

## MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

**Date of Meeting:** May 16, 2006

**Date of Transcription:** May 17, 2006

**Transcribed by:** Kelly Barrasso

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

Chairman Fernandes-Abbott called the meeting to order at 7:05 P.M.

#### **A. Roll Call**

Selectmen Present:     Renee Fernandes-Abbott, Chairman  
                              Brenda Eckstrom, Clerk  
                              Mary Jane Pillsbury  
                              Bruce Sauvageau  
                              James Potter

Present:                 Michael Hartman, Town Administrator

### **II. CITIZENS PARTICIPATION (NONE)**

### **III. CONSENT AGENDA**

#### **A. Authorization to sign bills, documents, etc.**

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80226441/5 from Camp, Dresser & McKee for \$22,276.51 re: resident engineering services during sewer construction in the Rose Point area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80226440/9 from Camp, Dresser & McKee for \$5,378.10 re: engineering general services during sewer construction in the Rose Point area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80226443/8 from Camp, Dresser & McKee for \$8,696.76 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80226442/2 from Camp, Dresser & McKee for \$22,196.29 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Pillsbury seconded.

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

#### **B. Approve meeting minutes: 3/21/06.**

SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

**MOTION:** Selectman Eckstrom moved the Board approve the 3/21/06 Regular Session meeting minutes. Selectman Pillsbury seconded.

**NOTE:** Discussion ensued re: corrections.

Selectmen Eckstrom & Pillsbury withdrew their motions.

Chairman Fernandes-Abbott stated these minutes would be tabled.

C. Proclamation for Papa Gino's Rustic Pizza Day.

Selectman Eckstrom read the Proclamation for Papa Gino's into the record.

**NOTE:** The meeting went back to item A. Authorization to sign bills, documents, etc.

**MOTION:** Selectman Eckstrom moved the Board approve pay estimate #11 – Final for Celco Construction Corporation in the amount of \$38,947.09 re: the Weweantic Shores sewer project. Selectman Pillsbury seconded.

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

**NOTE:** The meeting proceeded w/ item V. Licenses & Permits – A. Hearing – Application for Transfer of an Existing Year Round Retail Package Goods Store All Alcoholic Beverages License from Joseph H. Gresian, II d/b/a Mayflower Liquors to SRI OM, LLC d/b/a Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, East Wareham, MA under the provisions of Chapter 138 of the MA General Laws.

**MOTION:** Selectman Eckstrom moved to open the hearing. Selectman Pillsbury seconded.

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

Present before the Board: Attorney Torino  
Monika Johar

Ms. Johar stated she is planning no changes at this time, but may expand in the future. The Attorney submitted the green return receipts. The Attorney stated Ms. Johar would be taking over the license, as it exists w/ no changes.

Ms. Johar was asked if she has had TIPS training. Ms. Johar stated she has gone through STOP training for liquors. The Attorney submitted this documentation. Chairman Fernandes-Abbott stated that STOP is server training out of Rhode Island. The Attorney stated she was told this training would suffice. Chairman Fernandes-Abbott stated the Board would find out if it were comparable to TIPS training.

No one spoke in favor or against the application.

**MOTION:** Selectman Eckstrom moved to close the hearing. Selectman Potter seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve the application for Transfer of an Existing Year Round Retail Package Goods Store All Alcoholic Beverages License from Joseph H. Gresian, II d/b/a Mayflower Liquors to SRI OM, LLC d/b/a Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, East Wareham, MA under the provisions of Chapter 138 of the MA General Laws. Selectman Pillsbury seconded.

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

SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

- B. Hearing – Application of Steven Beauchemin d/b/a Beauchemin Auto Sales, 19 Depot St., East Wareham, MA for a Class II License, in accordance w/ the provisions of Chapter 140 of the MA General Laws.

**MOTION:** Selectman Eckstrom moved to open the hearing. Selectman Pillsbury seconded.

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

Present before the Board: Steven Beauchemin

Chairman Fernandes-Abbott stated that this application deals w/ Mr. Beauchemin and his business going back to the Depot St. property & a three-car license. Mr. Beauchemin will turn in his current license for the nine cars & receive a new one for three cars.

Chairman Fernandes-Abbott noted the ZBA ruling made in 2001 relative to this license. Selectman Sauvageau asked what the final result/status of the ZBA was re: the property w/ nine cars. Mr. Beauchemin stated this business is at Tyler Ave. & he had applied for a nine car license. In order to gain this, a building had to be demolished & a garage has been added. Selectman Sauvageau asked if Mr. Beauchemin was in compliance w/ the conditions the ZBA established for the Tyler Ave. property. Mr. Beauchemin stated there were no outstanding matters/issues w/ the ZBA. He added that he asked the Chair of the ZBA if he had complied & he was told “yes” per phone conversation. He was in front of the ZBA several times & always complied.

Selectman Pillsbury asked if the original permission of the ZBA for the Depot St. property is still effective. Mr. Beauchemin stated it was never taken out of the Registry of Deeds.

Selectman Sauvageau asked if there are any ZBA conditions or conditions from other bodies that needed to be satisfied for the property to hold the three-car license. Mr. Beauchemin stated there are no changes to the existing license or the property.

No one spoke against the application.

Present before the Board: John Cronin, ZBA member

Mr. Cronin stated Mr. Beauchemin had approached the ZBA Chair, Mr. Ferreira re: the nine-car license. The issue was discussed as well as the property. Mr. Beauchemin has always abided by the conditions of the ZBA, has been compliant, & has communicated effectively.

Selectman Eckstrom stated that upon approval of this license, the nine-car license would be turned in & sunset.

**MOTION:** Selectman Eckstrom moved to close the hearing. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve the application of Steven Beauchemin d/b/a Beauchemin Auto Sales, 19 Depot St., East Wareham, MA for a Class II License, in accordance w/ the provisions of Chapter 140 of the MA General Laws. Selectman Pillsbury seconded.

**NOTE:** Selectman Sauvageau stated it appears that Mr. Beauchemin has conducted himself as a professional & a competent business owner. He should have every opportunity to run his business & he has demonstrated a positive example.

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

- C. Application of the Wareham Village Association, c/o Phyllis Decas, President, 46 Oak St., Wareham for one (1) one day Wines & Malt Beverages License for a Pig Roast to be held on June 17, 2006 from 5:00 P.M. to 11:00 P.M., under the provisions of Chapter 138 of the MA General Laws.

Present before the Board: Chris Makepeace

Mr. Makepeace stated the Pig Roast would be held the same day as the Swan Festival from 5:00 P.M. to 11:00 P.M. at Zecco Marine. There will be live music & he read the menu into the record.

Chairman Fernandes-Abbott stated the application states the request is for an all-alcoholic license. Mr. Makepeace clarified that it is just beer & wine.

**MOTION:** Selectman Eckstrom moved the Board approve the application of the Wareham Village Association, c/o Phyllis Decas, President, 46 Oak St., Wareham for one (1) one day Wines & Malt Beverages License for a Pig Roast to be held on June 17, 2006 from 5:00 P.M. to 11:00 P.M., under the provisions of Chapter 138 of the MA General Laws. Selectman Pillsbury seconded.

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

Mr. Makepeace stated the tickets are available at the downtown Visitor's Center.

**IV. TOWN ADMINISTRATOR'S REPORT**

1. Change Order #1 – Rose Point Sewer Project. The Administrator stated he is pulling this item off his agenda due to the need for further information & billing issues.

Selectman Sauvageau stated this item contained two matters; 1) the underground telephone cable & 2) the removal & replacement of sub-base. He stated someone had asked him what the \$9,630.89 charge was for & it seems it is for the removal & replacement of sub-base on Donald St. The Administrator stated the contractor needed to install new base on this street. It was discovered that the road couldn't be stabilized & they added crushed stone. Selectman Sauvageau asked if the crushed stone was acceptable. The Administrator stated it would be there permanently. He explained that this was a field change & not part of the original scope. Selectman Sauvageau asked if this has anything to do w/ the inferior material utilized previously. The Administrator stated "no" & this just pertains to Donald St. He again explained that it was a necessary field change & unrelated to the previous inferior material used. Selectman Eckstrom asked if the removal of the sub-base is for Donald St. & if this was the street that the inferior material was put on. She also asked who made the decision to put the inferior material down. The Administrator stated that the matter at hand is paying for the sub-base below the inferior material that was put down. The Town is not paying for the inferior material. He again explained that a field call was made for the lower sub-base w/ a new material on top. All the Town is paying for is the new sub-base.

Selectman Sauvageau asked the Administrator why he is pulling this item from his agenda. The Administrator stated the change order is a legal document w/ the amount included. He wants to make sure this amount is correct.

Selectman Sauvageau asked if the figure for the underground phone cable issue is invalid. The Administrator stated there is a need for additional information; for example, was this a Dig Safe issue, did the Town as-built plan show this cable, was this a design flaw on the part of CDM. Selectman Sauvageau stated that previously Dig Safe had delineated this line. He asked if it is a mistake, who then is responsible. The Administrator stated additional information is needed. Currently, he is seeking information to find out if the CDM drawings were wrong, or if the as-built plans may have been inaccurate. He is unclear as to what CDM is stating re: this matter so he is requiring more information. Selectman Sauvageau feels the issue is who should have known. He feels the Board needs to make sure the ratepayers don't pay for this if it is a mistake.

2. Cable Advisory Committee. In order to negotiate a contract w/ Verizon for cable services to the Town, the Board will need to reactivate the Cable Advisory Committee & re-appoint William Solomon as the Attorney working on behalf of the Town for the negotiation process.

Chairman Fernandes-Abbott asked how soon these negotiations would commence. The Administrator stated negotiations have already begun in other communities.

Selectman Sauvageau spoke highly of Attorney Solomon, although he pointed out issues w/ timeliness & promptness. He stated if a contract is made w/ Attorney Solomon, the Board needs to make sure Attorney Solomon understands these matters are time & date sensitive w/ re: to his fee structure clause. The contract negotiated w/ ComCast took one year & he feels the draft documents Attorney Solomon put together for the corporation took too long.

Selectman Sauvageau doesn't feel the Cable Advisory Committee needs to be re-appointed. He feels their purpose was for the PEG Access Corp, not negotiations. Attorney Solomon did the negotiating w/ ComCast. He doesn't feel the Committee needs to be re-activated, but he feels the PEG Access Corp. can handle this matter when ready. He stated the corrections made to the draft contract w/ ComCast were originally made by the Board. He feels this is the Board's responsibility & he recommended the Board & the PEG Access Corp. handle this matter.

Chairman Fernandes-Abbott feels that the Committee had many meetings w/ ComCast. Selectman Sauvageau stated there were discussions held re: fee structure & the PEG Access Corp. He feels the Board is capable of handling this issue. He feels too much energy & expense will be put on others when the Board can handle it. He feels once the PEG Access Corp. gets enough applicants, they can handle these matters. He feels the Board needs to temporarily start the negotiating & then turn things over to the PEG Access Corp. once it is up & running.

The Administrator stated the argument is that Verizon is the cable & it requires a franchise. He believes this matter still requires the involvement of the Committee or a representative of the Committee & a representative of the Board. The Board would be negotiating the franchise. Selectman Eckstrom suggested doing it w/ a sub-committee of the Board.

Discussion ensued.

Selectman Sauvageau stated the issue is efficiency & struggling w/ the formation of the PEG Access Corp. He again stated he feels the Board should temporarily start the process & then turn it over to the PEG Access Corp. when they are ready.

Selectman Pillsbury expressed confusion. She felt the Cable Advisory Committee had more input than being stated. She stated for continuity purposes of this issue this Committee should be re-activated & the Board needs to get out of this business soon. She is unsure she could make a decision on how it would be structured.

Present before the Board: Steve Ruiz, Cable Advisory Committee

Chairman Fernandes-Abbott asked how much input the Committee had in negotiations w/ ComCast. Mr. Ruiz replied "huge." He stated the Committee deciphered the needs of the community brought forward to ComCast, although a smaller sub-committee should have covered some issues. He wouldn't recommend giving this matter over to the PEG Access Corp. because the Corp. is separate from the town & the Board has to sign the license. He stated the Corp. could hold the discussions, but the Board has to sign the license. He stated after the license is signed, it could be assigned to the Access Corp.

Selectman Sauvageau stated the Committee was active & vocal re: the needs of the community w/in the structure. This job is done. He is speaking re: the contract process w/ another vendor & there is not a need for a committee to do this; the Board can do this w/ Attorney Solomon's guidance. The Board made substantive changes w/ ComCast. There is nothing else left of substance that Attorney Solomon can't work on w/ the Board. Discussion ensued.

Again, Selectman Sauvageau expressed his feelings re: no need to re-appoint the committee for this matter, although the technical director should be engaged in the discussions.

Selectman Pillsbury suggested retaining Attorney Solomon to move forward w/ this matter & if he needs something from the Board, personnel, etc. it can be provided. Chairman Fernandes-Abbott agreed.

Selectman Sauvageau stated that there is a need to speak w/ Attorney Solomon re: timeliness matters. Selectman Pillsbury agreed. Chairman Fernandes-Abbott indicated that she would have the Administrator speak to Attorney Solomon & ask Attorney Solomon to meet w/ the Board.

**MOTION:** Selectman Eckstrom moved the Board re-appoint Attorney William Solomon as the Attorney working on behalf of the Town for the negotiation process w/ Verizon. Selectman Pillsbury seconded.

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

3. Status of Liquor Licenses. The Senate hearing on our Bill (S.231) is scheduled for 06/16/06. The House version has not received a number as the language has just been finalized. It will now be a matter of the chairs of the committees for the House & Senate to meet & agree on the language. Once that is done it should be a relatively quick process to get them passed since it is at a committee-to-committee level at this stage. One of the reasons for the delay is that Wareham, like several other towns, is over its quota for licenses & this requires special language. The Administrator will keep the Board updated on the status.
4. Change Order #3, Weweeantic Shores Sewer Project. The Administrator stated this is not being addressed at this time.

Selectman Sauvageau stated he has different correspondence from Celco, Corp. dated 2004. He read the correspondence into the record re: a pipeline due to the excessive amount of groundwater & the bill for \$43,149.00.

The Administrator stated that correspondence must have been inadvertently attached and was approved in 2004. He stated the matter of the Change Order deals w/ the pumping station landowner, Ms. Fickle, discussed previously. He explained that the pumping station was to be elevated to a certain level & when reviewed there were concerns, thus, the depth was reduced & the cost is \$9,892.42.

Selectman Sauvageau stated the correspondence he has states that the Change Order is needed because the pumping station was found to be on Ms. Fickle's property & not due to the depth. Discussion ensued.

Discussion ensued re: the stone wall on Ms. Fickle's property & that the pumping station is entirely on Town property.

Selectman Sauvageau stated that Ms. Fickle told the Board previously that the pumping station was on her property & there was discussion on this matter. He asked why the pumping station was moved. The Administrator stated it was moved before it was built/constructed. The cost of this Change Order is to shore up the stone wall because Ms. Fickle would not allow the Town to tear it down. There is a need to look at the description of the change.

Chairman Fernandes-Abbott stated as she understands, there was one taking re: the stone wall because the Town wanted to remove the stone wall, but Ms. Fickle refused. The Administrator clarified that there was no taking.

Selectman Pillsbury stated that the description is that the pumping station was too high & it was felt it should be lowered. The Administrator explained that due to the location of the pumping station, Ms. Fickle's nephew didn't want any damage to the stonewall so it had to be shored-up. The pumping station

was lowered due to concerns. This matter has been pending since the pumping station was built.

Selectman Sauvageau stated, as he understands now, the pumping station was constructed & it was then lowered. He expressed concern re: litigation & asked if there are any outstanding issues. The Administrator stated the pumping station is located on the Town's 50 ft. right-of-way. He feels Ms. Fickle is confused re: it being on some of her grass, which she feels, is her property.

Selectman Sauvageau feels the Change Order wording needs to be changed. The Administrator stated CDM could make these changes.

**MOTION:** Selectman Eckstrom moved the Board approve Change Order #3, Celco Construction Corp., for the Weweantic Shores sewer project in the amount of \$9,892.42 due to change in location as requested by the Town of Wareham. Selectman Pillsbury seconded.

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

Discussion ensued re: how Change Orders are presented & turned in.

5. Weweantic Sewer Betterment Fee. The Administrator had previously asked the Board re: sewer betterments for the Weweantic project & whether the Board wanted to adopt the statute section. Town Counsel has now recommended against it.

The Administrator stated some residents did come in & pay w/in the 30-day period. These residents felt the betterment was being assessed. He discussed the timeframe of assessment process & dates. He stated that the liens that will be released for those who made full payment are more than two years old.

Chairman Fernandes-Abbott stated the Administrator has prepared a letter to be sent to the 42 homeowners who paid w/in the 30 days. These homeowners will not be getting the special credit. Selectman Pillsbury feels it is important that this letter go out to inform the homeowners of this matter. Chairman Fernandes-Abbott agreed.

V. **LICENSES & PERMITS**  
**(DONE)**

VI. **ANNOUNCEMENTS**

1. All shellfish beds had been closed per order of Marine Fisheries due to the recent extensive rainfall. Maps will be updated upon re-opening of beds.
2. There will be a Crime Watch Committee meeting on 5/17/06 at 7:00 P.M. at the Town Hall.

VII. **TOWN BUSINESS**

- A. Westfield Strategy.



## SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

Chairman Fernandes-Abbott discussed the Westfield site & the project the Recreation Dept. has taken on to create some sports fields on 17 acres of the site. The remaining 39 acres are being considered for affordable housing. The Housing Partnership has contracted w/ a consultant to survey the site.

Chairman Fernandes-Abbott stated there has been a request to set aside some acreage for a future school site. She is looking for input from the Board relative to an agreement for allocation of the property.

Chairman Fernandes-Abbott stated that the consultant is on site presently & if a future school site is considered, the School Dept. should be involved. She understands that the School Dept. will be looking for between five to ten acres. She doesn't know if the Board wants to give the rest of the acreage to affordable housing, or also have some set aside for municipal services. She added that the consultant has said that there should be no less than 75 units relative to affordable housing.

Selectman Pillsbury agrees that the School Dept. should be involved early on in the process & to find out how much acreage they are requesting for their future needs.

Selectman Sauvageau feels the School Dept. should be involved, but he feels it is premature to vote tonight on any allocations. He questioned how much of the property is developable. He discussed contemplating the building out of the largest parcel of land the Town owns which could combat 40B. He expressed concern re: how much would be developable after the Recreation Dept. project is completed. He discussed the issue of a new Police station & the predication that if it is built on the Pulanski property, then the School Dept. could utilize the Westfield site. If the Police station isn't built on the Pulanski property, the School Dept. will utilize it. He doesn't feel any delineation of land should be done tonight. He feels discussions w/ various people should be held first.

Selectman Pillsbury feels things are going to start moving quickly & the Board needs to be aware & consider other needs. She feels the School Dept. may be more interested in the Westfield site due to the potential for development in West Wareham. Selectman Sauvageau stated he understands there are competing interests for the Westfield site, but it is a matter of what resources are left. He supports combating 40B w/ residential development & maximizing the Westfield site for this. Selectman Pillsbury feels there is a need for more information from interested parties.

Chairman Fernandes-Abbott stated she is looking for a consensus of the Board to bring the School Dept. to the table. The School Dept. has indicated that their population studies show their largest growth in West Wareham & they feel this is where there will be a need for a new school. She feels the School Dept. also needs to be at the Housing Partnership table as well to discuss placement of things & to discuss needs.

Chairman Fernandes-Abbott asked the Administrator if a formal presentation is needed by the School Dept. relative to specific acreage at the site. The Administrator indicated that Dr. Collins is still researching how many acres they may need & has also indicated that if a school could be built on the Westfield site, they wouldn't need the Pulanski site.

Selectman Eckstrom stated that Dr. Collins told her that he is concerned that the Police would have the Pulanski property & that the Administrator had said there would be plenty of room for the school at the Westfield site. She added that population in the elementary schools over all is increasing.

Selectman Sauvageau expressed concern that building a school, in relation to a 40B development on this site, would encourage what the Town is trying to discourage. He added that if the residential project is built-out, the Town could not support a new school anyway.

## SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

Selectman Pillsbury stated no one is speaking of a new school now. The Board is the steward of this property & part of this responsibility is to look at future needs & to prepare for the needs, one of which is obviously a school. At this time, there is a need to find out what the needs are & try to take care of these needs.

Chairman Fernandes-Abbott stated part of the problem is there are many things going on at the Westfield site. The Board is going to make the final decision. She does not want it to come back later with these issues.

Selectman Potter asked how many residential units would be needed to reach the Town's 10%. Selectman Sauvageau replied 280. Selectman Potter asked if the intention is to build 280. Selectman Sauvageau stated it depends on what can be designed to fit on the site.

Selectman Eckstrom suggested telling the School Dept. that if there is a need, they need to let the Board & the Housing Partnership know what it is.

Present before the Board: Marilyn Whalley, Housing Partnership

Chairman Fernandes-Abbott stated that the contracted consultant would be deciding issues such as utilities, placements of roads, etc.

Ms. Whalley stated the design would be for a marketable affordable housing program & project that will work. The base will be the need. They are open to many types of housing & the Partnership is hoping the consultant will work through this process. She feels involving the School Dept. is important. She stated the question is considering future needs then figuring out if the needs should be done in phases; for example, housing first. She feels the process needs to be open to start with.

Selectman Sauvageau stated if the School Dept. starts the process w/ the Partnership, they could be stuck there for years. Ms. Whalley stated yes, but she has spoken to Dr. Collins & he appreciates the consideration & agrees to hold open discussions. Discussion ensued.

Ms. Whalley stated the consultants are in Town & have taken pictures of homes they feel would go well in this area.

### B. Liaisons to boards, committees, & commissions & committee review.

Selectman Pillsbury stated that a discussion should be held re: the Tremont Nail Committee. She stated this committee is evolving & the intent was to have two Selectmen on the committee. It is not absolutely necessary to have two now, and once a decision has been made re: the direction for the project, only a liaison would be needed. She stated this committee should expand by adding two more positions for citizens-at-large.

The Board proceeded to discuss liaison positions.

Council on Aging Board of Directors: Mary Jane Pillsbury

Zoning Board of Appeals: Brenda Eckstrom

Buzzards Bay Committee: Delegate: Charles Gricus Alternate: Michael Hartman

Cable Advisory Committee: Sunset

Capital Planning Committee: Renee Fernandes-Abbott

Carver, Marion, and Wareham Regional Refuse Disposal District Committee:

Renee Fernandes-Abbott, Bob Ethier, & Marietta Maraccini

## SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

Cemetery Commissioners:

Mary Jane Pillsbury, James Potter, and  
Renee Fernandes-Abbott

Commission on Disability:

Mary Jane Pillsbury

Community & Economic Development Authority: Mary Jane Pillsbury & Renee Fernandes-Abbott  
(This is not a liaison position. It is an appointment as a voting member.)

Community Preservation Committee:

James Potter

Conservation Commission:

Brenda Eckstrom

Finance Committee:

Bruce Sauvageau

**NOTE:** Selectman Potter asked if there could be two liaisons for this committee. Selectman Sauvageau suggested he speak w/ the FinCom Chair.

Greater Attleboro-Taunton Regional Transit Authority (GATRA) – Representative: Deborah Bell,  
COA Director & Alternate: Michael Hartman

Board of Health:

Brenda Eckstrom

**NOTE:** Selectman Eckstrom stated the BOH meeting schedule has changed. Chairman Fernandes-Abbott stated she would look into the changes.

Housing Partnership Advisory Board: Renee Fernandes-Abbott & Bruce Sauvageau

Marine Resources Commission:

Bruce Sauvageau

Myles Standish State Forest Study Advisory Committee:

Brenda Eckstrom

Open Space Committee:

James Potter

Planning Board:

Renee Fernandes-Abbott

Plymouth County Commissioners Advisory Board: Bruce Sauvageau

Police Feasibility Study Committee:

Renee Fernandes-Abbott

Recycling Committee:

James Potter

School Building Committee:

Bruce Sauvageau

**NOTE:** Chairman Fernandes-Abbott asked if this committee has sunset yet. Chairman Sauvageau stated it would be shortly.

Sewer Betterment Abatement Review Committee: James Makrys, Gardner McWilliams, & Richard W. Post, Jr.

Southeastern MA Commuter Rail Task Force: Bruce Sauvageau

SRPEDD:

Delegate: Michael Hartman & Chuck Gricus

Tobey Will Fund:

All members of the Board

Tremont Nail Master Plan Committee: Mary Jane Pillsbury

**NOTE:** Selectman Pillsbury stated this committee should expand with additional members. There are seven members. She suggested having one Board member & three citizens at large. Brief discussion ensued. Chairman Fernandes-Abbott hopes the majority of these committees grow so that the Board members can pull back. Discussion ensued. The Board members concurred to have Selectman Pillsbury as the liaison.

Zoning By-Law Rewrite Committee: To sunset as of 6/30/06

Wareham Local Housing Partnership Committee: Bruce Sauvageau & Renee Fernandes-Abbott

West Wareham Strategic Planning Committee: To sunset as of 6/30/06

WPCF Design Sub-Committee:

**NOTE:** Chairman Fernandes-Abbott stated that this committee is 99.9% done. She asked the Board to consider having a sub-committee to keep on top of things or another type of sewer sub-committee instead of a design committee.

Municipal Housing Trust Fund Board of Directors:

**NOTE:** Chairman Fernandes-Abbott stated there is a need for members.

**NOTE:** Selectman Potter asked the Board if they would entertain the issue of a community events committee. Chairman Fernandes-Abbott asked re: an idea for composition of this committee. Selectman Potter stated representatives from the Police Dept., Municipal Maintenance, Board of Health, event organizers, & a Board member should be included. Brief discussion ensued.

## SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

The Administrator stated something like this has been proposed in the past & he feels the Town should be more involved w/ funding issues. There already is a committee at the staff level that meets w/ the event organizers/applicants. He explained what Potter is looking for.

Discussion ensued re: legal issues.

Chairman Fernandes-Abbott asked what the charge of this committee would be. Selectman Potter stated it would be to regulate the events in Town, which ones will be funded, & what percentage of available revenue each event will get. There are different areas to explore.

Selectman Sauvageau feels this proposal should be written up & reviewed because he is concerned with mixing in private enterprise w/ Town budgeting & financing. He suggested possibly speaking w/ Town Counsel re: structuring. He is speaking re: public money funding private enterprises and we must be careful not to get involved with day-to-day activities of these events. Selectman Pillsbury stated that she believes that there isn't a problem getting involved in the day-to-day unless the Town Administrator objects. Selectman Potter stated it would be going back into the community. Discussion ensued.

Discussion ensued re: the Visitor Services Committee & how this was operated. Selectman Eckstrom suggested that Selectman Potter research that committee. Selectman Pillsbury stated she believed the Visitor Services Committee was established around 1995 and the information can be found at the library. Selectman Pillsbury concurred with Selectman Eckstrom that researching the structure of that committee could help develop the type of committee that Selectman Potter is proposing.

**MOTION:** Selectman Eckstrom moved the Board increase the number of citizens-at-large to three for the Tremont Nail Committee. Selectman Sauvageau seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sunset the Zoning By-law Rewrite Committee as of 6/30/06. Selectman Sauvageau seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sunset the West Wareham Strategic Planning Committee as of 6/30/06. Selectman Sauvageau seconded.

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

**MOTION:** Selectman Eckstrom moved the Board establish a Municipal Housing Trust Fund Board of Directors as identified in the spring 2006 Town Meeting Warrant. Selectman Sauvageau seconded.

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

C. Any other business.

1. Further Study Warrant Articles.

Chairman Fernandes-Abbott stated there were many articles on the warrant that were voted for "further study". She assumes the Planning Board will further study these articles. She expressed concern re: if the Planning Board will have time to do this. She suggested the Board meet w/ the Planning Board to discuss what is left to be done to make the zoning By-laws whole.

Selectman Sauvageau feels in six months the Planning Board should easily be able to handle things. He expressed concern re: money paid to the attorney to assist the Planning Board. He has not seen copies

of any bills for these services. The Administrator stated the bills are being paid through a Smart Growth Grant. He stated originally the cost was \$30,000 then there was an additional \$30,000 added & now it has exceeded that. Selectman Sauvageau summarized that the Town is \$100,000 into this process & he expressed concern re: going into the legal budget to pay for these services.

Selectman Eckstrom questioned why many of the zoning articles were voted for further study. The Administrator stated that the format done by the consultant was not acceptable to the Planning Board.

## 2. Health Insurance Changes for Employees.

Selectman Eckstrom stated the Board received a copy of health insurance changes for employees. She stated the Town has learned that it has been paying subsidies to those that are not eligible; for example, divorced couples. She noted what is outlined in the document she received. She does not feel this is a good or nice thing to do & that it seems discriminatory. Discussion ensued.

Selectman Pillsbury stated the reason the Town left the Plymouth County health insurance program was because they didn't do due diligence.

The Administrator stated the Town is not requesting any new information. The Town is requiring information that all other towns require. The Town has always collected this information. Certain employees have not supplied this information & this is giving them the opportunity to submit this information.

Selectman Sauvageau stated the document from Town Counsel may be legal, but it may be discriminatory to marital status. He stated Plymouth County didn't do due diligence w/ the status because they can't. Just because the town can doesn't mean it should. He stated this matter only pertains to five or six employees. He expressed concern for employees who are single mothers. He feels this issue leaves a sour taste in the employees' mouth & he doesn't feel this is a mechanism to solve the Town's financial problems. The Administrator stated that this is not a pursuit to fix a financial problem. He stated Plymouth County did obtain this data, but they didn't do due diligence.

Selectman Eckstrom explained that in the State of MA the health insurance plan goes by the age of the older parent if both parents, divorced or not, have insurance.

Selectman Sauvageau stated this document is directed towards the custodial parent. The Administrator stated that this document deals w/ a few instances where an employee's child is covered by the ex-spouse, but the ex-spouse has chosen not to pay the insurance. This document is saying that the ex-spouse needs to be the primary insurance supplier if the court says so. Selectman Sauvageau still feels this sends the wrong message to the employee. The Administrator stated the same information is collected from everyone else. Selectman Sauvageau stated it is how this information is being used. He feels it is being used to go after a Town employee who is divorced & has children.

Selectman Pillsbury feels if a court order states that an ex-spouse has to pay the insurance, then it is the responsibility of the ex-spouse. Selectman Eckstrom stated when health insurance is decided in a divorce in Massachusetts, the Courts state "at reasonable cost." According to state documents, "at reasonable cost" is considered if the parent can obtain it through their employer. She feels that if the parent who is required to carry the insurance can't or won't and our town employee is trying to be responsible to provide for their children, they should not be punished. She believes that if the Town Administrator knows of five or six employees that this was intended to address, then the personnel department should contact them and address them personally rather than send out a blanket notice that comes off as threatening.

## SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

Selectman Eckstrom stated that some employees were concerned re: this document. Chairman Fernandes-Abbott asked Selectman Eckstrom what she wanted the Town Administrator to do. Selectman Eckstrom stated she would like the procedure ended.

### 3. Tobey Will Fund.

Selectman Eckstrom asked if Town Counsel has sent anything back re: the Tobey Will letter to be sent to the Attorney General. Chairman Fernandes-Abbott stated there has been nothing yet. The information was forwarded to the Administrator who sent it to Town Counsel. The Administrator stated, as he understands, everything was sent to the Attorney General. Discussion ensued.

Selectman Eckstrom feels that it was the five Selectmen who were supposed to sign the letter to the Attorney General; now the information has already been forwarded. Chairman Fernandes-Abbott stated that the information was sent to Town Counsel for this purpose & Town Counsel felt that they should contact the Attorney General & ultimately, the Board would sign an appropriate letter. Selectman Pillsbury stated the Board should just tell the Town Attorney that we want a letter for signatures

Selectman Eckstrom stated that she has a draft letter to share w/ the Board if needed. She doesn't understand why Town Counsel was asked to look at the information & asked to provide the letter. The Administrator again stated that Town Counsel is in receipt of the information & they have contacted the Attorney General. Selectman Eckstrom said she is very upset that Town Counsel took it upon themselves to contact the Attorney General; that is not what we asked them to do.

Selectman Sauvageau stated this is the problem he has w/ Town Counsel. They do things on their own. He feels a letter should have already been written for our review and approval.

### 4. Next Board Meeting.

Chairman Fernandes-Abbott stated that the Board would next meet on 5/23/06 at 7:00 P.M. She asked Board members to let her know by Friday if they have any agenda items for this meeting.

### 5. Financial Summit.

Chairman Fernandes-Abbott stated a Financial Summit is scheduled for 5/25/06 at 6:30 P.M. in the High School Auditorium. The Finance Committee has put together a five-year projection for the Town. The School Committee, Finance Committee, or any other board or committee will be in attendance that has a relationship to the finances of the Town.

### 6. Rose Point Sewer Project Informational Meeting.

Chairman Fernandes-Abbott stated that an informational meeting is scheduled re: the Rose Point sewer project on 06/01/06 at 6:30 P.M. in the Town Hall cafeteria.

## **VIII. SEWER BUSINESS**

### A. Discussion of sewer billing options.

Chairman Fernandes-Abbott stated the Administrator & CDM are looking for direction on how to proceed. The Board should determine when to implement changes. The next sewer betterment bill will go out September 2006. She feels decisions should be made shortly to move in a certain direction & a date/time set to have the new sewer fees in place.

## SELECTMEN/SEWER COMMISSIONERS' MEETING MINUTES.05/16/06 (CONT'D)

Selectman Sauvageau stated it is important to have the system needs protected. He feels there is one more piece that needs to be added. He stated there are needs for more analysis on the impact to the majority of the ratepayers & how many ratepayers will benefit from the options presented. He doesn't feel this piece is shown in an analysis. Selectman Potter feels the Water Dept. data information would be required for this. Selectman Sauvageau stated the information could be obtained from the Water Dept. as to who these ratepayers are. He feels the socio-economic impacts should be studied.

Selectman Potter briefly discussed the options presented & feels that the only suitable options are C&D. Discussion ensued.

Selectman Pillsbury does not know how the suggestion made by Selectman Sauvageau can be worked into the analysis or how socio-economic information fits in. Lengthy discussion ensued.

Selectman Pillsbury feels that the Board needs to choose one of the options that stabilizes the system & pays the debt that seems to be either item C or D. Selectman Sauvageau feels that the Board needs to pick an option that will benefit the most people. Chairman Fernandes-Abbott stated that obviously Option B then should be chosen. She stated the only problem w/ this option is that there is little protection for the infrastructure.

The Board members concurred to bring Mr. Gall of CDM back before the Board for further discussion on this issue.

**MOTION:** Selectman Eckstrom moved to go beyond the hour of 10:00 P.M. Selectman Pillsbury seconded.

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

#### B. Preliminary discussion re: sewer capacity/sewer extension.

Chairman Fernandes-Abbott stated that a 40B project has come forward for 815 Main St. The Housing Partnership feels it is a positive project & meets their housing plan. She briefly discussed the project & the fact that the developers are requesting a sewer extension, not a tie-in. She stated there is a need to know what the sewer capacity numbers are now & to have other questions answered.

Selectman Pillsbury questioned if this keeps up, who will relieve the town to complete the existing sewer plan. She feels the issue of sewer capacity has to be addressed, because at this point the town is being made to sewer 40B projects that will exceed our capacity at the plant. The town is being told to sewer our sensitive areas and stick with the plan, but then are told by another state agency to sewer areas not in the plan. She feels something has to give. She stated that this project needs to have on-site waste treatment.

Chairman Fernandes-Abbott stated the developers are not requesting a LIP & their plan is to build w/ Federal tax credits. Selectman Sauvageau felt that this project could be controlled if it was a LIP.

Chairman Fernandes-Abbott again discussed the view of the Housing Partnership toward this project, which is a positive one. There will be 66% of the apartments that are affordable, but the entire development counts as affordable. The biggest impediment is the sewer. Again, Chairman Fernandes-Abbott stated information on sewer figures is needed to move forward. The Administrator added that the conversation has already started w/ CDM.

#### C. Any other sewer matters. (NONE)

**IX. ADJOURNMENT**

**MOTION:** Selectman Pillsbury moved at 10:30 P.M. to enter into Executive Session for discussing the disposition & acquisition of property. Selectman Potter seconded.

**POLLED VOTE:** Selectman Pillsbury – Yes  
Selectman Potter – Yes  
Selectman Eckstrom – Yes  
Selectman Sauvageau – Yes  
Selectman Fernandes-Abbott – Yes

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

Respectfully submitted & transcribed by,

*Kelly Barrasso*

Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: July 18, 2006

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: **July 18, 2006**

Date copy sent to Wareham Free Library: **July 19, 2006**