

## MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

**Date of Meeting:** March 28, 2006

**Date of Transcription:** March 29, 2006

**Transcribed by:** Kelly Barrasso

### **I. CALL MEETING TO ORDER BY CHAIRMAN**

Chairman Eckstrom called the meeting to order at 7:00 P.M.

#### **A. Roll Call**

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

**NOTE:** Chairman Eckstrom stated before the meeting begins she would like to say something re: the free-for-all that occurred at last week's meeting. She made the following statement:

I have sat on the Board now for one week shy of a year, and along w/ the citizens of this Town, I have watched these meetings evolve into something that which, quite frankly, we should be ashamed. The lack of cooperation and disdain that has been shown is an embarrassment to the Town. Hurling accusations at the Chairman last week was the height of hypocrisy and disgrace.

We do not have any policies in this town specifically re: removing the Chairman. In fact, neither does Robert's Rules of Order. Our Town Counsel has informed me that, in their opinion, a decision of that magnitude only needs the approval of a majority. However, Robert's Rules states that whenever you are limiting or taking away a member's rights or changing something that has already been determined, you need a 2/3 vote. But, I am not going to argue whether or not you did not have the authority, nor do I want to inform you that as soon as the Chairman called the motion out of order as a point of procedure, according to Robert's Rules, the matter was dead. But, what I do take exception to is your flagrant abuse of the Open Meeting Law.

You three clearly discussed and deliberated this among yourselves – outside of a scheduled, posted meeting. You can say that the three of you did not sit down together in Mrs. Pillsbury's office at the Library, but under the Open Meeting Law decisions or deliberations cannot be made by a quorum of the Board via e-mail, phone, or what is called "Revolving Door" meetings. "Revolving Door" meetings are when Mrs. Abbott and Mrs. Pillsbury discuss an action and then Mrs. Abbott contacts Mrs. Parola to discuss it and they come to a consensus and then one of them relays their decisions back to Mrs. Pillsbury. Then you can try to claim that technically, no more than two Board members are conversing; but this multi-tiered conversation violates the Open Meeting Law.

What is also very disturbing is that our Town Administrator, Mr. Hartman, was aware of and involved with the decisions being made because Mrs. Pillsbury had been in contact w/ Mr. Hartman while he was conveniently on vacation. Counsel confirmed that. It is also very disturbing that our Town Counsel was involved w/ this Open Meeting Law violation by helping these three Selectmen determine, in private, what they planned to do in public.

After last Tuesday's Selectmen's meeting, I was handed an e-mail from someone who had received it. The reason they gave it to me was, in their words, "they went to far." This e-mail was sent out

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on Tuesday, March 21, 2006 at 2:10 P.M. It was sent from Selectman Parola, using her private ComCast e-mail address.

Chairman Eckstrom proceeded to read portions of the following e-mail into the record:

“Well, there is no delicate way to put this...so here goes...Mary Jane, Renee and I need your help this evening. Our intention, under the Any Other Business portion of the BOS agenda is to make a motion to remove Bruce as Chair, citing the many incidents over the last months. Should he refuse to act on it, we will make a motion for it to be placed on next week’s agenda.

It is unfortunate, and I personally apologize to each of you reading this, that it has come to this. We were wary of giving him a chance in this position, and our worst nightmares have been realized. We compounded the problem by continuing forward in an effort to get the Town’s important work done on a weekly basis, as opposed to having our residents watch a repeat of the Pat McLeod/Paul Foley shouting matches of years past, where the business of the Town clearly suffered. I guess we all felt that no good could come of continually engaging him in battle week after week when not even an “agree to disagree” compromise could be reached. Those of you who work w/ Bruce can certainly understand this.

I am e-mailing you all to ask that you *please* attend tonight’s meeting --- you don’t even need to be there at 7:00 P.M. We have had few (if any) friends or supporters in the audience for months, as he has isolated all but the narrow-minded, angry lot that is leftover from another era.

I have only a couple more weeks of hell ahead of me, but Mary Jane & Renee must stand in for more abuse---please consider attending to help them.

Cindy

Chairman Eckstrom proceeded to make the following statement:

I have been informed that Mrs. Parola also took it upon herself to call people to invite them to the meeting. Mrs. Abbott’s friend, George Barrett, interrupted Wareham’s Water District union contract negotiations, when he rushed in to tell them that he got a call & for them to turn on the Selectmen’s meeting.

This e-mail & those phone calls, I believe, are proof that the three of them planned this. According to the District Attorney’s Office, upon receipt of a complaint, they will investigate. In matters of violating the Open Meeting Law, the burden of proof is on you to prove, by a preponderance of the evidence, that you did not violate the law. One of the remedies, aside from fines being levied & you being forced to make a public announcement, the Court may invalidate any action taken at any meeting at which any provision of the law has been violated. It is considered the “poison fruit doctrine.” Essentially, if a decision comes out of an illegal meeting, then the decision is as bad as the meeting itself. So, rather than forcing me to go to the District Attorney & drag us through court, I respectfully request that you publicly acknowledge your error.

With all this, I have to wonder why did you elect me as Chairman? Why would you want me in the Chair when Mrs. Parola has yet to speak to me unless the cameras are on? Why would you want me in the Chair when you have offered me such little support as a fellow Selectman? These are not my questions to answer, but if you ask the many, many people who have called me, apparently your scheme was to publicly embarrass me as I sit in as Chairman.

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The fact is, you have appointed me Chairman, but in my opinion, the decision to remove Mr. Sauvageau as Chairman is tainted, & I believe it is by right, still his position. I know, however, this is the area of contention where we ended last week's meeting, therefore, under Selectmen's Policy #88-12, s.3, which states... (Chairman Eckstrom read the policy into the record).

I am invoking my right to select Mr. Sauvageau to be Chair Pro Tem for this evening's meeting & perhaps we can get on w/ the business of the Town. I do not know what your plan is, but I will not be a willing party to it, nor will I be a victim of it.

Selectman Sauvageau proceeded to take over as Chairman. He thanked Selectman Eckstrom for her statements & integrity.

### **II. WAREHAM'S COMMUNITY PRESERVATION ACT PLAN**

Present before the Board: Susan Pizzolato, Community Preservation Committee Chair  
Marjorie Teitelbaum  
Sherbie Worthen  
Nancy Miller  
Christy Gunnels

Ms. Pizzolato discussed the submission of a revised Community Preservation Plan & she proceeded to discuss the revisions.

Ms. Pizzolato stated there is a vacancy on the Community Preservation Committee for a Conservation Commission member. She hopes to fill this vacancy soon.

Ms. Pizzolato thanked Selectman Parola for her work as the Board's liaison to the Community Preservation Committee.

Ms. Pizzolato stated she would like this revised plan to be adopted for the coming fiscal year. She is working on placing this plan on the Town's website along w/ an application package.

Ms. Pizzolato proceeded to discuss Article 15 – Community Preservation Budget as it appears in the Annual Town Meeting Warrant. She added that the Committee would provide handouts that discuss projects recently funded & the three proposals for this year at Town Meeting along w/ their annual report.

Ms. Gunnels discussed the following three proposed projects for this year:

1. Town Clerk's safe.

Ms. Gunnels stated that the town's safe needs to be updated w/ new shelving. The total cost for this project will be \$20,625.00.

2. Archeological Survey of the Sacred Heart Seminary & Buildings.

Ms. Gunnels stated the cost of this project would be \$6,240.00. She stated there is a development proposal for this site & there is a need to document any historic elements.

3. Spinney Memorial Restoration Project.

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Ms. Gunnels stated the cost of this project would be \$100,000.00 28% of which is historical preservation.

Ms. Gunnels added that the Committee is also requesting \$20,000.00 for their annual administrative expenses.

Ms. Pizzolato stated that the Committee would have visual aids re: to these projects as well as other completed projects for Town Meeting.

Selectman Fernandes-Abbott asked what type of development is being proposed at the Sacred Heart Seminary. Ms. Pizzolato stated the retreat center is in need of repaired & updating. As she understands, the proposal is to add an addition & expand the retreat center to improve the facility & make it a conference center. The archeologist feels this area is rich in Native American artifacts & is a pristine area that should be documented.

Selectman Parola stated as she understands, the facilities on this property are leased. Ms. Pizzolato concurred. She added that the Committee could provide additional information on the proposed projects at Town Meeting.

Ms. Gunnels stated that since the three proposed projects are all historic preservation projects, 10% or \$97,000 of Community Preservation Funds have been set aside for affordable housing & open space due to their being no applications submitted under these titles.

Selectman Pillsbury asked if someone has walked the survey area proposed at the Sacred Heart Seminary. Ms. Miller stated it has been walked already & it has been determined that there is a high probability there are Native American artifacts there.

**MOTION:** Selectman Fernandes-Abbott moved Favorable Action on Article 15 of the 4/24/06 Annual Town Meeting Warrant. Selectman Parola seconded.

**VOTE: (4-0-1)**

**Selectman Pillsbury abstained**

**MOTION:** Selectman Pillsbury moved the Board approve the Community Preservation's revised Community Preservation Act Plan. Selectman Parola seconded.

**VOTE: Unanimous (5-0-0)**

### **III. CITIZENS PARTICIPATION**

Present before the Board: Mary Ann Silva, Town Clerk

Ms. Silva stated she is present to address in article in the *Standard Times* relative to the duties of the Town Clerk. She addressed the comments of Chairman Sauvageau of last week relative to certain documents being searched in her office. She stated she doesn't conduct investigations on her own. She stated if there were a request for documents, she would research the documentation & provide it as long as they can be legally provided. She added that campaign & political finance forms are considered public documents.

Chairman Sauvageau stated he sent Ms. Silva an e-mail addressing this matter re: the *Standard Times* article & the fact that these were not his words. He proceeded to explain what he said.

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Ms. Silva stated absentee ballots are available in the Clerk's Office & they will be available through Monday, April 3. To request ballots, contact the Clerk's Office.

Selectman Parola stated that Ms. Silva's application to the Community Preservation Committee re: the Clerk's safe was well done & thorough. She feels Ms. Silva made it easier for the Community Preservation Committee to make their decision.

Present before the Board: Mike Legore

Mr. Legore spoke re: a letter to the editor in the *Wareham Courier* written by a Betty Roderick & her statement that she is "apolitical." He too feels he has been "apolitical" as well. As a member of many boards he feels the conduct of the Board at last week's meeting was appalling, immature, etc. relative to who was at fault. In his opinion, this matter never should have been aired in public, but in Executive Session, behind closed doors. He told the three Board members that participated "shame on you."

Present before the Board: Sean Fensel

Mr. Fensel stated that he would like to introduce ART this evening. He expressed feeling stressed when reading articles re: the Board. By ART he explained this means A=Accountability, R=Responsiveness, & T=Transparency.

Mr. Fensel stated he moved to Wareham a few years ago & to his way of thinking, it looks like everyone is looking to delegate decisions elsewhere. He feels the time has come for this nonsense to end. He feels the Board should be trying to get things done in Town by utilizing the proper routes for agenda items & he would like access to documentation re: property he has a share in. He has spoken to many people & he suggested the following immediate changes:

1. With re: to Board meetings, he feels it is absurd that any one Board member cannot place something on the agenda. He heard Chairman Sauvageau say this. Chairman Sauvageau stated this is not his rule. It has been his policy that through weekly rotating discussions w/ the Administrator & the Board members, agenda items can be placed on the agenda. The agenda has always been free & open as long as he has been Chair.
2. Understands schedule changes, but feels the elected Board should be more responsive to the public & have Citizens Participation be primary on the agenda.
3. The Town has an advantage re: Town Meeting form of government & this offers the chance to make real changes. He feels there should be monthly or quarterly Town Meetings so issues of the public can be answered. He feels the public needs more access to their government.

Present before the Board: Jim Newman, Veterans Council

Mr. Newman explained that any veteran's name could be placed on the Town's Honor Roll provided he/she was a resident in Town when they enlisted. He added that names could be added to the Honor Roll after Memorial Day as well.

#### **IV. CONSENT AGENDA (NONE)**

#### **V. TOWN ADMINISTRATOR'S REPORT**

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1. Beaver Dam Sewer Project. Asked the Board to approve the *Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham* for the Beaver Dam Sewer Project. Once the Board executes the document, it will be recorded at the Plymouth County Registry of Deeds.

The ways are Fairfield Dr., Springhill Rd., & Winslow Lane

**MOTION:** Selectman Pillsbury moved the Board approve the *Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham* for the Beaver Dam Sewer project. Selectman Parola seconded.

**VOTE: Unanimous (5-0-0)**

2. Police Feasibility Consultant. Administrator has met w/ Douglas C. Goodman, AIA, of Reinhardt Associates Friday morning. A tentative agreement has been reached for consultant services & a contract should be ready for the Board to sign at the 4/4/06 meeting of the Board.
3. Weweantic Sewer Betterments. Because the Town never accepted MA General Laws Chapter 80, section 12, liens were placed on the properties bettered by the Weweantic Sewer project. As you know, property owners have thirty days in which to pay betterments without interest being assessed. However, these homeowners who paid their betterments in full within this timeframe were also required to pay an additional fee of \$80.00 to have their liens released.

The Board will need to decide whether or not to release the liens at the Town's expense & reimburse those owners who have already paid the \$80.00. If the Board chooses to have the Town pay for the releases, the funds would come from the Sewer Enterprise Account. There are 41 accounts at \$80.00 each, for a total figure of \$3,280.00.

The Board may also want to consider adopting MA General Law Chapter 80, Section 12, to avoid this situation on future projects.

The Administrator discussed using the Sewer Enterprise Account to pay for the release of the liens.

Selectman Fernandes-Abbott expressed concern re: using the Sewer Enterprise Account to actually pay to release these liens. The Administrator explained there is no other mechanism available right now re: this for the Weweantic Shores Sewer project, but the Board can have Town Counsel look into the issue for future projects.

Selectman Parola asked if this amount is put into Betterment, how is a person rewarded for paying early. The Administrator stated they wouldn't be rewarded. She feels the \$80 is coming on the backs of those who don't pay within the 30 days. The Administrator explained again that it would come out of the sewer proceeds.

Chairman Sauvageau asked how this \$80.00 shows up on individual sewer betterment bills. The Administrator explained that it doesn't go on the betterment bill. For someone who paid his or her betterment in full w/in 30 days would have to pay an additional \$80.00. He added that it would take two years to place the betterments on the Beaver Dam Estates Sewer project & for them to pay the \$80.00 fee.

Chairman Sauvageau asked how does the \$80.00 appear as a liability to these residents. The Administrator stated it would appear depending on what plan they chose to pay the betterment. Discussion ensued.

Selectman Parola expressed confusion as to what the Administrator is asking for. It may have to be contemplated whether to amortize the \$80.00 in general by it coming out of user monies, but not those that pay in full w/in 30 days. Discussion ensued.

Chairman Sauvageau stated as he understands, the Administrator is asking how does the Board anticipate this effect on future projects. The recommendation is to proceed w/ the lien structure. The Administrator stated the issue is what to do w/ future projects relative to what they do for those that pay within 30 days.

Selectman Parola stated she doesn't want those who paid early not to have to pay the \$80.00 & then it would go on the backs of those that didn't pay w/in 30 days.

Selectman Eckstrom asked re: the taking of these liens. The Administrator stated there is no way to absorb this fee from an accounting perspective.

Chairman Sauvageau stated that up-front payments are beneficial to the Town because the Town will avoid the amounts that will need to be bonded as well as giving an incentive for people to pay faster.

Chairman Sauvageau asked if this is being spread throughout the system or is it just for those that can't pay up-front. The Administrator stated w/ this situation, it would be absorbed w/in the sewer budget.

Chairman Sauvageau feels the issue is either these individuals capture approx. \$250.00 over a period of 20 years or the \$80.00 is paid through the system. Selectman Eckstrom feels the arbitrary number (\$250.00) is what the fee may be at the Registry of Deeds in 20 years. She feels that the amount of \$3,300 is not a large amount, but is concerned if it makes the rates go up. Selectman Parola stated that the amount of \$3,300 would come out of the sewer budget, but in the future, the \$80.00 will come out of each project. Discussion ensued.

4. Land Auction Dates. Board members received a memorandum re: dates for the tax possession land auction. The dates the auction will be held are 5/4/06 & 5/5/06. These dates have been established so that the 30-day requirements can be met for this fiscal year.

The Administrator stated that ten parcels have been identified & there is a possibility of offering 15 parcels, four of which have dwellings on them.

The Board members concurred w/ the dates to hold the land auction.

The Administrator added that each auction would be held at the actual land sites in hour increments, not at Town Hall.

Selectman Fernandes-Abbott asked if the FY06 property values are online presently. The Administrator stated that the preliminary certification has been done & public disclosure will be made shortly. Selectman Fernandes-Abbott clarified that the FY06 property values are now available.

**VI. LICENSES & PERMITS**

**A. Renewal of Seasonal Liquor Licenses under the provisions of Chapter 138 of the MA General Laws for the year 2006:**

1. Common Victualer Wines & Malt Beverages License held by Mark, Inc. d/b/a China Garden, Ivan Mark, Manager, 265 Marion Rd., Wareham;
2. Common Victualer Wines & Malt Beverages License held by GYJO, Inc. d/b/a The Lobster Pot, Joseph A. Marino, III, Manager, 3155 Cranberry Highway, E. Wareham;
3. Common Victualer All Alcoholic Beverages License held by Bay Pointe Functions, Inc. d/b/a The Pavillion at Bay Pointe Country Club, William Goyette, Jr., Manager, 10 Bay Pointe Dr., Onset;
4. Common Victualer All Alcoholic Beverages License held by Point Independence Yacht Club, Inc. d/b/a Point Independence Yacht Club, Robert A. Vendetti, Manager, 15 Independence Ln., Onset;
5. Common Victualer Wines & Malt Beverages License held by Fonzie's Diner & Gift Shop, Mary Tirrell, Manager, 3074 Cranberry Highway, East Wareham;
6. Common Victualer All Alcoholic Beverages License held by Salerno's, Inc. d/b/a Salerno's Function Hall, John Salerno, Manager, 196 Onset Ave., Onset; &
7. Seasonal Retail Package Goods Store Wines & Malt Beverages License held by Tae-Tae's Market, Inc. Tae Kellenberger, Manager, 146 Onset Ave., Onset.

Brief discussion ensued re: paperwork for applicants & a missing applicant on the agenda.

**MOTION:** Selectman Pillsbury moved that the Board approve the following renewals of Seasonal Liquor Licenses, under the provisions of Chapter 138 of the MA General Laws for the year 2006 & contingent upon receipt of Workmen's Compensation certification:

1. Common Victualer Wines & Malt Beverages License held by Mark, Inc. d/b/a China Garden, Ivan Mark, Manager, 265 Marion Rd., Wareham;
2. Common Victualer Wines & Malt Beverages License held by GYJO, Inc. d/b/a The Lobster Pot, Joseph A. Marino, III, Manager, 3155 Cranberry Highway, E. Wareham;
3. Common Victualer All Alcoholic Beverages License held by Bay Pointe Functions, Inc. d/b/a The Pavillion at Bay Pointe Country Club, William Goyette, Jr., Manager, 10 Bay Pointe Dr., Onset;



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4. Common Victualer All Alcoholic Beverages License held by Point Independence Yacht Club, Inc. d/b/a Point Independence Yacht Club, Robert A. Vendetti, Manager, 15 Independence Ln., Onset;
5. Common Victualer Wines & Malt Beverages License held by Fonzie's Diner & Gift Shop, Mary Tirrell, Manager, 3074 Cranberry Highway, East Wareham;
6. Common Victualer All Alcoholic Beverages License held by Salerno's, Inc. d/b/a Salerno's Function Hall, John Salerno, Manager, 196 Onset Ave., Onset;
7. Seasonal Retail Package Goods Store Wines & Malt Beverages License held by Tae-Tae's Market, Inc. Tae Kellenberger, Manager, 146 Onset Ave., Onset; &
8. Common Victualer All Alcoholic Beverages License held by MG & GM, Inc. d/b/a Onset Bay Blues Café, 2 West Central Ave., Onset.

Selectman Fernandes-Abbott seconded for discussion.

**NOTE:** Selectman Parola stated that these renewal applications were due in November & four months have gone by relative to a tax quarter. She feels current tax checks should be done as a policy issue. Selectman Eckstrom suggested adding as a contingency re: sewer bills as well.

**MOTION:** Selectman Pillsbury moved to amend the above motion to include a contingency relative to a current tax check & payment of sewer bills. Selectman Fernandes-Abbott seconded.

**VOTE: Unanimous (5-0-0)**

### **VII. ANNOUNCEMENTS**

- A. The Town Election will be held on Tuesday, April 4, 2006. The polls are open from 8:00 A.M. to 8:00 P.M. If you are not sure where to vote, call the Clerk's Office at 291-3140.
- B. Memorial Town Hall Change of Office Hours: Beginning w/ Tuesday, April 4<sup>th</sup>, the Town Hall will be open until 7:00 P.M. on Tuesdays & close Fridays at 12:30 P.M. (With the exception of the Town Clerk's Office).
- C. Girl Scout Troop 174 will hold their "Sleep Out" vigil this Friday, March 31, 2006 outside of Town Hall. They will be collecting canned goods, blankets, & fleece to make blankets. They will also be making birdhouses.

### **VIII. BUSINESS**

- A. Close Special Town Meeting Warrant.

The Administrator explained that there are 38 articles with most being zoning articles.

**MOTION:** Selectman Pillsbury moved the Board close the 4/24/06 Special Town Meeting Warrant w/ the proviso to make Scribner error corrections. Selectman Fernandes-Abbott seconded.

**VOTE: Unanimous (5-0-0)**

Brief discussion ensued re: how to proceed w/ voting on the Special Town Meeting Warrant.

**NOTE:** The Board proceeded to discuss several Annual Town Meeting Warrant articles.

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Article 27 – South Shore Women's Center

**MOTION:** Selectman Parola moved Favorable Action on Article 27 of the 4/24/06 Annual Town Meeting Warrant. Selectman Fernandes-Abbott seconded.

**VOTE: Unanimous (5-0-0)**

Article 22 – Additional Liquor Licenses

The Administrator stated information should be forthcoming for next week's meeting.

B. Appoint Town Counsel.

Selectman Fernandes-Abbott stated the Town has been working w/ Town Counsel (Kopelman & Paige) on a month-to-month basis. The Board has interviewed other candidates for Town Counsel & now, there is a need to move forward & appoint a new Town Counsel for a specific timeframe today.

Chairman Sauvageau stated Town Counsel is present this evening. He asked if the Board would have a problem w/ Town Counsel making a comment.

Present before the Board: John Georgio, Town Counsel

Mr. Georgio stated this is a decision the Board has to make. In the Town Bylaws it states this decision is to be made in March. If the Board chooses not to act now, Kopelman & Paige will continue working w/ the Town on a month-to-month basis.

Chairman Sauvageau asked how the Board feels re: getting a schedule together for a second round of interviews & move forward from that point. Selectman Pillsbury stated the process hasn't moved quickly thus far. Selectman Fernandes-Abbott stated considering the long process thus far, the Board should appoint Town Counsel for a six month period at this time & then move forward from there. Chairman Sauvageau felt the Board had agreed to move forward w/ the interview process. The Board had made a commitment to the firms already interviewed that the Board would hold second interviews. He feels the Board had agreed to second interviews w/ no timeframe given to the firms re: decisions by the Board. He feels the process should continue. He understands it has been a long process, but this is one of the most important decisions the Board will engage in. He feels naming Town Counsel now for a six-month period doesn't serve the purpose or the agenda of appointing Town Counsel. He requested the Board accelerate the process & then have a full discussion. The Town's present Town Counsel is here this evening, but he represents only one applicant. He feels second interviews should be held for the other firms already interviewed.

Selectman Eckstrom understands that it was implied at the first interviews that a decision would be made by the Board after Town Meeting. She asked if the Board would be willing to appoint Town Counsel temporarily for a period (until 6/1/06), thus it would give the Board 30 days to move forward.

Selectman Fernandes-Abbott stated she didn't mean to imply that if Town Counsel was appointed at this time that the process would stop. She agrees that a timeframe needs to be established re: second interviews. She will agree to Selectman Eckstrom's suggestion, but she feels the period should go until 6/30/06 so that the new fiscal year will begin w/ a new Town Counsel in place.

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Selectman Fernandes-Abbott proceeded to name the top two firms already interviewed that she would like to have back for a second interview. She briefly discussed these two firms: Kopelman & Paige & Bracket & Louis. She gave reasons why she picked these two firms.

Selectman Fernandes-Abbott stated if the Board is not ready to go this far, it is up to them. Selectman Pillsbury stated she is not ready at this time to decide firms. Chairman Sauvageau stated he couldn't make a decision right now. He would like to interview all five firms again. Selectman Pillsbury stated she sees how this process has looped ahead. It takes time. She doesn't understand why it is so difficult appointing Kopelman & Paige for a six-month period so there are no timeframes to meet at this point. Kopelman & Paige has been the town's counsel for a long time & they are presently working for the town on a month-to-month basis. She doesn't understand the issue w/ this matter.

**MOTION:** Selectman Pillsbury moved the Board approve appointing Kopelman & Paige as Town Counsel for a period of six months. Selectman Fernandes-Abbott seconded for discussion.

**NOTE:** Chairman Sauvageau feels the Board would not be interviewing other firms if the Board didn't have an opinion on looking at other firms. Town Counsel is a vital resource & for the good of the community, the Board should look at all the resources it can. If the Board wants to move the process along, the interview process could be held publicly on a Tuesday evening so the community can see what is going on. Expedition of this matter is easy if incorporated into the agenda. He doesn't want to extend Kopelman & Paige's services for six-month period. He feels the town deserves full discourse & disclosure of Town Counsel. Selectman Parola reminded Chairman Sauvageau that the two interview meetings already held were public & publicly posted meetings & they were not held on a Tuesday evening. Chairman Sauvageau agreed with Selectman Parola.

Selectman Eckstrom stated she likes Selectman Fernandes-Abbott's suggestion of an end date of 6/30/06. She believes that if we put off until the fall, the Board will be "scurrying" around in August. Chairman Sauvageau agreed that Selectman Fernandes-Abbott's suggestion is a fine idea. He feels it ends the fiscal and puts us on a definitive timetable. Chairman Sauvageau asked Selectman Pillsbury & Selectman Fernandes-Abbott to withdraw their motion & make the motion state an end date of 6/30/06 for the appointment of Town Counsel.

Selectman Pillsbury stated she is not going to argue, but she guarantees this process will not be done by 6/30/06. She believes Kopelman & Paige have represented the town for years & the town won't go by the wayside if they are re-hired for a six-month period while this process goes forward. Selectman Pillsbury is not questioning the importance or the process, but she feels the town has gone one year without hiring Town Counsel & the six months will allow the Board time to complete the process. If there is no change in firms at this point, then there should be no problem.

Chairman Sauvageau again agreed that the process has taken too long, but he doesn't see why it should be pushed out another six months. He stated a compromise has been suggested for an end date of 6/30/06. He would also like input re: holding the interviews on a Tuesday evening.

Selectman Pillsbury stated there is an opportunity to discuss Tuesday night interviews but the issue at hand is whether to appoint Town Counsel tonight for a six-month period & then move forward w/ the process. Chairman Sauvageau again requested that Selectman Pillsbury withdraw her motion. Selectman Pillsbury stated she would not withdraw her motion because six months is an appropriate & realistic time. Selectman Fernandes-Abbott stated she would not withdraw her motion either. She expressed concern re: the firms that have already been interviewed may want to speak to the Board again due to the length of time that has gone by. She feels that a new RFP may need to be sought as well because of the delay in this process. She stated a six month period has

## **BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 3/28/06 (CONT'D)**

already expired between the interviews & now. She feels the process may need to start all over again. Chairman Sauvageau asked if there is any information that these firms may have changed their minds. Selectman Fernandes-Abbott stated it is just an assumption, but it needs to be considered as the Board moves forward. Chairman Sauvageau again explained his position and stated any changes could be addressed during second interviews. Selectman Fernandes-Abbott stated she looked forward to asking those questions on a Tuesday night.

Selectman Eckstrom referenced the "Poisoned Fruit Doctrine." She stated last week this issue was approached. The Board had told the firms that second interviews would be held & decisions would be made after Town Meeting. Now she feels it is being pushed through for Kopelman & Paige to be Town Counsel. She requested they not be pushed through at this time due to this firm conveniently finding a way for the three Board members to remove the Chairman at last week's meeting. Selectman Pillsbury stated that Kopelman & Paige merely answered questions that were posed to them. They did not participate in a decision at all, nor did they try to "find a way." She feels that appointing Kopelman & Paige for a six-month period is not a convenience. Selectman Pillsbury stated that if she were going to be convenient, she would ask the Board to appoint them until next March. There has been much discussion re: appointing & interviewing a Town Counsel, but she has never suggested not to do this. She has seen how long this process takes & she doesn't see a six-month period as that long a time to conduct the process properly. She has not made suggestions to stop or derail this process. She does take exception to comments made that Kopelman & Paige had anything to do w/ engineering anything that transpired last week. Selectman Eckstrom stated that Kopelman & Paige answered questions from Selectman Pillsbury, but when she asked if she could speak to Town Counsel she was told she couldn't. Selectman Pillsbury explained that she asked the Acting Administrator if she could contact Kopelman & Paige. Selectman Eckstrom asserted that as she sees it, it who is calling rather than what the question is.

Selectman Eckstrom stated she respectfully requests not to appoint Kopelman & Paige at this time.

### **VOTE: (3-2-0)**

#### **Selectmen Sauvageau & Eckstrom opposed**

Chairman Sauvageau stated that he would like the Board's approval to commence w/ the second round of interviews. Selectman Fernandes-Abbott stated the Chairman should commence w/ that. Selectman Parola added that the firms should be notified to send any changes, such as fee structures to the Board. Selectman Fernandes-Abbott suggested having more than one hour for discussion w/ each firm. The Board members concurred. Selectman Pillsbury suggested starting the interviews at 6:00 P.M. The Board members concurred. Selectman Fernandes-Abbott suggested that an RFP go out again to see if any other firms are interested. Selectman Parola added that there was concern re: the original RFP due to lack of responses. The Board members concurred & the Administrator stated he would do this.

- C. Special Town Meeting Warrant Article #27 – Wind Turbine Facility – From Wareham School Committee for referral to the Planning Board for public hearing.

Present before the Board: Dr. Jim Collins, Superintendent of Schools

Dr. Collins stated that he is here to discuss the proposed By-law re: wind towers. There is no By-law currently re: this matter. The School Dept. is looking at wind-generated energy. The potential is to produce a majority of energy that can be utilized & the rest be sold back to, for example, NSTAR for a fixed price.

## **BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 3/28/06 (CONT'D)**

Dr. Collins stated that hearing dates have been set by the Planning Board to review the article. He stated this matter is a complicated process & at this point they are seeking public comment w/ an eventual culmination at a Town Meeting.

The Administrator clarified that Dr. Collins is looking for a referral to the Planning Board by the Board. He feels this is an exciting opportunity & it will be beneficial to the schools & Town side. It is quite clear that the four municipal buildings (High School, Middle School, Multi-Service Center, & Town Hall) would benefit.

**MOTION:** Selectman Fernandes-Abbott moved the Board forward Article 37 of the 4/24/06 Special Town Meeting Warrant to the Planning Board for their hearing. Selectman Parola seconded.

**VOTE: Unanimous (5-0-0)**

### **IX. SELECTMEN'S REPORTS**

- A. Selectman Parola – The first meeting of the Commuter Rail Study by the Executive Office will be held 3/29/06 at the Chamber of Commerce at 9:00 A.M.

Selectman Parola expressed concern re: a letter received from a resident of Beaver Creek Lane who advised her of a proposed development in which the applicant (developer) wants to connect a cul-de-sac from Hathaway Rd. to Route 6. He expressed concern re: how inappropriate this would be.

The Administrator stated that the town must impress upon MA Highway that a curb cut should not be made at this location. The Board concurred to have the Administrator draft a letter re: this issue.

Selectman Parola expressed concern re: roadway safety if this were to be done & made a shortcut from the highway. Selectman Pillsbury feels this flies in the face of what the West Wareham Strategic Planning Committee discussed relative to traffic dealing w/ the plaza. Selectman Fernandes-Abbott indicated that the Planning Board has only seen the preliminary plan.

Selectman Parola gave back her copy of the Personnel Plan.

- B. Selectman Pillsbury – The Board created a policy re: land-use boards to receive training. She suggested the Board ask the Administrator to work w/ Kopelman & Paige on setting up a workshop for training before board members' are reappointed.

Selectman Pillsbury proceeded to make the following statement:

“Congratulations,

Selectman Eckstrom found a way to circumvent the action the Board took last week. I thought that you would have stepped-up differently.

“This nightmare needs to end & enough is enough. There is a need to stop feeding into the media circus that has caused the chaos. Accusations have been made that are seriously damaging to people. That is the only way this Board can heal and get on with the business of the town. We have let the media set the agenda and it needs to stop. I have chosen to speak rarely to the media and I am amazed at the comments other people have made.

## BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 3/28/06 (CONT'D)

"I did not speak to the Administrator prior to last week's meeting. I did not discuss the matter with him beforehand & only spoke to him after the matter was over. Permission to talk to Town Counsel was granted by the Acting Administrator & Mr. Hartman wasn't even in town.

"Serious business needs to be conducted & the only way things will stop is if the media bloodletting stops. You've had your night."

### **X. ADJOURNMENT**

**MOTION:** Selectman Pillsbury moved to adjourn the meeting at 9:10 P.M. Chairman Sauvageau began to comment on Selectman Pillsbury's statement, but was cut-off by Selectman Pillsbury. She stated that she made a motion to adjourn and a motion to adjourn is not debatable. Selectman Fernandes-Abbott seconded.

**VOTE: NO VOTE WAS TAKEN**

Respectfully submitted and transcribed by,

*Kelly Barrasso*

Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: 9/19/06

Attest: *Mary Jane Pillsbury*

Mary Jane Pillsbury, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 9/19/06

Date copy sent to Wareham Free Library: 9/20/06