

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: August 22, 2006

Date of Transcription:

Transcribed by: Kelly Barrasso

I. CALL TO ORDER BY CHAIRMAN

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

II. ROLL CALL

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

III. CITIZENS PARTICIPATION

Present before the Board: Scott Lincoln – Rose Point/French Avenue

Mr. Lincoln stated he is being charged a sewer & water betterment. He stated he was never told these projects were going in when he purchased his home four years ago. He expressed concern re: the betterment being too high & he may have to move. He asked why it is so high. Chairman Fernandes-Abbott stated the Board can't speak to the water betterment, but as for the sewer betterment, the final numbers for the Rose Point sewer project are not in yet. The Administrator stated the estimate for this sewer project, which includes the roads, is just over \$25,000 maximum, \$19,000 and change for the sewer and \$5-6,000 for the roads. Mr. Lincoln feels the sewer betterment is higher than what was first discussed. Chairman Fernandes-Abbott stated the Town always gives the worst-case scenario relative to figures & until the project is complete, the final figure(s) are not known.

Mr. Lincoln asked if a lien would be on his property until it is paid off. Chairman Fernandes-Abbott explained that a Notice of Intent to Lien was placed on the property at the onset of the project. Mr. Lincoln asked what would happen re: this lien if he wanted to sell his property. Chairman Fernandes-Abbott stated usually liens are paid when the property is sold. She feels if the property were sold w/ the Notice of Intent to Lien on it, it would go w/ the property.

Mr. Lincoln stated that French Ave. was paved and received drainage previously as part of a new development. He doesn't want to pay to have this roadway paved again when it has already been done. He stated the re-paving that was done for the development wasn't done to the condition it was prior. He doesn't feel this paving job is finished. He also stated the sewers drains should be raised. The Administrator stated that final paving has been done & agreed the sewers drains should be raised. He added that paving is the last thing to be done.

Mr. Lincoln discussed the poor condition of an area of Blackmore Pond Rd. where water lines were put in. The Administrator stated the By-law requires the Water Dept. to pave this portion Mr. Lincoln is addressing & he understands the Water Dept. has indicated they will pave it in the fall.

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Selectman Sauvageau doesn't believe a lien accelerates if a property is sold; he feels it can be transferred to a subsequent owner. Chairman Fernandes-Abbott stated typically it is something to be worked out between buyer & seller & a bank would require a lien to be paid unless the contract between said buyer & seller states the buyer will assume the betterment. Selectman Sauvageau stated the Town doesn't require this lien to be paid off if a property owner sells his/her property.

Mr. Lincoln asked how much interest is on the betterment. He was told initially that it would be 0%-2%. Selectman Eckstrom believes it is 2.5%. The Administrator stated as of right now, under the law the Board has two choices: 1) a 5% flat percentage or 2) money that is borrowed + 2%. With re: to the Rose Point project, it is RFP money being utilized which means 2% interest + RFP money = 4%. The Board is working on an article for the Fall Town Meeting to petition the Legislature to reduce the 2% to a lower figure. If adopted, the Town can impose an interest rate lower than 4%. Mr. Lincoln expressed his frustration at the extra "tax" he will be paying. Selectman Sauvageau clarified this is not a tax, but a betterment that goes onto the tax bill. The bill for the betterment is specific to a project and is for a specific length of time.

Mr. Lincoln asked when the project is complete, how long does a homeowner have to wait to connect. Chairman Fernandes-Abbott stated the Board of Health regulations require that connections be made w/in one year. If a Title V septic system has been installed w/in the past 60 months (5 years) a waiver can be obtained & the homeowner will have another 60 months (5 years) to connect. An application for a waiver can be obtained at the Board of Health office.

The Administrator explained that the cost to tie into the system is based on the length of pipe that has to be laid. This cost also includes abandoning the existing septic. This cost is approx. \$1,500 to \$3,000.

IV. ANNOUNCEMENTS (NONE)

NOTE: The meeting proceeded w/ item VI. Licenses & Permits

A. Hearing – Application for a Class I License by Robertson's GMC Truck, Inc. d/b/a Robertson's Truck Center, 2381 Cranberry Highway, West Wareham, MA, under the provisions of MGL c.140.

MOTION: Selectman Eckstrom moved to open the hearing. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

Present before the Board: Steve Robertson

Chairman Fernandes-Abbott explained that Robertson's is moving their truck center for the sale of new & used trucks to Cranberry Highway in West Wareham. Mr. Robertson stated they are moving their big truck division. He discussed this move & their attempt to expand & grow the business. Chairman Fernandes-Abbott stated Robertson's has received a Special Permit from the ZBA to utilize this new site for vehicle sales.

Discussion ensued re: the green return receipts. Mr. Robertson stated he submitted the green return receipts to the Board's office.

No one spoke for or against the application.

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Discussion ensued re: the abutters' notification list. Chairman Fernandes-Abbott stated several abutters' receipts have not been turned in because they don't seem to be on the abutters list. Discussion ensued re: the two lists the Board has. Chairman Fernandes-Abbott stated the Board will have to continue this hearing until the abutter list is clarified so all appropriate abutters can be notified.

MOTION: Selectman Eckstrom moved the Board continue this hearing until a date to be determined in the near future once the process is complete. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- B. Application for a Common Victualler's License by William R. Prophett, Sr. for Dawson Seafood, 381 Main St., Wareham.

Present before the Board: William R. Prophett, Sr.

Mr. Prophett stated he is leasing the building & has rebuilt the inside. He will be operating a wholesale business & applied for a retail license. He stated the kitchen would be strictly used for take-out. He is negotiating to purchase the property. He spoke re: eventually fixing up the outside, but it will depend if he buys the property. The business will operate seven days per week.

Brief discussion ensued re: the Board of Health sign-off. Discussion ensued re: the property the business is on.

MOTION: Selectman Eckstrom moved the Board approve the application for a Common Victualler's License by William R. Prophett, Sr. for Dawson Seafood, 381 Main St., Wareham contingent upon final inspection approval from the Board of Health & a favorable tax attestation sign off from the Assessor's Dept. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

V. CONSENT AGENDA

- A. Authorization to sign bills, documents, etc. (NONE)
- B. Appoint election/poll workers.

MOTION: Selectman Eckstrom moved the Board appoint Wilma M. Engerman as an election/poll worker to a term to expire 6/30/07. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

VI. LICENSES & PERMITS

- A. Hearing: application for a Class I License by Robertson's GMC Truck, Inc. d/b/a Robertson's Truck Center, 2381 Cranberry Highway, West Wareham, under the provisions of MGL c.140. (DONE)
- B. Application for a Common Victualler's License by William R. Prophett, Sr. for Dawson Seafood, 381 Main St., Wareham. (DONE)
- C. Application for Pledge of License by Mark Gibson, President of Bay Pointe Country Club, Inc., 19 Bay Pointe Drive, Onset. (Will not be addressed this evening)

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- D. Application for Use of Town Roads Permit by Kathleen Moore Minkle, race director/curriculum leader for the 3rd annual Readers Become Leaders 5K Walk to benefit the Language Arts Dept. of the Wareham Middle School on 10/22/06 beginning at 11:30 A.M. to 1:30 P.M.

No one was present to represent the application.

Chairman Fernandes-Abbott stated she spoke to Ms. Minkle re: the event. Ms. Minkle has met w/ the Special Events Committee & received the appropriate sign offs.

Chairman Fernandes-Abbott asked the Board to waive the 10% administrative fee as has been done w/ other events. Brief discussion ensued re: the administrative fee. Selectman Sauvageau would like to know what was being collected in these fees to offset municipal expenses last year & how much it would be if it weren't budgeted. The Administrator stated he would get these figures.

- E. **MOTION:** Selectman Eckstrom moved the Board approve the application for Use of Town Roads Permit by Kathleen Moore Minkle, race director/curriculum leader for the 3rd annual Readers Become Leaders 5K Walk to benefit the Language Arts Dept. of the Wareham Middle School on 10/22/06 beginning at 11:30 A.M. to 1:30 P.M. & further, that the Town be held harmless of liability & to waive the 10% administrative fee for this event. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

VII. TOWN ADMINISTRATOR'S REPORT

1. Bid Award – Trash Removal Services. As the Board knows, the CMW District chose not to seek a contract for trash removal for the Town resulting in the Town having to put out a bid for trash & recycling services for Town buildings. At the recommendation of Mark Gifford & Maggie Smith, the Administrator has awarded the bid to ABC Disposal Services, Inc.

The low bidder was ABC Disposal Services, Inc. The following is a breakdown of costs:

Town Buildings: Year 1 - \$10,337
 Year 2 - \$10,647
 Year 3 - \$10,966

School Buildings: Year 1 - \$12,765
 Year 2 - \$13,148
 Year 3 - \$13,542

Cost per on-call pick-up compactors: Year 1 - \$125.00
 Year 2 - \$130.00
 Year 3 - \$135.00

2. Sewer Abatement Request – Acct. #737475. Asked the Board to approve abating this account for the first & second half FY06 & second half FY05. The FY06 abatement

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amount is \$522 & the FY05 is \$186 for a total of \$708.00. There has been no water service to this account since 7/9/04.

Selectman Eckstrom asked if this account's used car license was turned in. The Administrator stated, "yes." Discussion ensued re: the abandoned vehicles on this property & if they can be removed. The Administrator stated he would contact the owner & have the Inspection Officer look into it.

MOTION: Selectman Eckstrom moved the Board abate Acct. #737475 for first & second half FY06 & second half FY05 sewer usage in the amount of \$708.00. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

3. Sewer Abatement Request – Acct. #738273. Asked the Board to approve abating this account for first & second half FY06 for a total abatement of \$522. The water service to this account was turned off in 6/04 & remained off until 1/23/06.

MOTION: Selectman Eckstrom moved the Board abate Acct. #738273 for first & second half FY06 sewer usage in the amount of \$522.00. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

4. Sewer Abatement Request – Acct. #767447. Asked the Board to approve abating this account for first & second half FY06 for a total abatement of \$522. There has been no water consumption on this account since 10/01.

Selectman Eckstrom stated that she wanted to clarify that she lives across the street from this property, and to the best of her knowledge, neither this current house, nor the previous abandoned house were ever tied in to the sewer system. She questioned how this lot could be paying sewer if they are not tied in. The Administrator stated the Sewer Dept. believes they have sewer service. He stated if they don't have sewer, they are not entitled to a refund, but they can file for abatement. He will look into this matter.

MOTION: Selectman Eckstrom moved the Board abate Acct. #767447 for first & second half FY06 in the amount of \$522.00. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

Chairman Fernandes-Abbott asked what the timeframe is for filing this type of abatement. The Administrator stated the sewer commissioners only have abatement authority limited to go back three billing periods, or 1 ½ years. Beyond that, it would be a refund that would be an expenditure out of the Sewer Expense Account.

VIII. TOWN BUSINESS

- A. Discussion w/ the Recreation Commission.

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Present before the Board: Candice Foster, Director of Recreation
Mel Lazarus, Director of Recreation Commission
Tracey Cunningham, Recreation Commission
Sherbie Worthington, Recreation Commission
John Wylde, Recreation Commission

Chairman Fernandes-Abbott stated the Board had discussions re: the Westfield property strategy, for example, what is going on at the property, what they would like to go on, how does the community, as a whole, proceed with this property etc. The Recreation Dept. has taken on the responsibility of the recreational piece of the site. The Board would like discussion on the status, process, etc. of the recreational piece as well as discussion of future plans with respect to how Recreation sees it.

Ms. Foster stated she was under the impression that the Board has specific questions that she will answer. Chairman Fernandes-Abbott asked if she could summarize what has been happened with respect to this project. Ms. Foster stated the recreational piece has been in the works since 1995. She explained that the Town approved, in the Master Plan, Open Space Plan, CPA funds, etc. close to \$500,000 for the construction of a Babe Ruth size baseball field, Little League field, & football/multi-purpose field & soccer field. This is the first of three phases approved in 1995. Fifteen acres are complete. She explained the number of estimated youth participants (1,700) that will utilize the fields & in 1995. Chairman Fernandes-Abbott asked if Ms. Foster could explain what she meant by "phase one." Ms. Foster stated Town Meeting allocated money for a 54-acre plan. The plan was to develop 54 acres in three phases.

Selectman Sauvageau asked if the Recreation Dept. intends to consume the entire 57 acres. Ms. Foster stated they are going off of the 1995 & 1997 Town Meeting votes that approved of Recreation utilizing the entire acreage for purposes of recreation. Selectman Sauvageau stated there may be a change in plans.

Chairman Fernandes-Abbott asked when Phase I will be complete. Ms. Foster stated after CPA meeting tomorrow night, everything should be signed off by the fall & ready for next fall for use. There is a need for a proper growing season.

Selectman Eckstrom believes in 1995 Town Meeting authorized the creation of a Fields & Grounds Committee. Ms. Foster stated in 1995, Town Meeting allocated funding to plan the entire 54 acres as shown in Article 8. Chairman Fernandes-Abbott asked what was the vote in 1997. Ms Foster stated in 1997, the vote was Favorable Action (Article #28) to accept the entire Master Plan for Westfield. Selectman Eckstrom asked if this was the article in which a nothing was written or submitted for the Town reports. Ms. Foster stated she obtained this information from the Town reports. She submitted copies of warrant article from the Town's Annual report to the Board.

Discussion ensued re: Article 29 of the 1997 Town Meeting Warrant in which \$3.7 million in funding was turned down. Ms. Foster stated that CPA funds were not available at that time.

Selectman Pillsbury addressed the maintenance issue. She asked re: what the plan of action is for this issue. Ms. Foster stated she has contacted every Recreation Dept. in MA re: what their fee structures are, how permits are authorized, etc. She is conducting a cost analysis of how the towns allocate fees in their policies. She is looking at fees for irrigation, which is the only maintenance item that can be looked at presently. She stated the options being considered for maintenance are 1) maintenance provided by the Town or 2) contracted out. Fees will be charged to users & it will be up to the Board

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to establish fees. Discussion is needed re: winterizing the irrigation system, landscape maintenance of the field, & electricity.

Selectman Sauvageau asked what the cost of all this will be to the Town. Ms. Foster stated the Town wouldn't be charged anything because fees will be charged to organizations/users of the fields. Selectman Sauvageau asked if Ms. Foster could guarantee that it won't cost the Town money, ever. Ms. Foster stated she will never guarantee anything, but if the Board looks at the Recreation Dept. budget, it is as self sufficient as can be & she has been able to uphold this for seven years. She is confident sufficient fees can be obtained. Selectman Sauvageau again asked if the Town could expect to not pay anything. Ms. Foster stated she can't give a 100% guarantee & she will not answer yes or no. She stated the plan is that the Town will not have to pay.

The Administrator stated in order for the Recreation Dept. to implement this plan, it requires the Board to impose the fee structure. Selectman Sauvageau stated the Board also has to allocate this land to Recreation. Selectman Eckstrom stated in 1995, she couldn't see where the written report was filed. She feels the vote was to hear the report, not accept it. Selectman Sauvageau discussed the vote the Board needs to take which involves allocating a piece of land to Recreation. Selectman Eckstrom read the 1995 article, which was to hear the report, the report was given, but no report was filed. The following article was to seek funding, but was voted down. She feels the first article was to hear the report, not to approve the project.

Present before the Board: John Wylde, Recreation Commission

Mr. Wylde stated prior votes were taken for the Westfield property for this recreation project. A Master Plan was drawn up in three phases. The problem was there was no money available. There was a Fields & Grounds Committee, which met w/ every Town youth group to discuss their needs, desires, etc., but did not include the Little League group because they had their own complex and they wanted to stay on their own. The Town needed more fields & people wanted sports grouped at one concentrated site, but again, money was not available. At one time there had been discussion re: bringing in the Army Reserves to clear the area, but again, no money. The Fields & Grounds Committee met w/ a West Wareham citizens group to discuss the project as well. The first chance to obtain funding was through the Community Preservation Fund (CPF) when finally there was money for capital projects where the Town had no money for capital projects.

Mr. Wylde spoke of the disagreement among members of the commission on whether the whole property should realistically be reserved for recreation with the needs of the schools and housing issues that have changed in the town since 1995.

Mr. Wylde understands the issue of looking at the needs of the Town relative to the Westfield property was well as recreation. He expressed serious concern re: maintenance of the fields at the property & costs. He believes that if the Town does it, it will be far more expensive than anyone is contemplating. He stated one option would be to approach groups who will utilize the fields & ask them to pay for maintenance utilizing the Town's standards. He feels groups utilizing one field would not be willing to do this. He again expressed the need for everyone to work together to find the best uses for the whole property.

Selectman Sauvageau expressed concern re: maintenance of fields & grounds. He doesn't believe fees will compensate for the total maintenance expenses. He feels the Town will eventually foot the bill. He agrees w/ Mr. Wylde re: the need to work together to find the best use of the property rather than the Recreation Commission coming to the Board of Selectmen and dictating to the Board that

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Recreation is taking all 54 acres. The Board will vote to decide how best to use the property regardless of any previous vote taken. He stated the Town couldn't afford to give away land for one specific purpose when there are so many needs. He didn't want what is happening to happen & he didn't want an altercation between two groups, but he doesn't make the agenda and the Housing Partnership is up after Recreation.

Selectman Potter stated at the last Town Meeting, CPC funds were allocated for a specific amount for fields, two Babe Ruth and two soccer. Ms. Foster stated at no time in the proposal to CPC in 2003 did it indicate Babe Ruth fields. It stated two baseball fields & two soccer fields w/ possibly one being utilized as a multi-purpose field. There is no specific football field proposed, but a multi-purpose field. Selectman Eckstrom stated she was informed by people in Pop Warner that they were told that if they wanted a concession stand or announcer booth, they had to pay for it themselves, why if there is no field specifically designated for football? Ms. Foster stated she has no knowledge of that allegation.

Mr. Wylde feels discussion need to take place ASAP w/ the Tigers group, Senior Babe Ruth group, the Town, etc. to see if a program can be developed relative for them to maintain fields. He feels the private groups may be able to maintain the fields less expensively than the Town or a contractor due to volunteers. The question would be if they would do it right. Selectman Potter asked if Little League would use the Little League field. Mr. Wylde feels the Little League group may use the fields if it is free; they don't need more fields, so they may only use it as a practice field for free.

Ms. Foster stated one goal is to charge a permit fee for all fields. 94% of fields that are reserved are for Little League, thus there is a need. She feels all groups will be looking for additional fields. She believes there is a need for Little League fields from her experience. Selectman Eckstrom asked if Ms. Foster just contradicted Mr. Wylde. Selectman Potter asked if there were plans for lighting the fields. Ms. Foster stated lights are not being proposed at the fields at this time.

Selectman Sauvageau feels the Town will be paying for some maintenance. Ms. Foster stated Mr. Hartman would need to speak to that because she wouldn't be a decision maker on maintenance or set the fees. Selectman Sauvageau doesn't believe the CPC was designed to expand government. He feels maintenance costs will be the Town's responsibility some way or another which will add another burden to the Town budget. Mr. Lazarus stated he understands the concerns, but only projections can be made at this time re: what maintenance costs will be & the actual figures aren't known yet. Once more firm figures are known, they can work w/ the Town on setting fees. He understands the fiscal issues of the Town & the intent is not to burden the Town, but a firm answer as to if the Town will be liable or not for some maintenance cannot be stated now. Selectman Sauvageau feels this points out the weakness of the CPC system. Money is spent on capital projects & then expects the Town budget to absorb the maintenance costs somehow.

Mr. Wylde stated another issue that will need to be addressed is security. If the property is to be maintained properly, there will be a need for security, such as fencing.

Mr. Wylde feels maintenance breaks down into 1) initial equipment & equipment storage, 2) general expenses of maintenance of fields, line painting, etc., 3) specialty equipment for teams, such as fielding screens, & 4) two full-time maintenance workers from 4/15 – 11/15. He feels a budget needs to be created, appropriate fees charged, & a review so as not to over-charge/under-charge fees. Selectmen Sauvageau & Eckstrom agreed.

Selectman Potter expressed surprise that such a large issue, such as maintenance & security were not previously discussed. He feels there is a need to determine the peak revenue that will be needed to

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cover the actual expenses. The Administrator stated there were extensive discussions held between Municipal Maintenance, Recreation, & the Administrator's office re: maintenance issues. The estimate for maintenance is approx. \$35,000 per year based on information obtained from Mr. Wylde & the maintenance of Spillane Field. Selectman Sauvageau asked Mr. Wylde if \$35,000 is realistic. Mr. Wylde feels this estimate may be too low, but is close.

The Administrator explained that Recreation will be coming before the Board to recommend a fee structure for all fields & grounds that will yield revenue & still be competitive where they would pay elsewhere minus the Little League field presently. Brief discussion ensued.

The Administrator noted that Municipal Maintenance may have some equipment that can be borrowed, but some equipment may need to be purchased or shared w/ other departments, such as the School Dept. The Recreation Commission is counting on each group to line their own field, which will save money. He noted that what will govern the fee structure is how much groups will contribute & the 17 acres for Recreation include the parking lot. The maintenance estimate figures are based on Phase I only & the 17 acres.

Selectman Eckstrom asked again if there was a Town Meeting vote that authorized money or acreage to the Recreation Dept. for the creation of fields. Ms. Foster noted the documentation that refers to this (1997-2002 Open Space Plan & 1990 Master Plan) that was all approved by the Board.

Selectman Eckstrom stated she understands that any land conveyed has to go to Town Meeting. She feels the only Town Meeting vote (discussion) on this matter dealt w/ CPC funding. She discussed funding amounts given to the Recreation Dept. for various projects at Westfield & Camp Lakota. She commented that it was \$31,000 for fencing at Camp Lakota, \$135,000 for irrigation, etc on five acres, and \$301,000 for similar purposes as the \$135,000. She again requested seeing where the Town authorized this project & asked to know exactly what is going on at the site. Ms. Foster stated the Recreation Dept. wrote the proposal to the CPC on behalf of the Town. She addressed what the money received has been spent on which has been ongoing since 2003 & addressed at Town Meeting. She state that \$31,000 was not for Camp Lakota, it was to keep ATV's out so work on the land could begin; and it has been reused. \$135,000 was for engineering and to begin formulating the plan and talking about irrigation; the \$301,000 started the work. Selectman Eckstrom again asked to see documentation of a motion/article showing that the Town gave the Recreation Dept. this land.

Selectman Potter asked re: requests for additional CPC funds by the Recreation Dept. Ms. Foster spoke re: the request for additional funding that will be used to remove a former stump pile dump & drilling for water.

Selectman Sauvageau stated the only Town body that can transfer land is the Board of Selectmen. He asked if there was any language in any town warrant article that transferred land to Recreation for fields & grounds. The Administrator explained that the land has never been conveyed & if there were an attempt to convey, Town Counsel would state that this couldn't be done because in MA, only municipal entities can own land.

Selectman Eckstrom asked who authorized the clear cutting of the land. Mr. Lazarus quoted section 4-2K of the Charter, which states the Administrator has full authority. Selectman Eckstrom asked the Administrator if he authorized the clear cutting. The Administrator stated he was instructed by the Board in 2003 that when the project started, to get it done. Selectman Eckstrom believes that after being given instruction three years ago, with now three new members of the Board it may have been a

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good idea to at least inform the new Board that something was being done. He stated the Town cleared the land, not Recreation. It is a Town project. The Town was the applicant for CPC funds, not the Recreation Dept.

Selectman Sauvageau asked why the Housing Partnership has to go to Town Meeting in order to do what they are proposing & why the Administrator can't just grant them land. Brief discussion ensued.

Selectman Pillsbury doesn't feel blame is the way to proceed. This is a Town function & the Recreation Dept. took it on & the Board has to deal w/ what is presented now. She feels the Recreation Dept. has done what they felt was their charge & everything was voted at Town Meeting. She feels there is a need to support what is going on & since this project was first discussed, maintenance fees were discussed. The issue now is how to allocate the rest of the property.

Discussion ensued re: establishing a clear path in the future relative to issues like this.

B. Discussion w/ the Housing Partnership Advisory Board.

Present before the Board: Marilyn Whalley, Economic/Development Director
Mr. Lockwood, Housing Partnership Chair
Donald Hall
Earl Dalrymple

Ms. Whalley briefly spoke re: CPC funding for a survey of the Westfield property to see what the best use of the property would be. She feels the CPC has been effective in preserving open space & historic preservation.

Ms. Whalley read a fact sheet into the record relative to the Housing Partnership's proposal for affordable housing at the Westfield site. (Attached as reference). Mr. Longwood displayed a map of the proposed project & location at the property.

Mr. Lockwood discussed leasing options. Ms. Whalley discussed "for sale" units. She noted that although the resident wouldn't own the land, they would own the unit, like a condo. Discussion ensued re: potential issues w/ taxes & leasing. Ms. Whalley stated they are working w/ Town Counsel on this issue.

Selectman Potter asked if this affordable housing project will get the Town to its 10% or close to it. Ms. Whalley stated the proposed project would have 122 units. The Town needs 65 units in one year to stave off 40B, thus this project would give the Town a two-year break in terms of large projects.

Discussion ensued re: if this project will be requesting to tie into the sewer system. Ms. Whalley stated they are exploring tying into the sewer system. The cost estimate is \$800,000 to \$1 million to tie in & \$1.1 million to \$1.2 million for waste treatment on site. She stated she is also speaking with AD Makepeace re: the possibility of a joint venture between the Town and ADM for sewerage. Discussion ensued re: this project tying into the system & 40B project requests to tie in.

Ms. Whalley explained the positive aspects of having rental units in this project. Lengthy discussion ensued re: 40B projects.

C. Collaboration Agreement w/ Tobacco Education Coalition of the Greater Cape Cod & Islands area.

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Chairman Fernandes-Abbott briefly discussed the goal of this coalition.

MOTION: Selectman Eckstrom moved the Board authorize the Chair to sign the Collaboration Agreement between the Town & the Tobacco Education Coalition of the Greater Cape Cod & Islands area. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

D. Reaffirm administrative assistant as an agent of the Board of Selectmen.

Chairman Fernandes-Abbott discussed MGL c.138 s.63A & stated this is a yearly item. Selectman Pillsbury asked if this is written into the administrative assistant's job description, why does this need to be addressed. Chairman Fernandes-Abbott stated the Board must send this to the ABCC. Selectman Eckstrom asked if this was as an agent re: alcohol. Chairman Fernandes-Abbott confirmed and explained it authorizes the administrative assistant among other things, to receive CORI checks, and correspond, etc. with the ABCC re: chapter 138 matters.

MOTION: Selectman Eckstrom moved the Board reaffirm acting in its capacity as the local licensing authority, its designation of Administrative Assistant to the Board of Selectmen, Barbara A. Ford, as an agent of the Board of Selectmen under MGL chapter 138, section 63A. Selectman Pillsbury seconded.

VOTE: (4-0-1)

Selectman Sauvageau abstained

E. Any other business.

1. Onset Ave. Parking.

Selectman Potter offered to come up w/ a resolution to the parking issue on Onset Ave. that was discussed at a previous meeting. He doesn't feel the issue should be left the way it was.

2. Revised Zoning By-laws.

Selectman Eckstrom stated the present document is the third addition in five months and is still incorrect. She expressed concern with the way the zoning book is put together & the confusion it is causing.

The Administrator stated the Attorney General has not yet approved the zoning articles approved at Town Meeting. Discussion ensued re: whether the present zoning book is valid without approval of the changes by the Attorney General & also the disarray of the book. The Administrator stated it is the Town Planner's office that deals w/ this book. There is a need to look at printing the zoning book in-house & making it more user-friendly.

IX. SEWER BUSINESS

A. Data sharing w/ Onset Water Dept.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 08/22/06 (CONT'D)

Selectman Potter stated he, Chairman Fernandes-Abbot, & the Administrator attended a meeting w/ the Onset Water Dept. Prudential Committee re: the Dept.'s sharing of data for billing of sewer usage. They are amicable to the idea of sharing information. They have scheduled a meeting w/ their software supplier relative to sharing information. The Prudential Committee expressed concern re: the abatement process, but other than that, they were responsive.

Chairman Fernandes-Abbott stated the Prudential Committee's biggest concern was if there was a cost attached to gathering this data. They were assured that it wouldn't cost them & the Town would pick up any associated costs. Brief discussion ensued.

Selectman Sauvageau asked if any information has been received re: the 5th option re: EDU usage. The Administrator stated nothing has been received from CDM yet.

B. Sewer Connection Fees.

Selectman Eckstrom spoke re: the connection fee (system development charge) recently voted upon for the new Mayflower Bank. She asked the Board to consider an article for the Town Meeting Warrant that would deal w/ connections fees & have them based on the highest betterment billed rather than a set fee of \$7,000. Discussion ensued.

Discussion ensued re: if the Board has the authority to exceed betterments for an area. The Administrator stated it wouldn't be called betterment & the Board would have the right to set a system development charge. He added what the process would be if the Board adopts this.

C. Land & Conditions.

Selectman Eckstrom asked when conditions are placed on a land use project, where does it get written & who is responsible for enforcement. She discussed an instance that has arisen in the Rose Point area. Discussion ensued. The Administrator feels the Planning Department didn't inform the Board in the instance Selectman Eckstrom cited. Selectman Sauvageau feels the records of deeds would have this information. The Administrator stated the Town Meeting process was never done in this instance & the Planning Board didn't follow the process. He discussed what happens if land is offered to the ConCom or the Planning Board & what the process is from there.

Selectman Eckstrom asked if there is a statute of limitation for the instance she spoke of. The Administrator stated he could ask Town Counsel. He expressed concern re: the process not being followed. He added that this land wouldn't have been recorded until the gift was made. Selectman Sauvageau expressed the importance of making sure a gift of land in the form of a conveyance is recorded.

Selectman Pillsbury suggested this issue be a topic of a Town Counsel workshop re: making conditions that stick & doing things in sequence. Discussion continued re: reviewing this matter. The Administrator stated he is confident that if the Board had been informed, they would have acted on this matter.

D. Road Commissioner Responsibilities.

Selectman Eckstrom asked what the responsibilities of Road Commissioner's are. She discussed a project in which people want to build up a paper street & another 40B project on Fearing Hill Rd. that

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 08/22/06 (CONT'D)

went back to the ZBA asking for another street name. She asked if there is going to be a cul-de-sac street, shouldn't it go before the Road Commissioner's. Selectman Pillsbury stated the Board deals w/ public streets, the Planning Board deals w/ private streets, & the ZBA deals w/ 40B (streets). The Administrator discussed options for subdivisions.

Selectman Sauvageau asked if the proposed change to street names are complete yet. Discussion ensued. Chairman Fernandes-Abbott stated the Planning Board has asked residents to communicate a consensus of names for streets affecting them.

X. SELECTMEN'S REPORTS (NONE)

XI. ADJOURNMENT

MOTION: Selectman Pillsbury moved at 10:45 P.M. to enter into Executive Session for the purpose of discussing strategy w respect to non-union personnel. Selectman Eckstrom seconded.

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

VOTE: Unanimous (5-0-0)

NOTE: The meeting will not be coming back into open session. The next meeting of the Board will be 9/5/06.

Respectfully submitted,

Kelly Barrasso

Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: October 3, 2006

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: October 3, 2006

Date copy sent to Wareham Free Library: October 4, 2006