

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: July 18, 2006

Date of Transcription: July 20, 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
Jim Potter

Present: Michael Hartman, Town Administrator

III. WPCF INTERIM LOAN AGREEMENT VOTE

Present before the Board: Mary Ann Silva, Town Clerk

Chairman Fernandes-Abbott stated the Board has to authorize the Treasurer/Collector to borrow \$809,009 from the Water Pollution Abatement Trust for an Interim Loan w/ an interest rate of 1.76% ending 12/31/06 for the upgrade modifications to the Water Pollution Control Facility.

MOTION: Selectman Eckstrom moved the Board authorize the Treasurer/Collector to borrow \$809,009 from the Water Pollution Abatement Trust for an Interim Loan w/ an interest rate of 1.76% ending 12/31/06 for the upgrade modifications to the Water Pollution Control Facility pursuant to Chapters 29C & 44 of the MA General Laws & a vote of the Town passed 4/23/01 (Article 18) for construction of water pollution control facilities. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

The Board members proceeded to sign the documents & were sworn-in by the Town Clerk.

IV. CITIZENS PARTICIPATION (NONE)

V. ANNOUNCEMENTS

- A. On 7/19/06, there will be music night at the Onset Bandshell from 7:00 P.M. – 9:00 P.M.
- B. On 7/20/06, the Onset Bay Movie Company will be showing *Batman Begins* at the Onset Bandshell starting at 8:00 P.M.
- C. On 7/19/06, the Spinney Memorial Library Fundraiser will be held at Tihonet Pond for a jazz night starting at 7:00 P.M. Tickets are available at the library & the Wareham Information Center.
- D. On 7/29/06, there will be a Bourne/Wareham Art Show w/ a rain date of 7/30/06.

VI. CONSENT AGENDA

SELECTMEN/SEWER COMMISSIONERS MEETING 07/18/06 (CONT'D)

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Eckstrom moved the Board approve application #4 from RJV Construction Corp. in the amount of \$301,766.72 re: the Briarwood Beach & Beaver Dam Estates sewer project. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

B. Approve minutes of previous meetings: 5/2/06, 5/16/06, 5/23/06, 6/6/06, 6/20/06, & 6/27/06.

MOTION: Selectman Eckstrom moved the Board approve the Regular Session meeting minutes of 5/2/06 & 5/16/06. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve the Regular Session meeting minutes of 5/23/06. Selectman Potter seconded.

NOTE: Brief discussion ensued re: a correction to a citizen's name.

MOTION: Selectman Eckstrom moved to amend the motion to include corrections if necessary. Selectman Potter seconded.

VOTE: (4-0-1)

Selectman Pillsbury abstained

MOTION: Selectman Eckstrom moved the Board approve the Regular Session meeting minutes of 6/6/06 & 6/20/06. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

NOTE: The minutes of 6/27/06 will be approved at a later date.

C. Appointments to boards, committees, commissions.

1. Community Preservation Committee (Open Space Committee Representative).

MOTION: Selectman Eckstrom moved the Board appoint Peter Tamagini as a member (Open Space Committee designee) to the Community Preservation Committee to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

2. Tremont Nail Master Plan Committee.

MOTION: Selectman Eckstrom moved the Board appoint Malcolm B. Phinney as a member (citizen-at-large) to the Tremont Nail Master Plan Committee to a term to expire 6/20/09. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 07/18/06 (CONT'D)

3. Zoning Board of Appeals.

Present before the Board: David Sharkey

The Board members thanked Mr. Sharkey for his service.

MOTION: Selectman Eckstrom moved the Board appoint David A. Sharkey as an Associate member to the Zoning Board of Appeals to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

VII. LICENSES & PERMITS

- A. Application for a One-Day Liquor Permit by an individual, Maria Bryant, 38 13th St., Onset, MA for a luau at the Old Red Farm Inn on 20 Stockton Shortcut on 7/22/06 from 4:00 P.M. – 10:00 P.M.

Chairman Fernandes-Abbott stated this application was withdrawn.

- B. Application for a One-Day Wine & Malt Permit for a non-profit business; Makepeace Neighborhood Fund, Kim Houdlette & Linda Burke in charge of fundraising concerts at 158 Tihonet Rd. on 7/20/06, 8/3/06, & 8/17/06 from 6:00 P.M. – 9:00 P.M. Rain dates 7/27/06, 8/10/06, & 8/17/06 respectively.

Present before the Board: Linda Burke

Ms. Burke discussed the non-profit charitable organization. The organization is requesting Wine & Malt permits for the jazz concerts. These events will benefit the Spinney Memorial Library, the Habitat for Humanity of Greater Plymouth, & the Boys & Girls Club. She stated the organization is working w/ community partners to benefit others in the future.

Ms. Burke discussed the entertainment offered commencing at 6:00 P.M. for children & 7:00 P.M. for adults.

MOTION: Selectman Eckstrom moved the Board approve the application for a One-Day Wine & Malt Permit for a non-profit business; Makepeace Neighborhood Fund, Kim Houdlette & Linda Burke in charge of fundraising concerts at 158 Tihonet Rd. on 7/20/06, 8/3/06, & 8/17/06 from 6:00 P.M. – 9:00 P.M. Rain dates: 7/27/06, 8/10/06, & 8/17/06 respectively under the provisions of Chapter 138, s.14 of the Liquor Control Act. Selectman Potter seconded.

VOTE: (4-0-1)

Selectman Pillsbury abstained

VIII. TOWN ADMINISTRATOR'S REPORT

1. Tipping Fee Increase. It recommended that the tipping fee for residential waste delivered to SEMASS to increase to \$25.00 per ton. The current rate, \$20.00 per ton and in effect since 1997 after it was decreased from \$25.00 per ton. Therefore, in effect, it is recommended that the pre-1997 rate be re-instituted. Even w/ this increase, Wareham's rate would still be below that of our neighboring towns, of which Carver would be the next lowest at \$30.00 per ton.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/18/06 (CONT'D)

The increase is necessary to cover additional expenses to the Town, which include an increase in the CWM assessment to finance improvements at the transfer station and the provision of trash pickup at Town buildings. Under a contract administered by the District, the Town has received free pickup at its buildings & schools. That contract expired in May and the District has been unsuccessful in getting anyone to bid for the service. As a result, for the first time in more than a decade, the Town (including schools) will now have to pay for trash pickup. The budget adopted at the April Town Meeting does not include either of these expense items (approx. \$40,000) and it will be necessary to amend the budget accordingly at the Fall Town Meeting.

Chairman Fernandes-Abbott stated the Town's contract for trash pickup was w/ ABC Disposal. She discussed the conditions of the contract in which ABC Disposal anticipated at least 3,000 customers (they only have approx. 1,400); but this never transpired, thus, ABC Disposal has chosen not to renew the contract. The Administrator discussed reasons why ABC Disposal's customer base is so low; 1) recycling & 2) the need to include recycling as part of its base rate. He stated other haulers were charging less because they were not providing recycling. He reported that a meeting between the haulers & the Board of Health was held to discuss recycling requirements.

Selectman Sauvageau asked if it would be best to hold off on voting this matter until the Board of Health has reported on the issue. The Administrator stated the tipping fee would need to be adjusted anyway. He stated an RFP is going out for bid for the Town buildings re: trash pickup.

Selectman Potter suggested an existing hauler could provide the trash pickup for the Town under a contract w/ a lesser rate to the customer. Selectman Pillsbury stated this is what the Tri-Town bid was supposed to do, but there were issues & it never came to fruition. She feels presently that there is not a level playing field w/ re: to recycling & the Board of Health needs to find a way to have all haulers provide recycling.

The Administrator stated alternatives can be considered, but the tipping fee must be addressed now.

Chairman Fernandes-Abbott explained that another reason the tipping fees need to increase is that money is needed to finish the construction of the transfer station. She reported that the Wareham delegates were able to delay the vote on this at the June CMW meeting, but Wareham was the minority. She stated that it was requested to delay the vote so the Town could find ways to fund its portion. She stated this is a FY2008 issue & it will increase the Town's assessment to the CMW District \$17,000 in addition to the \$3,800 it already pays. The Administrator stated thus, the cost will be going from \$3,800 to approx. \$21,000 & the Town has to pay this even if the Town quits the District.

Chairman Fernandes-Abbott spoke re: Selectman Potter's suggestion. Selectman Pillsbury feels the goal would be to save taxpayers money. She feels the only problem w/ Selectman Potter's suggestion is if a hauler comes in w/ a

SELECTMEN/SEWER COMMISSIONERS MEETING 07/18/06 (CONT'D)

low price, he locks up the Town w/ this price, & in subsequent years the price goes up, & then other haulers come back in. The Administrator explained another problem would be if a hauler bids so low that their business goes under. Selectman Sauvageau feels that is why competitiveness w/ several haulers is key.

MOTION: Selectman Eckstrom moved the Board approve an increase in the tipping fee from \$20.00 p/ton to \$25.00 p/ton effective 8/1/06. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

NOTE: Selectman Sauvageau asked the Administrator re: the RFP status relative to legal counsel. The Administrator stated he is in the process of arranging interviews, but there were only two responses to the RFP. Selectman Sauvageau feels the RFP system is not working. He stated that the Kopelman & Paige contract renewed for six months & the urgency at that time was to get the RFP's out. He feels two responses seems low especially for a community & budget of Wareham's size; he feels the responses should be higher. He suggested that instead of seeking RFP's, the Administrator should be calling individual firms seeking their interest. The Administrator discussed this suggestion briefly.

Selectman Sauvageau feels the town's procurement officer can go through the Internet & look at all the law firms that are competent. The Administrator stated this could be done if the Board concurs. Chairman Fernandes-Abbott stated this was done the first year & inquiries were sent out to various law firms. Selectman Sauvageau suggested sending a letter to any interested law firms, to follow-up, & express the town's serious interest in this process.

The Administrator also suggested another option would be to place an ad in the *Weekly Advocate* & obtain their mailing list. Brief discussion ensued. Selectman Sauvageau feels the actions re: this matter needs to be more aggressive. The Administrator asked if the Board would entertain individual lawyers rather than only firms? The RFP states only firms. Selectman Sauvageau stated he would definitely be interested in individual attorneys. The Board concurred. The Administrator stated he would also re-advertise this way as well.

Selectman Sauvageau asked what the status is re: the Attorney General & the Tobey Will Fund matter. The Administrator stated Town Counsel received a call from the Attorney General's office & a response should be received from the Attorney General w/in a week.

Chairman Fernandes-Abbott noted that interviews w/ law firms will be held in August & second interviews will be scheduled as well.

IX. TOWN BUSINESS

A. Continue policy discussion.

Chairman Fernandes-Abbott stated she added some items to the policy, which was discussed at last week's meeting. She indicated that the certification of residency-requirement could be put on two forms: the appointment form (brought to the clerk for swearing-in to the appointment) and on the application for membership consideration. Selectman Sauvageau feels it should be on both the application & appointment form to make sure this information is obtained in the interim between both documents. The Administrator suggested placing the terms w/in the policy w/ re: to change of residency mid-term. The Board members concurred.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/18/06 (CONT'D)

Chairman Fernandes-Abbott discussed how the application process has become electronically streamlined re: re-appointments. She indicated the appointment forms are being done via e-mail & the forms are not all completely filled in. Selectman Sauvageau suggested sending all re-appointment documentation via e-mail along w/ the policy.

Brief discussion ensued re: a change in wording on the last line of the policy. The Board concurred w/ the change of wording.

Selectman Eckstrom suggested the wording "may include" is changed to "at least one of the following" along w/ a MA driver's license or MA photo idea. The Board members concurred w/ this change.

Chairman Fernandes-Abbott concurred w/ the changes to the draft policy as discussed. Selectman Sauvageau suggested that water or sewer bills could be acceptable documents to show as well. The Board concurred to add these as proof as well.

Discussion ensued re: when & to whom will verify the proof. The Board concurred that all the information should go to the Selectmen's office & then forwarded accordingly. Chairman Fernandes-Abbott stated she would speak w/ the Town Clerk re: this policy & what will be on the appointment form & oath. The Board concurred.

Selectman Eckstrom asked if anyone currently on a board, committee, etc. & they are not up for re-appointment; is this policy going to apply. Chairman Fernandes-Abbott does not feel the Board should start looking at all the board/committee/commission members now, but when they are up for re-appointment, it will apply. Selectman Pillsbury agreed. Selectman Eckstrom suggested all board/committee member receive a copy of the policy when approved. The Board members concurred.

- B. Any other Town business.
(NONE)

X. SEWER BUSINESS

- A. Any other sewer business.

1. Sewer System.

Selectman Potter asked if the Board is updated from time to time re: the status of the sewer system, if there are any problems, if it is working properly, etc. Selectman Pillsbury stated the Board is informed only if anything major occurs. The Administrator explained that anything minor that occurs is reported to DEP w/in 48 hours & the Board is typically notified of major issues. Selectman Sauvageau feels if minor issues need to be reported to DEP; what may be minor to them may not be to the Board. The Administrator again explained that very minute things are reported to DEP.

Selectman Sauvageau agreed w/ Selectman Potter's inquiry. He feels "out of the loop" relative to the operation of the plant & feels the Board should be fully informed about the system. He would like additional reports highlighting the activities of the system on a monthly basis. The Administrator stated he would provide any information the Board wants. Selectman Sauvageau stated he is just looking for a routine report. The Administrator concurred. Selectman Potter noted he brought up this issue as an operational standpoint (re: the sewer system). Selectman Sauvageau stated he would like to see if there are any complaints re: the system.

SELECTMEN/SEWER COMMISSIONERS MEETING 07/18/06 (CONT'D)

Chairman Fernandes-Abbott recalled a policy requiring the Board to receive quarterly reports from Town depts. Selectman Eckstrom stated there is such a policy. The Administrator stated he can provide monthly reports & could share them when CDM is present.

The Administrator discussed the amount of pump stations in Town & the need to review long-term plans for the pumping stations.

Selectman Eckstrom read policy #88-E issued in 3/88 into the record re: quarterly reports from departments. The Administrator stated he was not aware of the policy.

B. Water Data Exchange.

Selectman Sauvageau reported that he & the Administrator met w/ Water Superintendent, Michael Martin re: engaging in a data exchange for the formulation of an EDU/use system & rates. He reported that all involved were agreeable to further discussions & help. He hopes that some sort of agreement will be reached at some point. Chairman Fernandes-Abbott stated that the Board is still waiting to hear from the Onset Water Dept. re: this same matter.

C. Administrative Fees for Water Pollution Control Facility (WPCF).

Selectman Sauvageau stated he would like to request information from the Town Accountant re: the administrative fees/in-kind fees for the WPCF. He would also like the Board to have this information to start a dialog. He suggested DOR also look at this information because of the following:

1. Many ratepayers are coming on-line & the result will be a significant financial investment on their part.
2. CDM has acknowledged the increase in the sewer rate will be passed on to the ratepayers.

Selectman Sauvageau spoke of the review of changing the EDU system to a user system to be fair to everyone. He feels the administrative fee needs to be reviewed to see if it is a fair amount to charge the ratepayers. He stated there was nearly \$1 million in administrative fees charged by the Town to the WPCF and believes this seems outrageously high.

Selectman Sauvageau feels these administrative fees are not being allocated to departments based on any time study, time sheets, etc. For example, 20% of this fee is being allocated to the Selectmen's budget. He feels there is a lot of labor that is being charged for administering the control of the facility. He feels an analysis should be done. He feels nothing is corresponding between the amount of labor charged to the WPCF and the actual work being done for the WPCF.

Selectman Sauvageau stated he would like permission to request the Town Accountant to provide Board members the information he has discussed for discussion later. The Administrator stated the numbers are based on a 1991 & 1992 study. He stated he has procured services from the same man who did the original study, Mr. Gardner, to conduct another study report & said report should be in draft form in four weeks. Selectman Sauvageau would feel more comfortable in having DOR come in & do a report for free. He stated the rate study will only address a percentage of the allocation for certain things. The other half will not be addressed, i.e., Town employees dedicating all their functions to the WPCF budget & charging a percentage of their labor to the WPCF when they are town employees). He discussed in depth this issue.

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Selectman Pillsbury asked Selectman Sauvageau if it looks like labor is charged twice or is it offset or added to. Selectman Sauvageau discussed what he sees is the answer & it doesn't seem like it is offsetting. He again stated the study couldn't just be a rate & time study. He feels the whole system should be fair to everyone.

Selectman Pillsbury asked if DOR reviews this information yearly. The Administrator stated the figure is reviewed and then approved by the DOR annually. Selectman Pillsbury recalled that there is a simpler way to assess. The Administrator discussed what the State law allows the Town to do re: administrative fees (PILOT = payment in lieu of taxes). Selectman Sauvageau indicated that this is only one line item in the entire budget. He stated DOR does approve the figure, but they don't know where this figure is coming from. He would like to have DOR review the entire analysis vs. having a consultant that did the study before do it. He feels DOR could help in how to operate better.

Brief discussion ensued re: what Selectman Sauvageau is asking. The Board members concurred that Selectman Sauvageau's request is legitimate.

Chairman Fernandes-Abbott asked the Administrator to provide the information to the Board. The Administrator stated he would.

XI. SELECTMEN'S REPORTS **(NONE)**

XII. ADJOURNMENT

MOTION: Selectman Pillsbury moved at 8:45 P.M. to enter into Executive Session for the purpose of conducting strategy negotiations re: non-union personnel. Selectman Potter seconded.

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

VOTE: Unanimous (5-0-0)

Respectfully submitted & transcribed by,

Kelly Barrasso

Kelly Barrasso

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

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 8-2-06

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