

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

**Date of Meeting: October 17, 2006**

**Date of Transcription: October 19, 2006**

**Transcribed by: Kelly Barrasso**

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

Chairman Fernandes-Abbott called the meeting to order at 7:05 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

**NOTE:**             Chairman Fernandes-Abbott stated that an item has been omitted from the agenda under "Any Other Business." There will be an interview held for the Municipal Housing Trust Fund.

### **III. CITIZENS PARTICIPATION**

Present before the Board:     Jeffrey Brown  
  Grace Campia

Mr. Brown stated he has discussed the issue he will be speaking about w/ Chairman Fernandes-Abbott.

Mr. Brown stated he is having some issues w/ some neighbors. He explained that there is a paper street (Catamaran St.) that is next to his home. He stated one of his neighbors put a driveway through part of the paper road. Since this time, another neighbor/owner/developer (Nazi Elkallasi) has brought his lawn across the paper road onto his property. He submitted pictures depicting the problems. He stated that Mr. Elkallasi came across the paper road & pushed dirt into a mound that covers an area of the road his children road toys on.

Mr. Brown stated he attempted to speak to the first neighbor re: the driveway, but she blew him off. He has since heard that the Building Inspector gave her permission to put the driveway there. He stated that Ms. Campia has researched laws relative to paper roads & the paper road is on his deed & he owns half of the paper road & is allowed access. He stated the driveway & lawn have taken up all the access.

Mr. Brown noted the quote Mr. Elkallasi made in a local newspaper. He stated he is upset that Mr. Elkallasi took over the property w/out discussing the paper road w/ him (Mr. Brown). He discussed the mound of dirt pushed up on his property & Mr. Elkallasi's attempt to fix it, but he only pushed it deeper into his (Mr. Brown's) property.

Ms. Campia discussed the pictures submitted, Mr. Elkallasi's lot/property, & how Mr. Elkallasi's property frontage has increased do to the work he did on the paper road. She noted that Mr. Brown's son is handicapped & how he had much enjoyment utilizing this paper road w/ his toy vehicle, but now this has been taken away. She stated Mr. Elkallasi is claiming that Mr. Brown moved the mound of dirt himself.

## **SELECTMEN/SEWER COMMISSIONERS MEETING 10/17/06 (CONT'D)**

Mr. Brown displayed a map of the property lines & frontage for his property & Mr. Elkallasi's which has now increased. He also noted that his own deed shows he has access to this paper road. He feels what is going on is not right.

Selectman Sauvageau cited & discussed MA General Law 183, sec. 58. He noted the court cases Ms. Campia has submitted, Rowley vs. Mass Electric, which he feels, is equivalent to what is happening to Mr. Brown relative to access. He noted the court case of Yankee Builders vs. Dwyer, that addresses easement issues. He feels there are legal issues & a boundary dispute, but the Board doesn't have a standing on this issue. He feels Mr. Brown should pursue this legal matter.

Ms. Campia stated if that the Town stepped in, it would automatically become part of any potential suit (the Building Inspector allegedly was involved). The Administrator explained that Mr. Elkallasi was given permission to utilize 45 ft. of the paper road, but not Mr. Brown's portion.

Selectman Pillsbury stated she would hate to see Mr. Brown have to hire an attorney. She stated if Mr. Elkallasi has encroached on the paper road, other than his own portion, she feels the Board should have something to say about it. She suggested the Building Inspector look at this issue again. If there are other issues going on, then the Board may not be able to help & Mr. Brown will have to pursue this matter legally. Selectman Sauvageau feels the Selectmen may not be able to do anything without a court order, but the Town Administrator could address the issue with the Building Inspector. Selectman Pillsbury stated the Town could state that this matter can be handled the easy way or the hard way.

Selectman Eckstrom stated she has visited this paper road & has spoken w/ the Building Inspector. The Building Inspector told her that he feels the paper road would be better paved. She feels the Planning Board should have some information as to whether these projects that were conducted were ANR. She feels the increase in frontage on Mr. Elkallasi's property should be looked into & the issue w/ the neighbor re: the driveway should be looked at as well. She feels if the Building Inspector is approving buildings, he should also be looking at the access road.

Ms. Campia stated Mr. Elkallasi has no right to put in a driveway on a paper road. The Administrator stated that the Town has no right to tell him he can't. Ms. Campia discussed what the neighbor w/ the driveway was told by the Building Inspector. The Administrator stated that the neighbor(s) were told that when a paper road has not been developed that it is divided by the abutters & this is what the Building Inspector told the neighbor(s). Selectman Sauvageau stated the case law that Ms. Campia submitted states the same thing. Brief discussion ensued re: who owns the paper road. The Administrator stated it is a defunct subdivision.

Mr. Brown stated another concern he has is the use of the driveway placed within the paper road by the neighbors & how it blocks access for fire protection purposes. Selectman Sauvageau stated if the driveway is impeding on Mr. Brown's use, there is a legal issue.

The Administrator stated once the Town Planner looks into the issue whether these projects (properties) were ANR, a letter will be written to Mr. Elkallasi indicating that he only has a right to half of the paper road. Mr. Brown stated he bought his property because it was a corner lot w/ this access road, now there is a driveway there. Selectman Pillsbury suggested obtaining the information from the Town Planner, send a letter then see what happens. Selectman Eckstrom noted that it has been one month since the Town Planner was asked to do this. The Administrator stated the Town Planner has stated the dept. is looking for the paperwork.

## **SELECTMEN/SEWER COMMISSIONERS MEETING 10/17/06 (CONT'D)**

Ms. Campia stated that Mr. Elkallasi is changing portions of Charge Pond Rd. Selectman Eckstrom stated the Water Dept. utilizes the paper roads all the time to get to the Town's water supply. She is concerned re: neighbors doing this to other neighbors.

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

A. Show Cause Hearing – To revoke the Junk Dealer's License for Gold World, Inc., Steven D. Fillion, owner for failure to renew the license for the 5/1/06 deadline.

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

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

No one was present to represent Gold World, Inc.

Chairman Fernandes-Abbott stated that Gold World, Inc. has been contacted several times since the license expired & Lt. Wallace was sent to the establishment to notify Mr. Fillion that his license was no longer valid & it needed to be renewed in order to sell his wares. There has been no response from Mr. Fillion.

Selectman Sauvageau stated if for some reason, Mr. Fillion did not receive notification, he can come in a re-apply. Chairman Fernandes-Abbott stated Mr. Fillion did receive notification because he signed the certified receipt w/ the letter.

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

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

**MOTION:** Selectman Eckstrom moved the Board revoke the Junk Dealer's License held by Gold World, Inc., Steven Fillion, Owner, for failure to renew said license under the provisions of Chapter 140 of the MA General Laws & the By-laws of the Town of Wareham. Selectman Sauvageau seconded.

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

**NOTE:** The meeting went back to item III. Citizens Participation.

Present before the Board: John Durham

Mr. Durham has heard a rumor that Mr. Elkallasi is filing for bankruptcy. He questioned if this happens, what will happen to the unfinished roads in the development Mr. Elkallasi is working on. Selectman Sauvageau stated no one knows if this rumor is true & there are no facts or responses relative to this. Mr. Durham questioned if the Board will not look into this. Chairman Fernandes-Abbott stated in accordance w/ this development, there is a performance bond put up. She stated the Board has no information relative to this rumor. Selectman Sauvageau stated there is a process in place to look into this matter.

**NOTE:** The meeting proceeded w/ item VIII. Town Business – B - Town Meeting Warrant Articles.

Article 9 – Boards/Committees Residency Requirements

Present before the Board: John Donahue, Town Moderator

Mr. Donahue stated he reviewed this article in substance, but requested that the second sentence in the first paragraph read, "...after hearing held by respective appointing authority." He gave reasons

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for this change. He stated if the appointing authority that made the appointment should hold the hearing. The Board concurred with the change.

### **Article 27 – Interest Rates on Betterments**

Mr. Donahue stated he is unclear as to what this article is trying to accomplish. Chairman Fernandes-Abbott stated the article is asking Town Meeting to vote to file a Home Rule Petition to allow lowering the administrative fee charged for betterments. She added that Article 28 is similar, but it deals w/ the Wewantic area interest rate that was already voted. Brief discussion ensued.

### **Article 37 – Sewer Assessments**

### **Article 38 – Accept Roads – Rose Point**

### **Article 39 – Apply for Coastal Zone Management Grant**

Mr. Donahue feels these articles seem to be going in the same direction. Chairman Fernandes-Abbott explained that the BOS & FinCom voted no-action on these petition articles because Articles 27 & 28 addresses Articles 37 & 38 & relative to Article 39, these grants have already been applied for, and is already covered.

## **IV. ANNOUNCEMENTS**

- A. The Onset/Wareham Crime Watch Committee holds meetings every third Wednesday of the month.
- B. The OPL will have a Town Meeting preview on Thursday, October 19, 2006 at 7:00 P.M. at the Onset VFW.

## **V. CONSENT AGENDA**

- A. Authorization to sign bills, documents, etc.

**MOTION:** Selectmen Eckstrom moved the Board approve invoice #80238907/9 from Camp, Dresser & McKee in the amount of \$19,916.92 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80238906/10 from Camp, Dresser & McKee in the amount of \$22,598.79 re: resident engineering services during sewer construction in the Rose Point area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80238905/14 from Camp, Dresser & McKee in the amount of \$6,886.28 re: engineering general services during sewer construction in the Rose Point area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board approve invoice #80238908/13 from Camp, Dresser & McKee in the amount of \$6,296.69 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Pillsbury seconded.

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

## SELECTMEN/SEWER COMMISSIONERS MEETING 10/17/06 (CONT'D)

**MOTION:** Selectman Eckstrom moved the Board approve partial payment #10 from Albanese Brothers, Inc. in the amount of \$369,842.89 re: the Rose Point sewer project. Selectman Pillsbury seconded.

**NOTE:** Selectman Sauvageau questioned if the issue w/ the underground phone lines that is reflected on this bill was paid. Brief discussion ensued. The Administrator stated it is showing a 0 balance & is 100% paid.

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

### VI. TOWN ADMINISTRATOR'S REPORT

1. Town Hall Façade. With the completion of the repairs to the existing irrigation system & installation of new exterior lights, renovations to the façade of the Town Hall have been completed. These renovations were authorized by the 4/01 Town Meeting under Article 19. Other items completed are the columns, stairs, & repairs to the done. Brief discussion ensued re: the irrigation system.
2. Hearing w/ Police Dept. There is a need for a hearing w/ the Police Dept.
3. Rescue. On Friday evening, the Harbormaster & Assistant Harbormaster received a call from Swifts Beach, which resulted in a rescue of three people in the water. Commendations are in order.

### VII. TOWN BUSINESS

**NOTE:** The meeting proceeded w/ item C. Any other business – 1. Municipal Housing Trust Fund Interviews.

Present before the Board: Geoffrey Swett

Chairman Fernandes-Abbott discussed the vote to establish this fund. The Trust will consist of five members. This Trust will have a significant degree of authority over the Town's affordable housing. She briefly discussed the Trust's duties.

Chairman Fernandes-Abbott asked Mr. Swett why he is interested in serving on this Trust. Mr. Swett stated he cares about the community in which he lives & he wants to make positive impacts. He feels this Trust will be a positive impact for the community in allowing those who may contemplate leaving Town to stay because of the availability of affordable housing. He feels this Trust's money needs to be protected & utilized correctly. He briefly discussed how he came to be a resident of the Town, his experience, & involvement w/ the community.

Selectman Pillsbury feels Mr. Swett can get the Trust off the ground positively. Selectman Potter stated he has heard others speak highly of Mr. Swett's experience. Selectman Sauvageau stated he respects Mr. Swett's financial skills & agrees w/ this view of the functions of this duty. He discussed in length the affordable housing strategy. He asked what Mr. Swett's opinion is re: the Westfield affordable housing proposal & having the Trust Fund's support of it. Mr. Swett stated he would not have voted Further Study on this matter. He understands a Further Study vote is made when there is a lack of information & not to be made when there is a lack of a position. He doesn't feel there is a lack of information. He supports the affordable housing project for Westfield, although he doesn't understand all the needs for affordable housing, but others do. He can figure out a position by listening to discussions. Selectman Sauvageau discussed some information re: the Westfield

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project & he feels the vote of the FinCom for further study pushed this issue down the road. He discussed the value of this Trust Fund.

Selectman Eckstrom stated she has heard good things about Mr. Swett & thanked him for his service.

Brief discussion ensued re: CP funds vs. this Trust Fund.

### **A. Discussion re: consulting services for search/recruitment of new Town Administrator.**

The Board members briefly reviewed the document re: the process to recruit a new Administrator. Chairman Fernandes-Abbott stated she hopes to obtain funding next week for this venture. She suggested a change of a phrase on page 6 to “the Board of Selectmen, acting as the search committee.” Brief discussion ensued.

Discussion ensued re: opening meetings & the screening. Selectman Sauvageau stated the Board needs to speak freely & this process needs to be public. Selectman Pillsbury feels in most instances, candidates don't want it publicly known that they are seeking other employment until when they become a finalist for the position. Selectman Eckstrom noted a spelling error on page 3.

### **B. Vote Town Meeting Warrant articles.**

#### **Article 1 – Supplemental Budget**

Chairman Fernandes-Abbott has asked Mr. Heaney, FinCom Chair, what numbers will be proposed. She stated Mr. Heaney indicated the motion has not been completed yet & the numbers are still being adjusted.

Chairman Fernandes-Abbott recommended the Board vote on Articles 1,2, & 8 at their meeting on 10/23/06 prior to Town Meeting. The Board members concurred.

#### **Article 9 – Boards/Committees Residency Requirement**

Chairman Fernandes-Abbott noted Mr. Donahue's suggested change w/in the article.

**MOTION:** Selectman Eckstrom moved Favorable Action on Article 9 of the 10/23/06 Fall Town Meeting Warrant as amended. Selectman Pillsbury seconded.

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

#### **Article 11 – Spouse Health Insurance**

Chairman Fernandes-Abbott noted speaking to Town Counsel re: if this article will fulfill the actions it was supposed to. The article was directed at a specific issue concerning Mrs. Roberts. She spoke to Mrs. Roberts who stated she is in the health plan currently, thus, the article will do what it was intended to do.

Selectman Pillsbury stated the FinCom had questioned the financial impact of this article in the future. Selectman Sauvageau stated there would be a financial impact in the future if the ten-year period remains in the language. The Administrator discussed if the time period is increased, the cost would go down. Selectman Sauvageau feels the ten-year period is too low & the Town couldn't afford this. He feels a 30-year time period is too long, but 20 year time period is moderate. Chairman Fernandes-Abbott questioned why Town Counsel proposed a ten-year period. Selectman

## **SELECTMEN/SEWER COMMISSIONERS MEETING 10/17/06 (CONT'D)**

Pillsbury stated the ten-year period was put on Town Meeting floor & vested amounts were discussed. Discussion ensued.

The Administrator explained that a ten-year period would have a financial impact of approx. \$40,000 depending on what health plan is selected. Selectman Sauvageau suggested amending this article on Town Meeting floor & providing financial impacts for the ten, 20, & 30 year periods.

**MOTION:** Selectman Eckstrom moved Favorable Action on Article 11 of the 10/23/06 Fall Town Meeting Warrant w/ the change in section 3 to indicate a 20 year period of service. Selectman Sauvageau seconded.

**VOTE: (4-0-1)**  
**Selectman Pillsbury abstained**

### Article 29 – Adjudicatory Hearings

The Administrator stated this only applies to certain boards, such as the Board of Health & the three land use boards. He stated this article allows a member to miss one meeting w/ signed certification by said member that they have read the minutes of the missed meeting so they can vote on the topic missed. He added that this was a legislative action.

Chairman Fernandes-Abbott stated in the memo from Town Counsel, it states one meeting, but there are other specifics that need to be met indicated in the statute. She read a portion of the memo from Town Counsel re: the statute & specifics that need to be met. Selectman Sauvageau feels the Legislature is being so specific to stave off lawsuits. He expressed concern re: a member to recuse oneself & abstain from voting & quorum issues also, a decision can't be made from reading minutes; if the meeting is not recorded, the member can't get a thorough information. Selectman Eckstrom discussed how the ZBA handles the situation when a member is absent; they have an alternate member sit in. Brief discussion ensued re: abstaining from voting. Selectman Pillsbury stated this issue doesn't address how long a hearing may last & how many members are involved. Discussion ensued. The Administrator indicated that Mr. Gricus, Town Planner feels this is a bad idea.

Selectman Pillsbury suggested the Board Further Study this article because it should have the backing & opinions of all the land use boards.

#### C. Any other business.

##### 1. Lopes Construction – Earth Removal Permit.

Chairman Fernandes-Abbott stated receiving a letter from Mr. Madden of G.A.F. Engineering re: the Lopes Construction Earth Removal Permit. The letter indicates Lopes Construction has decided not to move forward w/ their new proposed phasing & will be staying w/ what is indicated in the original permit. The Board's office also looked into the permit term & found that the permit was granted for a two-year term & a one-year review, which is what the permit now reflects.

##### 2. Show Cause Hearing.

Selectman Sauvageau spoke re: information received relative to a death of someone from drinking at a local establishment. He would like this matter reviewed & have this matter come forward in an accelerated manner due to this circumstance. He suggested the establishment come in before the Board in November after Town Meeting. He stated the summer is over & the review that was proposed should be held earlier than proposed due to this circumstance.

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Discussion ensued re: if this should be a review or a show cause hearing.

Selectman Eckstrom spoke re: an establishment that seems to be operating less & less (re: hours of operation). She doesn't remember receiving a change of hours from this establishment. She asked if a letter could be sent to this establishment re: this issue.

### **3. Ferry Service.**

Selectman Eckstrom stated information has been received from the Office of Transportation re: them looking for waterfront communities to offer commuter transportation or ferry service. They are looking for commuters that will connect to other commuter transportation. They are also looking for applicants for a feasibility study for grants. She asked the Board if she could pursue this matter w/ different communities relative to the commuter service.

Selectman Potter feels it is worth looking into. The Board members concurred to have Selectman Eckstrom research this matter.

## **VIII. SEWER BUSINESS**

### **A. Discussion w/ CDM.**

Present before the Board:     Mike Guidice, CDM  
   Bob Cutone, CDM  
   Patrick Hughes, CDM

Chairman Fernandes-Abbott stated at the last Board meeting, there were concerns re: the Briarwood Beach sewer project. The Board feels CDM gave inaccurate numbers (re: number of homes) that were given to residents & thus, will cost the residents more for the sewer project than was anticipated. She stated the Board relies & gives its confidence re: the expertise of CDM for these matters, to oversee such things.

Selectman Sauvageau doesn't feel this issue is contractual one. He feels this discussion is important for future projects that will require CDM contracts. He added that he wasn't aware this discussion would be held this evening & he doesn't feel it should be because it comes down to continuing a contract w/ CDM. He agrees that errors were made, it will cost the residents, & the Town relies on CDM to oversee & supply correct figures. He feels there needs to be a future contractual discussion if the Town wants to continue the relationship w/ CDM if this is what the Town will be expecting from CDM (re: errors). He feels if this situation cannot be remedied, the question should be should the Town continue its relationship w/ CDM. Chairman Fernandes-Abbott stated she asked the Administrator to contact Town Counsel to see if this issue should be discussed in Executive Session, but the Board was advised not to. Brief discussion ensued. The Administrator stated Town Counsel offered alternatives re: future contract negotiations. Selectman Sauvageau doesn't feel this is a remedy to the fundamental error that was made & it shouldn't have happened. Selectman Pillsbury stated there is a problem that needs to be discussed. She noted that CDM has been w/ the Town for a long time & hopefully this problem can be solved. She feels contract negotiations can be done at some point if things need to go in a different direction & the Town will know when it gets there.

Selectman Potter discussed the sidewalk issue in the Briarwood Beach area. Chairman Fernandes-Abbott explained that a Change Order came before the Board re: an existing sidewalk in which the contractor had to dig up a portion of it to put in the sewer lines. The rest of the existing sidewalk was in disrepair, but the contractor repaired the whole sidewalk. The Board denied the work directive, but the problem was by the time the directive to do the work got to the Board, the work



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had already been done. She feels there is a problem w/ the process. She stated the cost of this sidewalk will not be placed on the residents, but the Town or someone will have to pay. Selectman Eckstrom doesn't feel the Town should have to pay. The Administrator explained that Mr. Gifford, Municipal Maintenance Director gave the directive & this bill will be paid out of his budget. Mr. Cutone explained that Mr. Gifford did give this directive & the work commenced.

Mr. Cutone discussed the contract re: betterments. He stated there is not a contract relative to betterments, but only a contract to put this information together. He explained that when the bids went out for this project in 2005, the housing count was 190. The final housing count that came out was never seen by CDM. The information provided by CDM was not correct. Susan Green furnished the information. Mr. Guidice stated there is no contractual obligation on CDM's part to supply betterments to the Town, but CDM has supplied this service. Selectman Sauvageau asked if the contract w/ CDM includes the design of the system & betterments. He feels the cost of the project is relevant to the contract.

Mr. Guidice explained that in 2003-2004, CDM gave a cost estimate for Beaver Dam Estates, Briarwood Beach, & Rose Point. He stated the total cost for the projects was the same as the original estimate. The understanding at that time was that all three areas would be done together & the betterment would be equally divided among the three projects. He discussed the total number of properties included (when all three were together) & cost estimates at that time. Selectman Sauvageau feels this is part of the contract gross number. He stated that Mr. Cutone has indicated that the Town provided him re: the number of houses in Briarwood. Mr. Guidice stated that in 2003, the Assessor provided information re: all properties in the three areas, for example, buildable lots, land, etc. CDM reviewed the parcels in all three areas, most especially Briarwood. The original list was edited, thus the number of houses in Briarwood came to 142 & the number for Beaver Dam Estates came to 42. During the course of time, both of the tables (the original & the edited version) were given to the Town. The un-edited version was what the Town used to notify residents. The Administrator explained that in 2/06, CDM sent the list for the 3/06 meeting, which was the un-edited list.

Selectman Sauvageau asked where the math mistake was made. Mr. Guidice discussed data that was compiled from the Assessors & unfortunately; both tables were transmitted to the Town. Selectman Sauvageau clarified that CDM is stating that the information residents received, the Town provided based on the numbers they felt were accurate that had been provided to staff from CDM. Mr. Guidice stated that CDM sent the table(s). Selectman Pillsbury asked if the Town added the two tables together. The Administrator stated the Town utilized the wrong table. He stated that the Chairman of the Board at the time wanted to be able to provide this information to the residents quickly. He (the chairman at that time) asked for the list from Susan Green and he did the calculations. The Town Administrator again explained that the wrong list was used & the correct list became available one to two months after the hearing. When the hearing was held, the Town only had the un-edited list. Selectman Eckstrom clarified that the Assessors list was accurate, but CDM took out the unbuildable lots, etc. & gave the Town the unedited version, not the edited version that didn't include the unbuildable lots.

Selectman Sauvageau feels a better method is needed for following the process. Selectman Pillsbury agreed. She suggested having a sub-committee set up for sewer projects because issues like this just shouldn't happen. Selectman Sauvageau stated that he thought this was the obligation of the sewer design sub-committee and that is why we were debating changing the name of that subcommittee. Selectman Pillsbury agreed and suggested the subcommittee's title reflect what it should be doing. Selectman Sauvageau stated the result is the residents will be paying a higher assessment.

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Mr. Guidice discussed contingency monies that may be available if there are no Change Orders.

Selectman Potter again discussed the issue of the sidewalk. Mr. Guidice discussed the sidewalk & curbing. He feels \$10,000 is a reasonable charge. He understands the issue w/ the sidewalk, the process, & how it was directed to complete the sidewalk. Chairman Fernandes-Abbott feels issues like this are why a sub-committee is important to look at the projects as they progress & to monitor said progress.

Selectman Potter explained that you can't anticipate the end of Change Orders. Even w/ sub-divisions, the actual work to be done would be brought to the Board. He feels it is the "cart before the horse" issue w/ the sidewalk issue. Selectman Sauvageau stated CDM couldn't solely rely on the Municipal Maintenance Director's authority. The Board needs to approve things such as this. Mr. Guidice stated that a project couldn't just be stopped in order to obtain permission for a Change Order. He feels the sidewalk issue does not fall under this category.

Selectman Sauvageau apologized if the betterment issue was the Town's fault. The Administrator disagreed that it is the Town's fault. He feels it was a joint responsibility.

Selectman Eckstrom suggested giving residents informational packets to keep them more informed. She also noted that for tax purposes, some residents may be able to file for Schedule SE relative to septic upgrades & sewer tie-ins for a tax break. Selectman Sauvageau feels an information packet would be a good idea & a spreadsheet should be supplied as well. Discussion ensued re: information packets. Mr. Guidice suggested including information re: drain layers. Chairman Fernandes-Abbott stated the Board would need to see what information is being sent out. Discussion ensued. Mr. Guidice suggested giving information re: the Town's By-law & sump pumps relative to sewer connections.

Brief discussion ensued re: holding a workshop meeting w/ CDM.

### **IX. SELECTMEN'S REPORTS**

- A. Selectman Eckstrom – Stated that an email was received from Mr. Ferreira, ZBA Chairman re: the 815 Main Street 40B project. A concern of Mr. Ferreira's is that as he understands, when the ZBA is the licensing authority for a project such as this, they become Sewer Commissioners. He has asked that the Sewer Commissioners (the Board) come & discuss issues, such as sewer capacity, requirements, etc. w/ the ZBA.

Selectman Potter expressed concern re: this applicant speaking about tying into the Town's sewer system &/or developing their own treatment system. Selectman Sauvageau feels if the Town was at the 10%, it wouldn't have to be dealing w/ this issue. He feels all these issues, such as capacity, extensions, etc. all relate to the Town getting to the 10%. He stated that DHCD could tell the Town what to do. The Administrator stated the historic position of the Board has been that the ZBA doesn't have this authority relative to sewer issues. Selectman Sauvageau stated the ruling authority is DHCD. If the Town is not at the 10%, DHCD has almost always overruled the appeal of towns & gone for the development.

Selectman Pillsbury expressed the need for a discussion re: plant capacity so when this issue comes up, the Board has the information. Discussion ensued.

Selectman Sauvageau discussed the proposed Westfield affordable housing project & the positive nature of the project that will include its own package plant. Chairman

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Fernandes-Abbott stated that the applicant for the 815 Main St. project is still looking into on-site treatment facilities as well as other options. Selectman Pillsbury feels that they, as Sewer Commissioners will not allow this project (815 Main St.) to hook up to the Town's system & this should be conveyed to the ZBA. Chairman Fernandes-Abbott stated the Board could write a letter to the ZBA outlining the discussions held w/ the applicant & state that as Sewer Commissioners, the Board will not support their connection to the Town's system.

### **X. ADJOURNMENT**

**MOTION:** Selectman Pillsbury moved to adjourn the meeting at 10:10 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: 2/20/07

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 2/20/07

Date copy sent to Wareham Free Library: 2/23/07