

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: November 14, 2006

Date of Transcription: November 28, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:03 P.M.

II. ROLL CALL

Selectmen 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: Joan Andrews

Ms. Andrews is present to support the Cape Verdean Resource Center Committee relative to the project at the Oak Grove School. She has a Memorandum of Understanding, which she asked the Board to review. The memorandum would put the Board & the Committee in a partnership of support to move ahead w/ the resource center project. She read the memorandum into the record. (Attached as reference).

Selectman Eckstrom asked if the area being proposed for the resource center is where the old addition was torn down. Ms. Andrews stated, "yes."

Selectman Pillsbury asked if the reason this can't be separated from the main building is due to heating issues. Ms. Andrews stated it has more to do w/ fire sprinklers & safety issues. Selectman Potter stated he had suggested to Ms. Andrews to have an enclosed walkway w/ a sprinkler system & it would have access to bathroom facilities in the main building.

The Administrator explained that the design anticipates the addition on the other side of the building for the resource center w/ a shared entrance so that other parts of the building can be utilized, such as bathrooms.

Selectman Pillsbury asked if the heating system could be brought over to the addition would it save more money. The Administrator stated this is how it has been designed. He again stated the addition is slated to be on the opposite side of where the old addition was. He briefly discussed the enclosed shared entranceway as was shared under site plan review w/ the Planning Board. Selectman Potter was under the impression the addition would be on the other side originally. The Administrator explained that it was the original thought. Brief discussion ensued. Chairman Fernandes-Abbott feels if the addition is on the right side, there will be a large cost savings. The Administrator explained that the original intention was to rehab the old addition, but it had to be torn down.

Present before the Board: Rose Fontes

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Ms. Fontes understands that the left side of the building will be utilized for a handicapped entrance. The Administrator understands this as well. He indicated that the right side would have two handicapped entrances as well.

Ms. Andrews gave the address to where donations can be made.

Selectman Eckstrom expressed the importance of making sure the Committee is communicated w/ re: plans. Brief discussion ensued.

NOTE: The meeting proceeded w/ item VI. Licenses & Permits A. Hearing - Application for transfer of an All Alcoholic Retail Goods Package Store License from Anchor Liquors, Inc. d/b/a Anchor Liquors, proposed manager, Beau Beecy, 2360 Cranberry Highway, West Wareham.

Present before the Board: Doug Beecy
Pam Beecy
Beau Beecy

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

VOTE: Unanimous (5-0-0)

Mr. Beecy stated they will be purchasing the establishment & everything will be staying the same except the hours of operation. (They will be closing earlier during the week). He stated Mr. Beau Beecy would be the manager.

Chairman Fernandes-Abbott noted that all involved have had TIPS training.

Selectman Pillsbury indicated there isn't a CORI report in the application. The Beecy's stated they filled out the CORI forms. Brief discussion ensued.

Selectman Eckstrom reviewed the green return receipts from abutters.

No one spoke for or against the application.

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

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve the application for transfer of an All Alcoholic Retail Goods Package Store License from Anchor Liquors, Inc. d/b/a Anchor Liquors, proposed manager, Beau Beecy, 2360 Cranberry Highway, West Wareham contingent upon receipt of all certified abutter cards & a CORI report. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

NOTE: David MacKinnon approached the Board. He stated in the summer, the Board had indicated they would look into the issue re: how sewer rates are paid, for example, utilizing the EDU system. Chairman Fernandes-Abbott stated the Board is reviewing this matter presently. The

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Board has consulted the Town engineers on a rate study & a meeting has been held previously & another meeting on this matter is scheduled for 11/28/06 at 7:00 P.M.

- B. Hearing – Show-cause hearing for alleged violations of MA General Laws, c.138, s.64 & 204 Commonwealth of MA Regulation 2.05 by the Liquor Locker, Nanu Patel, Manager, 3021 Cranberry Highway, East Wareham.

Present before the Board: Peter Patel, Part owner
Don Lopes
Lt. Irving Wallace, Wareham Police Dept.
Officer James White, Wareham Police Dept.
Adam Willis

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

VOTE: Unanimous (5-0-0)

Chairman Fernandes-Abbott swore in the two witnesses for this case.

Lt. Wallace proceeded to ask Mr. Willis questions pertaining to an incident that occurred on 10/7/06 at approx. 8:30 P.M.

Mr. Willis stated he walked into the Liquor Locker & purchased two six packs of different beer. He was not carded. He then drove away from the establishment. He indicated that the person who sold him the beer is not present this evening. He then explained that he & the driver were pulled over by Officer White on Cranberry Highway. Officer White saw the beer, he asked if anyone in the car was 21, they stated they were not, he asked who purchased the beer & he stated he (Mr. Willis) did. Officer White confiscated the beer. He stated he told Officer White that he wasn't carded & Officer White advised he & the driver to go to the Police Dept. to give a statement.

Mr. Willis described the teller who sold him the beer. He stated he has seen this teller approx. two times per week on average & he purchases beer at this establishment once or twice per week.

Mr. Patel stated they do their best to check everyone's ID. He indicated that he asked the other owner, Nanu Patel what happened with this situation. He again stated they always try to check the ID

Lt. Wallace proceeded to ask Officer White questions pertaining to the situation that occurred on 10/7/06 at approx. 8:30 P.M.

Officer White stated he was traveling on Cranberry Highway & ran a check on license plates on a truck in front of him. The plates came back suspended. The truck proceeded to pull into the parking lot of the Liquor Locker. He then turned into the parking lot of the 99 Restaurant. He saw the truck pull back out onto Cranberry Highway & proceeded to pull the truck over. He approached the truck, spoke w/ the operator & stated Mr. Willis was a passenger. He saw the beer in the truck & he asked if either person was 21 or over. The passengers stated "no." They gave him their driver's licenses. He asked them how they purchased the beer. Mr. Willis told him that he walked in & bought it, that he buys there often, & he was not carded. He (Officer White) confiscated the beer & told the passengers to go to the police station & give a statement. He then

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went to the Liquor Locker & asked the owner (Nanu Patel) if he had sold beer to Mr. Willis & showed him Mr. Willis's I.D. Mr. Nanu Patel stated he did not. While he was speaking to Mr. Nanu Patel, there was a six-pack of New Castle Brown Ale (which was found in Mr. Willis's possession) missing from the display near the cash register. He then met w/ the two passengers at the police station to fill out their statements.

Mr. Patel stated they do their best to card people & he feels their record shows this. He noted that sometimes people use a fake ID.

Selectman Sauvageau asked Officer White if the passengers had a receipt for the beer purchase. Officer White stated he did not ask them for one. He saw the truck go into the package store's parking lot & then leave. Selectman Sauvageau asked if Mr. Willis or the driver were cited. Officer White stated "no."

Selectman Sauvageau asked Mr. Patel what his brother, Mr. Nanu Patel said when asked re: the situation & if he allegedly sold the distinctive beer to a minor. Mr. Patel stated he is present this evening because his brother is out of the country. He stated his brother told him that an officer came in w/ someone's ID & asked him if he sold that person alcohol. Selectman Sauvageau asked Officer White if he showed the teller Mr. Willis's ID. Officer White stated "yes" & the teller told him the guy (Mr. Willis) never came in & that he hadn't sold any New Castle beer that evening.

Selectman Pillsbury asked if the teller recognized the ID. Officer White stated "no." She asked if Officer White observed Mr. Willis going into the establishment. Officer White stated "no" & that he saw them go into the parking lot, but he didn't see him enter the store, he only saw them leave the parking lot.

Selectman Sauvageau asked if Mr. Willis stated he goes into this establishment every couple of weeks to purchase alcohol. Mr. Willis stated, "yes." Selectman Sauvageau asked if Mr. Willis always buy from this teller or different tellers. Mr. Willis stated most of the time it was this teller (Nanu Patel). Mr. Peter Patel stated that his brother Nanu would be coming back this week.

Selectman Eckstrom asked why Mr. Willis wasn't charged w/ anything. Lt. Wallace stated the lack of a charged wasn't in exchange for anything. Officers have the discretion to charge or not. The person driving the truck w/ a suspended license was charged for a suspended license.

Selectman Eckstrom asked Mr. Willis if there are other establishments he purchases from. Mr. Willis stated "no."

Selectman Sauvageau asked Officer White if there had been open containers of alcohol would he have charged them. Officer White stated absolutely.

Mr. Lopes stated Mr. Willis claims he goes into the establishment quite often. He asked what time of day he goes in. Lt. Wallace stated they are present to discuss the violation that occurred on 10/7/06 & he objected to this line of questioning. Mr. Lopes stated he helps out w/ the lottery in the establishment. He stated a lot of young guys come in & try to purchase alcohol & they are turned out. He stated sometimes they go over to Wendy's & there is always someone else in a truck old enough to buy alcohol, but they don't come in, but instead, send the young kids in. One week this happened six times. It seems that someone is trying to start trouble. Selectman Sauvageau asked for clarification. He asked if Mr. Lopes is saying that there were a few customers that came in, they were carded; they left & went into a truck w/ someone old enough to buy. He asked if there is illegal activity going on why didn't Mr. Lopes notify his employer or the police that someone of age

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was buying for minors. Mr. Lopes stated this is not the case. He explained that young people were coming in & someone of age was sending them in.

Chairman Fernandes-Abbott stated these types of issues need to be brought forward to the police, but this is not the issue of this meeting. She asked Mr. Patel if the teller on duty that evening is the manager. Mr. Patel stated, "yes." Selectman Sauvageau asked if this manager wrote an affidavit to be given to the Board this evening or was an attorney consulted. Mr. Patel stated there is no affidavit & an attorney was not consulted with. He again stated he would make sure this doesn't happen again.

Lt. Wallace believes that the Police Dept. has proven its case through the testimony given.

Mr. Patel stated that this would not happen again. He is unclear as to what really happened because the manager (his brother) is not here, but he will ask his brother again what happened. He stated he (himself) is only part owner & he will make an attempt to card everyone.

Selectman Eckstrom expressed concern re: if the storeowner understands the gravity of this situation, not having an attorney present, & the establishment's past history. Chairman Fernandes-Abbott explained that someone called the BOS office on Mr. Patel's behalf re: this hearing & to state that Mr. Nanu Patel was out of the country. The BOS staff expressed the importance of the establishment having representation at this hearing. The BOS office was told the establishment would contact an attorney. She feels they understand what they were facing. Selectman Eckstrom asked Mr. Patel if he understands he had a right to obtain an attorney & did not get one. Mr. Patel stated, "yes."

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

VOTE: Unanimous (5-0-0)

Selectman Sauvageau understands the issue of having proper counsel, but no one is compelled to have counsel. He feels it would have been smart to do this in this case. He feels Mr. Patel is holding the bag for his brother since he is out of the country. He stated a business partner was involved w/ this situation & he doesn't see a positive remedy. He finds that the violation occurred, it is a serious violation, & the owner is taking it lightly. The Board members concurred.

Chairman Fernandes-Abbott stated this license is a privilege & if used improperly, it affects everyone.

Selectman Pillsbury stated there has been a violation & she is concerned that this has happened on other occasions, but this cannot be considered. There is a need to make sure people are carded.

Selectman Sauvageau stated the establishment has a prior history where their license was suspended for 180 days by the ABCC under the same ownership. Brief discussion ensued. Chairman Fernandes-Abbott stated the license had been suspended re: information on record was inaccurate & the liquor violation constituted 30 days of the 180 days.

MOTION: Selectman Eckstrom moved the Board finds the Liquor Locker, Nanu Patel, Manager, 3021 Cranberry Highway, East Wareham in violation of MA General Laws, c.138, s.64 & 204 Commonwealth of MA Regulation 2.05 in selling alcohol to a minor & allowing illegal activity to take place on the premises. Selectman Pillsbury seconded.

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VOTE: Unanimous (5-0-0)

Discussion ensued re: penalties, the Board's policy, & ABCC regulations. Discussion ensued re: a first violation & if ABCC handled the whole prior incident or if the Board handled part of it. Discussion ensued re: guidelines for the number of infractions.

Selectman Sauvageau suggested a 15-day14-day suspension. Selectman Eckstrom read the Board's policy re: penalties for number of infractions. Selectman Pillsbury stated penalties are under the discretion of the Board. Selectman Sauvageau again suggested a 14-day suspension, a letter of reprimand, & information is sent to the ABCC. Selectman Pillsbury agreed.

MOTION: Selectman Eckstrom moved the Board suspend the liquor license held by the Liquor Locker, Nanu Patel, Manager, 3021 Cranberry Highway, East Wareham for a period of 14 calendar days consecutively for violations that occurred on 10/7/06 & shall commence at the end of the appeal period. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

Mr. Patel stated he feels two weeks is harsh, but he will try his best to check IDs.

Selectman Sauvageau asked Lt. Wallace why more active enforcement is not being done as was in the past. Lt. Wallace stated there were legal issues, but these have been worked out & they are moving forward. Chairman Fernandes-Abbott briefly discussed the Board's policy adopted re: liquor stings.

IV. ANNOUNCEMENTS

This item will be handled later in the meeting.

V. CONSENT AGENDA

- A. Authorization to sign bills, documents, etc.
(NONE)
- B. Interview &/or appoint applicants to boards, committees, & commissions.
 - 1. Certified Weigher.

MOTION: Selectman Eckstrom moved the Board appoint Leonard P. Bessette as a Certified Weigher to a term to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- 2. Council on Aging Board of Directors.

Present before the Board: Alice M. Wing
Jim Nordquist, Board of Directors Chairman

Ms. Wing explained her experience working w/ the elderly & as an activity coordinator for New England Sinai Hospital. She feels she could help.

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Chairman Fernandes-Abbott noted that the Board of Directors voted in favor of Ms. Wing's appointment 6-0-0.

Mr. Nordquist briefly discussed recent resignations of Board members due to job & health reasons. He noted after Ms. Wing's appointment, there would be three vacancies.

Selectman Pillsbury discussed how hard working this board is, their focus on needs & programming, & getting the word out to seniors re: services.

MOTION: Selectman Eckstrom moved the Board appoint Alice M. Wing as a member to the Council on Aging Board of Directors to a term to expire 6/30/10. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

3. Tremont Nail Advisory.

Present before the Board: Robert Short

Mr. Short expressed his interest in the history of the Town & he would like to add his input as to where it will go. His vision would be to keep the history of the Tremont nail building a priority & look at recreational uses. He feels there is a need to preserve this building.

Selectman Potter expressed the importance of this committee working together to fulfill visions. Brief discussion ensued re: the number of members needed.

MOTION: Selectman Eckstrom moved the Board appoint Robert E. Short as a member of the Tremont Nail Master Plan Committee to a term to expire 6/30/09. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (5-0-0)

Chairman Fernandes-Abbott made a public appeal for residents to apply to various boards, committees, etc.

VI. LICENSES & PERMITS (DONE)

VII. TOWN ADMININSTRATOR'S REPORT

1. Sewer Expansion. A letter has been sent out to residents living in Tempest Knob, Agawam Beach, Parkwood, Cromesett Park, & Linwood & Ladd Aves. re: the sewer expansion program. The letter explains that in the next few weeks survey work will be conducted. This is the first phase of the contract w/ CDM for \$1.5 million relative to the designing these areas for sewer. This will take approx. six to nine months.

Chairman Fernandes-Abbott noted an email received from a resident of Parkwood asking if these notifications were sent to the summer or home addresses. The Administrator stated the letter was sent to addresses coordinated w/ the Assessor's office.

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2. Sewer Bills. Sewer bills will be mailed on 11/15/06 & due 12/15/06.

Bill Heaney, FinCom chair has requested the FinCom address the Board this evening re: the sewer rate.

Selectman Sauvageau asked why this wasn't put on the agenda. Chairman Fernandes-Abbott explained that this only came about last evening. Selectman Eckstrom stated several agenda items were added this evening that weren't on the agenda. Chairman Fernandes-Abbott stated these came from the BOS office.

Selectman Sauvageau expressed concern w/ this request because there will be a discussion re: the administrative fee report, discussions held w/ Town Counsel, etc. & none of these issues have been formally presented & the Board is not prepared. He feels information will be given tonight that should have been part of the Board's packet for review. He feels the Board should have scheduled this matter at a subsequent meeting after review. If this moves forward this evening, the Board isn't prepared to have a discussion & it will be unfair to the Board & the community to be unprepared & have this discussion. He suggested placing this matter on the Board's next meeting agenda.

Chairman Fernandes-Abbott stated the discussion this evening w/ the FinCom Chair has nothing to do w/ the report Selectman Sauvageau is referring to. The issue is deals w/ the sewer bills. She feels this situation is very important that it shouldn't be tabled to the next meeting.

Selectman Sauvageau feels Chairman Fernandes-Abbott as Chair, should have e-mailed the Board so they could have prepared. He feels the Chair is aware of what the discussion will be, but the other Board members do not. Chairman Fernandes-Abbott feels if the information had been provided in the packets, Selectman Sauvageau would have only become aware of the issue this evening because he opened it tonight. Brief discussion ensued.

Present before the Board: Bill Heaney, FinCom Chairman
Bob Bliss, Town Accountant

Mr. Heaney explained the reason he is present this evening. There will be an emergency meeting of the FinCom tomorrow night & this meeting notice was sent to the Board liaisons to the FinCom.

Mr. Heaney spoke re: the past Town Meeting & budget reductions made to balance the budget. There are issues – At the 4/06 Town Meeting, Article 9 set the appropriation for the Sewer Enterprise Fund at \$5.7 million. At the 10/06 Town Meeting, another \$100,000 was added to this fund to pay for the I/I study. CDM had suggested charging a sewer user rate of \$701.00 p/EDU. Staff has suggested charging a rate of \$662.00 p/EDU, but the Board of Sewer Commissioners set the rate at \$522.00 p/EDU.

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Mr. Heaney stated the tax recap is due 12/15/06 & at the moment, the budget doesn't balance by approx. \$1.1 million. There seems to be a \$140.00 difference in the sewer rate p/EDU. DOR will not certify the Town's tax rate when a budget is out of balance.

Mr. Heaney suggested the following options the FinCom will consider tomorrow night:

1. Set the rate at \$662.00 p/EDU.
2. Call a Special Town Meeting to reduce the budget to make up the \$1.1 million deficit.
3. Do nothing & see what happens.

Mr. Heaney supports option 1 & this would adhere to the wishes of the first Town Meeting.

Mr. Heaney spoke re: option 2. He stated in order to achieve the \$1.1 million annual budget reduction for the last six months of the year, this amount would have to be doubled, thus \$2.2 million would have to be taken out of the remaining budget for the rest of the fiscal year. The budget on the Town's side of government is 23% of where all reductions happen & this 23% represents \$11 million that would have been half spent by Jan.1. This would leave \$5.5 million out of which this \$2.2 million would have to come from.

Mr. Heaney stated that cuts would likely come from dissolving departments such as the COA, Library, Recreation & cuts would have to be made from police, Municipal Maintenance, & EMS.

Mr. Heaney explained that if a Special Town Meeting were called tonight, it couldn't be held until 1/07. He discussed the implications of this issue, for example, the tax rate wouldn't be set, bond rate agency standings would go down, & there would be cash flow issues.

Mr. Heaney explained that option # 3 is basically the same as option #2.

Mr. Heaney expressed the importance of choosing an option, which shouldn't be a surprise to the Sewer Commissioners because when the Sewer Commissioners voted on the budget, they would have been aware this would happen.

Selectman Eckstrom inquired if Mr. Heaney was not mistaken in his figures. She stated that if \$1.1 million has to be cut out of the total, annual budget, it is still only \$1.1 million, not \$2.2 million, even if there was only six months left in the budget cycle. Mr. Heaney stated that his figures didn't show it that way. Selectman Eckstrom again attempted to clarify, stating the percentage would double, from 10 to 20 percent, but the actual dollar figure would stay the same. Mr. Heaney agreed with Selectman Eckstrom and noted the \$2.2 million figure was incorrect; it was \$1.1 million.

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Selectman Eckstrom feels this is where the breakdown in understanding is. She clarified that in 4/06, the \$5.7 million sewer budget was presented. She asked why the sewer rate could not have been set in April for August instead of acting & not having the sewer bills go out until November. Mr. Heaney stated he doesn't know.

Selectman Eckstrom stated at the \$5.7 million, there was to be an increase, which the Administrator suggested \$662.00 p/EDU, but she had asked what the reason was for the increase. She received no response at that time. That is why she did not vote in favor of the increase at that time. She doesn't know why this request wasn't made six months ago. Mr. Heaney doesn't know why this is the first time Selectman Eckstrom is hearing about this issue. He stated the FinCom reviews on an annual basis, all three pages of the sewer dept. budget. There are also two Board liaisons to the FinCom & the FinCom meetings are public.

Selectman Sauvageau stated at no time during these discussions was there information as to why the budget increased significantly to cover a 20% increase to the ratepayer & a 100% increase from the beginning. There was never a FinCom discussion on that. Mr. Heaney disagreed.

Selectman Sauvageau stated the Sewer Commissioner's vote was 4-1-0 not to increase the rate because no one could explain the reason for the increase & no information was provided.

Selectman Sauvageau addressed the e-mail sent to the liaisons & FinCom members relative to the emergency FinCom meeting that he found offensive. He doesn't feel the Sewer Commissioners are responsible for the Town's fiscal issues.

Selectman Pillsbury stated the Sewer Commissioners had known & discussed all along that the new plant was going to increase debt service significantly. This is where the increase is coming from. The Administrator explained that bonding is some of the increase & some of it is due to electrical matters. He stated on the night of the 10th, he told the Sewer Commissioners that the rate they adopted was insufficient to cover the sewer budget & that from there, the issue would be addressed by the recap.

Selectman Eckstrom again stated she had asked why the increase & the Administrator had responded that staff recommends \$662, but the Administrator never explained why. She noted that Selectman Pillsbury voted to go along w/ the \$662 because that is what staff recommended. Selectman Pillsbury disagreed. She went along w/ the \$662 because bills have to be paid & this amount pays for the cost of running the plant. She knew a proper rate needed to be set because the budget had to be properly balanced.

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Selectman Eckstrom stated prior to this, when CDM was present, she had asked what the number would be used p/EDU. She questioned how the number she was given equals out to \$5.7 million. The Administrator stated Selectman Eckstrom is not accounting for the other revenue of the plan. He discussed how this is done such as septage haulers, and other revenues.

Selectman Sauvageau feels it would have been easier if there were a line item breakout of these numbers previously for discussion. He feels the Sewer Commissioners are being expected to rubber stamp the rate w/out information or proof. He feels the administrative fee needs to be discussed as well.

Selectman Sauvageau spoke re: the rate study report & his issues/concerns w/ it.

Mr. Heaney stated the FinCom is not asking anyone to rubber stamp anything. The sewer budget was vetted at the FinCom meeting at its 2/06 & 3/06 meetings prior to the 4/06 Town Meeting. FinCom liaisons are aware of each meeting & are invited. He stated in the past year, the liaisons have chosen not to attend. He feels this may be why the Sewer Commissioners are feeling left out of the matter. Selectman Potter stated he has attended FinCom meetings.

Selectman Eckstrom asked if Mr. Heaney ever e-mail a liaison, the Board Chair, the Administrator, etc. stating that the anticipated budget for 2007 is \$5.7 million & explained why it has gone up & what figure the rate needs to be set at. Mr. Heaney discussed the budget process the FinCom follows & how the liaisons are informed of this process. Selectman Eckstrom stated she is the ZBA liaison & if she is not there, the information is given to her. She doesn't feel it is the Board's liaisons fault re: not having the information. She has been told it is not necessary for liaisons to attend committee meetings, but they are more of a contact between the Board of Selectmen and the committees. She feels the FinCom needs to keep the liaisons informed. Discussion ensued.

Selectman Sauvageau asked Mr. Heaney where the information is to back up the request for a rate increase. Mr. Heaney stated it is in a three-inch binder of budgets. He again gave some examples of reasons for the increase, such as the sewer plant upgrade & electricity. He stated when he took his vote to support appropriation to the plant he had three pages of detail. Selectman Sauvageau stated he had zero when the Sewer Commissioners voted.

Selectman Sauvageau doesn't feel Mr. Heaney has added any knowledge of the issue. He again stated he is unprepared to vote on this issue w/out information.

Mr. Bliss explained why there is a deficit. He stated at the 4/06 Town Meeting a budget was approved & supplemental monies were approved at

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the 10/06 Town Meeting. This was to be put on the recap & the sewer revenue was to balance out, but it didn't. Due to the upgrade of the plant, the rates have increased over the past three years.

Selectman Sauvageau asked what is the certified amount in the Enterprise Account. Mr. Heaney believes it to be \$1.64 million & this money is still there. Mr. Bliss explained that this money is supposed to be used for debt service. He discussed debt service on betterments. Selectman Sauvageau feels this should have been put in writing for Board discussion.

Chairman Fernandes-Abbott stated the budget was predicated on the rate increase to \$701.00 p/EDU. She feels everyone knew this from discussions w/ CDM. Subsequently, the Administrator recommended \$662.00 p/EDU. Selectman Potter feels the budget was approved at Town Meeting before knowledge of the proposed \$701.00 p/EDU. In April, that is when other avenues were discussed so it didn't have to go to the \$701.00. The Administrator stated that the \$701.00 was not a surprise; it was vetted during discussions w/ CDM as well as three other meetings. What happened was that staff reduced this amount to \$662.00 after other revenue of the plant was reviewed. Selectman Eckstrom discussed what transpired when the rate went up to \$522.00. She was under the assumption that if something changed, she would be notified. She knew the total dollar amount went up, but there were also new sewer users that would be coming on-line to help offset increases. Selectman Pillsbury recalls discussion re: waiting until the report came out.

Selectman Pillsbury asked if there are other increases in operations. The Administrator stated that the debt service is coming on line now.

Selectman Sauvageau again stated that the numbers should be discussed and as to what they represent. This information needs to be given to the ratepayers & he represents said ratepayers. Selectman Pillsbury feels these discussions could have been done when the rate was set. Mr. Heaney stated the information being requested is available every year at FinCom meetings.

Chairman Fernandes-Abbott clarified the issue at hand & discussed the options Mr. Heaney presented. She feels option #2 is asking everyone that doesn't have public sewer to pay for it through reductions in services or suffer the result of cuts.

Mr. Heaney discussed Enterprise Funds & the fact that these funds don't have to be self-supporting, but can be subsidized. Chairman Fernandes-Abbott stated this is not how the Town has historically dealt w/ Enterprise Funds.

Brief discussion ensued re: option #3 & that DOR would force the Town to do something. Selectman Sauvageau feels all the negative impacts can

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be avoided if the detailed information is given for review & he feels this should be simple to do.

Mr. Heaney discussed the topic of tomorrow night's FinCom meeting.

Selectman Pillsbury feels a decision on this matter can be made by next week if the information already exists. Said information could be available to Board members prior to next week's meeting. She does agree that the more residents understand the budget, the more they will understand what needs to be done.

Discussion ensued re: the amount that is needed & the amount of impacts if this amount is not secured. Selectman Eckstrom asked if this amount has to come out of the Town-side of government or whether it can come out of the WPCF budget. Mr. Heaney stated the WPCF budget could be looked at. Selectman Eckstrom feels that the WPCF budget needs to be reviewed & cut if possible. Mr. Heaney stated any cuts to this budget would need Town Meeting approval.

Discussion ensued re: sewer bills going out tomorrow & how they can be changed to reflect any change in sewer rate. The Administrator stated there are the following two options:

1. Put it all on the second billing, or
2. Do a supplemental billing.

Chairman Fernandes-Abbott asked who would be responsible for getting the information requested in the format requested. Selectman Sauvageau feels the Sewer Commissioners should. Chairman Fernandes-Abbott feels this would go to day-to-day operations. Selectman Pillsbury feels the only information needed is on the \$1.4 million increase & where it is coming from. The Administrator stated he could produce the information as it went to the FinCom.

Selectman Sauvageau stated he was at a recent FinCom meeting when Wes Gardner discussed the administrative fee. He understands that the FinCom decided when, what context, & who would deliver this information to the Sewer Commissioners. He has concerns re: this. He feels the consultant (Mr. Gardner) should have gone to the Sewer Commissioners first w/ their business. He would like this consultant to present his information to the Sewer Commissioners. He takes exception to the report & still feels the issue of administrative fees is not clarified & there are inconsistencies w/in the report. Chairman Fernandes-Abbott stated she would have the consultant come before the Sewer Commissioners. Mr. Heaney stated this report had been requested by DOR, it has been sent, & there has yet to be a response by DOR. Selectman Eckstrom asked who sent it and was there a cover letter, and if so, what did it say. Selectman Sauvageau stated he wants the Sewer Commissioners to render an opinion to the DOR on the report. Mr.

SELECTMEN/SEWER COMMISSIONERS MEETING 11/14/06 (CONT'D)

Heaney feels DOR should review the report then have the Sewer Commissioners hold discussions on the Town side. He feels it is always good to have anything audited by an independent third party. He stated the FinCom supports this independent review & it should be done before it goes to the Sewer Commissioners. Selectman Sauvageau stated the Sewer Commissioners don't have to wait for DOR or the FinCom to do anything. He is asking that the consultant come before them to discuss the report. The Board/Sewer Commissioners need to be more informed. He had asked previously to have DOR come in, but the Administrator & Mr. Heaney told him to wait until the report came out. Discussion ensued.

Selectman Pillsbury asked what DOR status is on this issue. Chairman Fernandes-Abbott stated DOR replied that they are presently six months out w/ reviews & the Town needs to finish the study, & then after that, DOR will come in to discuss the report. The report has gone to DOR. Selectman Sauvageau discussed how he feels DOR can assist the Town. Discussion ensued.

Mr. Heaney stated that Chief Joyce would be at the FinCom meeting tomorrow night to discuss possible cuts. Selectman Eckstrom would like information re: impacts relative to departmental cuts.

Chairman Fernandes-Abbott requested Mr. Heaney & other FinCom members to be present next week to discuss the rate study report w/ the consultant.

Discussion ensued re: if sewer rates are raised, will there still be cuts to services in April. Mr. Heaney feels in all likelihood the way things are looking for FY2008, cuts will be included & hopefully by the 4/07 Town Meeting, the budget will be all right.

Brief discussion again ensued re: the options Mr. Heaney presented.

Selectman Sauvageau briefly discussed the Stabilization Fund & the need to explain to ratepayers why this fund can't be utilized.

Discussion ensued re: scheduling the sewer budget increase meeting & the TDR meeting.

Chairman Fernandes-Abbott asked the Administrator to have Mr. Gifford in to explain the project applications submitted to the CPC. The Administrator stated Mr. Gifford is on vacation, but will schedule this when he gets back.

Brief discussion ensued re: questions to ask Mr. Gifford & if there are Federal monies available for two of the requests to CPC relative to two dams.

SELECTMEN/SEWER COMMISSIONERS MEETING 11/14/06 (CONT'D)

TOWN BUSINESS

B. Liquor License Violation.

Chairman Fernandes-Abbott stated she has received notification that Shooter's Restaurant has been cited for an alleged violation of c. 138 on 11/11/06. The allegation is over serving. Thus, a show cause hearing will need to be scheduled. She noted that this establishment would be present on 12/5/06 for a review.

Discussion ensued re: if both matters could be held on the same night & scheduling. Chairman Fernandes-Abbott stated there are two different issues; review & police report for show cause hearing. Discussion ensued re: advertising for the show cause hearing. Chairman Fernandes-Abbott stated she would schedule the show cause hearing as soon as possible.

C. 815 Main St. Project.

Chairman Fernandes-Abbott stated the Board has received a packet from Cornerstone Development. They have presented a revised plan for their proposed 815 Main St. project. They are requesting coming back before the Board for an amended site eligibility letter to DHCD. She stated she would schedule this as soon as possible.

Chairman Fernandes-Abbott noted that there is a meeting scheduled w/ CDM on 11/16/06 at 7:00 P.M. to discuss sewer plant capacity.

Selectman Eckstrom stated there is a special ZBA meeting on 11/15/06 to discuss this 40B project & more subsequent meetings as well.

MOTION: Selectman Pillsbury moved to go beyond the hour of 10:00 P.M. Selectman Eckstrom seconded.

VOTE: Unanimous (5-0-0)

Chairman Fernandes-Abbott questioned if this project needs to be re-filed under the ZBA due to the new filing. Selectman Eckstrom stated the issue is they have added newly purchased land that needs to be considered separately due to financing.

D. Veterans Dedication Board.

Chairman Fernandes-Abbott stated she would be working w/ Mr. Newman & several veterans to solicit donations to get the dedication board at the old Town Hall. She commended Mr. Newman & other veterans re: gathering names. There is a need for money to pay for this board.

VIII. SELECTMEN'S REPORTS

A. Selectman Sauvageau – Discussed the second round of discussions w/ Verizon. Issues were further refined such as, terms & conditions. Another meeting will be held on 12/11/06.

B. Selectman Fernandes-Abbott – The PEG Access Board of Directors has voted its slate of officers & will be meeting w/ Attorney Solomon.

SELECTMEN/SEWER COMMISSIONERS MEETING 11/14/06 (CONT'D)

Selectman Sauvageau feels the PEG Access Chair should attend the discussions w/ Verizon. Brief discussion ensued.

- C. Selectman Eckstrom – Attended the joint meeting of the three Town historic committees. She briefly discussed the meeting & need for members.
- D. Selectman Pillsbury – Attended the Veterans services. She expressed the need to help the Veterans Council organize the parade & other issues.

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

- A. Selectman Eckstrom discussed the Amazing Turkey Race event & information.

The meeting continued w/ item IX. Selectmen's Reports

- E. Selectman Potter – Attended Open Space Committee meeting. He asked re: the Open Space Plan & if the Board or the Planning Board approved. Chairman Fernandes-Abbott stated the Board did not approve it, but rather asked for feedback from the Planning Board. The Administrator clarified that the Board stated it would not act on the plan until the Planning Board did. Selectman Potter stated the Open Space Committee is under the impression that the Board approved the plan w/ changes, but the Planning Board did not approve.

The Administrator discussed the process for adoption of this plan.

Selectman Potter stated the Committee is awaiting approval of this plan because until it is approved, the Committee/Town is losing out on a lot of grant monies. Discussion ensued re: history/events of the Open Space Plan.

- F. Selectman Fernandes-Abbott – A meeting was held re: expediting the permitting process otherwise known as 43D legislation. Jon Witten will attend a Planning Board meeting to help them understand the 43D process. The Planning Board needs to determine if they want to adopt the 43D process w/in their rules/regulations & the Board needs to decide if they want to include it in the zoning rules/regulations. She stated that another meeting would be held w/ the Planning Board & all Town depts that may be involved w/ this process.

The Administrator discussed the 43D legislation & requirements.

Selectman Potter asked if there is a possibility of having an expediting board. Discussion ensued. Chairman Fernandes-Abbott feels that no one wants to add layers of bureaucracy.

Discussion ensued re: the BDOD, economic development, & the 43D legislation.

IX. SEWER BUSINESS (DONE)

SELECTMEN/SEWER COMMISSIONERS MEETING 11/14/06 (CONT'D)

X. ADJOURNMENT

MOTION: Selectman Eckstrom moved to enter into Executive Session for the purpose of discussing litigation. Selectman Pillsbury seconded.

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

VOTE: Unanimous (5-0-0)

Chairman Fernandes-Abbott stated the Board would not be coming back into open session.

Respectfully submitted,

Kelly Barrasse

Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: Jan 2, 2007

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 1-2-07

Date copy sent to Wareham Free Library: 1/9/07