

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: September 19, 2006

Date of Transcription: September 20, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

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

II. ROLL CALL

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

Present: Michael Hartman, Town Administrator

NOTE: The meeting proceeded w/ item IV. William Solomon, Special Counsel – Verizon Cable License.

Present before the Board: William Solomon, Special Counsel

Mr. Solomon stated he has held discussions w/ Selectman Sauvageau re: goals & specifics. He gave a summary of the process. (Attached as reference). He submitted & briefly discussed the draft of Issuing Authority Report for the cable television licensing process. He stated that w/ the Board's approval, he would review finance issues w/ Selectman Sauvageau. He continued to speak re: the summary of the process & stated the Town is still on schedule w/ what is outlined in said summary.

Mr. Solomon explained the attempt is to level the playing field such as was done w/ the ComCast license. He discussed proposed provisions in the license w/ Verizon.

III. PEG ACCESS BOARD OF DIRECTOR INTERVIEWS

Present before the Board: Ramona O'Hearne

Ms. O'Hearne stated she is a bus driver for the School Dept. & she was on the School Committee as well as other various organizations. She has experience in negotiations.

Selectman Sauvageau asked if Ms. O'Hearne has reviewed the duties & responsibilities of the Board of Directors. Ms. O'Hearne stated, "yes." Selectman Sauvageau asked what her assessment is of said duties & responsibilities. Ms. O'Hearne stated that it would be a difficult task since this is the first/starting Board of Directors to be implemented. There will be a need to

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work together & there will be many responsibilities for the first group to take on. She has a good idea on how groups/organizations are run & what should happen through her experiences on various boards, committees, etc.

Selectman Sauvageau stated he envisions this Board of Directors as operating a business w/ a large financial responsibility. Ms. O'Hearne discussed her philosophy re: handling money, finances, etc.

Selectman Eckstrom asked how Ms. O'Hearne would utilize her associations w/ the public to have them become involved w/ this venture. Ms. O'Hearne stated she grew up on Town & has been on many boards, committees, etc. & knows people in education & government. She could help recruit people to become involved.

Selectman Pillsbury stated there are many aspects & oversight involved w/ this venture. She asked Ms. O'Hearne what she could do best. Ms. O'Hearne feels she could utilize the community development oversight best & discussed briefly.

Selectman Potter asked Ms. O'Hearne what her ideas are for the cable stations & why she chose to apply for this position. Ms. O'Hearne stated someone suggested she apply. She would like to see educational programming for children & she again stated she could bring her experience on being part of many boards, committees, etc. to this venture.

Selectman Fernandes-Abbott asked what role Ms. O'Hearne feels local cable T.V. Ms. O'Hearne feels it should involve the whole community from children to senior citizens. She feels people could get involved w/ the technical aspect of this venture.

Present before the Board: John White

The Board reviewed Mr. White's extensive resume. Mr. White spoke re: his experience.

Selectman Sauvageau feels Mr. White's experience w/ the CEDA Advisory Committee would be helpful due to the anticipated community initiatives & he feels Mr. White's technology experience would be a benefit. He asked Mr. White what his fiscal management approach would be. Mr. White discussed issues w/ operating a business.

Selectman Pillsbury noted that there are many oversight aspects to this venture, such as programming, fiscal, community development, etc. Mr. White stated he has many business contacts in Town & he has been involved w/ the Chamber of Commerce & membership drives.

Selectman Potter asked what Mr. White's interest & direction is for this venture. Mr. White expressed the importance of community development programming, public safety programming, etc. He will enjoy being on a board that is active & doing something. Selectman Potter asked what Mr. White feels is the greatest potential for this venture. Mr. White feels it is CEDA & getting children involved.

IV. WILLIAM SOLOMON, SPECIAL COUNSEL – VERIZON CABLE LICENSE

(DONE)

V. CITIZENS PARTICIPATION

Present before the Board: Sandy Butler, 2 Burfield Drive

Ms. Butler submitted pictures to the Board re: her property. She expressed concern re: her property & work the Municipal Maintenance Dept. has been doing in front of her property. She discussed drainage work that was conducted. She explained that after water pipes were installed, there was a drainage issue & the drains were to be fixed & paving done. The project hasn't gone past her property & it has been four months since anyone has done anything there. She stated water/drainage is going into her whole backyard. The drainage has not been completed & the project ended at her driveway.

Ms. Butler stated that the Conservation Agent came out to review the situation & he instructed Municipal Maintenance to put in crushed stone, which they did. She has called Mr. Gifford, Municipal Maintenance Director many times & has been promised that the issue would be fixed, but it hasn't.

Ms. Butler would like to see another crew piece her property back together. She stated trees were taken down that didn't need to be & now there are tree roots from the remaining trees exposed at the end of her driveway. Mr. Gifford reassured her that this is fine. She is concerned that since these trees & their roots are exposed that they may fall over.

Ms. Butler stated all she wants is for the project to be completed. She also noted that trees were cut down in the wetlands near her home that should be restored. She feels it is an insult that the Municipal Maintenance Dept. has left the project this way. She stated that the Water Dept. has indicated that they will come back & clean up the part of the project they worked on. She explained how the end of her driveway is not paved & it is now muddy & rocky.

Selectman Sauvageau asked if Ms. Butler has spoken to the Administrator. Ms. Butler stated she has not spoken to him in person, but has left a message(s). Selectman Sauvageau explained that Ms. Butler has rights as a private property owner & he feels there may be a legal grievance w/ this matter. He feels the Administrator needs to speak to Mr. Gifford before this matter goes any further.

Chairman Fernandes-Abbott stated she has been out to Ms. Butler's property & would have expected the Municipal Maintenance Dept. to follow through after the installation of the water main. The Administrator stated he has spoken to Mr. Gifford re: this matter & the next time the Town's paver is in Town, the paving will be done. Chairman Fernandes-Abbott stated there seems to be more work to be done besides just paving, for example, restoring the grass on the property.

Ms. Butler explained that there is now a high water table on her property since the apartments were removed & new houses built. She lives at the bottom of a hill & before the homes were built, there was a low water table. She heard rumors that the developer re-routed the underground water. Rocks are now coming up under her driveway & since the new homes were

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built, her wall & driveway are deteriorating. There is also some sort of oil substance coming out under her wall.

Chairman Fernandes-Abbott feels this may be a ZBA issue relative to the development. Ms. Butler described her location to the development & feels the issues she described are due to the development. The Board members concurred that this may be a ZBA issue. Selectman Sauvageau suggested the Board relay this matter to the ZBA & request it be reviewed.

Ms. Butler had also heard rumor that only one oil tank was taken out when the apartments were taken out. She again discussed the oil substance coming out from under her wall. Chairman Fernandes-Abbott asked if other neighbors are having similar problems. Ms. Butler stated no because they are away from the street. She stated her sump pump is running all the time.

Ms. Butler discussed the wetland issue. She spoke to David Pichette, Conservation Agent who brought Mr. Gifford to the site. The drain project debris has been left behind & she would like it removed. She had asked Mr. Pichette if she could restore the growth in the wetland (15 ft. in) & was told if the Municipal Maintenance Dept. didn't have an issue w/ this, she could.

Present before the Board: Mr. Everton, 13 Fillmore St.

Mr. Everton stated he has been speaking w/ the Administrator re: sewer & paving issues in Briarwood. There is a document the Town put out re: estimated costs for sewer & paving betterments. He has reviewed said document & he doesn't understand it. The documents states there are 185 residences in Briarwood, but he counted only 133. He feels that the 42 homes in Beaver Dam Estates were included. Thus, he feels there was an error in the estimated figures for Briarwood, Beaver Dam Estates & possibly Rose Point. He asked if the figures could be revisited for accuracy. He also asked if the three roads in Briarwood that are Town owned, if they were part of the sewer betterment. He stated that these three roads were already paved, but that the others were not. He asked if these three roads are part of the project & if they will be repaved. He asked if those people who live on these three paved roads expected to pay betterment for paving as well.

The Administrator explained that Briarwood & Beaver Dam Estates are considered one project, but the paving/road betterment should not be put together for the two areas. Discussion ensued. The Administrator stated he would look into the paving matter w/ CDM. Mr. Everton feels it doesn't make sense for those who already have paved roads to pay betterment. He feels this cost has already been figured into the sewer project, thus, there is a need to subtract the three roads that were already accepted by the Town & paved.

Chairman Fernandes-Abbott stated the Administrator will contact the residents after his consultation w/ CDM & if new information is needed, this information will be forwarded to residents as well.

Present before the Board: Joe Verdeber

Mr. Verdeber asked if Beaver Dam Estates doesn't have to pay for repaving, who would pay for it. He asked if a review could be done on the breakdown of costs. Discussion ensued. The

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Administrator explained that the sewer project includes drainage & street work in both areas (Briarwood & Beaver Dam Estates). Selectman Sauvageau stated the road issues are a separate issue. Lengthy discussion ensued. Mr. Everton feels if the figures are wrong, then the whole analysis falls apart.

VI. ADNNOUNCEMENTS
(NONE)

VII. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Eckstrom moved the Board approve invoice #80236341/6 from Camp, Dresser & McKee in the amount of \$4,217.38 re: engineering services design of improvements to three of the Town's existing wastewater pumping stations: Narrows, Kennedy Lane, & Hynes Field. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80236373/12 from Camp, Dresser & McKee in the amount of \$9,216.56 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80236376/8 from Camp, Dresser & McKee in the amount of \$51,354.02 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80236375/9 from Camp, Dresser & McKee in the amount of \$21,381.30 re: resident engineering services during sewer construction in the Rose Point area. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80236374/13 from Camp, Dresser & McKee in the amount of \$9,417.65 re: engineering general services during sewer construction in the Rose Point area. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve application #6 from RJV Construction Corp. in the amount of \$245,121.38 re: Briarwood Beach & Beaver Dam Estates sewers. Selectman Sauvageau seconded.

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VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve partial payment #9 from Albanese Brothers, Inc. in the amount of \$321,583.66 re: Rose Point sewer project. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

B. Approve minutes of previous meetings: 3/28/06.

MOTION: Selectman Eckstrom moved the Board approve the Regular Session meeting minutes of 3/28/06. Selectman Sauvageau seconded.

VOTE: (4-0-1)
Selectman Potter abstained

VIII. LICENSES & PERMITS

A. Application for Pledge of License by Harry Nickolaow, Treasurer, Charlie's Place, Inc., 3073 Cranberry Highway, Wareham, MA, under the provisions of MGL, c.138.

No one was present to represent the application.

Selectman Eckstrom questioned the date the letter went out to the applicant (9/11/06) at which time, the applicant may not have known about the meeting. Chairman Fernandes-Abbott stated the applicant does not need to be present for a Pledge of License.

MOTION: Selectman Eckstrom moved the Board approve the application for Pledge of License by Harry Nickolaow, Treasurer, Charlie's Place, Inc., 3073 Cranberry Highway, Wareham, MA, under the provisions of MGL, c.138. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

IX. TOWN BUSINESS

A. Discussion: Petitioner's Articles #37, 38, & 39 of the Fall 2006 Warrant.

Article 37 – Sewer Assessments

Chairman Fernandes-Abbott read the article into the record.

Present before the Board: Mr. Bajerver

Mr. Bajerver stated the intent of this article is to authorize the Board to petition the State (Home Rule Petition) to seek 0% interest rate, if possible, on sewer assessments. He discussed the cost

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breakdown for the Briarwood area including interest charges. He feels there will be a profit of \$1.1 million over 20 years that he feels is not right. If you include the drainage betterment, it will be a \$1.4 million profit. He proceeded to discuss the intent of this article further.

Chairman Fernandes-Abbott discussed the position the Town was in prior to the submission of Article 27 (Interest Rates on Betterments) under State law. Article 27 will allow the Town to assess a lower administrative fee (lower than 2%). She explained that there are costs associated w/ administering betterment & it is not 2%. The Board has not yet discussed how the interest rates will be handled in Briarwood & Beaver Dam Estates.

Selectman Pillsbury stated there is no profit to be made on a loan. Selectman Sauvageau doesn't understand what the administrative fee pays for or what it does. He can't see administrative fees dealing w/ bonding. The additional expense the Town bears should only be relative to Town offices only. He doesn't see how a decision can be made w/out further information. He feels the rate should be 0%, but it is a legislative issue. Selectman Pillsbury stated over a period of time, departments in Town have to administer & keep track of matters over a period of 20 years, although she doesn't know what this cost figure is. Selectman Sauvageau discussed basic debt finance. Discussion ensued. Selectman Sauvageau stated legislatively, the Town doesn't have many options.

Chairman Fernandes-Abbott stated the actual cost for the Weweantic sewer project are in, thus, it can be assigned an accurate interest rate. She stated that Article 27 will address the same issue as this article (#37) & will allow the assessment of an interest rate to be done on all sewer projects, not just one.

Article 38 – Accept Rose Point Roads

Present before the Board: Lenora Levine

Chairman Fernandes-Abbott read the article into the record.

Ms. Levine stated this article & article 39 have been presented based on meetings held w/ Rose Point residents & the Board on 6/1/06 re: betterment assessments. At that time, someone suggested applying for Chapter 90 monies to help pay for the paving costs, but the Town would have to accept the roads first. She acknowledged that some residents of the Rose Point area would have a better quality of life due to this project, but not all. She stated there is approx. 225 homes in this area & 50%-70% of these residents are on fixed incomes. She feels to ask them to pay \$32,000 over any period of time is adding insult to injury.

Ms. Levine stated she would like the Town to accept roads in Rose Point & apply for Chapter 90 & Coastal Zone Management monies to defray the cost of the paving & drainage costs.

Article 39 – Coastal Zone Management Grant

Ms. Levine read Article 39 into the record.

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Chairman Fernandes-Abbott stated the Town has already applied for a Coastal Zone Management grant on 9/6/06 for Briarwood & Rose Point. The Administrator discussed the grant process, timeline, & requirements. He explained that there cannot be an Order of Conditions from the ConCom before getting grant monies, thus this process needs to slow down pending the outcome of the grant application. He discussed the Chapter 90 process & that a Town doesn't apply for Chapter 90 monies; it is allocated to the Town & is a reimbursement program through the State.

The Administrator discussed Article 38 & the need to have a recommendation from the Planning Board & Municipal Maintenance Dept. for acceptance of streets. Ms. Levine believes the recommendation for acceptance of streets came from the Administrator. She feels the residents deserve honesty & the Administrator stated he would work hard to get these roads accepted.

Selectman Sauvageau asked if the roads are accepted, how this will change the assessment. The Administrator explained. Selectman Sauvageau doesn't feel there is any assurance in increase in Chapter 90 monies to the Town will offset the cost of paving/drainage to the streets in Rose Point. He added that Chapter 90 funds might not allocate the same amount of money year after year. He feels the issue is cost & its allocation. Selectman Eckstrom stated some residents are objecting to cost, but others feel the roads don't have to be paved. Selectman Sauvageau stated the costs should be appropriately apportioned.

Ms. Levine stated the concept of applying for the acceptance of streets was the Board's idea. If this can't happen, she feels the Board will need to revisit how the money is allocated. Selectman Sauvageau stated he doesn't want the allocation to spread to anyone other than those being bettered. Ms. Levine feels that this will be a problem for every area that is bettered. She feels the Board needs to figure out how to obtain funding & apply for funding. She stated she & others are doing what the Board suggested.

Selectman Pillsbury stated if the progress were to be slowed down, as she understands, a concrete apron would be put around the manholes. She feels this would allow time to see if this option will maintain the manholes & then a program could be established. She suggested staff work together to phase this option in & to help make it more affordable to residents. Discussion ensued.

Present before the Board: Mrs. Wynot, Rose Point

Mrs. Wynot asked re: Chapter 90 funds. The Administrator stated the Town has received \$410,000 p/year for four years. The State has capped Chapter 90 funding at \$150 million statewide. Ms. Wynot asked if roads are accepted, could Chapter 90 monies could be utilized & other funding could be utilized. The Administrator explained the difficulty w/ doing this for this area. Ms. Wynot stated the reason residents have asked for acceptance of roads is because they are private roads. She asked what would happen if these residents wanted to keep them private & not want them paved. Selectman Pillsbury feels there is time to discuss the issue of paving & an opportunity to see if the collar around the manholes works; time is needed. She stated if these collars work in the long run, she doesn't see why the roads would have to be paved. Selectman Eckstrom stated this option of utilizing collars is a new option/idea for the Board. Ms. Levine expressed concern re: the Board not knowing all the alternatives & giving estimated costs w/out

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knowing about alternatives. Selectman Sauvageau stated the Town doesn't know if aprons will protect the manholes; time is needed to find out. He feels the first priority is to protect the infrastructure. Selectman Potter feels the collars are temporary in anticipation of final paving. Discussion ensued.

Chairman Fernandes-Abbott explained that if the Coastal Zone Management grant is obtained, it will take off approx. 70% of the cost. Ms. Levine expressed concern re: not having firm figures & the Board giving amounts that are not certain. She discussed the recent water project in this area that was on target in all aspects, but the sewer project targets are all over the place. She would like concrete figures & for the Town to keep an eye on contractors. Selectman Sauvageau feels the paving figures are accurate & the uncertainty is that residents are saying they don't want this & that. Ms. Levine stated that the Board is stating one thing needs to be done, but now the Board is saying there are alternatives. She feels residents need to know what the alternatives & costs are. She questioned why a burden is being placed on residents when it doesn't have to be.

Present before the Board: Sean Fensel

Mr. Fensel stated when the water & sewer projects were proposed; residents were told that they could expect two betterments (water & sewer). Many people were assured that w/ the water project the roads would be repaved as part of that project betterment & that residents would have a choice if the balance of the roads were to be paved. He understands now that inquiries have been made re: if a concrete apron around manholes would be adequate vs. paving.

Mr. Fensel noted an existing drain on Rose Point Ave. that is not working properly, but could be fixed & not be charged for. He feels there isn't a drainage problem in Rose Point that couldn't be taken care of w/ concrete aprons around manholes.

Mr. Fensel feels Rose Point residents would feel better if they were assured they wouldn't be stuck w/ three betterments & they had a choice re: paving. Residents w/ fixed incomes want assurances & he would like the concrete aprons reviewed.

Mr. Fensel stated there are three roads in Rose Point that are already paved & residents were told several years ago that Chapter 90 fund would be allocated for Winter St. w/ no additional betterments. Mr. Bajerver stated that this road has been accepted, but the paving has been put off. Chairman Fernandes-Abbott stated that the Municipal Maintenance Dept. had only designed Winter St. w/ Chapter 90 funds & it went no further than that. Selectman Eckstrom stated the Town's Road Plan indicates that Winter St. was a private road & only the design was conducted. Mr. Fensel requested information on Winter St.

Mr. Fensel asked if residents don't want their streets paved, would the Board support this. Selectman Pillsbury stated during the hiatus on the project, the Board will look into alternatives. She discussed an issue w/ Water Dept. pipes. Brief discussion ensued. Discussion ensued re: residents not being required to hook up to water, but required to hook up to sewer.

Selectman Sauvageau stated if the sewer system is damaged or destroyed in these areas, residents will have to pay for it. The Board members concurred to review all alternatives. Chairman

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Fernandes-Abbott reminded those present that the estimates that were given were worse case scenarios. Discussion ensued re: how residents will be notified relative to new information.

Present before the Board: Steven Curry, Rose Point Association

Mr. Curry clarified what the Board will be doing re: further studying paving & estimates. He stated residents are interested in ways to cut/reduce costs to them. Selectman Pillsbury explained that any Coastal Zone Management Grant money received will be used for stormwater remediation, which is the most expensive part of the betterment.

B. Discussion: TDR (Transfer Development Rights)

Present before the Board: Anthi Frangiadis, Planning Board Chair
George Barrett, Planning Board
Anthony Scarsciotti, Planning Board
Greg Guimond, SRPEDD

Chairman Fernandes-Abbott stated the Planning Board has received a request for TDR, thus they are here to discuss TDR.

Ms. Frangiadis stated in 1/06, the Board & Planning Board received documentation re: Transfer of Development Rights. Several subdivisions have been brought forward recently that could have utilized TDR.

A PowerPoint presentation was made re: TDR. Ms. Frangiadis discussed TDR timelines & how it is used as a land use tool to transfer development rights to certain designations. It is a zoning tool w/ three options. Mr. Guimond discussed the TDR application & incentives.

MOTION: Selectman Pillsbury moved to go beyond the hour of 10:00 P.M. to discuss this item only. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

Ms. Frangiadis discussed calculating development units for parts II & I. Selectman Sauvageau stated that the TDR idea was a critical to compliment the Housing Plan, but the table had been removed from the By-law that was proposed which he discussed. The Planning Board feels it is a good tool, but has been tabled for nine months. Discussion ensued re: the Tihonet Village & design requirements.

Selectman Sauvageau gave an overview of the TDR & agrees that it is an important land use mechanism. He feels it is a community wide policy issue due to the impacts to the community. He feels there is nothing wrong w/ the TDR concept as a land use tool as long as it is utilized correctly, if not, it can be devastating. He gave an example of a negative impact by a TDR. Discussion ensued re: density impacts & critical timeframes. Selectman Sauvageau feels this needs to be a Town-wide By-law.

Lengthy discussion ensued re: the ratio of 18:1 (homes to acreage) & discussions held w/ A.D. Makepeace & ratios discussed at that time.

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Mr. Barrett stated the Planning Board is looking for a direction on moving forward w/ this issue. Selectman Sauvageau would like Attorney Witten advise the Board on this matter & it should be a community wide discussion. Mr. Barrett stated the longer the Town waits, the more land becomes at risk. Selectman Sauvageau doesn't feel this is a Planning Board issue. Ms. Frangiadis sees this issue as a collective effort & the Planning Board would like to be part of all discussions & they would like it to be a united format. Selectman Sauvageau feels the Board should work w/ the Planning Board in a public forum & it should be a community effort.

Discussion ensued re: timelines/timeframes.

Selectman Pillsbury understands Selectman Sauvageau concerns re: density issues & how septage would be handled. Brief discussion ensued re: packaged treatment plants & concerns re: receiving areas.

Selectman Sauvageau discussed inclusionary zoning.

Chairman Fernandes-Abbott stated she could schedule discussions after Town Meeting.

C. Any other business. (NONE)

X. SEWER BUSINESS

A. Approve Change Order #3, Rose Point Sewer: \$1,870.31 for damage to unmarked water line.

(NOT ADDRESSED)

**XI. SELECTMEN'S REPORTS
(NONE)**

XII. ADJOURNMENT

MOTION: Selectman Pillsbury moved to adjourn the meeting at 10:45 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: 11/7/06

Attest: *Brenda S. Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 11/7/06

Date copy sent to Wareham Free Library: 11/8/06