

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: April 4, 2006

Date of Transcription: April 5, 2006

Transcribed by: Kelly Barrasso

NOTE: Selectman Eckstrom designated Selectman Sauvageau as Chairman of this meeting under policy 88-12, section 3.

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Sauvageau called the meeting to order at 7:05 P.M.

A. Roll Call

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

Present: Michael Hartman, Town Administrator

NOTE: The meeting proceeded w/ item VII. Announcements.

A. The polls are open for the local election until 8:00 P.M. tonight.

II. HEARING – CLASSIFICATION FY06 RESIDENTIAL FACTOR

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

VOTE: Unanimous (5-0-0)

Present before the Board: James Makrys, Board of Assessors
Paul Keefe, Director of Assessing

Mr. Keefe stated every year there is a requirement to hold a classification hearing. He discussed the adoption of a residential factor & computations. (Attached as reference).

Mr. Makrys stated it is the recommendation of the Board of Assessors to support a single tax rate & a residential factor of “1”.

Mr. Keefe discussed the residential exemption & the small commercial exemption. (Attached as reference).

Mr. Makrys feels that keeping a single tax rate encourages businesses to come into the Industrial Park, which in many ways helps the Town. He feels it is best to maintain a single tax rate.

Selectman Pillsbury asked where the percentage would have to be to consider a split tax rate. Mr. Keefe discussed briefly. He added that a large majority of towns that have a split tax rate have a commercial base of 30-40%. If we raised the commercial rate by 50% the residential percentage would only go down by 6%.

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 04/04/06 (CONT'D)

Selectman Parola expressed dismay at those who are concerned w/ good commercial building in Town, which would help take the burden off residents.

Selectman Fernandes-Abbott doesn't understand the decrease in commercial/industrial & personal property percentage from last year especially w/ the big commercial businesses that have located to Town; for example, Home Depot & Chili's. She feels this percentage should be going up due to these large businesses coming to Town. Mr. Keefe stated there are multiple issues why this has decreased. For one, all these large businesses did not come to Town in the same fiscal year & secondly, the trend in residential is there is more building going on w/ increased valuations going up. Commercial values are not increasing at the same pace.

Mr. Keefe stated the projected tax rate w/ a single rate based on the levy pro forma would be \$6.85 per thousand.

Chairman Sauvageau understands the Town has to stay w/in Prop. 2 ½ w/ these percentages, but it seems like things are moving backwards. With good economic development it should be lessening the burden on the residential side. The \$6.85 is a large decrease. He expressed concern that the Town is making progress & not relieving residential taxpayers. Mr. Keefe feels things are helping the residential side, but it may not be very evident. If there were no growth, the tax rate would be higher.

No one from the public spoke for or against on this matter.

MOTION: Selectman Pillsbury moved to close the hearing. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

Mr. Keefe stated he has received information from Boston that there is one piece of information (LA7) that needs to be signed off on re: this classification. He asked that this hearing be cont'd. until next week.

Selectmen Pillsbury & Fernandes-Abbott rescinded their previous motion.

MOTION: Selectman Pillsbury moved to re-open the FY06 classification hearing. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

The Administrator stated the issues discussed would reinforce just how important economic development has become. He discussed statistics five years ago vs. today. He added even if the new plaza were in place, it wouldn't shift the percentage that much. Selectman Parola explained that it is not just the number of homes being built, but the size & valuation of these homes.

MOTION: Selectman Pillsbury moved to continue this hearing until 4/12/06. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Pillsbury moved the Board adopt a residential factor of "1". Selectman Parola seconded.

VOTE: Unanimous (5-0-0)

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 04/04/06 (CONT'D)

Mr. Keefe briefly discussed tax bills. He stated he has the program certification & will submit the final certification tomorrow. The next step will be to submit new growth then the re-cap sheet. There is a need to fill in the gaps. Once DOR approves, the tax rate could be ready by next week.

Discussion ensued re: when tax bills will go out. The Administrator stated depending on tax rate certification from DOR, the bills could go out before 4/15/06.

NOTE: Selectman Fernandes-Abbott spoke re: a letter to the Board from residents who have expressed concerns over the proposed plaza planned by W/S Development. She stated this hearing is tonight in which the Board was asked to attend to discuss the I-95 interchange study & the traffic impact study.

Selectman Fernandes-Abbott asked if the Board concurs, to have the Administrator go over to the hearing at this time to represent the Board & explain to the Planning Board the exact circumstances of the I-95 interchange study & the traffic study & how this proposed plaza project doesn't have to do w/ the I-95 interchange study. The Board members concurred.

The Administrator departed at this time.

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

- A. Hearing – Application for Transfer of Retail Package Goods Store from George H. Elias d/b/a Mill Pond Package Store, 2569 Cranberry Highway, Wareham to Mill Pond Station, LLC, James F. Kane, Manager, under the provisions of MGL c. 138.

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

VOTE: Unanimous (5-0-0)

Present before the Board: George Elias
James Kane
Margaret Ishihara, Attorney

Mr. Kane asked the Board's support in the license transfer. He stated that the same business would be operating.

Mr. Kane displayed pictures of improvements that will be made on the property, including improving the side entrance, new signage, & landscape improvements.

Selectman Parola stated this property is adjacent to property the Town owns. Previously, the Board heard a report re: a proposed intermodal transportation center near the Tremont property. SRPEDD will be involved w/ this issue & this area was determined as the best site for an intermodal transportation center. The only thing that was standing in the way of this site was the existing business that was situated at the Tremont site. She feels the Zoning Re-Write Committee agrees w/ the fixing/building up of this area. She expressed the importance of getting a central site for transportation & she feels the improvements being proposed by this applicant are a good thing.

Brief discussion ensued re: the site at Mill Pond Diner that is being utilized currently as an informal transportation site, which doesn't include all the modes of transportation that could be provided.

No one spoke for or against the application.

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 04/04/06 (CONT'D)

Present before the Board: Sean Fensel

Mr. Fensel spoke re: a lighting study of this area. Selectman Parola stated this would be done through the building process. Mr. Fensel asked who would pay for the cost of a study relative to safety lighting for people utilizing the intermodal transportation site. Selectman Pillsbury stated this would be looked at further down the road. If this area does become an area for transportation, SRPEDD will have to pay for the study.

Selectman Parola discussed the purpose of an intermodal transportation center. Selectman Fernandes-Abbott stated Community Block Grant monies would be sought as well for the purpose of an intermodal transportation center that will include the Tremont Nail site/area.

MOTION: Selectman Pillsbury moved to close the hearing. Selectman Parola seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Pillsbury moved the Board approve the application for Transfer of Retail Package Goods Store from George H. Elias d/b/a Mill Pond Package Store, 2569 Cranberry Highway, Wareham to Mill Pond Station, LLC, James F. Kane, Manager, under the provisions of MGL c. 138. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item IV. Consent Agenda.

A. Authorization to sign bills, documents, etc.

Selectman Pillsbury read the Certificate of Recognition to Nancy Zimmerman into the record for her dedicated service as a Cromesett Tribe Order of Redmen Pocahontas since 1995 & her recent election to serve as the Great Pocahontas of MA. The certificate also commended her tireless efforts to raise money for scholarships & in support of organizations that serve the needy.

Selectman Fernandes-Abbott stated that a ceremony would be held on Sat., April 8, 2006 at the Redmen Hall.

MOTION: Selectman Pillsbury moved the Board sign the Certificate of Recognition to Nancy Zimmerman. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

III. **CITIZENS PARTICIPATION**
(NONE)

IV. **CONSENT AGENDA**
(DONE)

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

B. Application of Point Independence Yacht Club, 15 Independence Lane, Onset, for a Change of Manager from Robert Vendetti to Gerald Peters, under the provisions of MGL c. 138.

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Present before the Board: Gerald Peters
Richard Petty

Mr. Petty stated every two years the club goes through this process, thus, they are seeking a change of manager.

Brief discussion ensued re: the CORI results have not been received as of yet, but the form was submitted.

Mr. Peters stated he has had TIPS training.

MOTION: Selectman Pillsbury moved the Board approve the application of Point Independence Yacht Club, 15 Independence Lane, Onset, for a Change of Manager from Robert Vendetti to Gerald Peters, under the provisions of MGL c. 138 and contingent upon receipt of a favorable CORI report. Selectman Parola seconded for discussion.

NOTE: Selectman Parola stated every two years the club changes managers & apply for a seasonal liquor license as well. To save on paperwork, she suggested that the club conduct these changes earlier to combine both the change of manager & the seasonal license.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item VII. Announcements.

- A. Done.
- B. Boston Post Cane – Wareham's Oldest Citizen.

Selectman Pillsbury stated the last recipient has passed away recently. She attended the Council on Aging Board of Director's meeting & there is a need for feedback from them re: the next recipient. Information is also being requested from residents re: if they know of anyone that may qualify.

Selectman Pillsbury explained that the cane is very rare & is kept at the library for safekeeping. Instead of giving out the cane, plaques and/or pins will be given out in its place.

- C. Town Meeting Warrants are available in the Selectmen's Office & at the Library. Anyone requiring a large-print Warrant should contact 508-291-3100 ext. 3102 or 3101.

V. TOWN ADMINISTRATOR'S REPORT

1. FY06 Second Half Omitted Commitment. The Board is asked to accept the second half omitted commitment for FY06 sewer user fees in the amount of \$29,841.00.

MOTION: Selectman Pillsbury moved the Board approve the second half omitted commitment for FY06 sewer user fees in the amount of \$29,841.00. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

2. Sewer Abatement Request – Acct. 736959. The Board is asked to approve abatement on this account for first & second half sewer usage billings for FY06

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in the amount of \$391.50. The home was demolished in 4/05. The abatement is for \$130.50 for the first half of FY06 & \$260.00 for second half FY06.

MOTION: Selectman Pillsbury moved the Board approve abatement for Acct. 736959 for FY06 sewer usage in the amount of \$391.50. Selectman Parola seconded.

VOTE: Unanimous (5-0-0)

3. Sewer Abatement Request – Acct. 791595. The Board is asked to approve abatement on this account for first & second half FY06 sewer usage billings in the amounts of \$261.00 each for a total of \$522.00. There is no sewer usage as no water service was installed in the garage.

MOTION: Selectman Pillsbury moved that the Board approve abatement for Acct. 791595 for FY06 sewer usage for \$522.00. Selectman Parola seconded.

VOTE: (4-0-1)

Selectmen Sauvageau abstained

4. Sewer Abatement Request – Acct. 739559. The Board is asked to approve abatement on this account for second half FY05 & the first & second half FY06 sewer usage billings \$186.00 for FY05 & \$261.00 each bill for FY06 for a total of \$708.00. The account should have been eliminated w/ the abatement request in 3/05, but was not.

MOTION: Selectman Pillsbury moved the Board approve abatement for Acct. 739559 for FY05 & FY06 sewer usage for \$708.00. Selectman Parola seconded.

VOTE: (4-0-1)

Selectman Sauvageau abstained

5. Sewer Abatement Request – Acct. 738194. The Board is asked to approve abatement on this account for second half FY06 for \$522.00 for two EDU's. Following a fire at this site, two units were destroyed & have not yet been replaced.

MOTION: Selectman Pillsbury moved the Board approve abatement for Acct. 738194 for FY06 sewer usage for \$522.00. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

6. Earth Removal Permit – Highland, Inc. A letter was sent to Highland, Inc. concerning their earth removal permit & the lack of activity concerning this. A response was received requesting that they be given more time as they are continuing negotiations re: access to the property. The Board will need to decide whether or not to grant this request.

Selectman Parola feels this request should not be granted. This hearing was opened in 9/04 & this company has done business for 25 years w/out a permit. She feels that there has been enough time to work these matters out. At the

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hearing in 9/04, the engineer discussed that they were negotiating the issue of access. She feels this is not the town's problem.

Selectman Pillsbury stated the option for the company is to either get their permit or have them cease & desist on the property.

Chairman Sauvageau stated that the access issue is a legal issue, not an engineering issue.

Discussion ensued re: how to proceed. Selectman Parola feels that this hearing should be re-opened. She feels the neighbors in this area need a properly permitted project.

MOTION: Selectman Parola moved the Board not grant the request of Highland, Inc. for more time re: negotiations for access to the property & the Chair set a date certain to bring this matter back before the Board. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

7. Cumberland Farms Decision. The Town has prevailed in Plymouth Superior Court on the Cumberland Farms issue. The Board's decision to deny the permit has been upheld & Cumberland Farms now has thirty days in which to appeal the decision.

Selectman Pillsbury explained that this issue dealt w/ a site on Depot St. & the installation of a gas station. Chairman Sauvageau briefly discussed the decision.

VI. LICENSES & PERMITS
(DONE)

VII. ANNOUNCEMENTS
(DONE)

VIII. BUSINESS

A. Vote Town Meeting Warrant Articles.
(NONE)

B. Discussion on Annual Town Meeting Warrant Petition Article 30.

Article 30 – Petition: Community Events Funding

Present before the Board: Brian Kashner

Mr. Kashner stated for the non-profit organizations, these required fees to cover EMS & Police services are becoming an added burden. Mr. Kashner was asked if he discussed this article w/ the FinCom. Mr. Kashner stated he has not met w/ the FinCom. Chairman Sauvageau stated the FinCom voted No Action on this article.

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 04/04/06 (CONT'D)

Chairman Sauvageau asked how the \$35,000 was derived. Mr. Kashner stated the figure was derived from last year's numbers & the proposed increases for this year. He stated that even the original amount is too much & is difficult to pay.

Selectman Parola stated that the Swan Festival was unable to pay their fees last fiscal year & they had to carry over this amount. With help, they got out of their deficit, but nothing is set-aside for this year.

Chairman Sauvageau stated that it seems to be four organizations involved. He asked how many other organizations engaged in Town festivals, which are not indicated on the list. Mr. Kashner understands only these four organizations require Police coverage.

Chairman Sauvageau asked if any even makes a profit. Mr. Kashner stated the Blues Festival makes a profit.

Selectman Parola stated that the Gleason YMCA has argued that any proceeds they receive usually go to underwriting scholarships to the YMCA, but instead, this money is going to police coverage.

Mr. Kashner stated the OBA's bill for last year was \$3,600 & the verbal increase to this amount from Chief Joyce for this year is \$2,000.

Selectman Fernandes-Abbott asked if Mr. Kashner is proposing to take money from the EMS & Police budgets to cover these fees. Mr. Kashner stated he would like to explore the use of the hotel/motel tax, not the EMS & Police budgets. There is a need to research the hotel/motel tax issue. Selectman Pillsbury stated that the Board needs the Administrator's input re: public safety issues before looking at the hotel/motel tax. She doesn't know what the hotel tax amount was last year. Selectman Parola suggested Mr. Kashner contact the FinCom Chair to review this article. Chairman Sauvageau agreed. Mr. Kashner indicated he did not understand the timing factor re: meeting w/ the FinCom.

Chairman Sauvageau stated that the article states, "reserve as a line item in the EMS budget". He doesn't understand what this means. Mr. Kashner stated it means adding it to their budget.

Selectman Fernandes-Abbott stated if funds were available, the Board would be supportive.

NOTE: Mr. Kashner congratulated Mr. Ruiz (cameraman) on a job well done at the auction.

C. Any other business.

1. Land Auction.

Selectman Fernandes-Abbott stated that the Board should speak w/ the Administrator re: the land auction & whether someone needs to be appointed to administer the auction. She stated Mr. Foster, Treasurer/Collector is wondering about this & he offered to do it. Selectman Pillsbury feels Mr. Foster usually does it, but agrees that the Administrator needs to be asked about this.

The Board members concurred to speak to the Administrator re: this matter.

Selectman Fernandes-Abbott feels that time is of the essence w/ the auction & things need to be put in place.

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 04/04/06 (CONT'D)

2. Personnel Plan.

Selectman Fernandes-Abbott stated she received a letter & a copy of the Personnel Plan from Priscilla Porter. She wanted to clarify what she was asking for when she asked the Administrator re: the Personnel Plan. Her intention was not to interfere w/ the Personnel Plan. She just wanted to know what the changes were & the purpose that were made to the Personnel Plan. She stated that this evening the Administrator gave her a copy of the Personnel Plan Study.

Selectman Fernandes-Abbott feels a letter should be sent to Ms. Porter indicating that she (the Board of Selectmen) wasn't trying to usurp the Personnel Board's authority in any way, but indicated that she (the Board) just wanted to see what the Town was paying for.

NOTE: The Administrator returned to the table at this time.

Selectman Fernandes-Abbott stated she would write the letter to Ms. Porter if the Board concurs & that these are just her feelings she is sharing w/ the Board. Chairman Sauvageau agreed that the Board should understand the Personnel Study & be provided this information.

The Board members concurred that Selectman Fernandes-Abbott write the letter to Ms. Porter re: the Personnel Plan.

NOTE: The Administrator briefly discussed what he spoke of at the Planning Board meeting he just attended.

Discussion went back to the land auction issue.

Selectman Fernandes-Abbott stated the Board had questions as to who would take responsibility for the auction. Past practice has been that the Administrator handled this matter. The Administrator stated legally, it is the Treasurer's Office because of the tax title possessions. In the past, it has been handled how Mr. Foster has proposed.

The Administrator stated there is a recommended auctioneer & he will contact him. He added that he may have the Board set a different day for the auction (5/15).

Selectman Fernandes-Abbott stated that Mr. Foster has recommended a custodian for the auction & tax titles. She asked if the Administrator wants to be the custodian. The Administrator stated under the Charter, he is already the fallback person. He feels the Board should make a formal designation. He recommended that the Board not change the protocol from the past & that he should be the custodian. He added that Mr. Foster will be there as well & that Mr. Foster wants everything to be done by statute.

MOTION: Selectman Fernandes-Abbott moved the Board appoint the Administrator as custodian of the upcoming land auction of tax possessions under MGL c. 60, s. 77B. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

IX. SELECTMEN'S REPORTS

- A. Selectman Fernandes-Abbott – The Planning Board opened their public hearing on the zoning articles last night. The meeting went to 11:30 P.M. reviewing the articles. No votes were taken & the hearing will be continued to 4/10/06 & every week thereafter until Town Meeting. The public had many questions, concerns, & interest in the articles.

BOARD OF SELECTMEN/SEWER COMMISSIONERS MEETING 04/04/06 (CONT'D)

Selectman Fernandes-Abbott feels the Planning Board will have a hard time getting through all the articles along w/ holding hearings already scheduled.

- B. Selectman Pillsbury – Presented Selectman Parola w/ a Certificate of Recognition for her five years of dedicated service as a Selectman & being a representative for many boards & committees.
- C. Selectman Parola – Spoke of the Board's policy adopted re: unexcused absences on boards & committees. She asked the Board to keep this policy in mind in June when re-appointments come forward. She feels at that time the Board should review attendance on these boards/committees. She feels many boards/committees are dealing w/ important issues that require adequate input.

X. ADJOURNMENT

MOTION: Selectman Pillsbury moved to adjourn the meeting at 8:30 P.M. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

Respectfully submitted & transcribed by,

Kelly Barrasso

Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: November 7, 2006

Attest: *Mary Jane Pillsbury*

Mary Jane Pillsbury, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: **November 7, 2006**

Date copy sent to Wareham Free Library: **November 8, 2006**