

## **MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS**

**Date of Meeting: September 12, 2006**

**Date of Transcription: September 14, 2006**

**Transcribed by: Kelly Barrasso**

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

Chairman Fernandes-Abbott called the meeting to order at 7:04 P.M.

### **II. ROLL CALL**

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

Absent: Michael Hartman, Town Administrator

### **III. CITIZENS PARTICIPATION**

Present before the Board: Paul Joyner

Mr. Joyner stated he is a Veteran on DSI. He is being evicted from Great Hill Mobile Home Estates & has exhausted all legal means to stop the eviction. He is present on behalf of those that live in mobile home parks.

Mr. Joyner explained that his deceased mother willed his mobile home to him. He has lived at this park for two years & paid rent. On 9/13, the matter will be discussed in housing court & he has requested a re-consideration, but in his case, the park owner owns the land & can do whatever he wants, for example, eviction. The mobile home will be removed from the property as well. The legal paperwork will be transferred to the Sheriff, Mr. Joyner will be served & he will have 48 hours to depart, but again, the mobile home will be removed as well.

Mr. Joyner would like to donate the mobile home to the Town or a special service because as soon as it is removed, it becomes worthless. He feels there are people who need housing. The Sheriff will transport the mobile home to wherever Mr. Joyner wants it. He tried to sell it, but to no avail. He doesn't want to see his Mom's hard earned home be trashed.

Chairman Fernandes-Abbott gave her regrets to Mr. Joyner re: his predicament, but she doesn't know the Town's procedure to accept something of this matter. She offered to have organizations in Town that may be interested contact Mr. Joyner.

Mr. Joyner briefly discussed the history of his issue since the mobile home was willed to him.

## **SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)**

Selectman Sauvageau gave his regrets to Mr. Joyner, but stated he would be hesitant to accept a mobile home because of the pending litigation. He briefly noted Legislation re: eviction & laws relative to housing rights & ownership.

Mr. Joyner explained that if the mobile home had been sold it would not have to be removed & the new owner would have had to go through the application process he did.

Chairman Fernandes-Abbott stated she would put Mr. Joyner in touch w/ organizations that deal w/ housing. Selectman Eckstrom suggested Mr. Joyner give the Board his number so that when these organizations contact the Board's office, his number can be given to them.

Mr. Joyner indicated that mobile home parks don't want to receive used mobile homes.

**NOTE:** The meeting proceeded w/ item VI. Licenses & Permits – Hearing – Application of Steve Robertson for a Class I License for 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.

Present before the Board: Steve Robertson

**MOTION:** Selectman Eckstrom moved to resume the hearing. Selectman Pillsbury seconded.

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

Chairman Fernandes-Abbott stated that notification to abutters was sent out again to the correct abutters.

Mr. Robertson discussed the re-location of their big truck division to this property, which will provide sales & service.

No one spoke for or against the application.

**MOTION:** Selectman Eckstrom moved to close the hearing. Selectman Potter seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve the application of Steve Robertson for a Class I License for 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. Selectman Potter seconded.

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

**Selectman Pillsbury abstained**

### **IV. ANNOUNCEMENTS**

- A. The Primary Election will be held on 9/19/06 from 7:00 A.M. to 8:00 P.M.

### **V. CONSENT AGENDA**

- A. Authorization to sign bills, documents, etc. (NONE)
- B. Appointments to PEG Access Board of Directors.

## **SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)**

Chairman Fernandes-Abbott stated four interested candidates have been interviewed. There are seven positions w/ staggering terms. More interviews will be held for four more applicants.

Chairman Fernandes-Abbott stated Attorney Solomon has indicated that the PEG Access Board of Directors can operate w/ four members, which would constitute a quorum. If the selection process could proceed this evening, the PEG Access Board of Directors could commence & further interviews could be held. Of the candidates already interviewed, Chairman Fernandes-Abbott feels Ms. Bell & Mr. Heard were two with very strong backgrounds. She feels these two candidates should be appointed to the three-year terms.

Selectman Pillsbury stated she would be hesitant to make appointments now until all the applicants are interviewed. She asked how soon these interviews could be held. Chairman Fernandes-Abbott stated they should come in next week & the Board should make decisions after that. Selectman Sauvageau agreed w/ Selectman Pillsbury. Brief discussion ensued.

The Board concurred to wait to appoint members until the other four applicants have been interviewed.

Chairman Sauvageau doesn't feel these appointments should be rushed due to the important nature of these positions. He hopes more applicants apply. Chairman Fernandes-Abbott noted the difficulty in getting people to apply. Chairman Sauvageau feels a more visible effort should be made to get people to apply. Chairman Fernandes-Abbott appealed for people to apply for this important function & expressed the importance of these positions.

Selectman Pillsbury suggested a deadline for applications. Brief discussion ensued re: a deadline date. The Board concurred the deadline be 9/25/06. Selectman Sauvageau noted that these positions do not require residency in Town.

### **VI. TOWN BUSINESS**

#### **A. Close Town Meeting Warrant**

Chairman Fernandes-Abbott briefly discussed & reviewed the Fall Town Meeting Warrant. She discussed Article 10 & a sentence to be added that states "the moratorium shall not apply to any dock or pier permit issued prior to 9/6/06, despite the fact that construction has not been completed by that date or shall it pertain to any dock or pier application under review currently by the Conservation Commission."

**MOTION:** Selectman Eckstrom moved the Board close the Fall 2006 Town Meeting Warrant & to allow for the addition of the sentence referenced above to Article 10 & to allow for Scribner errors/corrections. Selectman Pillsbury seconded.

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

#### **B. Discussion: Wareham Fire/Water District – Expanding water service outside of Wareham.**

Present before the Board: Michael Martin, Wareham Water Dept. Superintendent  
Tim Stinson, SEA  
Mr. Campanini, Water Commissioner

## **SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)**

Mr. English, Water Commissioner  
Mr. Hatch, Water Commissioner

Mr. Martin stated the Wareham Fire District is an independent entity w/in the boundaries of the Town. He gave a brief history of the WFD. He explained that under legislation, the WFD has the authority to provide water to the inhabitants of the Town. Under the Acts of 2000, a new boundary was created for the Town & an overlapping boundary of the Town; thus, the WFD no longer has to annex an area for water service.

Mr. Martin discussed the County Rd. project re: installation of water mains for water service, which was included in the WFD five-year capital plan. There is a proposal to loop w/ existing water lines. He stated in late 2005, the Town's of Rochester & Marion were working cooperatively to reconstruct County Rd. The Wareham Water Dept. decided to accelerate the County Rd. project that passed at the 4/06 District Meeting. It is a \$5.1 million project w/ 8.6 miles of pipeline proposed.

Mr. Martin discussed the Blackmore Pond Rd. & Rose Point water projects that are being worked on currently & will be done shortly. Thus, three points (including Fearing Hill Rd.) will have connections to the County Rd. project.

Mr. Martin briefly discussed the engineering feasibility study.

Mr. Martin explained that every five years, public water suppliers must go to DEP for a water renewal. The timeline for developing a new well site is eight to twenty years. The WFD is already looking at a new well site, which requires a minimum of 11 acres to build. With the current permit renewal w/ DEP, the WFD will be asking for an increase in allocation. The WFD has the ability to pump more than the permit allows. DEP is reluctant to increase allocations unless a good case is brought forward, for example, an expansion of infrastructure. He noted the development of a capital improvement plan for the pending BDOD area.

Mr. Martin summarized the following proposals: 1) The County Rd. expansion project, 2) expansion of the WFD water system to this area of Town, & 3) utilizing this project as leverage for an increase in withdrawal allocation. Most of the project is on County Rd. The WFD would like to bring in residents from Rochester & Marion that front County Rd. Meetings have been held w/ these two towns re: the project & proposals & it has been well received & supported. A legislative amendment is needed to proceed. He discussed correspondence from the District's legal counsel & discussed the draft legislation amendment.

Mr. Martin stated the WFD would like the support of the Town when the proposed legislation is brought forward. The project won't stop with or without the legislation re: the boundaries of the Town. He discussed an option of easement takings re: the boundaries of the Town & water could be sold to Rochester & Marion if the legislation changes. He discussed municipal contracts that could be made w/ these towns. Currently, there are 28 Rochester customers that are subsidized & pay a lower rate than Town residents. This wouldn't happen if the expansion to these towns is allowed; Marion & Rochester would pay the same rate as Town payers & they would participate in the betterment process.

Mr. Martin asked the Board to consider the information presented & when the time comes, to support the Water District's attempts to change the legislation described.

## **SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)**

Selectman Sauvageau asked how the project benefits the Town. Mr. Martin stated some areas where the project will commence have trouble w/ wells & water quality. Another benefit would be the ability to provide fire service to these residents. Selectman Sauvageau asked how many residents would benefit from this project. Mr. Martin stated properties are looked at, not residents; there are approx. 130 existing dwellings to benefit.

Selectman Sauvageau asked if the whole of Marion & Rochester would benefit from the project or just the dwellings abutting County Rd. Mr. Martin stated only the abutters will benefit; the Water District doesn't want to get into the wholesale of water because they then would become subject to the laws pertaining to public utilities. He added w/ Marion, an emergency intercept could be put in. Selectman Sauvageau asked what the total number benefiting from the project in all three towns. Mr. Martin stated he is unsure presently; an analysis is needed. He provided estimates & final numbers for the Rose Point water project.

Selectman Sauvageau clarified Mr. Martin's reasons for the maximizing of the water system & what it does currently. He asked how this project would affect capacity. Mr. Martin stated presently, they are running at 92% capacity, but this is not physical capacity. The Water District is trying to satisfy the water needs for the next 100 years. Selectman Sauvageau asked what allocation the Water District will be asking for. Mr. Martin stated this would be up to DEP. They are working on completing a build-out analysis of what the Town may use in years to come.

Selectman Sauvageau stated he would support increasing the expansion & the petition. He asked re: expansion of wells/plants, etc. Mr. Martin discussed the present & future plans for the expansion of wells. He discussed the permitting process for new wells & what has been instituted already. Selectman Sauvageau asked how much water is available in the aquifer w/in the Town's control. Mr. Martin stated the Plymouth/Carver aquifer is the second largest in the State & discussed its location/boundaries. Presently, 100 million gallons per day come out of the aquifer into the ocean. He discussed how the permitting process is complicated & a complex process & how many different factors are taken into account. He stated there is plenty of water in the aquifer. The question is not the water supply, but how pumping will effect the environment. The EPA & DEP are getting more stringent re: new developments by Water Districts.

Selectman Pillsbury asked if the water expansion would go into Marion. Mr. Martin stated only the emergency interchange will. He stated the Water District doesn't want to become a wholesaler of water. Selectman Pillsbury stated she supports the proposal. Mr. Martin stated the Board of Water Commissioners would not allow this project unless the Town residents will be served first. If there is water left over, a limited amount could be sold to some areas of Marion & Rochester. Selectman Pillsbury stated she believes this will have to go to a Town Meeting vote then the Town can petition the legislature. Mr. Martin stated he was not sure about that and would look into it. Chairman Fernandes-Abbott asked if there would need to be a District meeting to seek this legislative amendment. Mr. Martin discussed the process to be followed. Discussion ensued re: if this matter has to go to Town Meeting as well as a District meeting due to a petition going to the Legislature.

Mr. Martin discussed the estimated timeframe for the project & process. He invited the Board to meeting next week that will discuss groundwater-monitoring results.

### **VII. SEWER BUSINESS**

#### **A. CDM Update.**

## **SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)**

Present before the Board: Mike Guidice, CDM

Mr. Guidice updated the Board on the following:

WPCF:

- Construction update – 1 punch list item remaining.
- Nitrogen: July average = 3.2 mg/l; August average = 1.7 mg/l.
- Phosphorous: July average = 0.3 mg/l, August average = 0.3 mg/l.

Selectman Pillsbury asked if the phosphorous requirements are the same as nitrogen. Mr. Guidice explained that phosphorous is monthly.

Mr. Guidice stated the final payment request from the contractor hasn't been submitted yet; they are waiting for the finalization of the last punch list item remaining & CDM is holding back money for the remaining punch list item. Brief discussion ensued re: working on this punch list item ASAP.

Weweantic Shores:

- Deadline to connect was 9/1.
- 243 connections to date (84%).
- 47 properties not connected – list provided to BOH.

Mr. Guidice stated two or three properties are requesting a waiver.

Discussion ensued re: what happens if a property doesn't connect & if there is a policy pertaining to this. Selectman Pillsbury feels the Board of Health may have a policy that can be enforced. Selectman Eckstrom cited a law under the MGL re: hook-ups.

Rose Point Sewers:

- Rose Point Ave. completed & paved.
- All mainline sewer installed/several services remain.
- Arnold St./Canedy St./ Leonard St. pumping station wetwells installed.
- Testing & final paving (2007) remaining.
- Change Order #3 – unmarked water line to be reimbursed by WFD = \$1,870.
- Manhole covers in gravel roads.

Mr. Guidice discussed issue of manhole covers on gravel roads that are sloped, which could become a plowing issue. A proposal is to pave a concrete collar around these manholes.

Briarwood Beach/Beaver Dam Estates Sewers:

- Harding Ave., Wilson, St., Taft St., & Eisenhower Ave. completed.
- Working on McKinley Ave.
- Easement to Fairfield Dr. next.
- Pumping station mechanical/electrical work progressing.
- Briarwood Dr., Roosevelt St., Washington Dr., & Harding Ave. paving.
- Pending Change Order – Briarwood Dr. sidewalk rehab.

## SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)

Mr. Guidice explained that the sidewalk trench was deep so not much of the road was left, thus, the contractor will be going w/ a full width & they will come back in the spring to do overlay paving. There is approx. 1,100 ft. of sidewalk that was disturbed during construction. The contractor will be restoring the sidewalk to its original condition, which were poor to begin with. There is a proposal to rehabilitate the whole sidewalk structure (from McKinley to Rte 6) and only the portion that was disturbed. Thus, a Change Order estimate for this work is \$10,000, but is not a formal Change Order at this time.

- Approx. 55% of mainline sewer installed.
- Planting plan approved by ConCom on 9/6. Plan to be implemented once project is complete; possibly by 10/15/06

New Sewer Areas:

- PEF submitted to DEP 8/31/06.

Mr. Guidice stated that some supplemental information would also be submitted. He discussed the PEF evaluation form & what it consists of. He discussed the proposed contract list: 1) Agawam Beach & Tempest Knob, 2) Parkwood & Cromesett, 3) Oakdale & Mayflower Ridge, & 4) Linwood & Ladd Aves. He added that Linwood & Ladd Aves. should be added to one of the larger contracts. The cost estimates for each contract is between \$4 million - \$5 million w/ an estimated total of \$18 million for all contracts. Discussion ensued re: how these estimates related to other areas already done.

Selectman Eckstrom indicated that Municipal Maintenance is doing storm water remediation drainage work at Agawam Beach. She asked if it would be more prudent to have Agawam Beach in a different contract/phase, and replace it w/ Parkwood. Mr. Guidice stated that Parkwood is a large contract & if Tempest Knob were included, it would be a very large contract, but CDM can look into this matter. He indicated that Tempest Knob has to be done before Parkwood or Agawam Beach due to the connections. He discussed the prior list made in 2002. Selectman Pillsbury feels the list was first prioritized by the Board of Health & based on sensitive areas. She expressed the importance of prioritizing, planning, & establishing timeframes for the residents in these areas so residents can start making plans & obtain waivers if needed. Discussion ensued re: contract grouping & the stormwater remediation project in Agawam Beach (if it will remediate the problem there, it can be moved into another contract).

Infiltration/Inflow Program:

- Smoke testing late September.
- Transfer of additional funds required at 10/06 Town Meeting.

Rate Study:

- Presentation/discussion at an October Board meeting.

Chairman Fernandes-Abbott asked re: questions the Board had relative to plant capacity. Mr. Guidice stated CDM is still working on scheduling a meeting w/ the Board to discuss this issue.

Selectman Eckstrom asked if there was a gas main hit in Briarwood. Mr. Guidice stated he did not hear this.

## **SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)**

### **B. Any other Town Business.**

#### **1. New Town Administrator.**

Chairman Fernandes-Abbott stated a discussion is needed relative to the process for hiring a new Town Administrator. She expressed the importance of time & the process.

Selectman Sauvageau stated he would prefer to have a specialized search consultant work on the Town's behalf in seeking a Town Administrator. The Board members concurred. Chairman Fernandes-Abbott questioned how the Town would pay for this service because there is nothing in the budget for this. Selectman Sauvageau stated the Board could look in the Board of Selectmen's budget or the FinCom may agree to look into the legal budget.

Chairman Fernandes-Abbott stated a few Board members or the Board, as a whole should work on creating criteria to give the consultant re: what they are looking for in a Town Administrator. The Board members concurred to all be involved in this. Brief discussion ensued re: if an RFP is necessary re: hiring a consultant.

#### **2. Town Survey.**

Chairman Fernandes-Abbott stated the Town survey box should be opened. She stated that the Board made the evaluation of the Town Administrator, but the surveys from Town employees, committees, etc. were not opened. She feels it should be opened & the information contained would be helpful to the Board in determining what is wanted in the new Town Administrator. Selectman Eckstrom agreed, but stated there were reasons why the box wasn't opened prior & a legal opinion should be obtained before it is opened. Selectman Sauvageau feels the legal matters are moot at this point & no longer exist. He feels it is important to distinguish the reviews of the box vs. the reviews of the Board. A decision has been rendered re: the Town Administrator & the only reason now to open the box is to gather input for search criteria & review the Board's performance via employees, committees, etc. opinions.

Chairman Fernandes-Abbott stated if the Board wants to be present when the box is opened, it would have to be in Open Session not Executive Session. Selectman Sauvageau discussed the reasons why it can't be opened in Open Session due to legal issues & that Mr. Hartman should give his approval re: his reviews in the box. He feels this should be done in Executive Session. Chairman Fernandes-Abbott suggested opening the box on 9/26/06. Selectman Pillsbury stated if the Board shares the results publicly, it doesn't discredit or get into character issues of the Administrator. She feels the Board can figure out how to handle this.

#### **3. Goal Setting.**

Chairman Fernandes-Abbott feels there needs to be a discussion held after Town Meeting re: goal setting since there seems to be a disconnect on the Board relative to this matter. She suggested a community survey re: what the community feels is important. She feels this would give the Board a better direction on what the community wants. Selectman Sauvageau feels there is a disconnect on how the priorities take place. He discussed his feelings on the role of a Selectman. He doesn't feel it is a Selectman's job to ask for a wish list, but to discuss the reality of issues facing the Town, such as fiscal realities. He feels it is more important to have an adult discussion very soon with the citizens, on where the Town is & what needs to be done, then a discussion on goals & objectives can be had. Chairman



## SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 09/12/06 (CONT'D)

Fernandes-Abbott stated the information to have a discussion relative to Selectman Sauvageau's suggestion, is not available at this time, but a discussion should be held. She is speaking about goal planning for the future; and the need for a vision. Selectman Sauvageau stated he is speaking re: FY07. He feels this needs to be discussed first & then goal setting done later. He does not believe the Board should be asking the residents what they would like to see added to town services, but the discussion should be what services are we going to be able to keep. Discussion ensued.

### VIII. SELECTMEN'S REPORTS

A. Selectman Potter – Attended the 9/11 services on Buzzards Bay Monday night.

### IX. ADJOURNMENT

**MOTION:** Selectman Pillsbury moved to adjourn the meeting at 9:26 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