

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

**Date of Meeting:** March 21, 2006

**Date of Transcription:** March 22, 2006

**Transcribed by:** Kelly Barrasso

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

Chairman Sauvageau called the meeting to order at 7:00 P.M.

#### **A. Roll Call**

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

Absent: Michael Hartman, Town Administrator

### **II. CITIZENS PARTICIPATION**

Present before the Board: Joan Brighton, Agawam Beach

Ms. Brighton stated residents of Agawam Beach Rd. have been notified that a drainage project that will commence and will include re-paving of this roadway. She asked why this project is being done now when the road will be torn up again for the pending sewer project in this area. She also asked if the cost for this drainage project would be passed on to the Agawam Beach residents.

Selectman Pillsbury stated she is not aware of this drainage project, but answers can be found. She stated the sewer project is "iffy" as to when it will be done & the people involved w/ the drainage project may feel it should be done now. She will get answers for Ms. Brighton. She added that road management has their own agenda.

Ms. Brighton stated that residents of Agawam Beach Rd. have already received notification. Selectman Pillsbury suggested Ms. Brighton speak w/ the Administrator on Thursday.

### **III. CONSENT AGENDA**

#### **A. Authorization to sign bills, documents, etc.**

**MOTION:** Selectman Pillsbury moved the Board approve & authorize the Chair to sign invoice #80223115/1 from Camp, Dresser & McKee in the amount of \$7,335.48 re: engineering services design of improvements to three of the Town's existing wastewater pumping stations – Narrows, Kennedy Lane, & Hynes Field. Selectman Fernandes-Abbott seconded.

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

#### **B. Appointment: Election Poll Worker**

**MOTION:** Selectman Pillsbury moved the Board appoint June P. Woodland as an Election/Poll Worker to a term to expire 6/30/06. Selectman Parola seconded.

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

**NOTE:** The meeting proceeded w/ item V. Announcements.

- A. Town Elections – Tuesday, April 4. Polls are open from 8:00 A.M. to 8:00 P.M.
- B. Special Town Meeting Warrant closes at the next meeting of the Board – 3/28/06.
- C. MA Highway will begin their street sweeping program on 3/27/06.
- D. There will be a meeting on 4/1/06 @ 1:00 P.M. in the Town Hall cafeteria w/ residents of Briarwood Beach & the Board re: the Briarwood Beach project. Camp, Dresser & McKee, the site foreman & the Administrator will also be present for this discussion.
- E. Selectman Parola will put together questions to be posed to the applicant's for the PEG Access Board of Directors positions. The Board will then review the questions. If any citizen wishes to review the By-law documents for these positions, they can obtain them at the Selectmen's office.

**IV. LICENSES & PERMITS**

Hearing – Application of Barry's Lighthouse Restaurant, Inc., c/o Martha Martin, 3198 Cranberry Highway, Wareham for Transfer of Common Victualer All-Alcoholic Beverages License from Thai Cape Restaurant.

Present before the Board: Leonard Bello, Attorney

Mr. Bello stated that Barry's Lighthouse Restaurant, Inc. is looking to have the current liquor license held by Thai Cape Restaurant be transferred to them at this site. The applicant is looking to open a restaurant in line w/ seafood/family style fare.

**MOTION:** Selectman Parola moved to open the hearing. Selectman Fernandes-Abbott seconded.

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

No one spoke in favor or against the application.

**NOTE:** Ms. Martin arrived at this time.

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

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

Ms. Martin explained that this would be a family-run business.

**MOTION:** Selectman Pillsbury moved to approve the application of Barry's Lighthouse Restaurant, Inc., c/o Martha Martin, 3198 Cranberry Highway, Wareham for Transfer of Common Victualer All-Alcoholic Beverages License from Thai Cape Restaurant. Selectman Fernandes-Abbott seconded.

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

**NOTE:** Selectman Parola read a letter from Michelle Kelly into the record pertaining to TIPS training. In short, the letter announced that there would be a TIPS training session at Lindsey's Restaurant on 4/3/06 from 5:00 P.M. – 9:00 P.M. The cost is \$35 p/person.

**V. ANNOUNCEMENTS**  
**(DONE)**

**VI. BUSINESS**

**A. BDOD Discussion.**

Chairman Sauvageau acknowledged receipt of correspondence re: the BDOD from the Planning Board Chairman, Anthi Frangiadis. The correspondence references comparisons to language contained w/in the Warrant vs. alternative language for alternative uses for this land. Ms. Frangiadis & the Planning Board would like to discuss this matter w/ the Board w/ assistance from Town Counsel or a consultant.

Selectman Parola stated, as she understood, the BDOD article would be sent to the Planning Board for their hearing. She feels now, the Planning Board is contemplating changes to the language at this late date.

Chairman Sauvageau stated the BDOD is based on the Board's vote as written in the Warrant article & it is the Board's intention to support this article. He asked how the Board wishes to respond to this correspondence.

Selectman Pillsbury feels it is too late to change it now. If there are issues w/ the language that it may be incorporated later. She doesn't feel the language can be pulled back at this time.

Selectman Eckstrom stated that Town voters approved this in 2003. In looking at the comparison, the COAST limits the type of entities that could go into this BDOD. Selectman Pillsbury stated that certain entities could not go in this BDOD, which would be a detriment to the community. She feels that the COAST may limit more things. Selectman Eckstrom agreed & feels that there would be more limitations & a more narrow threshold.

Selectman Parola stated Town Meeting voters have voted on this article & it has been on several Warrants. It has gone through the Planning Board hearing process & she doesn't feel it is appropriate to make suggested changes now.

Selectman Fernandes-Abbott stated to be fair to the Planning Board, the COAST area the Planning Board is referencing is to expand the BDOD area. She doesn't feel changes at this time are relevant. If the Planning Board were to make suggested changes, they would have to place something on the Special Town Meeting Warrant since the Annual Town Meeting Warrant has closed.

**B. Vote Annual Town Meeting Warrant Articles.**

Chairman Sauvageau stated that the FinCom is not ready w/ any monetary figures at this time, but they will be available to the Board for voting before the Warrant goes to print.

Selectman Parola asked if anything has come forward re: the additional liquor license(s) request. Chairman Sauvageau stated there has been nothing yet. The Administrator has indicated that the body of language would be re-drafted for the main entity involved & then passed on the Town's State Representative. He added that there has been nothing since the last discussion re: this matter.

**C. Any other business.**

**1. Appointment of Town Counsel.**

## SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 03/21/ 06 (CONT'D)

Selectman Fernandes-Abbott stated that this is the time of year when Town Counsel is appointed. She would like the Board to review all applicant proposals & place this matter on the Board's agenda for next week.

Chairman Sauvageau believes that the interview process should be completed on the three other applicants that need to be contemplated. He wants to complete this cycle after Town Meeting & after the election so the applicants can come back for discussion. He again reiterated that he would like to wait & continue this interview process & then make decisions.

Selectman Fernandes-Abbott indicated that she doesn't want to put off this matter. She stated she wasn't aware that there was any further process.

Chairman Sauvageau stated at the last interview held, it was discussed that there would be a second round of interviews. He feels the Board should do what it said it would do. He doesn't feel this process should be rushed due to its importance to the Town. He feels the Board should take its time.

Selectman Pillsbury agreed w/ Selectman Fernandes-Abbott.

Selectman Eckstrom discussed a compromise. At each interview already held, the Board stated there would be a second round of interviews. She suggested by next week the list of applicants should be narrowed down to the top three candidates & then second interviews could be held after the election.

Selectman Parola asked if follow-up letters were sent to the applicants. Chairman Sauvageau stated that a specific timeframe was not given to the applicants as to when the Board would make a decision. He feels by putting this process off until after Town Meeting would allow for additional interviews.

Selectman Fernandes-Abbott asked why this issue has been put off for so long. Chairman Sauvageau stated it has been three years since a Town Counsel has been appointed. Selectman Fernandes-Abbott stated that Kopelman & Paige was appointed two years ago. Chairman Sauvageau stated that Kopelman & Paige is not the Town's counsel at this time. He feels to do what is in the best interest of the Town is to take time to interview these applicants & make informed decisions. He stated the Town has been working w/ Kopelman & Paige w/out a contract presently. He again stated he doesn't feel this process should be rushed & that it should be done properly.

Selectman Eckstrom again suggested that the Board pick the top three candidates, and then hold second interviews on these candidates. Selectman Fernandes-Abbott stated she doesn't have a problem w/ doing this, but the Board has sat here doing nothing about this matter. Chairman Sauvageau stated there is a difference between sitting on something vs. ignoring something.

Chairman Sauvageau again stated that this process shouldn't be rushed & the new Board member (after the election takes place) should also be involved w/ the process. Selectman Parola stated she sat in on the first round of interviews & now a new member of the Board will be part of the second round of interviews. She feels neither Board member would be fully vetted. Selectman Eckstrom stated that Selectman Parola would have the chance to choose the top three candidates & the new Board member would hear what the top three candidates had to say at the second interview. Chairman Sauvageau feels the Board needs to look at what is in the best interest of the community.

Selectman Pillsbury feels this process should have been done before Selectman Parola left the Board. If not acted upon, there will now be a split between Selectman Parola & the new Board member & the new Board member would not have the benefit of interviewing in the first round. She feels Selectman Parola has great knowledge of Town matters & w/ items that Town Counsel deals with due to her time on the Board. She

## SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 03/21/ 06 (CONT'D)

feels if Selectman Sauvageau had been concerned w/ the community, this matter should have been dealt w/ before Selectman Parola left.

**MOTION:** Selectman Fernandes-Abbott moved the Board put the appointment of Town Counsel on the Board's 3/28/06 agenda. Selectman Pillsbury seconded.

### **VOTE: (3-2-0)**

#### **Selectmen Sauvageau & Eckstrom opposed**

#### **2. Re-organization of the Board.**

Selectman Fernandes-Abbott read the following statement into the record:

I am asking the Board to consider an immediate re-organization of the Board. It is distressing that extreme measures such as this have become necessary; however, public confidence & faith in this Board has been compromised.

In an attempt to maintain the level of professionalism that is expected from the highest elected board of this community, I have kept silent as you, Mr. Chairman, have made decisions & sent correspondence w/out the express consent of this Board. Your e-mails to me & to other volunteer board members have been demeaning & demoralizing. You have alienated Town boards & committees & polarized & divided the Board. I am embarrassed to say that I have tolerated your behavior, until now.

The recent verbal harassment claim against you by a Town Hall employee, your attack on her actions as an agent of the Board of Selectmen & your attempt to eliminate her position at the Finance Committee meeting on March 15<sup>th</sup> without the knowledge or consent of the Board is extremely troubling to me.

What is most egregious to me, however, is that you have threatened a fellow Selectman. I find this behavior from a member of the Board of Selectmen reprehensible. Doing it from the position of Chairman is appalling.

Your actions, in my opinion, are immoral, unprofessional, lacking of integrity & common sense, unbecoming of a Selectmen & not worthy of the Chairmanship. Frankly, if I were a private citizen, I would be considering a recall petition.

**MOTION:** Selectman Fernandes-Abbott moved the Board re-organize immediately and further, to nominate Selectman Eckstrom as Chairman of the Board effective March 21, 2006 until the annual reorganization of the Board to be held the first meeting of May. Selectman Parola seconded.

Chairman Sauvageau stated that Selectman Eckstrom will be Chair, but not now. He stated the Board has no authority to re-organize & this is out of order.

Selectman Fernandes-Abbott stated it is not out of order.

**MOTION:** Selectman Fernandes-Abbott moved to challenge the Chair's ruling. Selectman Pillsbury seconded.

Chairman Sauvageau asked on what basis is Selectman Fernandes-Abbott challenging his ruling. Selectman Fernandes-Abbott stated on the basis that the Chair could not call the motion she made out of order.

Chairman Sauvageau stated the motion is not accepted & it is out of order.

## SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 03/21/ 06 (CONT'D)

Selectman Pillsbury stated that the motion is not out of order & Selectman Fernandes-Abbott has moved to challenge the Chair's ruling & she (Selectman Pillsbury) has seconded the challenge. If the Chair won't take the vote, then she will; as Clerk she will call for the vote if over-ruled. There is a motion on the floor that needs to be moved before the Chair can discuss the matter. Chairman Sauvageau again stated it is out of order. Selectman Pillsbury disagreed. Selectman Parola stated it is not out of order under Robert's Rules. Chairman Sauvageau stated it is out of order under the Charter. Selectman Pillsbury disagreed. Selectman Parola stated there is nothing in the Charter relative to this matter.

Chairman Sauvageau believes counsel's opinion is needed. Selectman Pillsbury stated she has counsel's opinion. She stated the Chair could not rule the motion out of order. Chairman Sauvageau asked to see counsel's ruling.

Selectman Fernandes-Abbott stated that a motion to challenge the Chair's ruling is still on the floor. Chairman Sauvageau again stated the motion is out of order. Selectman Pillsbury disagreed. She called for the vote on the motion to challenge the Chair's ruling.

All in favor:   Selectman Parola (Yes)  
                      Selectman Fernandes-Abbott (Yes)  
                      Selectman Pillsbury (Yes)

All Opposed: No-one answered.

Selectman Pillsbury stated that the Chair's ruling is not recognized & the Board is entitled to do this. She feels the Chair should step aside.

Chairman Sauvageau asked if there was a legal opinion on this matter. Selectman Pillsbury stated that a vote of the Board was just taken, which they are entitled to do, & the Chair cannot rule Selectman Fernandes-Abbott's motion out of order. Chairman Sauvageau stated he just did & he does. Selectman Pillsbury stated they don't recognize the Chair's challenge. Selectman Fernandes-Abbott agreed.

Chairman Sauvageau told them to come back w/ legal counsel w/ an opinion on this matter. Selectman Pillsbury stated there is a motion on the floor for the Board to re-organize & for Selectman Eckstrom to become the Chair effective 3/21/06 until the Board's first meeting in May after Town Meeting to re-organize. There is a motion on the floor & a second. If the Chair won't take the vote, then she is entitled to take the vote. Chairman Sauvageau stated no, she's not. Selectman Pillsbury disagreed.

Selectman Eckstrom stated she would like to look up the Board's policies re: this matter, which she proceeded to do. Selectman Parola stated the Board goes under Robert's Rules of Order.

Selectman Pillsbury stated when there is a motion that involves only the Chair; the Chair should step aside & not even participate. Chairman Sauvageau stated that Selectman Pillsbury should not lecture to him re: stepping aside. He stated he is not going to step aside & feels this is ridiculous. He feels there is no authority to do this & they are not going to make a motion & he is not stepping down as Chair.

Selectman Fernandes-Abbott stated that she has made a motion & Selectman Pillsbury has recognized it. Chairman Sauvageau stated he has over-ruled it. He told the Board to bring back counsel's opinion. Selectman Pillsbury stated the Chair could not over-rule the motion. The Board just took a vote to challenge the Chair's ruling & the Chair would have to have a 2/3's vote to have it voted down which he doesn't have. Selectman Pillsbury stated to Chairman Sauvageau "Your ruling is done."

Chairman Sauvageau stated when the Board comes back w/ legal counsel that tells him that he is stepping down as Chair that is when he will step down. Selectman Fernandes-Abbott stated the vote will be taken

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tonight & she is certain counsel will inform the Chair tomorrow that in fact the vote was legal. Chairman Sauvageau stated legal counsel is in fact Kopelman & Paige. Selectmen Pillsbury & Fernandes-Abbott concurred.

Selectman Eckstrom read what was in the Board's policy that only referenced the re-organization of the Board after Town Meeting. Chairman Sauvageau asked if there is anything referencing an emergency re-organization. Selectman Eckstrom replied "no." Selectman Pillsbury stated the Board can re-organize any time it chooses.

Chairman Sauvageau asked what policy Selectman Pillsbury is referencing, the By-laws, legal references to statutes, etc. He asked what the Board is identifying as their authority on this matter. Selectman Parola stated they are identifying the Board's policy under parliamentary procedures which are Robert's Rules of Order in which there are two citations, one being that if the Chair is unwilling to recognize a motion, a vote has to be taken to vote that motion up or down. Chairman Sauvageau stated Robert's Rules do not supersede the Town's By-laws. He stated if the Board can find a By-law that allows for this, then they have won the day, but it doesn't & he again stated they don't have the authority to do this & the motion is illegal. Selectman Parola stated it doesn't mean they don't have the authority. Again, Chairman Sauvageau stated Robert's Rules do not supersede the precedent of the By-laws.

Selectman Parola asked Selectman Eckstrom if she would serve as Chair. Selectman Eckstrom asked Selectman Pillsbury what counsel's opinion was again. Selectman Pillsbury stated that the Board has the right to re-organize any time. Chairman Sauvageau asked what counsel they spoke to. Selectman Pillsbury stated it was John Georgio. She stated the motion to challenge the Chair was handled exactly the way it was supposed to be challenged & she spoke to Mr. Georgio today. Chairman Sauvageau asked if this legal opinion is in writing. Selectman Pillsbury stated it is not in writing. She stated Mr. Georgio is the Town's head counsel. She again stated the Board is entitled to do this & they are going to do this. She stated if the Chair wishes to speak to Town Counsel tomorrow, he could bring it back.

Chairman Sauvageau stated that he is not stepping down & the motion is out of order.

Chairman Sauvageau proceeded to discuss the accusations that were made that he harassed an employee in Town named Barbara Ford. He stated this accusation came one day after he took the Administrator to task because he thought he was hiding information re: the tax Assessors office. He discussed the facts of the situation when he called to speak to the Administrator while he was on vacation & could not reach him. He called the Selectmen's office & asked Ms. Ford to get the Administrator on the phone. Mr. Sauvageau claimed Ms. Ford refused to do what was asked. Her complaint came one day after him taking the Administrator to task. He later found out that his campaign finance records were reviewed at the Clerk's office & his wife's business records were searched at the Clerk's office to make sure the business was closed properly. Also, allegations were made to Town Counsel re: a gender biased allegation. The allegation that he publicly reprimanded Ms. Ford re: a legal investigation... Mr. Sauvageau believes it was an illegal investigation. In Ms. Ford's job description, she has no legal authority or right whatsoever to conduct any investigation. She never informed him of the investigation. She has no support under statute or common law that would allow her to conduct an investigation of a private citizen, to trespass on someone's land, take pictures, & peek through windows. He said he had never raised her name. Ms. Ford did when she reported her name to the press.

Chairman Sauvageau stated he was advised by the Ethics Commission, his legal counsel, & others not to raise this issue, but he does not care, he is going to. He stated it has been public knowledge that he has asked Selectman Pillsbury to step down & recuse herself because of her moral & ethical question marks; not by the litigation that is forthcoming, but based on what has transpired and what has already been done. The court record is clear on what has already been done. He has asked her to step down because the Board is

## SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 03/21/ 06 (CONT'D)

permanently fractured & can't possibly work together anymore. Because of this accusation of him asking Selectman Pillsbury to step down... Sunday morning when his wife was driving to church, Selectman Pillsbury's son, a police officer in Town, pulled his wife over & accused her of not having auto insurance. He stated that this vehicle is fully insured. Officer Pillsbury had the vehicle towed less than 100 yds. from his home. When his wife said she had proof of insurance, Officer Pillsbury didn't want to hear re: the proof. He didn't extend the common courtesy of letting his wife drive home. He had the car towed.

A member of the public came forward. He stated he feels the Board shouldn't be discussing the issue of Ms. Ford w/out her presence & bringing potential liability to the Town, which is his money. He added if a vote was taken, then the Chair should excuse himself. He feels there is no sense in accusing each other & bringing liability to each other & the Town. He feels the vote should be taken & that be the end of it. He added that this is not a court. He feels these issues are causing the Town hurt & money & the meeting should end. He again stated he feels the issue re: Ms. Ford should not be discussed right now. Selectman Parola motioned to adjourn the meeting.

Chairman Sauvageau stated he would take the citizen's advice and the meeting was adjourned. Chairman Sauvageau left the table at this time.

Selectmen Pillsbury & Fernandes-Abbott stated the meeting was not adjourned. Selectman Pillsbury called for the vote before the Board re: an immediate re-organization of the Board & that Selectman Eckstrom become Chair effective 3/21/06 until the Board's first meeting in May after Town Meeting.

All in favor: Selectman Parola (Yes)  
Selectman Fernandes-Abbott (Yes)  
Selectman Pillsbury (Yes)

All opposed: Selectman Eckstrom (No)  
All abstained: None

**VOTE: (3-1-0)**  
**Selectman Eckstrom opposed**

### **VII. ADJOURNMENT**

**MOTION:** Selectman Fernandes-Abbott moved to adjourn the meeting at 8:10 P.M. Selectman Parola seconded.

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

Transcribed and respectfully submitted by,

*Kelly Barrasso*  
Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on 8/2/06.

Attest: *Mary Jane Pillsbury*  
Mary Jane Pillsbury, Clerk  
BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 8/2/06

Date copy sent to Wareham Free Library: 8/3/06