

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: September 5, 2006

Date of Transcription: September 8, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER

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

II. ROLL CALL

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

Present: Michael Hartman, Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Lance Howlett, Bike Path Committee Chair

Mr. Howlett stated the plan of the Bike Path Committee is to use the inactive rail line (Blackmore Pond Rd. to the Pierceville Bridge). The Executive Office of Transportation owns the rail line as well as the active rail line. To utilize these lines, a letter is needed from the Board requesting use of said lines. He discussed the positive aspects to utilizing the active & inactive lines. He added that there is 12.6 miles of bike path in Town. He read the letter he received from the Executive Office of Transportation into the record. He stated the committee has been working w/ SRPEDD & the Board needs to send a letter at this time.

Selectman Sauvageau feels a letter at this time may be premature. He stated there isn't a vote of the Board or the Town re: having a bike path. He feels a letter at this time to the Executive Office of Transportation would predispose the notion that the Town will have a bike path. He stated there has been no report or discussion on the bike path's costs, etc. He again stated the letter would be premature. Mr. Howlett doesn't feel a letter will predispose anything. He feels it will just state the Town's interest in utilizing the lines. Selectman Sauvageau feels it would predispose the notion publicly that there will be a bike path. He feels more information is needed from the committee.

Selectman Pillsbury suggested the committee come before the Board for a discussion on the bike path. She doesn't feel a letter would hurt as long as it is understood it is exploratory, not final.

Mr. Howlett stated County Rd. was explored in the past as a bike route, but there are no funds available for County Rd. as once thought. He stated the committee has applied to the Community Preservation Committee, but a letter is needed to show the intent & there is a need to have all the pieces in place.

Selectman Eckstrom discussed the process to follow, for example, presentation by the committee to the Board, Town Meeting, etc. She stated it was the Board of Selectmen who appointed this committee and the Board has yet to receive any updates or feedback from this committee. She is concerned that the Board of Selectmen appoint these committees and they never report back for updates or guidance

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from the Board. Mr. Howlett explained they have applied to the CPC for \$268,000 for consulting fees to conduct a layout study. Selectman Sauvageau asked how this figure was arrived at. Mr. Howlett stated SRPEDD supplied the figure. Discussion ensued.

Selectman Potter stated it was a concern of the CPC relative to the amount requested since the Town would only have 12.6 miles of bike path. It was felt that all the towns involved should get together to pay the fee.

Selectman Sauvageau asked what the usual percentage of the study is the overall project. Mr. Howlett stated he doesn't know, but the estimate for Phase I of the project is half of \$2.1 million. These figures were given by SRPEDD. He stated funding for this amount would be 80% from the Federal monies, 10% from State monies, & 10% from Town monies. The estimate for maintenance each year is approx. \$6,000-\$12,000. Selectman Sauvageau stated he believes the maintenance costs do not consider all the other costs associated with the project such as policing, lighting, ice and snow removal, etc.

Chairman Fernandes-Abbott stated she would schedule a meeting w/ the committee in October.

IV. ANNOUNCEMENTS

- A. The last day to submit petitioned articles is 9/7/06.

V. CONSENT AGENDA

- A. Authorization to sign bills, documents, etc. (NONE)
- B. Approve minutes of previous meetings: 6/27/06, 7/5/06, & 8/1/06.

MOTION: Selectman Eckstrom moved the Board approve the Regular Session meeting minutes of 6/27/06, 7/5/06, & 8/1/06. Selectman Pillsbury seconded.

NOTE: Chairman Fernandes-Abbott noted a correction to the 7/5/06 meeting minutes.

MOTION: Selectman Eckstrom moved to amend the motion to add corrections made to the 7/5/06 minutes. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- C. Appointments to boards, committees, commissions.
 - 1. Sewer Betterment Review Committee.

MOTION: Selectman Eckstrom moved the Board appoint Gardner S. McWilliams as a member to the Sewer Betterment Abatement Review Committee to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board appoint James G. Makrys as a member to the Sewer Betterment Review Committee to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- 2. Election/Poll Workers

MOTION: Selectman Eckstrom moved the Board appoint Mary LaFlamme as an Election/Poll Worker to a term to expire 6/30/07. Selectman Pillsbury seconded.

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VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board appoint Nancy MacNeill as an Election/Poll Worker to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board appoint Pamela Faria as an Election/Poll Worker to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

3. LICENSES & PERMITS

- a. Application for Pledge of License by Mark Gibson, President, Bay Pointe Country Club, Inc., 19 Bay Pointe Drive, Onset.

No one was present to represent the application.

Chairman Fernandes-Abbott stated this matter came before the Board in 5/06. She asked re: Form 43 & if they need all the typical sign offs. Selectman Pillsbury doesn't believe so.

MOTION: Selectman Eckstrom moved the Board approve the Application for Pledge of License by Mark Gibson, President, Bay Pointe Country Club, Inc., 19 Bay Pointe Drive Onset dated 5/06. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

4. TOWN ADMINISTRATOR'S REPORT

- i. Increase in Inspectional Fees. Most typical construction projects require four inspections. Currently, the Town doesn't anticipate more than four. However, it is recommended that the Board approve adding an "extra inspections \$60.00 each" category to the Inspectional Dept.'s fee structure w/ said change to take effect immediately.

Chairman Fernandes-Abbott stated appraisal fees for bank matters charge \$75.00 & this doesn't take into account things such as electrical, plumbing, etc. inspections. The Administrator is recommending \$60 because it matches the overall structure & is consistent w/ other inspectional fees. Selectman Pillsbury suggested a survey of surrounding towns re: this type of fee. The Administrator stated this was done six months ago & the Town is in line w/ other towns.

MOTION: Selectman Eckstrom moved the Board approve an "Extra inspections - \$60.00 each" category to the Inspectional Dept. fee structure effective immediately. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- ii. Sewer Connection Request – Map 14, Lot 1015. Asked the Board to approve a sewer connection for the property at 39 Old Onset Rd., Map 14, Lot 1015, to the collection system available at the corner of

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Old Onset Rd. & Bettino St. The plan has been reviewed by David Simmons, WPCF Superintendent/Chief Plant Operator. If the Board approves this request, it is recommended that the approval be w/ the fee structure & conditions noted.

Discussion ensued re: a new dwelling w/ an old sewer stub & looking at the sewer development charge. The Administrator stated there was previously an existing dwelling and the betterment was paid then.

MOTION: Selectman Eckstrom moved & Selectman Pillsbury seconded that the Board to approve a sewer connection request for 39 Old Onset Rd., Map 14, Lot 1015, subject to the fee structure & conditions as follows:

- Payment is made of all appropriate fees, including the Residential Sewer Permit Fee, Sewer System Development Charge, & any other appropriate fees or charges, payable when the sewer connections are applied for, and
- Personnel of the Water Pollution Control Facility must inspect all connections.

VOTE: Unanimous (5-0-0)

5. TOWN BUSINESS

a. Proposed Zoning Amendments of the Planning Board.

Present before the Board: Anthi Frangiadis, Planning Board Chair
Chuck Gricus, Town Planner
Mr. Guimond, SRPEDD

Ms. Frangiadis read a memo into the record relative to the zoning amendments. (Attached as reference). She explained that the Planning Board could not tackle all the amendments, thus, only seven are being proposed at this time.

(Mr. Guimond displayed visual maps for the appropriate zoning amendments. Ms. Frangiadis proceeded to discuss the following amendments:

Amendment #1 – Amend zoning By-law by adding a new zoning district – East Wareham Village by re-zoning a portion of land currently zoned SC. Selectman Eckstrom stated she noticed the area has been downsized considerably and no longer includes the residential areas, which were of major concern to the residents of the area. Ms. Frangiadis discussed the proposed amendment. She added that conversations were held w/ residents of this area & they are amenable to the new proposal vs. the old one.

Amendment #2 – Add the dimensional table for the Industrial district to Article 6 of the zoning By-law.

Amendment #3 – Add dimensional table for the General Commercial District to Article 6 of the zoning By-law.

Ms. Frangiadis stated that the use tables were passed at the prior Town Meeting.

Amendment #4 – Vote to amend Article 5 of the zoning By-law “Supplemental Regulations” by adding language entitled “INCLUSIONARY ZONING.”

Ms. Frangiadis explained that this was linked to the residential cluster By-law, but has been removed from this By-law & stands on its own. Discussion ensued re: options for applicability & other towns

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that have a similar By-law & issues/difficulty w/ it. Chairman Fernandes-Abbott stated this would be tried as a land use tool. Discussion ensued re: 40B projects as they relate to this By-law.

Amendment #5 – Design standards & guidelines for commercial districts, Article 7 of zoning By-law

Amendment #6 – Change CS from east of I-195 to the present boundary of Wareham Village II to CG & changing appendix 1 boundaries of districts of zoning By-laws

Amendment #7 – Change CS from east of Parker Jill Pond to the centerline of Division Ave. to CG & change appendix 1 boundaries of districts of the zoning By-laws.

Ms. Frangiadis stated the Planning Board would continue to work on the Further Study articles from last Town Meeting to bring forward at a later date. The Planning Board will be meeting w/ the ZBA on 9/13/06 relative to these articles. The Planning Board will hold a public hearing on 9/25/06 at 7:00 P.M. on these articles & there may be a need to continue the hearing due to a heavy meeting load.

MOTION: Selectman Eckstrom moved the Board approve to send the proposed zoning amendments to the Planning Board for review & a public hearing. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

b. Any other Town business.

i. Open Meeting Violation.

Chairman Fernandes-Abbott stated a letter has been received from the District Attorney's office relative to an open meeting law violation. She explained that the letter needs to be read into the public record & in order for the DA to close the file, those involved need to admit the violation, the DA letter must be read into the record & become part of the minutes & Ms. Parola's e-mail must also become part of said minutes.

Chairman Fernandes-Abbott stated she admits to the violation so the Board can move ahead & conduct the business of the Town. However, she stands by the actions taken last March & she feels justified in what she did & she wouldn't hesitate to do it again today. That being said, Chairman Fernandes-Abbott formally admitted a violation of the open meeting law on 3/21/06.

Selectman Pillsbury stated she respectfully disagrees w/ the decision in some respects; she would like to move along; read it into the record, make the admission and accept the slap the Board has been given.

Chairman Fernandes-Abbott read the DA's letter into the record. (Attached as referenced).

Selectman Eckstrom stated that the e-mail former Selectman Parola sent out would be identified & become part of the minutes. She identified the email by who sent it, to the email addresses it was sent, the date and time and the subject line of e-mail. (Attached as referenced).

6. SEWER BUSINESS

a. Request for sewer connection.

Chairman Fernandes-Abbott stated a final evaluation report has been received from Cornerstone Properties re: the 815 Main St. project relative to their exploring on-site sewer disposal. It states that the on-site sewer disposal will add \$1.7 million to the project vs. \$500,000 to tie into the Town's system. She indicated Cornerstone Properties is still willing to do on-site sewer disposal, but they are

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hoping the Town will help bridge the funding gap w/ such things as Community Development Block Grant monies, CPA monies, or PILOT w/ units.

Chairman Fernandes-Abbott stated Cornerstone Properties has filed a comprehensive permit w/ the ZBA & will be re-visiting w/ the Housing Partnership.

- b. Policy re: repaving roadways after sewer projects.

Chairman Fernandes-Abbott feels a draft policy is needed to set parity amongst all sewer projects stating that the Town will repave roadways after installation of sewer. She would like the Board to review.

- c. Town Meeting Warrant Article re: Interest Rate for Briarwood, Beaver Dam Estates, & Rose Point.

Chairman Fernandes-Abbott stated a petition article has been submitted re: the sewer interest rate for these three areas. She feels a discussion should be held w/ these residents because what the Town is proposing in another article is more advantageous to what they are proposing in their petition article.

7. SELECTMEN'S REPORTS

- a. Selectman Potter – Stated attending the Hurricane Preparedness meeting in Onset. He came away from the meeting feeling that the residents of Onset would like to utilize the Hammond School as a shelter, but it is not on the list as a shelter. He would like to investigate possibly acquiring a tow-behind generator from a business in Town to hook up at the Hammond School. Residents of this area were concerned that the closest shelter was Minot Forest School & there didn't seem to be a good reason why Hammond School couldn't be utilized because it has in the past. Discussion ensued.

The Administrator stated SRPEDD explained that four out of five areas in Town would be under water during a hurricane w/ a 23 ft. surge & that residents should seek shelter outside of Town.

Selectman Potter suggested entering into an agreement w/ a local generator supplier. Selectman Eckstrom stated she was told there was a generator available, but it hasn't been placed at Hammond because the Town would be responsible for food provisions, bedding, etc. if it were to be a shelter. The Administrator stated the Town does have a portable generator, but it is not big enough. The issue w/ Hammond is it has old supplies & there would be a need for a working kitchen which Hammond does not have. Selectman Eckstrom disagreed and stated Hammond does have a working kitchen. The Town Administrator stated the Town has to open shelters that are certified by the Red Cross & Hammond doesn't meet the criteria.

Selectman Potter asked if the Town Hall & Multi-Service Center have food areas. The Administrator stated food areas are on campus at the High School. He added that accessibility to Hammond is a concern as well, but could be used as a staging area. People would either have to be moved from this site or work to make Hammond in compliance w/ the regulations as a shelter.

The Board members concurred to look into making Hammond a shelter & acquiring a generator on a temporary basis.

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Community Preservation Committee: Selectman Potter stated the CPC recently voted on several applications on 8/30/06. The applications for the Town Hall slate roof, the project at Parker Mills, the Tremont Nail Factory roof, & the old Town Hall improvements were withdrawn. The total amount of applications to move forward is \$1.2 million. There are no affordable housing projects proposed this cycle.

Chairman Fernandes-Abbott asked re: Mr. Gifford's letter in support of the repair of the Town Hall roof dated 8/28/06 that was submitted to the CPC. The Administrator stated he would look into this matter.

Selectman Potter has noticed several unregistered campers in the back of a former restaurant on Cranberry Highway. Selectman Eckstrom stated Camper's Headquarters are leasing this property & this issue is before the ZBA presently. No sales are being conducted at this time. Discussion ensued re: other equipment being stored at this site and people living in the trailers.

Selectman Potter asked if any progress has been made w/ trash haulers re: recycling. Chairman Fernandes-Abbott stated the Board of Health met w/ all haulers & they were given 90 days to start a recycling program.

Chairman Fernandes-Abbott asked if the campers on site at the former restaurant on Cranberry Highway are in bad condition. She was under the impression that w/ a Class II License, broken down vehicles shouldn't be there and that the license is issued to a different location. The Administrator stated that for the sale of campers it is a Class III License. He briefly discussed the By-law pertaining to this issue.

8. ADJOURNMENT

MOTION: Selectman Pillsbury moved to adjourn the meeting at 8:34 P.M. Selectman Eckstrom seconded.

VOTE: Unanimous (5-0-0)

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