

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: July 11, 2006

Date of Transcription: July 12, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:13 P.M.

II. ROLL CALL

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

Selectman absent: Bruce Sauvageau

Present: Michael Hartman, Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Kevin Pratt, Brown Street

Mr. Pratt stated there were issues previously w/ a 40B project utilizing Brown St. as an access road. He stated the road is a mess & the builders have just done whatever they wanted & now are not held liable.

Mr. Pratt stated re: the new duplex project, which is presently going on, construction vehicles, are utilizing Brown St. & other issues w/ the contractor. He has attended many ZBA meetings & he feels there has been an extreme abuse of construction & conditions.

Mr. Pratt submitted picture of the said area to the Board.

Mr. Pratt stated he pays his taxes & that nothing has been done to fix the road he lives on. He has contacted Municipal Maintenance & they have done nothing. He feels something needs to be done re: all the traffic being generated on Brown St.

Mr. Pratt stated when he contacted Susan Green in the Administrator's office he was told the contractor would fix the road in April, but it still has not been done. He also has letters from various merchants' who will not make deliveries due to the condition of the road.

Chairman Fernandes-Abbott explained that Brown St. is paved from Rte. 6 beyond the Mulligan project. After that, from Swifts Beach Rd. on, the road is in terrible condition. She has spoken to Mr. Gricus, town planner who has spoken to Mr. DePico a representative of the Mulligan project & e-mail was sent.

The Administrator explained that because of the e-mail, the contractor stated that they will fix the roadway. The Administrator expressed concern re: where the paving meets the gravel. He indicated that he will get the engineer to review the situation. Again, as of this afternoon, the contractor/developer stated they will address the problem sometime this week according to Mr. Gricus, weather permitting.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

Mr. Pratt stated that the Planning Board & the ZBA have approved the development, but the conditions have not been met. The Administrator stated there is a Town engineer paid by the developer to conduct inspections. He stated if the inspections are being conducted haphazardly then they have to be fixed. Mr. Pratt stated he has never seen an inspector out there. The Administrator stated that a new engineer has been hired since the development started & he is not sure if this new engineer has inspected this project yet. He added that there is a 48-hour notice required before a developer paves. He does not feel the new engineer has been inspected this project yet.

Selectman Eckstrom asked if the 40B or the new duplexes are occupied yet. Mr. Pratt said the 40B is fully occupied; the duplexes have some residents. Selectman Eckstrom asked the town administrator if the building inspector could not issue any occupancy permits until conditions are met. The Administrator stated he will get the new engineer out to this project as well as the building inspector. He stated the building inspector will be instructed not to allow occupancy until this issue is rectified.

Chairman Fernandes-Abbott stated that Mr. Gifford, Municipal Maintenance Director can review the roadway & possibly re-grade if necessary. A woman present w/ Mr. Pratt stated this will not be acceptable to her.

Selectman Pillsbury discussed a decision to keep this piece of roadway gravel to prevent it from becoming a cut-through. The Administrator stated that if the construction is not done & the conditions have not been met, then the Planning Board could hold up the lot releases. Mr. Pratt indicated that the ZBA said that if anything happened later on that the road would be re-surfaced. Selectman Eckstrom noted that obviously the two land use boards did not discuss this. She feels there needs to be greater communication between them. This is not the only time one board has made a promise and the other approves something new. Discussion ensued. Selectman Pillsbury stated that maybe the ZBA could communicate their wishes to the Planning Board re: what was done. If issues come up, the Planning Board should call the developer back.

The Administrator discussed the process to follow from this point.

Mr. Pratt asked if the developer is allowed to park equipment at the end of the road. Discussion ensued.

The Administrator stated that the planning board could be spoken to re: changing conditions relative to the trucks parked at the end of the road. Mr. Pratt stated the contractor is done now.

Selectman Pillsbury stated that certificates of occupancy will not be issued if this is not fixed, and only then after the building inspector is notified.

Discussion ensued re: why only half of the road is paved.

Chairman Fernandes-Abbott summarized what actions the Administrator will take to help remedy the situation, for example, speaking w/ Mr. Gricus re: setting a course of action.

IV. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.

(NONE)

B. Approve minutes of previous meetings: 4/24/06.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

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

VOTE: Unanimous (4-0-0)

V. LICENSES & PERMITS

- A. Application for two One-Day All Alcoholic Beverages Permits for Cromesett Tribe #156, Improved Order of Redmen, 754 Main St., Wareham on Sunday, August 6, 2006 for the Annual Clambake from noon to 9:00 P.M. & Saturday, August 19, 2006 for a Family Reunion in the outside grove area from noon to 9:00 P.M.

Present before the Board: Kenneth Roche, Sr.

Mr. Roche discussed the two events.

MOTION: Selectman Eckstrom moved the Board approve the Application for two One-Day All Alcoholic Beverages Permits for Cromesett Tribe #156, Improved Order of Redmen, 754 Main St., Wareham on Sunday, August 6, 2006 for the Annual Clambake from noon to 9:00 P.M. & Saturday, August 19, 2006 for a Family Reunion in the outside grove area from noon to 9:00 P.M. & that no alcohol be consumed on Town property. Selectman Pillsbury seconded.

VOTE: Unanimous (4-0-0)

VI. TOWN ADMINISTRATOR'S REPORT

1. Municipal Relief Act. Under the Municipal Relief Act the town is permitted to transfer 3% of a department budget or \$5,000 which ever is greater that is unused to other department budgets to cover deficits. Transfers under the act require the approval of the Board of Selectmen & Finance Committee. The Administrator read the requested transfers covering deficits as of June 30, 2006 into the record.

The Finance Committee will review these transfers at their meeting tomorrow night. The transfers must be completed by 7/15/06. Brief discussion ensued.

MOTION: Selectman Eckstrom moved & Selectman Potter seconded that the Board approve a transfer totaling \$124,393 from the following departments in accordance w/ the Municipal Relief Act:

Transfers From:

Selectmen – Expenditures	\$ 5,000
Town Administrators – Wages	3,263
Data Processing	5,000
Clerical Pool – Wages	5,000
Police – Wages	31,542
Animal Control – Expenditures	5,000
Municipal Maintenance – Wages	37,315
Library – Wages	27,273
Life Insurances	<u>5,000</u>
	<u>\$124,393</u>

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

Transfers To:

Collector/Treasurer – Expenditures	\$ 6,000
Town Buildings – Expenditures	14,000
Legal Services	48,251
General Services – Expenditures	9,350
Planning Board – Expenditures	4,468
Town Planner – Expenditures	2,400
Municipal Maintenance – Expenditures	5,000
Veterans Benefits	7,500
Board of Health – Expenditures	2,000
Community Health Services	1,807
Historical Commission	1,842
General Liability Insurance	5,367
Street Lights	12,144
Retirement	1,299
Commission on Disabilities	550
FICA	<u>2,415</u>
	<u>\$124,393</u>

VOTE: (3-0-1)

Selectman Pillsbury abstained

VII. TOWN BUSINESS

A. Interviews for the PEG Access Board of Directors applicant: James Newman

Mr. Newman discussed his background, his work in Town, & his past work experience.

Selectman Pillsbury stated there is a need to generate an interest in this venture in the community. She asked Mr. Newman how he would generate this interest. Mr. Newman suggested a ½ hour program once per month to answer Veterans questions or this could be done for any program, group, etc.

Selectman Potter asked what specific things Mr. Newman would bring to the community cable network. Mr. Newman presented some of his ideas.

Selectman Eckstrom asked Mr. Newman if he reviewed the by-laws & regulations for the Board of Directors. Mr. Newman replied “yes.” Mr. Newman added that there is no limit as to what can be done w/ this new venue.

Chairman Fernandes-Abbott stated the Board is trying to assemble a diverse group that will oversee the three channels (government, educational, & public access). The Board is looking for people that fit into different nooks. She asked Mr. Newman if he could choose one of these hats, which hat would he choose. Mr. Newman stated he would try every one. He stated he can only try his best.

Chairman Fernandes-Abbott updated the Board on the Verizon negotiation process, which allows for 12 months for completion.

B. Westfield property discussion.

School Committee members present: Dr. James Collins

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

Cliff Sylvia, Chairman
Geoffrey Swett
Bob Brousseau
Two other members

Chairman Fernandes-Abbott discussed the location of Town property. She stated 19 acres of the Westfield property is under construction for recreational fields & the Housing Partnership is looking at a portion of this property as well for a potential affordable housing project. At the Board's last meeting, it was determined that the School District may be interested in some acreage on this property.

Dr. Collins stated the Administrator offered the land to the school committee during the police feasibility presentation in January. If land might be available at this site for a future school, the school department would like it. The Administrator had indicated that he would recommend it to the Board.

Chairman Fernandes-Abbott stated that there has been on-going dialogue re: this matter. She stated a consultant is currently reviewing the housing piece & recommendations will be forthcoming. She feels if acreage is to be set aside for school or municipal purposes it needs to be done now & formally. A map was displayed of the area.

Chairman Fernandes-Abbott stated there is a need to know if the School District wants to reserve a portion of this property. She understands information is being generated by the schools, but there is a need to know.

Mr. Sylvia thanked the Board for inviting them to this discussion. Dr. Collins stated that the School District's original position was that the Town for a potential school site purchased the Pulanski site. He feels the Town should live up to this obligation (setting aside this property for a school). He stated if the Pulanski property is to be used for something else, there is a need to make sure approx. 15 acres is set aside for a school.

Mr. Sylvia stated a far-reaching study of projections/determinations has been done & it shows that at some time in the future there will be a critical need for school space. He expressed concern re: is the School District considered when land use is discussed. If he had to choose between the two properties, he feels it would be hard to determine/choose right now.

Selectman Eckstrom asked the Chairman for clarification of the acreage being used for recreation up in Westfield. She said she first heard 15, then 16, then 17 and now 19 acres. She cannot find a vote of when the land was given to the recreation and yet every time it's discussed, it becomes large. The Administrator clarified that the total area for recreation was 14.9 acres. Selectman Pillsbury stated that the land was given for recreation sometime in the mid 1990s.

Selectman Pillsbury asked the Administrator if a public safety building is going to take up all of the Pulanski property if decided. The Administrator feels there is room for both. He understands if a safety building is placed at the Pulanski property, they will only need 10 acres of the 25 acres. Selectman Pillsbury stated that the Pulanski property should still be considered for the School District because at this time, they do not know where their needs may be in the future. Mr. Swett stated their analysis shows that the elementary level would be impacted by growth, but they do not know the geographical impacts where these children will be at this time.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

Mr. Sylvia feels if land were available & committed to the School District, it would be a good move & be proactive in addressing the future needs of the School District.

Mr. Brousseau discussed ten years ago when there was an overcrowding issue at the Middle School. He discussed the decisions made to open two closed schools at that time. He stated when the Pulanski property became available, extensive discussions were held as to what the School District's needs would be. He stated at that time it was felt that the Pulanski property could be utilized for a second Middle School. He stated as the fiscal situation progressed, it was decided that land should be set aside for a school of some type. He understands the growth issues facing the Town & the potential need for another elementary or Middle school. He feels setting aside land at the Westfield property is proactive, but he does not feel the demographics show right now where the real need will be.

Selectman Eckstrom feels that the School District should have the Pulanski property because it was the School Building Committee that brought it to Town Meeting and that is how it was sold at Town Meeting. She expressed concern re: carving up the Westfield property & it was her understanding that this property was to be utilized for affordable housing. She again stated that the Pulanski property should be designated for the School District & that no one should promise the Westfield site to the schools until the matter of the Pulanski property is done.

Selectman Pillsbury feels it seems it is important to have two areas preserved for the School District & that the first commitment to the schools should be the Pulanski property. As for affordable housing at the Westfield property, the whole property would be larger than what would be acceptable to the Town & Town Meeting re: an affordable housing project. She feels there is good space available at both properties & feels portions of both properties needs to be set aside for the School District's future needs especially since the needs can't be determined presently. She said at one point, the AD Makepeace Company had offered the Town land to build a school.

Selectman Potter feels there is a need to pay attention to Town-owned property & what types of development the Town wants on these properties. He does not want to deforest the properties based on what everyone thinks the needs will be. He stated there is only so much land to go around & a responsible approach is needed. He understands the needs of the Town, but he feels the Town has a responsibility to keep the direction focused on how the town develops the land.

Chairman Fernandes-Abbott understands Selectman Eckstrom's comments re: the Pulanski property, but answers from the study are not in yet, thus, the Pulanski property cannot be set aside until the results are in.

Chairman Fernandes Abbott stated it is difficult to determine the needs of the Town in the future, but there is a need to look at the future so as to leave a legacy of good decisions.

Selectman Eckstrom expressed concern re: the Housing Partnership looking at a large portion of the Westfield property for affordable housing for the elderly. By locating a school there, and building larger units, we would essentially filling up what was created there. Chairman Fernandes-Abbott stated w/ re: to the affordable housing being looked at, there will be senior units, single family homes, etc. which will bring children into the area, but most will be 2-3 bedroom units. Selectman Pillsbury added that solving the 40B problem will be a burden to the schools. Selectman Eckstrom feels the Town's 40B problem could almost be solved at this property if used correctly. Chairman Fernandes-Abbott stated she understands the issue of controlling 40B, but she feels by putting 150 units of affordable housing in one condensed area would create a "ghetto" & she could not support that. Selectman Eckstrom noted that the last 40B project presented to the Board by a

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

private developer had 88 units & everyone seemed favorable of it, but the one proposed w/ 150 units at Westfield that we are controlling is going to criticize? She again stated that she feels decisions re: the School District & land should wait until the Police Feasibility Study comes back. Selectman Pillsbury feels by the Board stating 15 acres of the Pulanski property should be set aside for the School District would be correct & no matter what happens, the School District should have some land at the Pulanski property. She does have reservations w/ the Town being involved in building affordable housing. She also noted that the last 40B project that came before the Board wasn't all favorable; there were concerns re: this project burdening the sewer system & having so many units in one place.

Selectman Pillsbury feels foresight is needed to move forward w/ putting aside acreage for the School District. Mr. Swett stated it is likely, in the future, that another school will be needed. Although the location at this time is unknown, education is a smarter matter to think about & is easier to control than 40B.

Selectman Eckstrom expressed concern re: the school committee expecting the residents to pay for building two schools.

Mr. Brousseau discussed the population of year round residents in Town in the 1960's vs. Plymouth. He stated both towns have grown & he feels the Town in the future will look like what Plymouth looks like now. He feels it is wise to set aside land for the School District.

Dr. Collins stated he is in favor of both properties & agreed w/ Selectman Pillsbury's comments. Chairman Fernandes-Abbott agreed as well.

Selectman Eckstrom asked if the Board could obtain input from the Housing Partnership re: their proposals for the Westfield property. Chairman Fernandes-Abbott stated when Dr. Collins went before the Housing Partnership; the consultant had carved out 15 acres for the School District at the Westfield site. She feels Dr. Collins believes 10-15 acres for a school is sufficient as long as there are playing fields already there. The Board members concurred to have the Housing Partnership come in to speak of their proposals.

Chairman Fernandes-Abbott updated the Board on the Police Feasibility Study. Discussion cont'd re: land being set aside for the School District.

NOTE: The meeting proceeded w/ item VIII. Sewer Business – A. CDM Update.

Present before the Board: Mike Guidice

Mr. Guidice updated the Board on the following:

WPCF:

- Construction update – less than five punch list items remaining.
- Septage receiving station update

Mr. Guidice explained the issues that arose re: the station not operating properly. He stated the manufacture came out to determine the problem & looked at the electrical parts. He stated now the station is operating fine.

- Nitrogen – May average = 4.1 mg/l. June average = 3.3 mg/l.
- Phosphorous – May average = 0.3 mg/l. June average = 0.4 mg/l.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

Mr. Guidice stated the phosphorus levels were slightly above normal, but a second injection point was made & the numbers were lowered. He feels this issue has now been resolved.

Rose Point Sewers:

- Construction Update –
- Barlow St. complete & paved.
- Working on Rose Point Ave. (Winter St. toward Bradford St.)
- Pumping station work remains.
- Approx. 76% of mainline sewer installed.

Briarwood Beach/Beaver Dam Estates Sewers:

- Construction Update –
- Roosevelt St. to Madison St. completed.
- Briarwood Dr. pumping station wetwell installed.
- Moving to Briarwood Dr. – Taft St. to Carter Ave
- Working on McKinley Ave. (river side)
- Approx. 28% of mainline sewer installed.

New Sewer Areas:

- Draft design contract due to Town (hopefully by next week).
- PEF due to DEP 8/31/06

Mr. Guidice stated the goal is to get an article on the town meeting warrant for three contracts. There is still a need to decide the groupings.

Selectman Pillsbury noted prioritizing the list, but stated that the list may not logically connect the areas together. The Administrator stated there is a master list & some areas need to be done first. He stated Linwood & Ladd Avenues can be moved up or down the list or be done w/ another project. This area may apply for community funding for its sewage project as well as the Oakdale area due to its small size. He added that CD's could be looked at for hook-up of these areas as well as different options.

Infiltration/Inflow Program:

- Scope/schedule/budget due to Town
- First phase report is complete. The first phase was 80% under budget. This money could be put towards the second phase.

The Administrator stated that an article will go on the town meeting warrant to fund the rest of Phase II.

Rate Study:

- June 13th workshop
- Evaluation of Option "E"
- Meetings w/ Water Districts

The Administrator updated the Board on the meetings w/ the Water Districts. He stated that he had a potential date to meet with the Wareham District on July 17 with Selectmen Pillsbury and Sauvageau. Selectman Pillsbury stated that was a Monday and would need to check her calendar. He did not have a date for Onset yet. Chairman Fernandes-Abbott stated she and Selectman Potter would be attending the meeting with Onset.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

Selectman Potter stated if new rates are to go into effect, a letter should go out to residents re: the program being worked on relative to sewerage when the water bills go out. The Administrator stated he hopes the bills will go out in September. Chairman Fernandes-Abbott feels people should be informed that the Town has been working on the rate structure. Selectman Pillsbury agreed w/ keeping people informed.

Discussion ensued re: the timeframe for creating a reserve fund

C. Policy discussion.

Chairman Fernandes-Abbott stated while interviewing candidates for boards, committees, etc. an issue came up re: the Town not having a policy/By-Law that requires someone being appointed to a Town committee be a resident of the community. She had always assumed that someone had to be a resident of the Town to serve on a Town board, committee, etc.

Selectman Pillsbury stated there is that assumption because the Board has always made it a practice. She stated that things change & it should be written somewhere. She stated Selectman Sauvageau had suggested previously that a policy be made & she supports that. She feels it would solidify what would be practiced.

Chairman Fernandes-Abbott told the Board she drafted a copy of a policy for review & discussion. The Board proceeded to review the draft copy. Selectman Eckstrom stated the only change she would suggest is w/ the proof of residency. She feels that the list should include a Massachusetts license or Massachusetts photo ID. Then proof of auto insurance could be added to the list and we could request at least two of the items listed. Discussion ensued re: what type of proof of residency should be shown & how to word this w/in the draft policy. Chairman Fernandes-Abbott stated she would list the acceptable forms of residency w/in the policy as discussed.

D. Any other Town business.

1. Hungry Beachcomber.

Selectman Potter asked why the Hungry Beachcomber is closed this summer. The Administrator stated an attempt to lease out this building was made three times, but w/ no success. He stated he is looking into creating funds for the building. He again stated proposals were sought, but received no bids even though there were interested parties. He added that the RFP was done last winter & there have not been any bids in two years. Selectman Potter suggested placing the RFP now for next summer, so that seasonal residents have an opportunity to view it. Discussion ensued. The Administrator concurred to place an RFP out now.

2. Inclusionary By-law.

Chairman Fernandes-Abbott stated that the Planning Board will be holding a meeting tomorrow night to discuss the inclusionary by-law. Any comments may be sent via e-mail to Anthi Frangiadis or herself.

VIII. SEWER BUSINESS

A. CDM Update. (DONE)

B. Any other sewer business. (NONE)

SELECTMEN/SEWER COMMISSIONERS MEETING 07/11/06 (CONT'D)

IX. SELECTMEN'S REPORTS
(NONE)

X. ANNOUNCEMENTS

- A. Every Wednesday in Onset there will be Music in the Park from 7:00 P.M. – 9:00 P.M.
- B. On Thursday, July 13 the Onset Bay Movie Company will present *The Polar Express* @ 8:00 P.M.
- C. On 7/15, Illumination Night will be held in Onset from 12:00 noon to 9:00 P.M.
- D. On Sat., July 15, there will be the annual book sale at the library from 9:30 A.M. – 1:00 P.M.
- E. On Sun., July 16, the Wareham Gatemen will be at the library at 2:00 P.M. to support the Spinney Library.
- F. On 7/20, Friends of the Library will be hosting a jazz concert @ Tihonet Pond at 6:00 P.M, with proceeds going to the Spinney Library Fund.
- G. On 7/18 at 11:00 A.M., a children's show will be at the library.
- H. On 7/15, the Friends of the Library & the OBA will sponsor the Toe Jam Puppet Band as part of the Illumination Night.

XI. ADJOURNMENT

MOTION: Selectman Pillsbury moved at 9:31 P.M. to enter into executive session to discuss pending litigation & contractual obligations of town employees. Selectman Eckstrom seconded.

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

VOTE: Unanimous (4-0-0)

Respectfully submitted & transcribed by,

Kelly Barrasso
Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: 8-2-06

Attest: *Brenda S. Eckstrom*
Brenda Eckstrom, Clerk
BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 8-2-06

Date copy sent to Wareham Free Library: 8-3-06