

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: June 6, 2006

Date of Transcription: June 7, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:10 P.M.

II. ROLL CALL

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

Present: Michael Hartman, Town Administrator

NOTE: Chairman Fernandes-Abbott stated Selectman Eckstrom will be leaving early this evening, thus, a Clerk Pro Tem will be needed.

MOTION: Selectman Eckstrom moved that Selectman Pillsbury be Clerk Pro Tem for this meeting. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

III. CITIZENS PARTICIPATION

Present before the Board: Jim Newman, Veterans Council

Mr. Newman thanked Selectmen Fernandes-Abbott, Pillsbury, & Potter for attending the Memorial Day ceremonies. He thanked Steve Ruiz & his son Jesse for videotaping the events. He also thanked custodians Pat Murphy & Joe Edwards.

IV. REFINANCE BANS

Present before the Board: John Foster, Treasurer/Collector
Mary Ann Silva, Town Clerk

Mr. Foster stated the Town is in the process of refinancing its Middle School & pump station upgrade bond anticipation notes (BANS). We received five bids & we awarded to Sovereign Securities Corporation, LLC the bid for a BAN for \$7,214,000 at 3.515% NIC. This amount is less than the original BAN back in February 2006 referenced in a letter from the MA School Building Authority. The Town received \$15,361,026 in reimbursement for the Middle School project which reduced the outstanding amount due. Mr. Foster stated once the Middle School project is finalized & audit complete, the Town should then receive the remaining reimbursement funds.

Chairman Fernandes-Abbott asked if once the Middle School project is finalized would the BANS turn into long-term debt. Mr. Foster responded, "yes" & explained. He added that short-term interest is part of the debt exclusion & is currently on the tax bills. He explained briefly.

MOTION: Selectman Pillsbury moved the Board approve the sale of a \$7,214,000 4% Bond Anticipation Note of the Town dated June 15, 2006 and payable December 15, 2006 to Sovereign Securities Corporation, LLC at par and accrued interest plus a premium of \$17,493.95 and further, to confirm the consent dated June 6, 2006 to the financial advisor bidding for the note and further, that she, the Clerk of the Board of Selectmen of the Town of Wareham, Massachusetts, certify that at a meeting of the Board held on June 6, 2006, of which meeting all members of the Board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears on the official record of the Board in her custody. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

Selectman Pillsbury read the following certification into the record.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed w/ the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the Town at least 48 hours, including Saturdays, but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection w/ the sale of the note were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public all in accordance w/ G.L. c. 39, s23B as amended.

Mr. Foster stated he will contact Palmer & Dodge & a document for the Board to sign should be available in the Clerk's office by the end of the week.

NOTE: The meeting proceeded w/ item VII. Licenses & Permits – A. Hearing – Application for an Alteration of Premises of an existing Seasonal Common Victualer All Alcoholic Beverages License by MG & GM, Inc. d/b/a Onset Bay Blues Café, Grant MacConnell, Manager, 2 West Central Ave., Onset, MA.

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

VOTE: Unanimous (5-0-0)

Present before the Board: Grant MacConnell

Chairman Fernandes-Abbott indicated that Mr. MacConnell has already submitted the abutters' green return receipts to the Selectmen's office.

Mr. MacConnell stated that he would be expanding the café. He is asking for a total of 90 seats (which includes the extra seating capacity). Chairman Fernandes-Abbott questioned the sprinkler system law. Mr. MacConnell stated that the law requires a sprinkler system if there are 100 seats or more. He doesn't anticipate this much seating. He explained how the expansion would be utilizing other space that had previously been occupied by another business.

No one spoke for or against the application.

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

VOTE: Unanimous (5-0-0)

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

MOTION: Selectman Pillsbury moved the Board approve the application for an Alteration of Premises of an existing Seasonal Common Victualer All Alcoholic Beverages License by MG & GM, Inc. d/b/a Onset Bay Blues Café, Grant MacConnell, Manager, 2 West Central Ave., Onset, MA. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item VI. Consent Agenda.

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Pillsbury moved the Board approve invoice #80228677/3 from Camp, Dresser & McKee in the amount of \$31,957.25 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Pillsbury moved the Board approve invoice #80228679/10 from Camp, Dresser & McKee in the amount of \$10,602.28 re: engineering general services during sewer construction in the Rose Point area. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Pillsbury moved the Board approve invoice 80228678/6 from Camp, Dresser & McKee in the amount of \$13,454.60 re: resident engineering services during sewer construction in the Rose Point area. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Pillsbury moved the Board approve invoice #80228676/9 from Camp, Dresser & McKee in the amount of \$7,449.73 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

B. Approval of meeting minutes: 4/11/06.

MOTION: Selectman Pillsbury moved the Board approve the Regular Session meeting minutes of 4/11/06. Selectman Eckstrom seconded for discussion.

NOTE: Selectman Eckstrom asked that a sentence be added to the minutes.
Selectman Pillsbury & Selectman Eckstrom w/drew their motions

MOTION: Selectman Pillsbury moved the Board approve the Regular Session meeting minutes of 4/11/06 as amended. Selectman Eckstrom seconded.

VOTE: Unanimous (5-0-0)

NOTE: The Board continued to approve another bill.

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MOTION: Selectman Pillsbury moved the Board approve partial payment #5 from Albanese Brothers, Inc. in the amount of \$187,974.60 re: the Rose Point sewer project. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

The Administrator indicated that this bill does not include the Change Order.

C. Proclamation – 6/16/06 Relay For Life Day.

Committee members present before the Board:

- Marcine Fernandes
- Sharon Fennin
- Libby Sylvester
- Shelley King

Selectman Pillsbury read the Proclamation into the record.

Ms. Fernandes displayed a poster for the Relay For Life Day that will be placed throughout Town. She stated that this is the fourth annual relay & the first year of the relay, Wareham came in tenth in the State. She stated the goal is to raise more money each year. She is hoping people will come to the relay to offer their support & there will be entertainment. The relay will commence on 6/16/06 at 3:00 P.M. to 1:00 P.M. on 6/17/06.

Ms. Fernandes stated there will be a cancer survivorship reception to be held at 5:00 P.M. & opening ceremonies at 5:30 P.M. She briefly discussed the illumination bags that will be dedicated to shoe who have passed away from cancer.

Ms. Fennin said the theme for this year's relay is "Paint the Town Purple" which represents hope. She is asking people to make a ribbon of purple & on Sunday, 6/17/06 to put these ribbons up until the end of June. She briefly discussed where the committee would be placing ribbons in Town.

Ms. Fernandes discussed the entertainment & various fundraisers that will be held during the event.

NOTE: The meeting proceeded w/ VII. Licenses & Permits – Hearing – Reconvened from 5/2/06 on an application for an Earth Removal Permit for property on Assessors Map 128, Lot F (off Glen Charlie Rd.) in accordance w/ Division IV, Article II Earth Removal Regulations for the Town of Wareham.

MOTION: Selectman Sauvageau moved to re-open the hearing. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

Present before the Board:

- Leonard Bello, Attorney
- John Churchill, JC Engineering
- Mr. Graziano

Chairman Fernandes-Abbott recapped events leading up to this meeting. She explained that in 2004 the hearing was opened re: an application for a permit. At that time, the hearing was continued so the Town could have their engineers review the property. The hearing was then re-convened in 5/06 & Mr. Churchill was present to represent the application. The meeting did not go very far, so since then, the two engineers involved have reviewed the site & provided notes to the Board.

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Chairman Fernandes-Abbott proceeded to site similar notes of both engineering firms.

A. Possible need for special permit from ZBA due to location & groundwater discretion area.

Chairman Fernandes-Abbott stated that this operation might be grandfathered because it has been going on for 40 years, but the process cannot be grandfathered.

Attorney Bello submitted a document to the Board relative to various points. (Attached as referenced)

After the second point referenced by Attorney Bello, Selectman Sauvageau stated as he understands, the case law states it doesn't have to go before the ZBA. Attorney Bello stated it is stating it does not need to. Selectman Sauvageau stated the property has had substantial use over time & volume & use is relevant as well as changes in use. Discussion ensued. Attorney Bello stated this issue could be considered for the ZBA if changes increase the character & use of the property. He explained.

Attorney Bello proceeded to discuss the final points. Selectman Sauvageau questioned the point re: the issue going to the ZBA. Discussion ensued.

Discussion ensued re: each point being satisfied. Lengthy discussion ensued re: this matter.

Selectman Sauvageau stated he is asking to apply the facts to standards re: evaluation. Attorney Bello stated that Highland, Inc. is asking to utilize another nine acres of the property for the next three years & explained.

NOTE: Selectman Eckstrom departed at this time.

Attorney Bello stated the Board has the ability to act on this permit & they do not have to or they can go to the ZBA. Selectman Sauvageau agrees that a permit is needed & he wants to make sure whether it needs to go to the ZBA or not. He is trying to get Highland, Inc. into compliance because the operation is not operating legally.

Attorney Bello stated Highland, Inc. has a history in Town for many years. In the past, these types of operations were told they did not need a permit. This issue at hand is a new revelation. Selectman Sauvageau stated that the town is now seriously concerned re: these types of permits & that all the parts be in compliance. He noted by saying illegal operation, he means not in compliance.

Chairman Fernandes-Abbott noted another similar item from both engineers.

B. Need for information from the Wareham Historical Commission & information re: critical environmental concerns.

Mr. Churchill stated this property is not on the historic database for critical environmental concerns & there are no structures on the site.

Mr. Churchill stated he has revised plans to address the concerns of the engineers & explained briefly. Chairman Fernandes-Abbott asked Mr. Churchill if he has responded to the engineer's letter of 5/1/06. Mr. Churchill replied "yes". He briefly explained some of his responses to the

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

comments in the engineer's letter & how the plans address them. Chairman Fernandes-Abbott asked if the engineer has reviewed Mr. Churchill's comments. Mr. Churchill stated he has addressed the Board w/ these comments. Chairman Fernandes-Abbott stated this is the first time (this evening) that the Board is seeing these comments. Selectman Sauvageau feels the Board should have the recommendations of the engineer so that conditions can be made. He feels this hearing may need to be continued again. Chairman Fernandes-Abbott stated she does not want this hearing to go on any longer so the Board could grant the permit contingent upon a review of compliances w/ the engineer.

Selectman Pillsbury stated she has questions re: restoration. She expressed concern re: if restoration of the property will not take place until the excavation stops & restoration may not be done in stages that will allow the excavation area to grow larger & larger. Mr. Churchill stated there is a requirement re: restoration & it will be done. He stated this could be added as a condition.

Selectman Sauvageau again stated he feels the Town engineer should review this matter one more time & make recommendations for conditions. He feels that permitting for the sake of permitting doesn't make sense. Selectman Pillsbury agreed.

Chairman Fernandes-Abbott clarified that the hours of operation are 7:00 A.M. to 5:00 P.M. & the maximum trips per day is 15.

Brief discussion ensued re: if Mr. Churchill is aware of the amended Town By-law not yet approved by the Attorney General yet.

Brief discussion ensued re: the access road & future use.

No one spoke for or against the application.

Attorney Bello asked the Board if they would like to apply the conditions placed on this permit the same as other earth removal permits have had in the past. The Board members concurred that Attorney Bello could do this, but they still want the Town engineer to review again.

MOTION: Selectman Pillsbury moved to continue the hearing until 6/20/06. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

C. Request for sign placement (revised) for the Cape Cod Canal Region Chamber of Commerce/WVA.

Present before the Board: Phyllis Decas, Wareham Village Association
 Mary Crowley, Chamber of Commerce
 John White, Chamber of Commerce

Chairman Fernandes-Abbott recapped the issue that arose re: signage for the Visitor Center to be placed in Pezzoli Square. She stated Selectman Potter met w/ representatives of the Chamber of Commerce & a viable alternative has been found.

Selectman Potter submitted a sketch to the Board members depicting the three islands in Pezzoli Square. He stated the island closest to the Cingular building seems to be an acceptable place for the signage. He discussed what the confusion might have been re: boundaries of the square. He stated

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the sign that was to be used would have required removal of shrubbery if placed anywhere else. He stated the only issue w/ this acceptable location is that there is a trash receptacle that could be removed & a pay phone that may block some of the sign's view. He stated there is a possibility that Verizon will move the phone. He feels this revised location should provide enough visibility to serve its purpose.

Chairman Fernandes-Abbott stated she received a letter from Elizabeth Pezzoli stating that she has no problem w/ the plan to place the sign on the island next to the Cingular building.

MOTION: Selectman Pillsbury moved the Board grant permission to the Wareham Village Association & the Cape Cod Canal Region Chamber of Commerce, 70 Main St., Buzzards Bay, MA, c/o Marie Oliva, to place a freestanding sign alongside the walkway near the Cingular building on Main St. per sketch presented by Selectman Potter. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

- D. Application for permit for use of Town roads for the third annual for charity Great Mass Getaway/National Multiple Sclerosis Society 150 Bike Tour on 6/24/06, riding through Wareham on Rte. 6, stopping to rest at the Decas School, continuing through Onset & into Bourne.

Present before the Board: Liz Strawn

Ms. Strawn discussed the bike tour plans, route, & safety precautions.

MOTION: Selectman Pillsbury moved the Board approve the application for permit for use of Town roads for the third annual for charity Great Mass Getaway/National Multiple Sclerosis Society 150 Bike Tour on 6/24/06, riding through Wareham on Rte. 6, stopping to rest at the Decas School, continuing through Onset & into Bourne. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

- E. Application for a permit for use of Town roads for the annual Onset Cape Verdean Festival, closing off a portion of Union Ave. on Saturday, 8/12/06 from 10:00 A.M. to 6:00 P.M. Rain date 8/13/06.

No one was present to represent the application.

Brief discussion ensued re: the area of Union Ave. to be closed off.

MOTION: Selectman Pillsbury moved the Board approve the application for a permit for use of Town roads for the annual Onset Cape Verdean Festival, closing off a portion of Union Ave. on Saturday, 8/12/06 from 10:00 A.M. to 6:00 P.M. Rain date 8/13/06 Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

- F. Application for a long-term change of hours of an Annual Common Victualer All Alcoholic Beverages License held by Concol, Inc. d/b/a Narrows Crossing Restaurant, One Narrows Rd., Wareham, MA, Robert Nawoichik Manager.

No one was present to represent the application.

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MOTION: Selectman Pillsbury moved the Board approve the application for a long term change of hours of an Annual Common Victualer All Alcoholic Beverages License held by Concol, Inc. d/b/a Narrows Crossing Restaurant, One Narrows Rd., Wareham, MA, Robert Nawoichik, Manager. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting proceeded w/ item X. Sewer Business

A. CDM

Present before the Board: Mr. Brodeur, CDM
Mark Gifford, Municipal Maintenance Director

1. Update.

Mr. Brodeur updated the Board re: the Rose Point & Briarwood Beach sewer projects. He stated that the Rose Point pipes are 70% in the ground & the Briarwood Beach project is moving along slowly.

2. Change Orders: Weweantic & Rose Point Sewer Projects.

a. Change Order #1 – Rose Point

Mr. Brodeur stated there are two parts to this Change Order. Part I deals w/ the underground telephone cable in Canedy St., French St., & Woodbridge Ave.

Mr. Brodeur discussed the reason for the Change Order. He stated although the existing telephone pedestals were shown on the contract drawings, the existing buried telephone cable between the pedestals was not. The cable was encountered during excavation for construction of the new 8" PVC sewer in the Canedy St. neighborhood requiring the contractor to provide temporary support, protection & reinstallation after completion of the sewer construction. This change is required to compensate the contractor for furnishing labor & equipment needed to uncover the cable, provide temporary support & protection & to bury the cable w/ care upon completion of construction of the new 8" PVC sewer.

Mr. Brodeur stated the contractor provided labor & equipment needed to handle & protect an existing buried telephone cable during excavation for construction of the new 8" PVC sewer in Canedy St, Woodbridge Ave., & French St. The cost of this change was negotiated to an agreed upon cost of \$500 p/length of fourteen-foot pipe installed, but only when it was in longitudinal interference w/in the confines of the excavated trench. The final cost of the change is \$55,580.00. A seven working day time extension is allowed for this additional work.

Discussion ensued re: the Change Order cost & its make-up (hours vs. rate).

Selectman Sauvageau expressed confusion w/ the contractor stating that DigSafe delineated the underground phone line. Mr. Brodeur stated the only way to determine where the line was to utilize a detection unit. Selectman Sauvageau asked if DigSafe delineated the line before the bidding process. Mr. Brodeur replied "no" & stated DigSafe will not come out before a bid. Selectman Potter stated that the bidders knew that there would be phone lines somewhere. Mr. Brodeur stated

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the contractor would argue that they did not know where these lines were. Selectman Sauvageau asked if there should be something in contracts re: how this is mitigated. Mr. Brodeur explained DEP's stand if a contractor encounters these lines & the plans showed them in the middle of the road. He feels bids would be higher if the plans showed this because the contractors know they would hit them. Selectman Sauvageau feels it is disingenuous to not being able to factor in these costs in the contract if the lines are shown in the middle of the road. He feels this Change Order will cost the taxpayers money. Selectman Potter stated the bidders knew lines would be there somewhere, but it was not included in their bids, thus they were gambling w/ what they could not see.

Selectman Pillsbury stated as she understands, this Change Order will have to be paid for anyway whether it was in the contract or a Change Order. Mr. Brodeur stated this is correct.

Selectman Pillsbury asked if there were issues w/ the straightness of the pedestals. Mr. Brodeur stated in this case there was not an issue & discussed.

Selectman Sauvageau asked Mr. Brodeur if he anticipates any more issues. Mr. Brodeur replied "no" because the contractor is now out of this area.

Mr. Brodeur discussed the second part of the Change Order that deals w/ the removal & replacement of sub-base on Donald St.

Mr. Brodeur explained the reason for this change. He stated the existing roadway elevation of this portion of Donald St. is the lowest surface in the neighborhood & is only slightly above the entire surrounding wetland areas. The installation of the new sewer seven feet below the existing surface elevation, w/ clean crushed stone bedding following up the sewer services at this dead end section, allowed the groundwater table to relieve itself through the stone to an elevation just under the road surface. During cold weather the sub-grade of the street became frozen, preventing groundwater from escaping from under the roadway & rending the newly installed gravel sub-base into an unworkable 12-inch deep semi-liquid driving surface. As requested by the Town of Wareham, CDM directed the remedy to the situation detailed below in order too make this road accessible to residents & emergency vehicles.

Mr. Brodeur stated the contractor provided labor, equipment & material needed to remove the existing top 1 ½ ft. to 3 ft. of gravel & sub-base material on the easterly most end of Donald St. & furnished & installed a 6" minus rock layer drained off to the adjacent marsh & new gravel & recycled concrete over filter fabric for a new driving surface. The cost of this change is \$9,630.89. A time extension is allowable for one working day for the change.

b. Change Order #2 – Rose Point Sewer Project.

Mr. Brodeur stated the reason for the change is the existing fire hydrant at 35 Canedy St. was in conflict w/ the proposed sewer pumping station to be constructed at this location. The existing hydrant had to be removed & reinstalled at a location outside of the new pumping station site.

Mr. Brodeur stated the contractor provided labor, equipment & materials needed to relocate an existing hydrant in front of 35 Canedy St. to a location near 42 Canedy St. The work of this change was performed on a time & materials basis for an additional cost of \$4,188.93.

Chairman Fernandes-Abbott asked if this cost would be passed on to the Water/Fire District. She stated they saw the plans & knew where the pumping station was going to go. Mr. Brodeur stated

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he did not know if the cost would be passed on. Mr. Gifford stated he has a meeting w/ the District this week & he will check on this issue. Brief discussion ensued.

Discussion ensued re: betterments for Rose Point & the 10% contingency.

c. Change Order #3 – Weweantic Shores Sewer Project.

Mr. Brodeur stated the reason for this change is because it is required to compensate Celco Construction Corp. for additional expense incurred due to the change in location of the Thirteenth Ave. pump station. The change in location was requested by the Town of Wareham because of unresolved issues related to the taking of property at the pump station location.

Mr. Brodeur explained that the pumping station was relocated off the property & in front of the stone wall at the property line. The owner would not allow the removal of the stone wall in order to complete the excavation for the pumping station. Therefore, the contractor was required to take additional measures including furnishing & installing additional support of excavation & dewatering in order to complete the excavation for the pumping station.

Chairman Fernandes-Abbott stated the Board already approved this Change Order.

Mr. Brodeur discussed the original design, placement of the pumping station, & why it was changed.

MOTION: Selectman Pillsbury moved the Board approve Change Order #1 which includes Part I in the amount of \$55,580.00 & Part II in the amount of \$9,630.89 re: the Rose Point sewer project. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

B. Any other sewer business.

1. There will be a workshop meeting to be held on 6/13/06 at 6:00 P.M. w/ CDM & consultants to discuss the sewer rate options.

NOTE: The meeting proceeded w/ item IX. Town Business

A. Appointments to committees, commissions, & boards.

Chairman Fernandes-Abbott announced that the Town would be sponsoring ethics training for boards, committees, etc. on 7/27/06 at 6:00 P.M. in the Town Hall cafeteria.

1. Community & Economic Development Authority – Earl Dalrymple.

Present before the Board: Earl Dalrymple

Various questions were posed to Mr. Dalrymple by the Board. Chairman Fernandes-Abbott added that Mr. Dalrymple was interviewed by CEDA & they have recommended his appointment.

Mr. Dalrymple gave a brief history of his past work experience.

Mr. Dalrymple stated CEDA is an exciting area due to the growth of the Town. He is interested in assisting other committee members & feels he has things to offer. He stated he has been on the

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Council on Aging Board & participated in the SHINE program. He feels from participating in the aforementioned programs he has things to offer.

Mr. Dalrymple briefly discussed his business background, his experience working w/ senior programs, & his public assistance experience. He feels he can bring knowledge of public assistance re: seniors to the table.

Mr. Dalrymple was asked what he feels would be the ideal relationship between CEDA & the Board would be & how he would improve this relationship. Mr. Dalrymple stated he is not on CEDA yet, but he feels he can help seniors, but he first needs to get involved.

Mr. Dalrymple was asked about the Board's mission statement. Mr. Dalrymple stated he has not had access to this mission statement. Chairman Fernandes-Abbott stated it is on the Town's website & she feels all applicants need to read & obtain a copy of the Board's policies.

2. Conservation Commission – Paul Florindo.

Mr. Florindo was not present.

3. Zoning Board of Appeals – Richard Secher.

Present before the Board: Richard Secher

Mr. Secher stated he is seeking re-appointment to the ZBA. The Board asked him various questions.

Mr. Secher briefly discussed his experience w/ the ZBA as a two-year Associate member.

Mr. Secher briefly noted 40B issues & marina issues the ZBA has dealt with. Brief discussion ensued re: 40B & the Town's index rating. Mr. Secher stated he contributed to discussions on issues, but he did not have the opportunity to vote very often. He feels most issues were discussed fairly.

Discussion ensued re: issues the ZBA has undertaken.

4. Economic Development Advisory Committee – Stephen McCarthy.

Present before the Board: Stephen McCarthy.

The Board asked Mr. McCarthy various questions.

Chairman Fernandes-Abbott stated Mr. McCarthy's role on this committee would be to study & promote economic development in Town. Mr. McCarthy discussed his education & work experience.

Mr. McCarthy feels industry/industrial should be a focus of the Town. He feels industrial business needs to be expanded in Town & explained why. He feels the Town needs to be marketed & that would be his mission. Selectman Sauvageau agreed w/ Mr. McCarthy's comments & expounded on them.

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Mr. McCarthy feels another avenue the Town should consider is looking into over 55 communities/housing. He discussed the positive role these types of communities can bring. Selectman Sauvageau agreed w/ Mr. McCarthy's comments & expounded on them. Mr. McCarthy also feels the Town should consider looking into getting a Junior/Community College or an assisted care facility in Town. Selectman Sauvageau agreed.

Mr. McCarthy stated in order to attract the industrial market, there is a need to eliminate loopholes, for example, tax credit limitations & flipping properties.

Selectman Potter feels there is a need to market the Town as a destination & offer reasons for people to come to the community. Mr. McCarthy agreed & expressed the importance of the Town's proximity to the highway system & other markets.

Chairman Fernandes-Abbott stated that CEDA has already interviewed Mr. McCarthy.

5. Wareham Historical Commission – Barbara Bailey.

Present before the Board: Barbara Bailey

The Board asked Ms. Bailey various questions.

Ms. Bailey stated she is seeking re-appointment to the commission, has been a member for five years, & is currently serving as Chair of this commission.

Ms. Bailey stated she had thought about leaving the commission because she was burnt out, but she feels the new Chair would need assistance & knowledge. She also stated she wants to finish some projects that are in progress. She stated she would like to develop a preservation plan, which would allow the Town to be eligible for grant funding. She would like to see the Onset Wigwam placed on the most endangered buildings list. She expressed the importance of being more proactive in finding funding for preservation.

Selectman Pillsbury asked who would apply for funding to fix the Onset Wigwam. Ms. Bailey stated they are working w/ the Association of Churches who would file the grant, but the commission could help write it. She expressed the difficulty w/ this matter due to the entities involved.

She believes the Commission's greatest accomplishment is having a Town archeologist. She briefly discussed the archeological discoveries found in Town.

Brief discussion ensued re: the preservation plan & difficulties in preserving historic buildings.

Ms. Bailey discussed the issue w/ the day-to-day funding of the Commission.

6. Wareham Historical Commission – Angela M. Dunham.

Present before the Board: Angela M. Dunham

The Board asked Ms. Dunham various questions.

Ms. Dunham stated she is seeking re-appointment to the commission. She discussed her upbringing in Town & how she came back to live in the Town. She expressed how history has always been a passion of hers.

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Ms. Dunham discussed her experiences on other boards, commissions, etc. & stated she would like to preserve the village character of the Town. She commended her fellow commission members for the work they do.

Ms. Dunham expressed the importance of finding space for the Town's historic records & possibly the use of the old Town Library for this purpose as well as for a museum.

Ms. Dunham explained the difference between the Historical Commission & the Historical Society.

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

VOTE: Unanimous (4-0-0)

V. VERIZON CABLE NEGOTIATIONS

Present before the Board: Attorney Solomon

Chairman Fernandes-Abbott stated the Board voted to obtain Attorney Solomon's services in negotiating an agreement w/ Verizon.

Attorney Solomon briefly discussed his experience in negotiating agreements w/ other towns relative to Verizon.

Attorney Solomon discussed the attempts of Verizon & AT & T to delete negotiations of these types w/ towns. Chairman Fernandes-Abbott stated the MA Municipal Association sent a letter to the Town asking for the Town's support in opposing the two initiatives Verizon is pursuing. Attorney Solomon discussed the issue. He feels letters supporting the opposition should be sent by the Board. He offered some suggestions to be placed in the letters.

Attorney Solomon stated at this time, there is a narrow timeframe limit re: negotiations w/ Verizon due to the proposed law changes. He discussed the negotiation process the Town should follow at length.

Selectman Sauvageau expressed concern re: a Federal government agency can go back & change legislation, which was a binding contract before any change in legislation. Discussion ensued.

Attorney Solomon feels that the first negotiating steps for the Town can commence in 30 days. Selectman Sauvageau feels there is a need to move quickly relative to the negotiation process & there is a good chance at getting this process done before any changes are made.

Selectman Pillsbury stated she is unsure if the Board voted as to what the negotiating team structure would be. Brief discussion ensued re: what the Board voted previously. Selectman Pillsbury feels a few Board members should deal w/ this issue. Chairman Fernandes-Abbott stated that she is sure Selectman Sauvageau would want to be involved & one more member of the Board would be needed & Mr. Underhill would be involved as well.

Brief discussion ensued re: the first steps to be taken.

Selectman Sauvageau asked where the Town is at re: the applications for the PEG Access Corp. because they will ultimately be dealing w/ Verizon as well. He feels that the matter of Verizon

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

should be included in the duties of the Access Corp. as well. Chairman Fernandes-Abbott stated there have been eight applications submitted. Brief discussion ensued. Chairman Fernandes-Abbott stated that the vacancies could be advertised on cable.

**VI. CONSENT AGENDA
(DONE)**

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

VIII. TOWN ADMINISTRATOR'S REPORT

1. Sewer Abatement Request – Acct. #737122 Asking the Board to approve abatement on this account for second half sewer usage billing for FY06 for \$3,152.88. The establishment has reduced its seating capacity; EDU's have been adjusted

Selectman Sauvageau stated the Board gave this establishment a year-round liquor license previously & he has an issue w/ them honoring their agreement re: serving food & not becoming a sports bar. He stated now the EDU's are now being adjusted because seating is reduced because as he sees it food is going wayward & moving towards a bar. He feels the establishment's commitment is not being met.

Discussion ensued re: EDU's & cost p/EDU. Discussion ensued re: how many seats have been taken out. Chairman Fernandes-Abbott stated that the establishment is still serving food. Selectman Sauvageau feels they will be serving less food.

Selectman Sauvageau feels a discussion should be held re: what is going on at this establishment before abatement is given. He feels this licensee should be held accountable for what they say. Chairman Fernandes-Abbott feels there are two issues: one is the abatement & two is what is going on there. She feels the licensee should come before the Board to discuss what is going on.

Chairman Fernandes-Abbott asked if this abatement has to be done by the end of June. The Administrator stated it should be. Selectman Sauvageau asked the Board to consider having the licensee come before the Board on the basis of Chapter 138. The Board members concurred.

MOTION: Selectman Pillsbury moved the Board approve abatement for Acct. #737122 for second half FY06 sewer usage for \$3,152.88. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

2. Sewer Abatement Request – Acct. #791773. Asked the Board to approve abatement on this account for second half sewer usage omitted billing for FY06 for \$174.00. Due to an error, two accounts were set up resulting in duplicate billing.

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

MOTION: Selectman Pillsbury moved the Board approve an abatement for Acct. #791773 for second half FY06 omitted sewer usage for \$174.00. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

3. Work at Mary Wing Park. Last year the A.D. Makepeace Co. contacted the Town re: the possibility of them adopting Mary Wing Park which is located at the corner of Tihonet Rd. & Cranberry Highway. Permission was granted at that time for them to assume maintenance of the park. ADM has recently applied to the Conservation Commission to complete some work at the park on behalf of & at not cost to the Town that includes the following:

- Pruning trees w/in the maintained lawn area
- Creating “islands” of native plantings w/in the maintained lawn area, especially in areas that are currently difficult to mow
- Establishing a “no cut” line adjacent to the wetland associated w/ Rose Brook in order to facilitate re-establishment of wetland species in the currently maintained lawn area
- Installing a fence along the edge of the park
- Repair of existing bridge crossings over Rose Brook & removing debris from Rose Brook

IX. TOWN BUSINESS

- A. (Done)
B. Any other Town business.

1. Briarwood Beach.

Chairman Fernandes-Abbott stated that Mr. Menego contacted the Board re: issues w/ Briarwood's beach. She would like to contact him w/ other options & to contact the Briarwood Beach Association. She stated according to the Conservation Commission, they can go in w/ a management plan for approval (such as the one presented by the Hamilton Beach Association. The Board concurred to send a letter to the Briarwood Beach Association offering them options.

2. Westfield Property.

Chairman Fernandes-Abbott stated the School Committee has submitted a letter to the Board re: the Westfield property. She stated this would be discussed later.

X. SEWER BUSINESS (DONE)

XI. SELECTMEN'S REPORTS (NONE)

XII. ANNOUNCEMENTS

- A. Town Hall summer hours are now in effect.

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

- B. On 6/7/06, the YMCA will be holding its Make It Happen Triathlon from 8:00 A.M. to 10:00 A.M.
- C. On 6/16/06 the first canoe kayak launch will be held at Tremont Nail at 12:30 P.M.
- D. On 6/16/06, the Relay for Life will be held.
- E. On 6/17/06, the Swan Festival will be held from 10:00 A.M. to 5:00 P.M.
- F. On 6/17/06, the WVA Pig Roast will be held from 5:00 P.M. to 11:00 P.M.
- G. At this time, there are 1,372 names to be placed on the Honor Roll. Names are still being gathered.

XIII. ADJOURNMENT

MOTION: Selectman Pillsbury moved to adjourn the meeting at 10:45 P.M. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

Respectfully submitted & transcribed by,

Kelly Barrasso

Kelly Barrasso

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

Attest: *Mary Jane Pillsbury*

Mary Jane Pillsbury, Clerk Pro Tem

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: **July 18, 2006**

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