

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: May 23, 2006

Date of Transcription: May 26, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:00 P.M.

A. Roll Call

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

Selectman absent: Mary Jane Pillsbury

Present: Michael Hartman, Town Administrator

II. CITIZENS PARTICIPATION

Present before the Board: Paul Willard
David Fringuelli

Mr. Willard discussed an issue w/ the Planning Board meeting held last night. He stated due to the late hour he was not present, but the Planning Board did not address his hearing until 11:20 P.M. He expressed concern re: Town business being conducted so late at night & he does not feel business should be conducted so late at night. He stated due to the late hour, he could not participate in the hearing. He asked if there is a policy re: time for meetings.

Chairman Fernandes-Abbott asked the Chair of the Planning Board, Anthi Frangiadis to come forward.

Present before the Board: Anthi Frangiadis

Ms. Frangiadis stated the Planning Board does not have a set time policy. She explained that last night's meeting agenda was atypical. She stated the Planning Board is making every effort to end meetings between 9:00 P.M. & 10:00 P.M.

Mr. Willard asked if there was a possibility of placing a time limit on Planning Board meetings, for example, not going past the hour of 10:00 P.M. Ms. Frangiadis expressed concern re: placing a time limit on time spent for an agenda item. She stated if in the case of a policy with a time limit for hearings, the chances are great that we would not be able hear all the hearings publicly noticed and scheduled on an agenda.

Mr. Fringuelli suggested posting the Planning Board's agenda on the Town's website before the meeting. He stated the Town has the technology to do this. Ms. Frangiadis does not know if the Planning Board agenda's are being posted on the website currently, but she will look into this.

Present before the Board: Chuck Gricus, Town Planner

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Mr. Gricus discussed statutory time limits. Selectman Sauvageau discussed that time limits do not always occur on certain agenda matters. He asked if there are any legal constraints against setting time limits. Mr. Gricus stated there are legal issues pertaining to discussing an agenda matter & making decisions on these matters.

Selectman Eckstrom feels this meeting held last night may have been atypical & not the norm. She knows that the land use Boards occasionally run long due to time limit requirements on applications. Mr. Gricus explained that Town Meeting articles took up a lot of the Planning Board's time recently & they are trying to get back on schedule.

Chairman Fernandes-Abbott feels this issue needs to be addressed at the Planning Board level, possibly in their rules & regulations. She apologized to Mr. Willard & Mr. Fringuelli for having to wait so long for their hearing to come forward.

Mr. Fringuelli feels that the Planning Board's agenda for last evening actually should have been broken into two meetings. Selectman Potter indicated that many citizens will not stay so late at a meeting either. Mr. Willard asked how he could be heard on an issue if he cannot stay late. Selectman Eckstrom suggested he write a letter to the Planning Board and the Board can read it into the record. Ms. Frangiadis indicated that this was done last night for another issue. Mr. Fringuelli feels that if agenda items were not discussed so late, more people interested in the topic would attend.

Chairman Fernandes-Abbott explained that Mr. Willard & Mr. Fringuelli's hearing deals w/ the issue of a go-through on Hathaway Rd. in which changes were made at the meeting last night. She stated Mr. Willard & Mr. Fringuelli would now go to Zoning Board of Appeals.

Mr. Fringuelli commended Mr. Michael Baptiste for his knowledge & effort on the Planning Board.

Selectman Sauvageau asked how many 40B units there will be for this proposed project. Chairman Fernandes-Abbott stated there would be 14 townhouse units. The Planning Board has indicated that the elimination of the cut through on Hathaway Rd. would be a good thing. Currently, the plan does not show this & they are going to go to the Zoning Board of Appeals or the Housing Partnership. Mr. Gricus explained that this project is not a 40B as of yet.

Present before the Board: Jim Newman, Veterans Council

Mr. Newman announced that there would be no Memorial Day Parade. He discussed the timeframe for the dedication ceremonies that will be held at various areas of Town. He indicated that he would need the use of the Town Hall auditorium for the dedication of the honor roll board. He will need someone there to open the doors of Town Hall. The Administrator stated someone would be there to open the doors by 12:00 noon.

III. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Eckstrom moved the Board approve invoice #80228316/3 from Camp, Dresser & McKee in the amount of \$5,591.12 re: engineering service design of improvements to three of the Town's existing wastewater pumping stations – Narrows, Kennedy Lane & Hynes Field. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

MOTION: Selectman Eckstrom moved the Board approve periodic estimate for partial payment #3 from Albanese Brothers, Inc. in the amount of \$75,018.50 re: the East River, Broad Cove, & Glen Cove stormwater remediation project. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

B. Certificate of Recognition for Barbara LeFavor.

Selectman Eckstrom read the Certificate of Recognition for Barbara LeFavor into the record re: her fortieth year of service to the Town of Wareham & for her position as Chief Assessing Clerk.

C. Approval of meeting minutes: 4/24/06.

MOTION: Selectman Eckstrom moved the Board approve the meeting minutes of 4/24/06. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting proceeded w/ another bill authorization.

MOTION: Selectman Eckstrom moved the Board approve application #2 from RJV Construction Corporation in the amount of \$71,191.22 re: the Briarwood Beach & Beaver Dam Estates sewer project. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

IV. TOWN ADMINISTRATOR'S REPORT

1. Surplus Property. Asked the Board to declare the following items as surplus property in accordance w/ the Town's Bylaws. All the items were donated to the Town & but are no longer in use. They are valued at under \$500.00.

Chairman Fernandes-Abbott asked if there is anything that precludes the Town from gifting these items, for example, to the Boy's & Girl's Club. The Administrator stated there is not.

Chairman Fernandes-Abbott asked the Board for input. Selectman Sauvageau asked if the equipment is safe. The Administrator stated most of it is & if it is gifted, he will have the equipment inspected. He stated the Board still has to declare these items as surplus.

MOTION: Selectman Eckstrom moved & Selectman Potter seconded the Board declare the following property as surplus:

- Ergo Excel upright stationary bike
- HealthRider
- Power Row 884 rowing machine
- Nordic Track Easy Ski
- Competitor 340 weight bench, 100 pounds of weight w/ bar
- Ever Young Olympic Bench, 500 pounds of weight w/ bar

VOTE: Unanimous (4-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

MOTION: Selectman Eckstrom moved the Board gift the above items to a non-profit organization w/ the condition of acceptance by the Wareham Boy's & Girl's Club. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

2. Seasonal Soft-Shell Clam Areas. Asked the Board to affirm the proposal from Michael Parola, Harbormaster/Shellfish Constable. All areas except those specifically noted are closed to the soft-shell clams from 6/1/06 through 9/15/06 w/ the exception of areas noted.

MOTION: Selectman Eckstrom moved & Selectman Potter seconded the Board affirm the closing of all areas to the taking of soft-shell clams from 6/1/06 through 9/15/06 w/ the exception of the following areas, which shall be open Monday through Saturday:

- Long Beach to Warrant Point
- Stony Point Dike
- Sunset Cove/Shell Point Bay – Except for the easterly shoreline between the Shell Point parking area & a sign placed on the shoreline opposite the intersection of First St. & West Blvd. &/or any swimming beach
- Widow's Cove/Bass Cove
- Southern tip of Burgess Point to Codman's Point
- Wickets Island
- The northerly point of Lydia's Island to the western end of Burgess Point

VOTE: Unanimous (4-0-0)

3. Sewer Tie-In Request – 2528 Cranberry Highway. Asked the Board to approve a sewer connection for the property at 2528 Cranberry Highway. The plan has been reviewed by David Simmons, WPCF Superintendent/Chief Plant Operator. If the Board approves this request, it is recommended that the approval be w/ the fee structure & conditions noted.

Selectman Eckstrom stated that this request is for a modular home to be showcased. She explained that this matter was before the Zoning Board of Appeals because it was to be placed in a residential neighborhood & required a variance due to it being a business. She does not know if it was pulled from the ZBA agenda. She recalls there being talk of a septic & a second structure limiting land area. She stated this issue has gone back & forth w/ the ZBA.

Chairman Fernandes-Abbott asked if it is a modular home w/ an attached garage that will be utilized for a business, why are they being required to pay a residential fee. Selectman Sauvageau stated if it were a modular home, it would be for sale at some point. The Administrator stated this is why there is a residential fee. Selectman Sauvageau stated if the ZBA has an issue w/ this matter, the Board should hold off on voting at this time.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Discussion ensued re: if this structure is on residential property. The Administrator stated he would obtain the status report of the ZBA & bring it back before the Board.

V. LICENSES & PERMITS

- A. Application by the Dick Melloni Youth Foundation for use of Town roads for their annual charity bike ride on 9/17/06 from 7:00 A.M. to 4:00 P.M.

Present before the Board: Rich Melloni

Mr. Melloni stated he is requesting the rights to the roadway & to utilize the Town pier for a staging area. He proceeded to discuss the event & stated that there is no rain date.

- B. **MOTION:** Selectman Eckstrom moved the Board approve the application by the Dick Melloni Youth Foundation for use of Town roads for their annual charity bike ride on 9/17/06 from 7:00 A.M. to 4:00 P.M. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

NOTE: Selectman Eckstrom stated that last week during the hearing, the Board neglected to give the corporate name for Mayflower Liquors.

MOTION: Selectman Eckstrom moved to rescind the motion for Mayflower Liquors made on 5/16/06. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

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 Potter seconded.

VOTE: Unanimous (4-0-0)

- C. Application by the Wareham Village Association for use of Town roads for their annual Swan Festival on 6/17/06 from 10:00 A.M. to 5:00 P.M. Rain date 6/18/06.

Present before the Board: Phyllis Decas

Ms. Decas stated the Association is requesting use of Town roads for the Swan Festival to be held on 6/17/06 w/ a rain date of 6/18/06. She discussed the event. She also explained that an event that will be held on 6/16/06 which will involve Main St. businesses. She also spoke briefly re: the Pig Roast. She indicated that the information center has all this information.

Chairman Fernandes-Abbott asked if Ms. Decas received a letter from Lt. Brightman. Ms. Decas replied "no." Chairman Fernandes-Abbott read the letter from Lt. Brightman into the record which indicated that a condition be placed that the collection of police service fees be collected at least 30 days prior to the event.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Ms. Decas stated she received a letter from Chief Joyce indicating the police service fees would be \$6,000 & the balance due to be paid in 30 days after the event. Chairman Fernandes-Abbott stated that the fees are not a condition upon the request of Lt. Brightman. She explained that the Board could waive the 10% fee paid to the Town on top of service fees. The Town charges a 10% administrative fee on top of the charge for other Town services, such as police. The Board can waive this fee.

Selectman Potter asked Ms. Decas what the festival's expenses are for this year. Ms. Decas stated the police services are the largest expense this year totaling \$7,860.00, which is an increase from last year due to contract negotiations.

Selectman Sauvageau asked if the 10% pays for anything else other than administrative costs. The Administrator stated it is added to the police fees for service. Brief discussion ensued.

Selectman Sauvageau stated that there seems to be a 17% increase in police service fees & the 10% would be a 6% relief. He does not understand the increase of 17%, but waiving the 10% fee will help the festival. Chairman Fernandes-Abbott stated that the police fees include 16 officers & 1 supervisor.

Ms. Decas discussed the locations on Main St. for the festival & looking to hold it on Merchant's Way w/out cutting across to Besse Park in the future.

Selectman Sauvageau asked where the number of 16 officers came from. Ms. Decas stated there have been numerous conversations w/ Lt. Brightman & the need for 16 officers stems from the issue of closing off side streets off of Main St. & police are needed to man these closed streets.

Selectman Potter stated that the police are paid detail rates negotiated after the budget rate. Selectman Sauvageau does not feel the rates increased by 17%. Brief discussion ensued.

D. MOTION: Selectman Eckstrom moved that the Board approve the application by the Wareham Village Association for use of Town roads (Main St. from Tobey Homestead to Sawyer St., including sidewalks, Pezzoli Square & the Town parking lot adjacent to the Fire Station) for their annual Swan Festival on 6/17/06 from 10:00 A.M. to 5:00 P.M. Rain date 6/18/06, & further, it is understood & agreed that the Town will be held harmless from all liability as to damage to property or injuries to any persons, & further, that the Association is responsible for cleaning up of area, including any litter left by vendors or patrons, that no markings w/ paint on any roadways, & to authorize the Town to waive the 10% administrative fee. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

C. Six-month review of license of Kaimo Corporation d/b/a Shooters Restaurant & Sports Bar, 2691 Cranberry Highway, Wareham.

Present before the Board: Jackie Hoban
James Hoban

Chairman Fernandes-Abbott recapped why Shooters Restaurant is back for a six-month review. She explained that in 11/05 the Board held a review on an Alteration of Premises application that was granted in 6/05. In 2005, the Board had concerns re: noise complaints during the hearing process.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

The Board voted to approve the license & hold a review in six months (in 11/05). During the course of this review, condominium neighbors express concern re: noise issues. The Board then learned of two rental houses out back that appeared to have a lot to do w/ the noise problem & Mr. Hoban had discussed his plans to quell the noise issues at his establishment. In 11/05, the Board concurred to have Shooter's Restaurant come back for another review in six months.

Chairman Fernandes-Abbott stated the Board has the police log from 11/05 through last week.

Mr. Hoban stated he has always tried to be a good neighbor. He explained the installation of a fence & that the outside patio was placed on the other side of the building. He stated the two houses in back are not currently rented & it has been quiet there. He explained that he has staff at the two doors when they have entertainment. He briefly discussed the exits.

Mr. Hoban stated that they have had very few incidents since they last met w/ the Board. He discussed one incident involving an intoxicated condominium neighbor. He added that he has given condominium neighbors his phone number if there are any problems/concerns.

Mr. Hoban explained that the door attendant walks the parking lot at 12:50 A.M. to clear the parking lot out. He stated that the establishment is on top of the issues.

Selectman Sauvageau asked what discussions Mr. Hoban has had w/ the condominium neighbors. Mr. Hoban stated there have been four meetings. He stated the condominium trustees that handle the complex have not met w/ him. He stated he goes over on Sundays & knocks on condominium neighbors' doors that abut the establishment & give them his phone number & to see if they have any concerns.

Selectman Sauvageau spoke re: five noise incidents recorded in the police log. (There were nine complaints; five of them noise complaints). He stated if more than half of the complaints are due to noise in the wintertime, he assumes that when the summer comes & people are outside on the patio, the noise issue will increase. He feels another six month review should be held after the summer. Mr. Hoban stated that in six months the establishment received only five complaints, which may be attributed to the increase in business during the football season.

Selectman Eckstrom asked Mr. Hoban w/in the last six months, when was the patio utilized. Mr. Hoban replied "none." Selectman Eckstrom surmised that over half of the complaints were made w/out any extra usage of the patio. Mr. Hoban explained that the patio is on the opposite side of the building where there are no condominiums. Discussion ensued.

Selectman Sauvageau again stated that if there were five complaints in the past six months, he feels it may increase when the patio is utilized. Mr. Hoban feels it will decrease because they will be outside on the opposite side of the building.

Selectman Sauvageau stated the establishment average is ten complaints per year. The Administrator indicated the police say this is normal. Again, Selectman Sauvageau stated he feels six months w/ five complaints is something to the residents. He feels this discussion should be continued for six months to see what happens if & when the outside patio is utilized.

Chairman Fernandes-Abbott stated the reason the Board had the establishment come back in six months was due to the noise complaints previously w/out the use of the patio. The Board is looking for the establishment to handle the noise issue before the summer comes & the outside patio is utilized & to handle any problems w/ the parking area & smoking area on the side the

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

condominiums. Mr. Hoban explained that the patio was open from 6/05 to 11/05 & there were no complaints. Selectman Sauvageau disagreed and stated that there were complaints and that is why they were asked to return for a six-month review.

Discussion ensued re: reviewing this license in six months. The Board concurred to hold another review in six months.

Selectman Potter asked if the original reason the establishment came before the Board was due to complaints. He asked if other businesses have had to do the same. Chairman Fernandes-Abbott stated there was an application hearing for an alteration of premises in 6/05. Residents showed up in opposition.

Chairman Fernandes-Abbott stated that a call was made to Mr. Hall, a condominium trustee re: this meeting & packets of letters were distributed to condominium residents re: this meeting. These letters went out on 5/16/06. No one approached the Board to speak for or against this matter.

Mr. Hoban stated he finds another six-month review unreasonable. He discussed why the outside area has nothing to do w/ complaints. Chairman Fernandes-Abbott explained that if the Board does not hold another review & if any complaints are reported, the Board could hold a show-cause hearing on the Alteration of Premises License.

Selectman Sauvageau stated it is positive that no one from the condominiums is present to speak in opposition & a six-month review would be to the establishment's benefit.

VI. ANNOUNCEMENTS

- A. Special meeting of the Board of Selectmen/Sewer Commissioners will be held on 6/1/06 at 6:30 P.M. in the Town Hall cafeteria to discuss the Rose Point sewer project.
- B. Financial Summit is scheduled on 5/25/06 at 6:30 P.M. in the High School Auditorium.
- C. There will be no Memorial Day Parade on 5/29/06. Dedication services were read into the record.

VII. TOWN BUSINESS

- A. Sign permit for Cape Cod Canal Region Chamber of Commerce.

Present before the Board: Marie Olivia, Executive Director of Chamber
Phyllis Decas

Ms. Olivia stated a permit is sought to place two signs at the new information center on Main St.

Ms. Oliva spoke re: discussions/ meetings held re: the property site & location of signage.

Selectman Potter stated the type of signage is not indicated. Ms. Oliva described the specs for the signage.

Selectman Eckstrom stated the property these signage will be located is Pezzoli Square. She asked where the signage would be placed. Ms. Oliva stated they want to place the sign on the center island of the parking lot. Brief discussion ensued re: this location & signage placement. Chairman Fernandes-Abbott stated that the entire area, parking lot, & islands are all part of Pezzoli Square.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Selectman Sauvageau explained what Pezzoli Square is & whom it honors. Ms. Decas explained the three islands in Pezzoli Square. Selectman Sauvageau feels the placement of signage in this location is offensive. He feels that placing advertisements in an area dedicated to a police officer that was shot in the line of duty is offensive. He feels it would be a desecration to place a sign in this area & to find another site. Ms. Decas stated the Police Department was consulted re: placement of the signage.

Selectman Potter stated he agrees w/ the roof signage & suggested a sidewalk sign temporarily vs. what is proposed.

Ms. Oliva stated she understands the concerns, but she felt there was a consensus on placement of the sign from meeting w/ various groups. She stated the Chamber of Commerce is a non-profit organization & they are providing an important community service. She stated she is present only to identify the sign. Again, she felt there was a consensus amongst the Police Dept., Municipal Maintenance, etc.

Selectman Sauvageau stated he is offended that Chief Joyce agreed to this placement. He stated the Chamber of Commerce may be non-profit, but he feels they are promoting a for profit agenda. He feels Selectman Potter's suggestion of a temporary sidewalk sign is an excellent one. Ms. Decas asked if Selectman Potter's suggestion require another hearing or another approval. The Administrator replied "no."

Chairman Fernandes-Abbott asked if any alternative locations were offered. Ms. Oliva replied "no." Brief discussion ensued re: temporary signage. Ms. Oliva explained that she met w/ former Selectman Parola & Chief Joyce this past fall re: this issue.

Selectman Eckstrom explained what she understands Chief Joyce was asked specifically if the sign would impede traffic, not whether the placement was appropriate. She expressed concern re: a meeting w/ former Selectman Parola in the fall & the Board is just now hearing about the sign placement now. Ms. Oliva stated the reason they met last year was to establish a site. Selectman Eckstrom asked why it was Selectman Parola & not the Chairman of the Board. She stated that Selectman Parola has been recently nominated to the Board of Directors of the Chamber of Commerce. Ms. Olivia stated "yes" but wondered what that had to do with anything. Selectman Eckstrom stated she was making no accusations, but rather just making an observation. Chairman Fernandes-Abbott stated CEDA was aware that signage would be constructed on the building on Main St.

Chairman Fernandes-Abbott stated she understands the concerns re: signage in Pezzoli Square, but there is a need to establish an alternative site. She suggested on the side of the Cingular store building. Selectman Eckstrom stated the problem w/ this is that it will only be seen from one side of the street. Chairman Fernandes-Abbott expressed concern re: a temporary sidewalk sign impeding pedestrian traffic. Discussion ensued.

Ms. Oliva again discussed the meeting held to discuss the building & signage. She was not aware of opposition; otherwise, she would have tried to work something else out. Discussion continued.

Chairman Fernandes-Abbott agreed w/ Selectman Sauvageau, but she would like to come to an agreement to help satisfy this issue. Selectman Sauvageau suggested Ms. Oliva consult w/ the sign consultant & then come back before the Board. He suggested Ms. Oliva consider Selectman Potter's suggestion. Selectman Eckstrom also suggested someone speak to the Pezzoli family.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Selectman Sauvageau asked why this wasn't done. Chairman Fernandes-Abbott assumed that because it is Town owned property.

Present before the Board: Elizabeth Pezzoli

Ms. Pezzoli distributed three pictures to the Board depicting the three islands in Pezzoli Square. She stated the area next to the Cingular store building at the edge of the parking lot might be a suitable site to place the sign.

Ms. Pezzoli expressed concern re: this matter being in the works in the fall & what question was posed to Chief Joyce relative to signage. She again suggested an alternative site be on the edge of the roadway by the Cingular store building. She feels it was former Selectman Parola & the Administrator's responsibility to approach the family & the Board. She added that the Garden Club was not happy w/ the proposed signage either.

Ms. Pezzoli read a letter into the record re: her feelings on this issue.

Ms. Oliva stated she did not mean to disrespect the family & believed that she had met w/ all the right people. The Administrator stated he was not in attendance at these meetings. Again, Ms. Oliva stated she did not mean to disrespect the family & she understood this was Town property. She stated she will speak to the Pezzoli family & will come back before the Board.

Present before the Board: Rita Madden, Wareham Garden Club

Ms. Madden stated at first, the Garden Club received a letter re: signage in Pezzoli Square & the Garden Club sent word back that this can't be done due to a tree that is there that was donated by the Pezzoli family. She stated she was upset re: the placement of the sign in front of the tree. She stated a meeting was held w/ Ms. Oliva for discussion on alternative sites & the need for the sign to be seen from both sides of the street. She feels the Garden Club had no say in this issue because it is Town property, although she does agree that some sort of signage is needed.

Selectman Eckstrom stated the Board could approve the roof sign. Chairman Fernandes-Abbott agreed. The Administrator explained that the roof sign does not need approval because it is not on Town property. Ms. Oliva stated that they will be happy to work with Ms. Pezzoli and come back to the Board when a consensus is reached.

NOTE: The meeting broke for a five-minute break at this time.

B. Discussion w/ Planning Board.

Present before the Board: Anthi Frangiadis, Planning Board Chair
Chuck Gricus, Town Planner

Chairman Fernandes-Abbott stated the Board had a discussion last week re: the sunset of the West Wareham Strategic Planning Committee & the Zoning Re-write Committee on 6/30/06. She stated some articles at Town Meeting were voted Further Study & it was not specified who would further study these articles. The Board felt the articles were for further study by the Planning Board. The Board had also discussed how much work the Planning Board has ahead of them & the Board wants to make sure the Planning Board can take on the continuance of zoning articles further studied at Town Meeting & address zoning articles not brought forward which are important for direction in the future.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Ms. Frangiadis stated it was the Planning Board's understanding that they would be further studying the Town Meeting articles because of the sunset of the two other relative committees. She stated she has spoken to the other Planning Board members & the ZBA re: cleaning up these further-study articles. She indicated that most of these articles work hand-in-hand.

Ms. Frangiadis stated the Planning Board is proposing scheduling two additional workshop meetings per month to address only zoning amendments. She distributed an outline to the Board re: additional meetings. She explained that the workshop format allows for public input & allows the Planning Board to be more involved before a public hearing on an article. Chairman Fernandes-Abbott asked if this schedule would place the Town in good stead for the 10/06 Town Meeting & hearing compliances. Ms. Frangiadis feels this schedule should be completed by August & allow articles to be published & have hearings set well before Town Meeting in 10/06.

Chairman Fernandes-Abbott asked if the Planning Board plans to bring forward all the Further Study articles in 10/06. Mr. Frangiadis stated the goal is to bring all of these articles forward. She explained the outline schedule of what & when articles will be discussed.

Selectman Sauvageau questioned where the West Wareham Strategic Planning Committee articles are located w/in the schedule. Ms. Frangiadis stated they are included in item A.

Selectman Eckstrom noted the statutory requirements re: time for hearings. She asked if each article would have a public meeting in the fall. Ms. Frangiadis stated there would be public hearings on the articles, but they will not be holding them the night of Town Meeting.

Chairman Fernandes-Abbott stated that Mr. Gricus would continue to assist the Planning Board through the Smart Growth Grant. Selectman Sauvageau stated there is \$13,000 left in the grant. Discussion ensued re: this grant, monies available, & TDR as a policy issue. Ms. Frangiadis stated that funds were expended, but the job is not completed, which may deter further application submissions. Mr. Gricus stated that w/ re: to the Smart Growth Grant this cycle, the Town can apply but the chances are the Town will not get the grant.

Selectman Sauvageau stated the Town has tapped this grant two times equaling over \$100,000. He feels if more money is needed, the Town should not short itself, but only utilize this money if necessary.

Selectman Sauvageau asked re: the plaza issue. Ms. Frangiadis stated at the hearing held last Thursday; there was a draft decision & order of conditions for the Planning Board's review. The Planning Board has asked for a revised version of these two documents & the public hearing has been left open until 6/6/06 when the revised draft will be discussed. She stated w/ the revised draft to be discussed on 6/6/06 & w/ the presumption that all paperwork is complete; she does not anticipate this issue taking more than two more meetings after 6/6/06 to finish. She indicated that the applicant has requested a continuance of the hearing if not all members of the Planning Board are present. She added that the Planning Board is trying to get it to a two to three week schedule. She feels a four to six week timeframe for completion of this hearing is reasonable.

Ms. Frangiadis stated the Planning Board has a lot of information re: the TDR issue. She stated in the past several months, several large sub-divisions have come before the Planning Board & if a TDR was in place, it could have been utilized. Chairman Fernandes-Abbott stated a meeting would need to be held between the Board & the Planning Board re: TDR information. She added that all the Board can do is set policy.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Selectman Sauvageau stated that there is more than just knowing how a TDR works. He feels that A.D. Makepeace needs to be at the table as well & all meetings should be public. He feels A.D. Makepeace would be impacted by a TDR. Chairman Fernandes-Abbott stated that workshops will be public & A.D. Makepeace will be welcome.

Ms. Frangiadis informed & briefly discussed w/ the Board that one very large sub-division plan from A.D. Makepeace came before the Planning Board last night

C. Any other Town business.

1. Tobey Will Fund.

Selectman Eckstrom asked who wrote the letter to the Attorney General re: the Tobey Will Fund issue. Chairman Fernandes-Abbott stated an attorney from Kopelman & Paige (Town Counsel) wrote it.

Selectman Eckstrom read a portion of the letter into the record. She feels what is written is not how things happened. She feels it is disingenuous to the Attorney General. She stated at a previous Board meeting, it was agreed that everything would be brought forward. She doesn't agree w/ the letter.

Chairman Fernandes-Abbott disagreed w/ Selectman Eckstrom. She discussed the portion of the letter that discusses the declining interest rates. Selectman Eckstrom again stated she feels the letter is a lie. She continued to express her concerns over this issue. She stated that the letter states the "Board of Trustees....". She stated she was never presented w/ information re: the Tobey Will & she will not sign the letter because she will not take the blame for this matter.

Chairman Fernandes-Abbott stated she does not understand what Selectman Eckstrom wants to accomplish w/ this issue. She stated the Board concurred that a letter should go out to the Attorney General.

Selectman Sauvageau stated the reason for the letter is that the Board is in violation of a court order & the Board needs to remedy the situation. He feels the Board needs the Attorney General's help in resolving this issue & he feels questionable facts should be taken out of the letter, for example, the reference to interest revenues. He feels interest revenues are irrelevant. Chairman Fernandes-Abbott disagreed. She stated the principle has been breached because the interest did not grow. Selectman Sauvageau feels that the Board needs inform the Attorney General that there was an error, the Trust Fund was breached, & there is a need to make it whole again. He discussed judiciary responsibility. He suggested taking out certain language in the letter, state the facts, & ask for help w/ a resolution. Chairman Fernandes-Abbott clarified what changes are to be made in the letter. Brief discussion ensued re: these changes. Discussion continued.

MOTION: Selectman Sauvageau moved the Board approve the letter to the Attorney General re: the Tobey Will Fund & its corrections. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

2. PEG Access Corporation.

Selectman Sauvageau stated ComCast sent a letter to the Town re: the Town's portion of monies for this quarter is \$74,000. He asked what amount is in escrow for the PEG Corp. The Administrator stated he would get this figure.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

NOTE: Selectman Potter volunteered to meet w/ the Chamber of Commerce representative & the Wareham Village Association to discuss the sign issue.

Chairman Fernandes-Abbott stated there have been eight applications for the PEC Access Corp. Board of Directors to date. She asked re: availability of Board members to start interviews. Selectman Sauvageau doesn't feel eight applicants are enough for seven positions. He feels we need more applicants. Chairman Fernandes-Abbott agreed, but feels the Board needs to start holding interviews & move forward w/ the process. Brief discussion ensued.

Discussion ensued re: generating questions for the interviews.

3. Applications for boards, committees, etc.

Chairman Fernandes-Abbott stated applications have been picked up for boards, committees, etc. She feels the Board should interview new & re-appointment applicants to these boards, committees, etc. Selectman Sauvageau feels this is an excellent idea & he feels it would be a vetted process & the Board can get to know whom these applicants are.

Chairman Fernandes-Abbott asked the Board to put together questions to ask the applicants. She distributed questions to the Board that she would suggest, for example, training, attendance records, & certifications. She stated that once we formulate the interviewing questions, the Board could start scheduling re-appointment interviews. She asked the Board not to vote on appointments until after the interviews that should be conducted by 6/30/06. Selectman Eckstrom suggested the Board consider not voting on new appointments either until 6/30/06.

Chairman Fernandes-Abbott discussed the application process and when the application is received. Selectman Eckstrom stated she has an issue w/ the application process starting w/ the Chair of the given Board & discussed why. She stated that there should be healthy discourse on Boards rather than appointments that prescribe to a certain mindset. Discussion ensued.

Selectman Sauvageau discussed problems w/ ad-hoc committees & their not understanding what is required. Chairman Fernandes-Abbott stated there should be one form for new appointments & one form for re-appointments.

4. Citizens Participation.

Chairman Fernandes-Abbott proposed a different type of Citizens Participation commencing in June. She proposed on a rotating basis that a Board member & the Administrator come to the Selectmen's meeting at 6:00 P.M. to meet w/ people for Citizens Participation. She feels this would be good because it gives the Selectmen the opportunity to follow through w/ the citizens' concerns. She stated it would be up to the Board members if other Board members need to discuss an issue publicly. She feels that many Citizens Participation issues would be more effectively handled in this way.

Selectman Sauvageau asked if this would be in addition to the weekly Citizens Participation on the agenda. Chairman Fernandes-Abbott replied "yes & no." She stated Citizens Participation would be before the first meeting of every month. Selectman Sauvageau stated he likes the idea, but he is not in favor of having it only one time per month. He would still like to continue w/ Citizens Participation (public input) at weekly meetings.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 05/23/06 (CONT'D)

Selectman Sauvageau feels the Administrator should announce that public input sessions are held w/ him at specific times every month. He feels one Board member & the Administrator meeting w/ people is a good idea.

Chairman Fernandes-Abbott stated the reason she suggested one time per month at the Board's meeting was to make it easier for the Board members to follow through. Selectman Potter stated he agrees that Citizens Participation should remain on the agenda.

Chairman Fernandes-Abbott feels many people would participate in a 6:00 P.M. meeting in the Board's forum. The Administrator stated that he would be keeping his scheduled input hours. Selectman Sauvageau stated he heard this is not true. He feels the Administrator needs to advertise his public input session hours. He suggested the Administrator state these times each time he makes his report. Chairman Fernandes-Abbott does not feel this is necessary, but it could be announced on the community access channel. The Administrator added that people also make appointments as well to come in & speak w/ him.

5. Letter of Support to Board of Health.

Chairman Fernandes-Abbott stated there is a draft letter that should go to the Board of Health re: supporting their grant application to the EPA for smoke free homes. She reported that the town has the highest lung cancer rates as well as the highest lung cancer mortality rates in the state. She would like the Board to endorse this letter. The Board members concurred to endorse the letter.

VIII. SELECTMEN'S REPORTS (NONE)

IX. ADJOURNMENT

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

VOTE: Unanimous (4-0-0)

Respectfully submitted & transcribed by,

Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: _____

Attest: _____
Brenda Eckstrom, Clerk
BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: _____

Date copy sent to Wareham Free Library: _____