

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: August 1, 2006

Date of Transcription: August 3, 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

Absent: Michael Hartman, Town Administrator

III. CITIZENS PARTICIPATION (NONE)

NOTE: Marilyn Whalley, CEDA Director approached the Board.

Ms. Whalley announced the receipt notification for a fully funded mini-entitlement grant in the amount of \$600,000. She submitted documentation to the Board re: what is included in said grant.

Ms. Whalley explained that the bulk of the grant would be used for housing rehabilitation, which at this point may rehab 19 homes. She discussed the requirement to choose from five census blocks (target areas). CEDA is allowed to address 20% outside the target areas, but it would have to be an emergency.

Ms. Whalley stated this grant would be used to assist low to moderate income housing matters to bring them up to standards. She discussed the application qualifications to obtain monies from said grant.

Ms. Whalley discussed the creation of a Wareham Village District Strategic Plan, what it will include, & what the grant money will fund. She indicated that \$50,000 of the grant would be used for transportation assistance & \$30,000 for recreation subsidies.

Ms. Whalley again discussed housing rehabilitation & the estimated amount of grant money that will be utilized as subsidies for this.

IV. ANNOUNCEMENTS

- A. Onset Bay Movies will present *King Kong* on 8/3/06 at the Onset bandshell.
- B. The next Board of Selectmen meeting will be held on 8/15/06 at 7:00 P.M.
- C. The Onset Cape Verdean Festival will be held on 8/12/06 from 10:00 A.M. – 6:00 P.M. w/ a rain date of 8/13/06.

SELECTMEN/SEWER COMMISSIONERS MEETING 08/01/06 (CONT'D)

- D. On 8/2, the conclusion of the acoustical series will be held from 7:00 P.M. – 9:00 P.M. at the Onset bandshell.
- E. On 8/3, the Pops at Tihonet Pond will be held to benefit the Boys & Girls Club.
- F. On 8/8, the Board of Selectmen will be holding a Special Meeting & on 8/10 the Board of Selectmen will be holding a workshop meeting at 6:30 P.M. to discuss the Westfield property strategy.

V. CONSENT AGENDA

- A. Authorization to sign bills, documents, etc.
(None)
- B. Approve minutes of previous meetings: March 21, 2006, June 18, 2006, July 11, 2006, & 7/25/06 – Special Meeting.

MOTION: Selectman Eckstrom moved the Board approve the minutes of 3/21/06. Selectman Pillsbury seconded.

VOTE: (4-0-1)
Selectman Potter abstained

MOTION: Selectman Eckstrom moved the Board approve the minutes of 7/18/06. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve the minutes of 7/11/06. Selectman Pillsbury seconded for discussion.

NOTE: Corrections were made to the minutes.
Selectmen Eckstrom & Pillsbury rescinded their motions.

MOTION: Selectman Eckstrom moved the Board approve the minutes of 7/11/06 as corrected. Selectman Pillsbury seconded.

VOTE: (4-0-1)
Selectman Sauvageau abstained

MOTION: Selectman Eckstrom moved the Board approve the Special Meeting minutes of 7/25/06. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- C. Appointments to boards, committees, & commissions.

- 1. Board of Health.

MOTION: Selectman Eckstrom moved the Board appoint Sandra M. Schutt as an Associate Member to the Board of Health to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 08/01/06 (CONT'D)

2. MBTA Advisory Board.

MOTION: Selectman Eckstrom moved the Board appoint Margaret Ishihara as a representative for the Town of Wareham to the MBTA Advisory Board to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

3. Community & Economic Development Authority.

MOTION: Selectman Eckstrom moved the Board appoint Paul Willard as a member to the Community & Economic Development Authority to a term to expire 6/30/08. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

4. Wareham Housing Partnership.

MOTION: Selectman Eckstrom moved the Board appoint Earl Dalrymple as a member to the Housing Partnership Advisory Board (CEDA representative) to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

5. Wareham Cultural Council.

MOTION: Selectman Eckstrom moved the Board appoint Naomi Arenberg as a member to the Wareham Cultural Council to a term to expire 6/30/09. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

VI. LICENSES & PERMITS

- A. Application for a Common Victualler's License for Almir Kuka d/b/a Pizza Market, 165 Swifts Beach Road, Wareham.

No one was present to represent the application.

Brief discussion ensued re: the correct street address.

Selectman Sauvageau expressed concern re: this business operating before this permit has been granted. He is unsure as to whether businesses should be operating before this permit is granted, even if all inspections have been done. He would like to know what the Board's policy is re: this matter. Selectman Potter suggested making inspections contingent upon receipt of the permit. Selectman Pillsbury stated she is under the impression that the Board of Health does not conduct a final inspection until the permit is issued. Selectman Sauvageau feels this matter needs looking into. He feels a policy needs to be adopted or followed for consistency.

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Chairman Fernandes-Abbott asked Selectman Sauvageau if there is sit down seating at the business. Selectman Sauvageau stated "yes", but there are less than 21 seats. Chairman Fernandes-Abbott stated if there is no sit down seating, this type of permit is not required, but is required w/ seating.

Selectman Eckstrom read two policies she found into the record. In short, policy #8-02 states that the permitting process shall begin w/ the Selectmen before any other boards, committees, etc. The second policy in 1995 states that 'all permits need to be in hand.' Chairman Fernandes-Abbott feels this is contradictory. Selectman Eckstrom feels other boards should send applicants to the Selectmen first.

Selectman Sauvageau feels the issue is can a business operate before the Board grants a Common Victualler's License, is the Board the last stop, or can a business operate when all other permits besides the Common Victualler's License are in place.

Selectman Pillsbury feels the Common Victualler's License is more under the purview of the Board of Health, but for some reason, it is the Board's responsibility to issue it. She feels if the Board of Health feels a business is ready to go then they are ready to go. She feels if the permit is required then a business should have it before they begin operating. Selectman Sauvageau feels there is a procedural issue that needs addressing.

Chairman Fernandes-Abbott discussed reasons why the policies Selectman Eckstrom read were adopted.

Selectman Sauvageau suggested a sentence be placed on the application stating a business cannot operate until this permit is issued if it is illegal. He feels Town Counsel & Board of Health should be questioned relative to the legality of this issue. Selectman Potter feels if businesses can operate legally w/out this permit, then this permit doesn't seem necessary.

Selectman Eckstrom stated this business is already operating & she doesn't feel this permit should be approved until information is acquired. Chairman Fernandes-Abbott doesn't see why this permit shouldn't be granted since other businesses have done the same thing; but a phone call to the business may be required. Selectman Sauvageau indicated he will not be voting on this permit, but he feels a policy relative to this issue needs to be clarified & researched. Selectman Pillsbury suggested making this permit contingent upon verification of all final inspections.

Chairman Fernandes-Abbott stated she will ask Town Counsel re: business operations with or without a Common Victualler's License in hand & she will speak to Bob Ethier, Health Agent re: Board of Health rules & regulations.

MOTION: Selectman Eckstrom moved the Board approve the application of Almir Kuka d/b/a Pizza Market, 165 Swifts Beach Rd., Wareham for a Common Victualler's License pending verification & final inspection approvals. Selectman Pillsbury seconded.

VOTE: (4-0-1)

Selectman Sauvageau abstained

- B. Application for Change in Manager for the Wareham Lodge of Elks #1548 from Douglas Gifford to Manuel J. Garcia, 2855 Cranberry Highway, East Wareham.

Present before the Board: Ed Donahue

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Mr. Donahue stated he is present to represent Mr. Garcia who is requesting to be the manager of the liquor license at the Lodge of Elks. He stated it is an annual request re: change of manager.

MOTION: Selectman Eckstrom moved the Board approve the application for Change of Manager for the Wareham Lodge of Elks #1548 from Douglas Gifford to Manuel J. Garcia, 2855 Cranberry Highway, East Wareham. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- C. Application for an All Alcoholic One-Day Liquor Permit by Edward J. Donahue, Wareham Lodge of Elks, #1548 for the outdoor picnic area on 8/19/06 for a family picnic from noon to 9:00 P.M.

MOTION: Selectman Eckstrom moved the Board approve the application for an All Alcoholic One-Day Liquor Permit by Edward J. Donahue, Wareham Lodge of Elks, #1548 for the outdoor picnic area on 8/19/06 for a family picnic from noon to 9:00 P.M. under MGL c.138, s.14 of the Liquor Control Act & that no alcohol be consumed on Town property. Selectman Sauvageau seconded for discussion.

NOTE: Selectman Sauvageau stated he reviewed some of the paperwork relative to the manager & asked if there are any issues. Chairman Fernandes-Abbott & Selectman Pillsbury stated there have never been any issues.

VOTE: (4-0-1)

Selectman Sauvageau abstained

VII. TOWN BUSINESS

- A. Vote Fall Town Meeting dates.

Selectman Eckstrom read the Fall Town Meeting notice into the record.

MOTION: Selectman Eckstrom moved the Board approve the Fall Town Meeting dates as read into the record. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

- B. Vote State Primary Election Warrant.

Selectman Eckstrom read the State Primary Election Warrant into the record.

MOTION: Selectman Eckstrom moved the Board sign the State Primary Election Warrant as read into the record. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

- C. Residency requirement discussion continued.

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Chairman Fernandes-Abbott presented the Board members w/ the revised draft of the residency requirement. She had spoken w/ the Town Clerk who has no problem w/ the additional statement to be placed on the oath document, which states that the applicant swears they are a full-time resident of Town as well as the original application form. She needs to speak to the Town Moderator to seek his agreement in where this policy is going. She stated this policy would not fall under the purview of certain boards, such as the Finance Committee. The Board agreed to have Chairman Fernandes-Abbott speak to the Town Moderator.

Selectman Eckstrom read the said policy re: residency requirements into the record.

MOTION: Selectman Eckstrom moved the Board approve the residency requirement policy as read into the record. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

D. Any other business.

1. Town Hall parking.

Selectman Eckstrom asked if anything has been done relative to Town Hall parking during Gatemen games. She recalls the Administrator being asked to address this issue & she is questioning whether anything has been done because something has to be done. Board meetings are delayed because members can't find parking. We should send a letter to the Gatemen or business placards be disbursed to board members, although this won't help people coming to the meetings. She feels people are not adhering to signs re: business parking.

Chairman Fernandes-Abbott agreed & stated she did ask the Administrator to speak to the owner of the Gatemen re: the parking situation. She apologized for dropping the ball on this. She stated that she looked at the Gatemen schedule and did not see many conflicts with Selectmen meetings on Tuesday nights, and she didn't think of the other nights that other boards meet. She agrees a letter should be written to the Gatemen re: the parking issue for the remaining season & for subsequent seasons. Brief discussion ensued.

Selectman Eckstrom suggested having a sign for parking for the Gatemen games on the street indicating the last row of parking spots are for the game or have all parking go in Viking Drive and be directed from there. Selectman Sauvageau suggested having the parking attendant direct traffic & ask for identification for those seeking Town business. Selectman Potter feels there is a timing issue. He suggested asking the Gatemen to schedule their games later at night. Discussion continued.

Chairman Fernandes-Abbott clarified that a letter will be written to the Gatemen re: the need for the Town to have two rows of parking available for Town business Monday through Thursday.

2. E-mails requesting information.

Selectman Eckstrom indicated that she has been receiving much e-mail from people requesting information. She contacted Town Counsel w/ Chairman Fernandes-Abbott's approval & it was suggested that a policy be created for all emails received by selectmen be forwarded to a Town-email address so it could periodically printed out to create a paper copy. This way, any requests can go through Town Hall. Counsel suggested asking the Technical Dept. if they could download all e-

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mails received. Selectman Eckstrom stated that the Technology Department explained that the current e-mail system only stores deleted e-mails for three weeks because the mainframe is not in Town Hall. For them to print out all the emails received, it would have to be done manually, meaning they could not do a bulk printout. She suggested printing the e-mails for storage or forwarding them because if we receive an email that has a bearing on a decision we made, the parties to the decision have a right to see what we used to base our decisions.

Selectman Pillsbury suggested forwarding the e-mails to the Board's office for filing & keeping a hard copy of said e-mails relative to town business. Selectman Sauvageau feels the issue is if the e-mails are being copied & stored properly. Selectman Pillsbury feels if staff is directed to do this, they will. Discussion ensued re: Selectman Pillsbury's suggestion. Selectman Eckstrom suggested the e-mails be filed by month. Selectman Pillsbury suggested they be saved on disk. Selectman Sauvageau suggested Town Counsel be asked re: writing out what the Town should be doing relative to e-mails. Chairman Fernandes-Abbott stated last year, Town Counsel gave this information to the Board. She will forward this information again to the Board members.

3. Board meetings.

Selectman Eckstrom expressed concern re: the Board's meeting schedule, for example, the upcoming workshop meeting & the meeting relative to the Westfield property. She understands the Chair can call a special meeting, one is scheduled, but she had told the Chair previously that she (Selectman Eckstrom) has issues w/ attending Thursday night meetings, as does Selectman Potter. This is bothersome because she recalls that in June, the residents of Rose Point asked to meet with the Board on a Saturday (either 6/3 or 6/10) so more residents could attend; Chairman Fernandes-Abbott scheduled it for 6/1 because another selectman had problems with meeting on Saturdays. She is concerned with the lack of courtesy towards the other board members. She also mentioned that last summer the Board almost did not meet for the month of July because Chairman Fernandes-Abbott and another selectman decided to attend school on Tuesdays. Selectman Eckstrom questioned why last year, when Selectman Fernandes-Abbott wasn't chair, the selectmen's meetings were not a priority, but this year she is scheduling meeting every week, at least.

Selectman Eckstrom doesn't recall the Board discussing a workshop meeting re: including all interested parties coming to discuss the Westfield property. She felt the interested parties were to come in before the Board separately to discuss their interest w/out all parties involved. She indicated that she would be unable to attend this meeting. Selectman Sauvageau he thought we were inviting them in separately so as not to "pit" one board against another. Chairman Fernandes-Abbott explained she might have to reschedule this meeting anyway.

Selectman Eckstrom asked why the interested parties, such as the Recreation Dept. & the Housing Partnership come in separately before the Board as did the School Committee. Chairman Fernandes-Abbott explained that the intent of the workshop meeting is for informational purposes only; no decisions are going to be made. Selectman Sauvageau feels the interested parties will be pitted against each other & it may not just be an informational meeting.

Selectman Sauvageau discussed his concern re: the Westfield property and stated that the Board & Town Meeting need to vote on this matter. He stated some of the land has already been allocated & he feels gathering all the interested parties together in one room will not be productive. He feels the proper process is not being followed as the Charter states. He feels this issue/process needs to go back to the beginning & have a vote on what type of development is going to be on this property. After that, then all interested parties/proposals can be brought to Town Meeting. He feels decisions

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have already been made. He agreed w/ Selectman Eckstrom re: not having all interested parties come together at one meeting. Selectman Eckstrom feels all these interested parties coming together will be counter-productive & Chairman Fernandes-Abbott should have spoken to the Board first.

Chairman Fernandes-Abbott feels she may have heard something different in terms of what the Board wanted to do re: meeting w/ interested parties at the same time for a dialog. Selectman Sauvageau again stated he feels it would be more productive having interested parties come in one at a time and that the process is not being followed correctly. He suggested amending the meeting to have interested parties come in individually during a regularly scheduled Board meeting.

Chairman Fernandes-Abbott stated she would select another day for the workshop. Selectman Eckstrom expressed frustration that Chairman Fernandes-Abbott was aware of the nights she wasn't able to attend meetings. Chairman Fernandes-Abbott stated she will do everything she can to change this meeting. Selectman Eckstrom again expressed her frustration re: meeting dates. Selectman Sauvageau discussed his issues w/ setting meeting dates & that Board members should be asked what would be good dates for them. He feels Chairman Fernandes-Abbott is going out of her authority. Chairman Fernandes-Abbott stated that Town business must be discussed. Selectman Sauvageau feels Town business can be discussed during regularly scheduled Board meeting nights. He feels there is a difference between getting business done and doing "busy work."

Selectman Pillsbury suggested bringing in the Housing Partnership & the Recreation Dept. independently, and then have all interested parties come in for one more dialog before any decisions are made. Selectman Sauvageau concurred. Selectman Potter concurred & feels they should first come in independently during a regularly scheduled meeting on Tuesday evening & if needed, the workshop should be on another date.

4. Community Preservation.

Selectman Potter stated the Community Preservation Committee (CPC) has started the process of reviewing applications. One application is from the OBA, which consists of a Master Plan for an Onset Village Pavilion Design Competition to obtain design concepts for the bathhouse & bandshell area. The CPC is asking the Board to encourage the OBA application with a letter of support to improve these Town buildings. He briefly discussed the competition in which the OBA will give matching funds. Again, he clarified that the CPC is looking for Board support & if it is all right to conduct the design competition based on the application of the OBA.

Discussion ensued re: which category of the CPC this application would come under, for example, historic preservation.

The Board members concurred to write a letter of support for the competition.

Selectman Potter stated the CPC has two projects coming before Town Meeting which have been before Town Meeting twice before. The first one is the Oak Grove School project. There is a need for additional funding because construction prices have risen since the original amounts were received. He feels there is a bidding issue that is reoccurring w/ estimates. Selectman Sauvageau feels the CPC should factor in normal inflation. Selectman Potter feels this information should be passed on to applicants.

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Selectman Eckstrom asked if any of the Oak Grove School project is going to include the Cape Verdean Cultural Center. Selectman Potter believes it is all going to be the Head Start Program. The cultural center component at one time had been included, but it would not be funded & had to be excluded. CEDA couldn't classify the center and specific grants didn't specify for this type of component. Head Start has indicated that the building can remain open at night for use by the Cape Verdean community. Selectman Eckstrom feels that this is a disgrace seeing it was the Cape Verdean community that began this project and now they are cut out of it.

Selectman Potter stated the second project deals w/ the Recreation Dept.'s request for more money for the Westfield property project. Selectman Sauvageau explained this is what he was worried about. Discussion ensued. Selectman Potter stated the CPC might not even vote for this project request. He stated they have already cleared an additional 21,000 square feet of trees, and the request for money is for re-location of a well, boulder & stump removal, erosion from the rain.

Selectman Eckstrom discussed money already given for this project (\$500,000) w/ no approval from Town Meeting to do any of this.

Selectman Potter discussed the delineation of CPC projects on the Town Meeting Warrant & having them come before the Board prior to discussion. He suggested if they are the same applicants, the projects could be grouped under one line item. Selectman Sauvageau feels that individual articles for individual projects is best so Town Meeting can vote individually, not on one group/mass of projects. Selectman Eckstrom stated there was concern in the past re: grouping the projects.

Discussion ensued re: the number of applications presently. Selectman Sauvageau discussed the intent of the CPC & Town Meeting vote.

5. WS Development & Town of Marion.

Chairman Fernandes-Abbott stated an agreement has been made between WS Development & the Town of Marion re: the mall issue. WS Development will provide Marion w/ two octagon systems (emergency lighting systems) at the intersection Rte. 6 & Point Rd. & Route 6 & 105. Thus, Marion's appeal will not move forward.

6. Liquor Licenses.

Chairman Fernandes-Abbott stated that the request for five additional liquor licenses went to the Senate Counsel, but it wasn't voted upon. It may be brought forward in informal session. Senator Pacheco's position is he doesn't see a problem w/ it passing, but the issue is the informal session & the need for a unanimous vote or else the legislation dies.

VIII. SEWER BUSINESS

A. Enterprise Funds.

Selectman Eckstrom submitted documentation re: Enterprise Funds from DOR to the Board members.

Selectman Eckstrom would like the Board to consider having DOR come in & look at the administrative fee issue for sewer rates. She feels it needs to be reviewed.

SELECTMEN/SEWER COMMISSIONERS MEETING 08/01/06 (CONT'D)

MOTION: Selectman Eckstrom moved to have DOR come & review the sewer rate administrative fees.

Selectman Pillsbury asked to wait until the paperwork submitted by Selectman Eckstrom is reviewed & the Administrator returns. She feels it is premature to have DOR come in. Selectman Eckstrom again stated this matter needs to be reviewed. Selectman Sauvageau feels the issue is the confidence of the ratepayers & that the same consultant who studied this issue previously is going to come in & do it again.

NOTE: Selectman Eckstrom w/drew her motion.

Selectman Pillsbury wants to know what it means to have DOR in to do this. Selectman Sauvageau suggested writing a letter of request to DOR asking them what they would do. Selectman Pillsbury stated she has no problem w/ that as a preliminary idea. Chairman Fernandes-Abbott stated there is a need to know what DOR would actually do. Selectman Sauvageau stated DOR would act more as a consultant vs. auditor of this type of service. He stated the DOR has a consulting division and an enforcement division – we would be asking for the consultant-side and that is what they would send. He stated if DOR can help the Town & draft a system that is most equitable to the ratepayers, there should be no harm. Selectman Pillsbury again stated it is premature to jump right in w/ DOR. She feels information is needed on what DOR would provide. Selectman Sauvageau disagreed w/ the same consultant coming in to do another study.

MOTION: Selectman Sauvageau moved the Board request the Chair to draft a letter to DOR requesting a response as to what type of service they can provide & in what context relative to sewer rate administrative fees. Selectman Eckstrom seconded.

VOTE: Unanimous (5-0-0)

IX. SELECTMEN'S REPORTS

1. Selectman Eckstrom – Reported that the ConCom has issued a pending cease & desist order re: the sewer project in Briarwood. The order was pending until the Chair of the ConCom goes down to review the situation. The Chair did review the situation & the order was placed on the project, which she discussed. She will keep the Board informed.

Selectman Eckstrom stated that the ConCom has requested use of the Board's meeting room for tomorrow night's meeting due to the heat. The Board concurred to allow the ConCom to utilize their meeting room tomorrow evening.

X. ADJOURNMENT

MOTION: Selectman Eckstrom moved to adjourn the meeting at 9:06 P.M. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved to enter into Executive Session for the purpose of discussing strategy w/ respect to non-union personnel. Selectman Sauvageau seconded.

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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: Sept 5, 2006

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: Sept 5, 2006

Date copy sent to Wareham Free Library: Sept 6, 2006