins 3 and 4, we could only provide an order of magnitude for the other two projects.

**October 8, 2019 BOS Meeting.** GHD presented to the BOS the proposed article for Fall 2019 Town Meeting for 10 million (9 million through SRF, 1 million from Town for engineering). After discussion, it was determined to only move forward with a 2.5 million dollar article. Mr. Sullivan asked GHD how much to determine more accurate costs for the denite filter and odor control, asking if 150K would be

enough. GHD said yes, likely less, but 150K would be suitable, so the total amount of the Town meeting article was for 2.65 Million (2.5M for EQ basins, 0.15 million for plant evaluation).

**October 28, 2019 Town Meeting.** Article for wastewater approved, exact language below:

**ARTICLE 23 - WPCF FUNDING REQUEST FOR PROCESS IMPROVEMENTS** •

To see if the Town will vote to appropriate a sum of money to pay costs of constructing three process improvements at the Water Pollution Control Facility (WPCF), including a new raw wastewater lagoon (lined and covered), new denitrification filters, and new wet weather equalization lagoon, as well the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to do or act in any manner relative thereto.

Inserted by the Board of Selectmen at the request of the Board of Sewer Commissioners

**November 2019.** GHD submits a plant evaluation contract for \$128,000 (not \$150,000 as that was just an estimate stated at the BOS meeting when asked by Mr. Sullivan) to determine upgrades and costs for denite filters, odor control, and the rest of the WPCF.

**February 11, 2020 BOS Meeting.** GHD presents an update to BOS. Presentation focuses on flows to the WPCF and prioritizing replacement of the denite filters to bring the WPCF to current codes and also eliminate future surcharging due to under sizing. This will also reduce need for equalization, which in turn will reduce odors. GHD confirms that 2 million will be suitable for new denite filters and recommends that allocation be brought forward to Spring 2020 Town meeting. Odor control was still not addressed specifically as several chemical treatments were being evaluated and the plant evaluation contract was still unauthorized. But, by doing both the new EQ basins and denite filters, that will reduce the dependency of using the raw wastewater basins, therefore reducing odors.

Town agrees to move forward with 2M article for Spring 2020 Town Meeting.

**March 2020** – Pandemic hits, town meetings, funding, state agencies are all impacted. Town meeting delayed, however, DEP held on their deadline of October 16, 2020 for the loan applications. Articles planned for spring town meeting were needed for the SRF application due October 16, but understandably, town meeting put on hold.

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Attachment 9/28/20  
minutes

June 15, 2020 Town Meeting. Town meeting passes article to fund denite filters for 2M. See attached article language below:

**TOWN OF WAREHAM 2020 SPECIAL SPRING TOWN MEETING WARRANT ARTICLE**

**BOARD OF SEWER COMMISSIONERS**

**WARRANT ARTICLE: #10**

**TITLE: WPCF FUNDING REQUEST**

**ARTICLE:**

To see if the Town will vote to appropriate a sum of \$3,060,000 from WPCF Retained Earnings to pay the costs of three projects at the Water Pollution Control Facility (WPCF), including new de-nitrification filters and rehabilitation of manholes and gravity main lines at Mirror Cove (Sea Street) as well the payment of all costs incidental and related thereto; to do or act in any manner related thereto.

**MOTION:**

I move that the Town vote to appropriate a sum of \$3,060,000 from WPCF Retained Earnings to pay the costs of three projects at the Water Pollution Control Facility (WPCF), including new de-nitrification filters (\$2,000,000) and rehabilitation of manholes and gravity main lines at Mirror Cove in Pinehurst (\$1,060,000) as well the payment of all costs incidental and related thereto.

**EXPLANATION:**

WPCF improvement project is the installation of redundant de-nitrifications filters. The WPCF was constructed prior to the regulations requiring a redundant de-nitrification filter and therefor operated with one filter. During times of extreme peak flows, these filters become overloaded forcing partially treated effluent to overtop them and drain into a nearby unlined depression which is a DEP violation. This forms a bottleneck at the treatment plant and repercussions through the whole treatment process.

**Present day (September 10, 2020).** I believe that the Fall 2019 and Spring 2020 town meetings addressed the spending for the EQ basin and denite filter replacement. The Fall 2020 town meeting will need to appropriate funds for the odor control (4.5 million). GHD will be developing an engineering agreement for \$550,000 for the design of the denite and odor control, so that will also have to be approved at Fall 2020 Town Meeting.

Remember in 2019 we had estimated engineering to be 1 million dollars for the three projects. Since the Town received the design grant for the EQ basins (over 200K total), the actual required engineering will be the \$550,000 agreement mentioned above, not \$1,000,000.

**SUMMARY:**

Budgetary estimated were allocated for the engineering and construction required to implement these three priority projects. Over the last 2 years, we have been able to develop better defined costs based on engineering proposals and construction bids. The below table shows budget estimates and actual costs incurred to date for these three projects:

TASK	BUDGET COST	ACTUAL COST	DIFFERENCE
PLANT EVALUATION	\$150,000	\$128,000	-\$22,000
EQ 3&4 CONSTRUCTION (Both construction and engineering)	\$2,500,000	\$1,874,244.77	-\$625,755.23
ENGINEERING FOR DENITE AND ODOR CONTROL	\$1,000,000	\$550,000	-\$450,000
DENITE FILTER	\$2,000,000	-	-
ODOR CONTROL	\$4,500,000	-	-

Minutes  
directly from the applicant

Attachment 9/28/20  
minutes

7. **Local Appropriation - (Checklist Item I-3)** The applicant must demonstrate that sufficient funds are available to cover the total (both eligible and ineligible) project costs. This is accomplished by means of a vote of Town Meeting, City Council, Wastewater District, or other appropriate action. Local bond counsel should be consulted for exact language depending on whether the applicant uses general obligation or revenue obligation borrowing.

Important points to remember include:

- a. Note that the applicant can borrow from the Massachusetts Clean Water Trust in accordance with Chapter 29c, as amended, of the General Laws.
- b. The resolution must be certified
- c. It must denote who can act on behalf of the applicant to file for and accept financing.
- d. It must specifically state what project or type of project is being authorized, such as treatment plant, pumping station, sewers, etc.