

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: June 20, 2006

Date of Transcription: June 21, 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.

II. ROLL CALL

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

Present: Michael Hartman, Town Administrator

III. FIREWORKS UPDATE

Present before the Board: Sam Corbitt

Mr. Corbitt stated the fireworks are scheduled for Saturday, July 1. He expressed concern re: the lack of funds this far for the fireworks. He stated presently, there is only \$2,430.26 in the fund. He added that last year's balance had to be paid off first. He stated that the fund is severely under funded, although five or six of the major contributors will likely contribute, however, he anticipates w/ these donations, the fund would still be approx. \$6,000.00 short.

Mr. Corbitt does not know if a cancellation is possible at this time. He stated a large amount of money still must be raised and in the next week and a half. The cost of the fireworks is \$17,000.00, which is the same as the past two years, thus, \$14,000.00 is needed w/in the next week and a half. He discussed where to send donations.

Selectman Potter thanked Mr. Corbitt for taking this task on every year & expressed dismay that this issue seems to be a pattern every year.

Selectman Sauvageau asked what will happen if the money isn't raised, if the fireworks can be cancelled, & how to notify the public. Mr. Corbitt stated he does not know the answers because he has never had to cancel the fireworks. Brief discussion ensued.

Selectman Sauvageau feels a decision needs to be made to a date certain re: the fireworks so those involved can be informed ASAP, not at the last minute.

Chairman Fernandes-Abbott asked Mr. Corbitt to come to the Board's meeting next week to update on the fireworks status. Mr. Corbitt stated he will inform the safety departments of the issue.

IV. CITIZENS PARTICIPATION (NONE)

V. BOARD, COMMITTEE & COMMISSION APPOINTMENT INTERVIEWS

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

A. Community & Economic Development Authority: Sandra Besse & Jean Connaughton

NOTE: Sandra Besse was not present, but provided the Board w/ her information.

Present before the Board: Jean Connaughton

Chairman Fernandes-Abbott stated that Ms. Connaughton has been serving as Chair of this board since its inception.

Ms. Connaughton discussed here prior involvement w/ the EDIC. She stated she is pleased to be part of CEDA & looks forward to more challenges.

Chairman Fernandes-Abbott asked what strategy CEDA has undertaken that Ms. Connaughton is most proud. Ms. Connaughton feels CEDA's main accomplishment/strategy is the five-year plan, which she discussed. She also feels that the 195 Information Center has been very successful as well.

Selectman Potter asked for a summary re: what CEDA's role is. Ms. Connaughton stated the community development portion of CEDA is to develop strategy & collect data as to what the town's needs are & for which grants it can request. In addition, community development offers programs such as, housing rehabilitation, fuel assistance, GATRA passes, etc. She explained that the economic side has moved slowly, but the board will be developing a strategy for future needs of the community & setting a long-term plan to address issues.

Selectman Sauvageau asked what the two biggest challenges the Town faces & what are CEDA's strategies to deal w/ these challenges. Ms. Connaughton stated community development is a large challenge in which CEDA is addressing. She stated w/ re: to the economic development side, CEDA is just starting out to look at revitalizing the downtown area. She stated there are many opportunities to develop downtown in which everyone will want to participate.

Selectman Sauvageau asked what is the most crucial issue to resolve on the community development side. Ms. Connaughton feels it is housing rehabilitation. She feels this is where the bulk of funding is donated to & there is a need to address more affordable housing to reach the Town's 10%.

Selectman Pillsbury asked if Ms. Connaughton sees CEDA having a role on the economic side w/ re: to bringing in business into the community as the BDOD develops. Ms. Connaughton stated CEDA will have a role & they are looking at different plans that will entice businesses to come into the community.

B. Conservation Commission: John Connelly & Paul Florindo

Present before the Board: John Connelly

Mr. Connelly stated he has been a member of the ConCom for sometime & he wishes to continue to give something back to the Town. He has been involved w/ construction most of his life & his goal is to keep housing construction in the right areas.

Selectman Fernandes-Abbott asked how the ConCom can improve their performance & how the Board can help them. Mr. Connelly feels the ConCom is doing pretty well & everyone gets along w/ each other. He feels the Board's liaison has been helpful.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

Selectman Eckstrom commented that Mr. Connelly is trying to protect the environment & he is very strict on imposing fines on any infractions.

Selectman Sauvageau asked if the ConCom changes that were adopted which expanded the authority & tools of the ConCom in order to protect the Town are making a difference. He also asked what trends the ConCom is seeing relative to applications. Mr. Connelly stated there have been many applications for docks. He explained there might be a move to get something on Town Meeting floor re: putting more teeth into the regulations pertaining to docks. He feels the changes that were adopted are working & the ConCom has denied a few projects utilizing these changes. He feels the changes are beneficial & are working.

Selectman Potter asked if 40B projects have been a contentious issue. Mr. Connelly replied that it is the same as everyone else faces. He explained that the ConCom attends training to find out what they can & cannot do.

Selectman Pillsbury asked if the ConCom has utilized the By-law that allows them to write regulations they can use. Mr. Connelly stated that Mr. Pichette, Conservation Agent is putting something in draft form. He also discussed the ConCom working on some specific issues.

Selectman Sauvageau feels the Town is an environmentally sound place & the ConCom is doing their best to protect it.

NOTE: The meeting proceeded w/ item VII. Town Business – A: Hearing – Vote to adopt a Liquor License Compliance Check Policy, under the provisions of MGL c.138.

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

VOTE: Unanimous (5-0-0)

Present before the Board: Chief Thomas Joyce, Wareham Police Dept.

Chairman Fernandes-Abbott gave a brief background history on this issue. In short, she stated that at a recent ABCC seminar it was noted that local licensing authorities must adopt their own liquor license compliance check policy. Up until now, the Town has been using the State's compliance policy. This new policy, after adoption, will be available on the Town's website & at Town Hall.

Chairman Fernandes-Abbott expressed surprise that under this policy that a sting would have to be advertised. Selectman Sauvageau asked if this has been done in the past. Chief Joyce replied "yes."

Chief Joyce asked the Board to adopt the policy specifying 12 guidelines, which he read into the record. (Attached as referenced) He stated that in addition to these guidelines, the Police Dept. has a policy re: purchaser(s) & supervisor(s).

Selectman Sauvageau asked if these guidelines would be given to license holders if adopted. Chief Joyce feels this will be up to the Board. Selectman Sauvageau feels this should be done. He feels these guidelines should be given to license holders annually & upon renewal of their application.

Selectman Sauvageau asked why it has been two years since anyone has come before the Board w/ liquor violations relative to stings. Chief Joyce stated a sting was conducted one last year, but there were questions on the Police Dept.'s part as to if there were other options to deal w/ this.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

Selectman Sauvageau stated there was a fairly aggressive program conducted at one time re: liquor stings. He is curious as to why this protocol hasn't been followed in the past few years. Chief Joyce stated in the past the Police Dept. has focused on alcohol related issues, but in the past two years they have focused on diversifying into liquor, paraphernalia, & tobacco stings. Selectman Eckstrom feels the issue may be that more license holders are in compliance. Chief Joyce stated last year this was the case & there were only a few violations.

No one spoke for or against the new policy.

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

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board adopt policy #06-01 – Liquor License Compliance Check Policy as read into the record by Chief Joyce. Selectman Pillsbury seconded for discussion.

NOTE: Brief discussion ensued re: number of guidelines & a typo.

MOTION: Selectman Eckstrom moved to amend the above motion to include the corrections noted. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item V. Board, Committee & Commission Appointment Interviews – B: Conservation Commission: Paul Florindo.

Present before the Board: Paul Florindo

Mr. Florindo stated he has been on the ConCom for many years & he wishes to continue serving because he feels the ConCom is the line of first defense & there is a need to recognize the balance between economic resources & development. He feels that w/ proposed short & long-term projects there is a need to ensure the economic base & to maintain natural resources. He also feels there is a need to negotiate the best possible projects for the Town.

Selectman Eckstrom asked if Mr. Florindo attends required training since it is not indicated on his sheet. Mr. Florindo replied “yes.”

Selectman Potter asked what accomplishment/decision the ConCom has made is Mr. Florindo most proud. Mr. Florindo feels it is the re-writing of the By-laws although they are still a work in progress. He feels there is a need to work on the By-laws that is uniform dealing w/ issues such as docks, piers, etc. which he discussed briefly.

Selectman Sauvageau feels that docks & By-laws pertaining to them are important. He asked how Mr. Florindo would approach private property owners w/ re: to projects & balance out said projects w/ the ConCom. Mr. Florindo stated that each project is evaluated on its own merits & design standards are applied to each project.

Selectman Sauvageau asked how private property ownership vs. Town interests would be dealt with. Mr. Florindo discussed the ConCom's protocol & how each project is evaluated on its own merits. He added that it is not the ConCom's duty to give advise or suggest which avenue to pursue, although the ConCom can give guidance as to what the Town may want.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

Chairman Fernandes-Abbott asked what a general ConCom waiver would be on a 40B project. Mr. Florindo stated he is unaware of any ConCom waivers granted. He briefly discussed some 40B projects that have come before the ConCom in which the ConCom asked for concessions. He discussed the By-law re: the 30 ft. no-activity zone for delineation that which has been challenged.

Selectman Sauvageau noted the recent passage of a law re: environmental protection & legal protection being afforded to communities. Brief discussion ensued. Mr. Florindo feels the State's standards are the minimum & the ConCom can refine them & strengthen their own.

C. Economic Development Advisory Committee: Michael Houdlette & Dan Sullivan

Present before the Board: Michael Houdlette

Chairman Fernandes-Abbott stated that Mr. Houdlette is a new applicant & CEDA interviewed him & recommended the appointment.

Mr. Houdlette explained his background including his extensive background in business.

Mr. Houdlette discussed his ideas on how Main St. could be revitalized.

Present before the Board: Dan Sullivan

Chairman Fernandes-Abbott stated that Mr. Sullivan is a new applicant.

Mr. Sullivan discussed his background. He stated he is not a resident of Town, but has operated a business in Town for 25 years.

Mr. Sullivan discussed the issues he feels the Town is facing & ideas he has on how to generate economic development in Town. He feels the Town has a lot to offer & he has things to offer as well.

Selectman Sauvageau asked if there is a residency issue w/ this application. Chairman Fernandes-Abbott stated this is an advisory committee & Mr. Sullivan is representing the industrial park. Mr. Sullivan briefly discussed the issue of residency that came up before.

D. Fence Viewer: Gail Murphy

Present before the Board: Gail Murphy

Chairman Fernandes-Abbott stated this is Ms. Murphy's second term as Fence Viewer.

Ms. Murphy discussed her responsibilities as Fence Viewer.

Selectman Pillsbury asked if she has ever had any disputes. Ms. Murphy stated "no" & the fact that she does not handle boundary disputes.

Selectman Sauvageau asked if Fence Viewers have any authority re: spike fencing. Discussion ensued. Ms. Murphy stated as long as the fence is not over six feet, everything is fine, but if a fence is over that, zoning gets involved.

E. Historical Commission: Peter Zine

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Chairman Fernandes-Abbott stated that Mr. Zine is resigning due to family issues. The Board has sent Mr. Zine a letter thanking him for his past service.

F. Historic District Commission: Robert Blair

Present before the Board: Robert Blair

Mr. Blair explained the differences between the Historical Commission, Historic District Commission, & the Historical Society. He added that the Town has three historic districts.

Selectman Eckstrom asked if the commission's decisions are based on Town By-laws. Mr. Blair replied "yes" & that the commission has no By-laws of its own, only the Town By-laws.

Selectman Pillsbury asked if there is an opportunity to coordinate the three historic bodies. Mr. Blair stated he hopes so. He feels participation between the three bodies is important for information sharing & it will make for a more concerted effort.

Selectman Potter feels that it is odd that the Town has only three historic districts. Mr. Blair stated it is difficult to get a historic district started & added that the Town has the strictest historic By-laws in the State. He stated that the commission is attempting to increase the number of properties included in the districts.

Selectman Sauvageau asked how the commission balances private property owner rights w/ the best interest of the commission. Mr. Blair discussed how they handled one case in Town.

G. Housing Partnership: Denise Kashner

Present before the Board: Denise Kashner

Chairman Fernandes-Abbott stated Ms. Kashner has been serving on this board as an advisory representative & she would like to move her up to a voting position as a social services representative. She recommended Ms. Kashner due to her experience working w/ her as well as Selectman Sauvageau.

Selectman Sauvageau asked Ms. Kashner if she feels the Town is on the right track & how it can improve. Ms. Kashner feels the Housing Partnership is a good diverse group & is doing well working on two projects presently.

H. Marine Resources Committee: Frank Tramontozzi

Present before the Board: Frank Tramontozzi

Mr. Tramontozzi explained the mission of the committee & why he would like to continue serving. He explained that the committee was established at Town Meeting to advise the Board on all marine matters. He would like to continue to serve due to his passion for the 54 miles of the Town's coastline.

Selectman Sauvageau asked what the Board could do to improve the Board's relationship w/ the committee & the function of the committee. Mr. Tramontozzi would like to meet w/ the Board. He stated the committee is completing its assignment to revise the Harbor Management Plan as directed by the Board. Chairman Fernandes-Abbott stated she would like a copy of this plan sent to the Board for review, then a meeting can be scheduled.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

Mr. Tramontozzi discussed the goals in maintaining the Harbor Management Plan.

I. Minot Forest Committee: Richard Kent

Present before the Board: Richard Kent

Mr. Kent discussed what the committee has been doing, for example, designating three wildlife sanctuaries in the forest.

Chairman Fernandes-Abbott asked if the forest is shrinking. Mr. Kent replied “no”, but the forest does have minor encroachments. Selectman Pillsbury suggested the Board members visit the park that was created by the committee.

J. Recreation Commission: Tracy Cunningham

Present before the Board: Tracy Cunningham

Ms. Cunningham discussed the work the commission is doing on the Westfield property & what they would like to see happen.

Selectman Sauvageau discussed the issue of the Westfield property & how a large portion of the property will be utilized for recreation. He stated it is Town property & the Board is the only authority as to how the land will be allocated. He expressed concern re: additional projects being proposed for this property & how services will be paid for to maintain the areas for recreation. He feels this service will most likely fall under the Municipal Maintenance Dept., which will place a substantial burden on them. He feels that legally, the Recreation Commission cannot operate or make a decision w/out the Board's approval. He again expressed concern re: maintenance costs.

Ms. Murphy stated the Administrator has attended many meetings of the commission re: this matter. She stated suggestions have been made re: paying for maintenance, for example, having the Little League teams help pay.

Selectman Sauvageau feels that before this land comes on line, there is a need to establish the maintenance issue. He feels if the Municipal Maintenance Dept. is to maintain it, it will be a large problem. He does not feel development of this property can move forward fiscally until this issue is resolved. He stated the Board has not allocated the funds yet.

Ms. Murphy feels this conversation should be held between the Board & the commission. She added that money has been allocated from CPA funds for the project. Selectman Sauvageau indicated that this is a problem. He stated that once money is spent on a project the issue of maintenance becomes an issue.

Selectman Pillsbury indicated that the commission is carrying out a Town Meeting vote from the 1990's to create Westfield. Selectman Sauvageau feels it was only to develop a plan.

K. Recycling Commission: Jennifer Gady & Marilyn Field

Present before the Board: Jennifer Gady

Ms. Gady expressed the importance of recycling & discussed why she would like to help w/ recycling.

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Selectman Pillsbury asked what is new at the recycling center. Ms. Gady stated volunteers are spending time helping at the center, generating new ideas, & trying to get everyone involved w/ recycling.

Selectman Potter stated he is excited about putting forward the electronics-recycling program for the Town.

Present before the Board: Marilyn Field

Ms. Field stated she wishes to continue on the commission because of her belief in recycling. She feels people need to recycle more. Brief discussion ensued re: the new law requiring all haulers to provide recycling.

Ms. Field explained where the recycling center is located & she discussed the collection storage capacity.

L. Sewer Betterment Abatement Review Committee: Richard Post

Present before the Board: Richard Post

Mr. Post was not present.

M. Wareham Cultural Council: Steve Ruiz

Present before the Board: Steve Ruiz

Mr. Ruiz explained what the council is & what programs the council is involved in that promote activities in Town. He explained that the council received \$4,000 last year from the State & discussed the guidelines to receive monies.

N. Housing Partnership Advisory Board: Donald Hall

Present before the Board: Donald Hall

Mr. Hall stated he would like to continue serving on this board & over the last ten years, he has worked for elderly housing as an elected member of the Housing Authority.

Selectman Pillsbury stated the role of this board is to advise the Housing Partnership on projects & what needs there are. She asked if this board works w/ the Housing Authority. Chairman Fernandes-Abbott stated the Housing Partnership & the Housing Authority come together re: housing needs, but the Housing Authority is a municipal agency & is separate & distinct from the Housing Partnership.

Mr. Hall discussed the goals that he feels should be addressed & stated he does not intend to take any more extended vacations.

O. Zoning Board of Appeals: Ken Ferreira & Mary Scarsciotti

Present before the Board: Mary Scarsciotti

Ms. Scarsciotti stated she is an associate member to the ZBA. She would like to continue serving on the board as it is a help to the public and is a great group. She was asked what the greatest challenge

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of the ZBA is. She stated that the biggest challenge is to complete the process w/ other components dealing w/ land use. She expressed concern re: enforcement issues.

Ms. Scarsciotti discussed how she feels the newly adopted By-laws will work.

Present before the Board: Ken Ferreira

Mr. Ferreira stated he is Chair of the ZBA & has served on this board for 23 years.

Mr. Ferreira discussed positive changes he has seen in the past 23 years, for example, development of new zoning By-laws & working w/ special Town Counsel.

Brief discussion ensued re: zoning books & changes.

Mr. Ferreira expressed concern re: enforcement issues & the need to remedy this issue especially when dealing w/ developers. He expressed frustration when the ZBA places conditions & they are not enforced.

Discussion ensued re: input & citizens participation when dealing w/ issues.

Selectman Eckstrom asked how Mr. Ferreira feels re: Board of Selectmen participation in ZBA matters. Mr. Ferreira stated up until recently, only one Board liaison has attended ZBA meetings (Selectman Eckstrom). He stated Selectman Eckstrom has seen what the ZBA goes through & can then update the Board. He feels a liaison is a good idea.

Selectman Eckstrom expressed concern re: the Board getting involved w/ making conditions on a project & then being told to stay out of other projects. She does not want the perception out there to be that the Board of Selectmen are the final arbitrators on a project. Mr. Ferreira discussed a case in point in which Selectman Potter was personally involved in conditioning a matter within his neighborhood.

Selectman Sauvageau does not believe this situation Mr. Ferreira described is ZBA protocol. He stated the ZBA acts how it believes, for example, if they feel input from the Board is needed. He stated the Board does not have a policy re: protocol of being involved w/ individual matters. He feels in the future, these types of issues should be dealt w/ as a whole Board, not individual members.

NOTE: The meeting proceeded w/ item VIII. Licenses & Permits – A. Reopen hearing on the application of Highland, Inc. – Earth Removal Permit for the property on Assessors' Map 128 Lot F (off Glen Charlie Rd.) in accordance w/ Div. IV, Art. II Earth Removal regulations for the Town of Wareham

MOTION: Selectman Eckstrom moved to reopen the hearing. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

Present before the Board: Leonard Bello, Attorney
John Churchill, JC Engineering
Mr. Grazziano

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

Chairman Fernandes-Abbott stated at the last hearing, which was continued to tonight, the Board received Mr. Churchill's responses & the Board wanted the Town Engineers to review & make comments. The Board also wanted Hancock & Associates to make suggestions on the property. The Board has received responses back from the Town Engineers, but the issue of pre-existing non-conforming use has not been resolved. She stated other issues have come to light this past week. One is that the property being excavated was a junkyard before. Mr. Grazziano stated it was a salvage yard and that there were some tires & batteries. He stated no excavation is being done where this debris is located & this area will not be disturbed.

Mr. Churchill stated that back in the 1960's when the Grazziano family purchased the property, they cleaned up the site. There may be remnants of old vehicles there, but since the land purchase, there have not been any issues. He stated contamination testing was done some time ago & no contamination was detected.

Chairman Fernandes-Abbott spoke re: a proposed sub-division for the property. Mr. Churchill stated there has been one proposal to the abutters, which was from the Lynch's to relocate a sub-division in lieu of granting access to the road. He has not heard from them re: the sub-division.

Chairman Fernandes-Abbott stated there are reports of gravel being taken out & stumps being put in. Mr. Grazziano stated there are no stumps being brought in & there may be stumps that have already been there in the ground. Mr. Churchill stated he has added wording that no off-site stumps are being brought in as a condition on his report.

Selectman Sauvageau asked if Attorney Bello has reviewed the new By-law or conditions that were placed on similar earth removal projects. Attorney Bello stated he looked at them, but they are not the law & he does not feel his party has to follow them, only if it is a By-law. He discussed how he combined the conditions/regulations of similar projects. Selectman Sauvageau asked if Attorney Bello found anything objectionable in the conditions/regulations placed on similar projects. Attorney Bello stated the only problem he had was that some of the conditions placed greater expenses on the applicant. He feels the Town is going in the direction of people paying more user fees for matters such as these. He does not feel the Board needs some of the information. He stated if regulations were enacted, his client would have to abide by them. He stated in three years when this application is up for renewal & these proposed regulations are enacted, then the applicant will have to follow them.

Selectman Eckstrom asked re: trips per day. Mr. Churchill stated they are permitted 15 trips per day. Selectman Eckstrom asked re: hours of operation & when loading starts. Mr. Churchill explained & stated there is usually on shift in the morning.

Selectman Pillsbury feels the applicant has incorporated most of the Board's concerns except for the access road issue. She asked why this was not incorporated into the conditions. Selectman Sauvageau expressed concern re: this condition. He stated the only way to resolve this issue is to make a descriptive right transfer to the client & discussed. Attorney Bello stated he chose not to put the access road issue as part of the conditions because he felt this issue was resolved last time. He stated the roadway appears on maps from the 1920's & is not a newly made road. It has been used for 42 years by his client & by right, his client can utilize the roadway forever by way of the maps. If the access were to change, then they would have to come back to have the access changed. Discussion ensued.

Discussion ensued re: an alternative access. Lengthy discussion continued on this issue.

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Attorney Bello feels that the only condition that may require more explanation is #9 re: bonding. He stated per acre means per acre being excavated, not the entire parcel acreage. He feels this condition may require more wording. The Board members concurred w/ Attorney Bello's explanation.

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

VOTE: Unanimous (5-0-0)

Selectman Eckstrom spoke re: bonding & the Lopes property. She asked if conditions on Glen Charlie Rd. would require bonding for roadway damage. Selectman Pillsbury feels this is a good point. The Administrator stated he would like to speak w/ Hancock & Associates & Mr. Gifford, Municipal Maintenance Director on structuring a road improvement-paving plan if necessary. Mr. Churchill spoke of a traffic study done for Glen Charlie Rd. in which the Grazziano property represented only .05 % usage.

Selectman Sauvageau asked how many trucks are fully loaded. Mr. Churchill stated he does not have that information. Attorney Bello stated he understands the Board wanting security for the roadways & they would need a bond. He stated this application would be back before the Board in three years & at that time, the Board could assess any road damages.

Selectman Eckstrom asked if the applicant would have to go before the ZBA for pre-existing non-conforming uses. Attorney Bello does not think so. Selectman Pillsbury stated that Hancock & Associates said that some sort of ruling is needed by the ZBA. Attorney Bello stated if the ZBA feels an additional permit is needed, they can address it. He stated they are present now to present the law on the present issue. Lengthy discussion ensued.

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)

Discussion ensued re: what conditions to vote on & roadway bonding.

MOTION: Selectman Eckstrom moved the Board approve the application for an Earth Removal Permit to Highland, Inc. on Map 128, Lot F (off Glen Charlie Rd.) w/ the following conditions:

1. The site will be limited to no more than 50 trips per day.
2. Site mining operations shall be between the hours of 7:00 am and 5:00 pm, Monday through Saturday.
3. The pumping of groundwater is prohibited.
4. Surface water cannot be pumped beyond the limits of the excavated area.
5. Construction vehicles are prohibited from traveling on Glen Charlie Road north of the site access.
6. All equipment on site shall be maintained in good repair so as not to leak oil or fluids that could result in contamination of the soil or groundwater. Equipment in disrepair shall be removed from the site.
7. The applicant must confirm that soil characteristics are consistent throughout the proposed excavation area down to the groundwater levels.

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8. Failure of the contractor to comply with this permit and the Earth Removal Permit Site Plan dated June 1, 2006 prepared by JC Engineering shall be grounds for the Board to rescind this permit.
9. Maintain a \$15,000 bonding for the Town of Wareham per acre that is actively being excavated.
10. A reasonable bond agreeable to both parties, if necessary, for road repair of Glen Charlie Road due to the trucks of Highland, Inc.
11. Crushing not allowed on site.
12. No vehicles parked or stopped on Glen Charlie Road.
13. Subject to review in one year.
14. Street sweeping as presented in the plan.
15. Work with and maintain communication with residential abutters if any issues arise.
16. No offsite stumps shall be disposed of on subject property.
17. Access be by way of that current roadway and if access is denied Highland, Inc. would have to notify the board of a change of access and could elect to have them return.

Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item VII. Town Business – B. Update on hurricane preparedness – Emergency Management Director, Dave Evans, Emergency Preparedness Coordinator.

Present before the Board: David Evans

Chairman Fernandes-Abbott stated the Town has an emergency plan that is not well known in the community.

Mr. Evans stated currently, there are links on the Town's website relative to hurricane information. He stated he is also in possession of brochures for Florida & Cape Cod that the Town may want to take information from & make a brochure of their own.

Mr. Evans stated that the Multi-Service Center is the Red Cross designated evacuation site in Town. He stated that the Red Cross would be coming to Town shortly to review Town buildings. Discussion ensued re: designated shelter sites.

Discussion ensued re: Homeland Security monies & possibly coordinating plans w/ the Plymouth Power Plant evacuation plan.

Selectman Pillsbury feels that some sort of document should be given to residents that include information such as shelter sites, what necessities to bring to the shelter, public safety phone numbers, suggestions on what to do in case of an emergency, etc. She feels this is an interim piece that residents need right away. Brief discussion ensued re: other suggestions, such as a special extension on the Town Hall phone number & a reverse 911 number.

Selectman Sauvageau feels there is a need for multiple resources to be available, for example, a combination of pamphlets, phone numbers, cable announcements, etc. Selectman Pillsbury asked in the interim, can a mailing be done? The Administrator stated that staff is working on something presently & it should be done w/in a week.

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Discussion ensued re: how to mail out the information & if it can go out in the tax bills. The Administrator stated it could not go in the mailing of tax bills because it is a non-tax issue.

The Board members imparted the information they would like to put together re: the plan. The Administrator stated that short-term information would be available in two weeks.

Brief discussion ensued re: budget/monies for this mailing of information.

Selectman Eckstrom briefly discussed NIMS training & hurricane preparedness training.

Lengthy discussion again ensued re: what information to include in the plan.

It was stated that on 6/27/06 at 7:00 P.M. at the Church of Good Shepard, there will be a Hurricane Preparedness meeting & on 6/21/06 at 7:00 P.M. at the Swifts Beach Hall, there will be a hurricane forum in which 125 hurricane preparedness booklets from the Town of Bourne will be distributed.

Present before the Board: Lou Ferretti

Mr. Ferretti suggested the Board contact Plymouth County to see what they may have available. He also feels that planning & training should be on going to protect the Town. He suggested a citizens group to help put together an emergency management plan.

Selectman Pillsbury suggested the Board find a way to delegate the planning to help Mr. Evans bring the plan to fruition. She stated this plan will most likely take some money & the Board will need to discuss this. Selectman Eckstrom agreed. Discussion continued.

The Administrator stated there is an emergency planning committee. Selectman Sauvageau stated he likes the idea of citizens helping & discussing issues on this matter. Brief discussion ensued.

VI. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Eckstrom moved the Board approve periodic estimate for partial payment #6 to Albanese Brothers, Inc. in the amount of \$61,950.34 re: the Rose Point sewer project. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve periodic estimate for partial payment #6 from Albanese Brothers, Inc. in the amount of \$243,376.97 re: the Rose Point sewer project. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve application #3 from RJV Construction Corp. in the amount of \$117,346.97 re: the Briarwood Beach & Beaver Dam Estates sewer project. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

B. Approval of minutes.
(NONE)

C. Vote appointments to boards, committees & commissions:

1. Certified Weighers for the Town of Wareham.

MOTION: Selectman Eckstrom moved the Board appoint the following individuals as Certified Weighers for the Town of Wareham to terms to expire 6/30/07: Norris Walecka, Lester Andrews, David St. Germain, Ashley St. Germain, Brian Walecka, Brett Walecka, Daniel Walecka, & Kenneth Walecka. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

2. Community & Economic Development Authority: Earl Dalrymple.

MOTION: Selectman Eckstrom moved the Board appoint Earl Dalrymple as a member to the Community & Economic Development Authority to a term to expire 6/30/09. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

3. Constables for the Town of Wareham.

MOTION: Selectman Eckstrom moved the following individuals as Constables for the Town of Wareham to terms to expire 6/30/07: Michael Diesso, Cynthia Follis, Gregory Kamon, William McCusker, Robert Short, Robert Tirrell, & Herva Vandal. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

4. Economic Development Advisory Committee: Steve McCarthy.

MOTION: Selectman Eckstrom moved the Board appoint Steve McCarthy as a member to the Economic Development Advisory Committee to a term to expire 6/30/09. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

5. Historical Commission: Barbara Bailey & Angela Dunham.

MOTION: Selectman Eckstrom moved the Board appoint Barbara Bailey as a member to the Historical Commission to a term to expire 6/30/09. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board appoint Angela Dunham as a member to the Historical Commission to a term to expire 6/30/09. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

6. Police Feasibility Study Committee: Pat Rumney – Finance Committee Rep.

MOTION: Selectman Eckstrom moved the Board appoint Pat Rumney – Finance Committee Representative as a member to the Police Feasibility Study Committee to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

7. Zoning Board of Appeals: Richard Secher – Associate Member

MOTION: Selectman Eckstrom moved the Board appoint Richard Secher as an Associate Member of the Zoning Board of Appeals to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

VII. TOWN BUSINESS
(DONE)

VIII. LICENSES & PERMITS
(DONE)

IX. TOWN ADMINISTRATOR'S REPORT

1. Chapter 61A Notice, 189 Blackmore Pond Rd. Asked the Board to exercise its option relative to a parcel of land on Blackmore Pond Rd. that is being taken out of Chapter 61A for residential use. The lot is 1.699 acres & is being joined w/ another parcel & sold as one lot. As per the Town's policy, this information was forwarded to the Board of Assessors, ConCom, & Planning Board. It has been over the thirty days & there are no recommendations from these boards & commissions. The rollback taxes are \$636.82.

MOTION: Selectman Eckstrom moved the Board vote to not exercise its option to purchase Lot A, Map 69. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

2. Sewer Tie-In Request, 2528 Cranberry Highway. This was presented at the 5/23/06 meeting & more information was requested, which has since been presented. The recommendation is for a residential permit because the proposed pumping system is only used for residential. If it were ever to be anything other than residential, it would need two submersible pumps in a wet well chamber, similar to the Affiliated Professional buildings set up.

If the Board approves this request, it is recommended that the approval be w/ the fee structure & conditions noted.

Selectman Eckstrom stated that this location is further down the road & is in a commercial area, thus the application should be held to a higher standard. She asked if this location failed the Title V inspection because of

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

the size area of what is proposed on the location. She stated if a new model home is put there & then a new business is established, a 20 ft. buffer zone will be needed. She feels the applicant will have to go before zoning for approval. The Administrator stated that Bob Either, Board of Health Agent knows about this application & the applicant has made a presentation. He feels the same presentation should be made to the ZBA. Chairman Fernandes-Abbott agreed w/ Selectman Eckstrom re: holding the applicant to a higher threshold if the location is commercial. Discussion ensued.

Selectman Eckstrom would like this application to go before zoning. She expressed concern if this location is to be used commercially or residentially. The Administrator suggested the Board reject the application & then it will be remanded back to the ZBA.

MOTION: Selectman Eckstrom moved the Board deny the sewer tie-in request for 2528 Cranberry Highway due to the residential fee structure is inadequate due to the commercial venture/business that will be operating at this location. Selectman Sauvageau seconded.

VOTE: (4-0-1)

Selectman Pillsbury abstained

3. Home Rule Petition Update. Word has been received from Representative Williams Gifford that the five licenses approved by Town Meeting have passed the House & have now gone to the Senate.

Selectman Sauvageau asked for a copy of the language. The Administrator stated Representative Williams Gifford is in the process of sending it out.

4. Interchange Feasibility Study. A meeting was held re: releasing the \$500,000 for the Interchange Feasibility Study. The Administrator discussed who attended this meeting. He stated once all the cards are on the table, MA Highway will undertake the study which will encompass 195 to Rte. 28 & Rte. 28 from the Town line to Exit 1 on 25. He stated given the area to study, it is a four-mile corridor & may be done in-house. Additional information may be requested from the Town. The study should take one year & it will commence as soon as possible (around 10/06 or 11/06).

X. SEWER BUSINESS (NONE)

XI. SELECTMEN'S REPORTS

- A. Selectman Fernandes-Abbott – Stated that she attended the CMW meeting. She reported that the Marion transfer station is under construction. The District does not have the \$125,000 needed to complete the construction. She stated the District will be meeting discuss incurring debt @ 5% interest. She expressed concern re: an increased assessment to the Town. She discussed the procedure to follow from this point & timeframes. Discussion ensued. Chairman Fernandes-Abbott explained that if the CMW Board votes to approve the loan, Wareham will be on the hook

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 06/20/06 (CONT'D)

unless they hold a special town meeting within 30 days of the vote to rescind it. Unfortunately, this vote could be taken at every CMW meeting and a special town meeting would have to be held each time to deny it. The Administrator discussed the percentage the Town pays no matter how much the Town uses the transfer station.

Selectman Pillsbury suggested sending the project back to the drawing board. Selectman Eckstrom feels the District has \$30,000 in reserve monies.

Chairman Fernandes-Abbott stated a letter was received from Mrs. Rutledge re: 911 issues w/ names of streets in West Wareham, namely Mill St. & Mill St. extension. She stated this matter was forwarded to the Police Dept.

- B. Selectman Potter – Stated the Onset Bay Movie Company will begin their summer series on 6/30/06 w/ the movie Harry Potter 4.

XII. ANNOUNCEMENTS (NONE)

XIII. ADJOURNMENT

MOTION: Selectman Eckstrom moved to adjourn the meeting at 11:40 P.M. Selectman Pillsbury seconded.

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**