

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: October 10, 2006

Date of Transcription: October 13, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:09 P.M.

MOTION: Selectman Sauvageau moved to appoint Selectman Pillsbury as Clerk Pro Tem. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

II. ROLL CALL

Selectmen Present: Renee Fernandes-Abbott, Chairman
Mary Jane Pillsbury, Clerk Pro Tem
Brenda Eckstrom (Arrived at 7:15 P.M.)
Bruce Sauvageau
Jim Potter

Present: Michael Hartman, Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Donna Ashley

Ms. Ashley stated she is a concerned parent of a child in the High School. Due to school budget issues, the Police Dept. has removed the Resource Officer from the High School leaving no police presence. There are approx. 1,000 students in the High School & 1,000 students in the Middle School that now have no security. She feels the Town needs to do something to bring this Resource Officer back.

NOTE: Selectman Eckstrom arrived at this time.

Ms. Ashley spoke highly of Officer Schicolone, the Resource Officer. She understands the budget issues of the Town, but she feels w/out a Resource Officer, the Police Dept. will be called out to the High School/Middle School more often. She feels there needs to be some sort of police presence at the High School for safety of students & schools need to get safer.

Selectman Sauvageau stated he understands times have changed & Chief Joyce, not the Board, made this decision. He discussed that the Charter states the Board cannot get involved w/ day-to-day operations. He noted the fiscal issues facing the Town presently. He doesn't feel it is the Board's place to ask Chief Joyce to reverse his decision, although he understands Ms. Ashley's concerns.

Ms. Ashley stated she understands Chief Joyce's position & financial issues, but she is concerned re: what is already starting to happen at the High School & what will happen. She acknowledged the work the Police Dept. does. Brief discussion ensued.

NOTE: The meeting proceeded w/ item V. Treasurer/Collector – MWPAT Interim Loan CW-05-10

Present before the Board: John Foster, Treasurer/Collector
Mary Ann Silva, Town Clerk

Mr. Foster stated the documents he is presenting is for an interim loan from the MA Wastewater/Pollution Abatement Trust for an amount of \$3.5 million at 1.76% until 12/15/06 for the

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

Rose Point, Briarwood Beach, & Beaver Dam Estates sewer projects. He wants to make sure this interim loan is in place in case the original loan is not issued on time.

NOTE: Selectman Pillsbury transferred Clerk duties to Selectman Eckstrom.

MOTION: Selectman Eckstrom moved the Board sign & authorize the Town to apply for an interim loan at a rate of 1.76% from the Wastewater/Pollution Abatement Trust. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

The Board proceeded to sign documents.

Ms. Silva announced that the State election would be held on 11/7/06. Absentee ballots are available in the Clerk's office until noon on 11/6/06.

Ms. Silva swore in the Board members relative to their signatures on documents.

IV. DISCUSSION W/ FINANCE COMMITTEE

Present before the Board: Bill Heaney, Chairman
Jim Giberti, Clerk
Pat Rumney
Jason Richards
Patrick Tropeano

Mr. Heaney explained that there are issues w/ the FY2007 budget & that timing caused the unanticipated budget issues. He stated in May the FinCom held discussions w/ the Board & other entities to discuss the Town's five-year fiscal plan that showed a significant fiscal shortfall in FY2008, but the fiscal impacts are showing up now. He stated that revenue has fallen short in FY2006. He proceeded to give a PowerPoint presentation of the budget.

Mr. Heaney explained how the Town got to where it is presently. He discussed revenues & shortfalls. Some shortfalls are timing issues & not yet collected, but some shortfalls will not be collectable.

Mr. Heaney discussed the FY2007 budget approved at Town Meeting, budget adjustments, & FinCom adjustments to the budget. He noted that every line or every budget has not been adjusted. He discussed some adjustments made, such as expectations for growth.

Mr. Heaney discussed estimated local receipt expectation adjustments. Discussion ensued re: why revenues are not being projected.

Mr. Heaney discussed available funds, for example free cash. He spoke of discussions held re: use of the stabilization fund. The FinCom is proposing to balance the budget mid-term & utilizing \$330,000 from the \$460,000 available through the stabilization fund.

Mr. Heaney discussed miscellaneous transfers re: Articles 7 & 8. He added, from the prospective of revenue, there is an increase of \$1,126,000 & the projected total budget revenue is \$57,776,000.

Mr. Heaney proceeded to discuss expenses. He explained that Town departments were asked to generate budget reductions of approx. 10%. This has generated reductions in the amount of \$995,000. He discussed administrative transfers & expense budget increases. He proceeded to discuss the many reductions made to various department budgets as follows:

1. Selectmen/Administrator's budget – increase – for consultant for Administrator search.
2. FinCom budget transfers.
3. Proposed elimination of the engineering dept. function.
4. Police Dept. cuts.

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

Mr. Heaney discussed deliberations held re: this budget. He has spoken w/ Chief Joyce re: the school Resource Officer removal & that it would be the will of the FinCom to restore the Resource Officer back into the High School. He stated \$190,000 has been cut from the Police Dept. budget & discussed what this means in terms of personnel.

5. Reductions to Inspectional Services.
6. Reductions to Municipal Maintenance (overtime).
7. Reductions to Council on Aging.
8. Increase in Veterans Services.
9. Reductions to Board of Health.
10. Reductions to Library.

Mr. Heaney stated when the FinCom asked the Administrator to make a proposal for \$1 million in cuts, the FinCom asked for two criteria: 1) no lay-offs & 2) no department loss of accreditations or affiliations.

11. Reductions to Recreation.
12. Increase to Education (Schools).

Mr. Heaney stated the school budget increased \$263,893 & w/ the minimum foundation funding for schools, the total amount is \$23,158,957. He stated the issue of minimum foundation funding is still a work in progress & won't be given until the 2007 April Town Meeting. One issue is the correct head count for school employees that participate in the health plan. This should be confirmed in Dec. or Jan. There was \$104,000 for circuit breaker funding for net school spending in FY06 & this amount may not have been at minimum. Any adjustments to these figures will be made at the 2007 April Town Meeting.

Mr. Heaney explained that there was a \$700,000 increase to health insurance due to the way it was funded in 4/06. The agreement was that this account would be the first to be funded w/ any additional monies. The percentage increase for this account is 18% & an increase is also anticipated for next year.

Mr. Heaney discussed the 2006 revenue deficit amount & legal deficits the Town can have: 1) snow & ice - \$250,000 2) any approved amount by DOR of projected revenue that was not received - \$562,000.

Mr. Heaney feels in the near term there will be significant changes in which Town services will be provided. He stated there is no information on the horizon that would lead someone to believe that revenue will come in higher than 2-1/2%. Expenses are expecting double-digit increases in health insurance & retirement. Management will have to address issues of level funding or reductions.

Mr. Heaney stated that \$974,000 was reduced by \$245,000, thus, \$730,000 in current proposed cuts are needed.

Selectman Sauvageau stated in past discussions w/ various entities, discussions were held re: other fiscal years. He asked if the Town should be contemplating expansions. Mr. Heaney discussed different types of budgets & other fiscal matters.

Selectman Sauvageau discussed CPC funds, which is a tax. Many capital projects are being funded through the CP funds. This can be done, but there will be maintenance, electrical, repairs, etc. which will fall under the Town's responsibility. Mr. Heaney stated there are expense implications w/ many things & some are greater w/ buildings vs. a bike path, for example. The Town needs to be in a situation where it re-structures management ways & services so funds can be available. He feels the Town can't stop doing new things, but the Town will have to deal w/ expense implications & have trade-offs.

Selectman Sauvageau feels the Town shouldn't spend more than it makes when additional burdens are placed on the Town. He noted all the new real estate in Town & the tax revenue being generated from said developments, but still, the Town budget is in deficit. He feels something is wrong w/ the system. Finance Committee member, Mr. Tropeano discussed shift differentials relative to maintenance &

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

buildings. He feels it is important to move forward & review such matters. Selectman Sauvageau feels the Town is in a fiscal situation that doesn't look good w/ a big impact. He doesn't feel the Town can entertain projects such as a new Police station, bike path, etc. at this time. He doesn't understand the logic of these proposals at this point.

Mr. Tropeano feels that there is a need to find more ways to generate revenue, for example, getting businesses to come into Town & ease the process for them. Thus, the Town needs to find new sources of revenue & cuts expenses.

Selectman Potter stated the Town can't spend money it doesn't have & he doesn't feel the Town should count on money from the mall next year & this shouldn't be anticipated. Selectman Sauvageau stated another issue is that the consultant or DOR may come back & say the Town is collecting too much in sewer fees. This may pose another problem.

Selectman Eckstrom asked what other departments, besides the library, have accreditation. Mr. Heaney stated the only department he is aware of that is accredited now is the Library & departments were told to look at all accreditations. The Administrator noted that the Treasurer, Accountant, & Building Inspectors are others that are accredited.

Selectman Fernandes-Abbott stated that the School Dept. is looking for \$775,000 & \$250,000 is a moving number. Mr. Heaney briefly discussed minimum school spending. He stated the FinCom's position is departments will have to fund at traditional levels & the School Dept. has been funding at minimum for the past 13 years. Brief discussion ensued re: how much the School Dept. is looking for & the \$104,000 that was established as minimum school spending. Mr. Tropeano added that any request above the foundation budget of the School Dept. would be up to Town Meeting voters. Mr. Heaney stated the FinCom's position is there is a preliminary number & when the number(s) are final the FinCom will fund whatever is necessary to bring the School Dept. up to minimum funding.

Selectman Potter asked what the stabilization fund is being used for. Mr. Heaney stated it would be used, possibly, for the Police Dept. budget. Selectman Potter asked if this is a practice (utilizing the stabilization fund for budget purposes). Mr. Heaney stated it isn't a practice & discussed the purpose of the stabilization fund & how the amount in this fund affects the Town's bond rating. Selectman Potter expressed concern re: utilizing the stabilization fund for operational uses. He feels it opens the door for others to state it has been done in the past & he is concerned re: setting precedence. Brief discussion ensued. Selectman Pillsbury discussed other instances when the stabilization fund has been utilized. Mr. Giberti discussed the reluctance to utilize the fund in the past, bond ratings, & building up this fund after use. Brief discussion ensued.

Selectman Pillsbury expressed the importance of dealing w/ budget issues. She discussed economic development & making the process for new businesses that come to Town easier. She feels the Town needs to be serious in getting new businesses to come to Town & establishing a vision for the future. She also feels there is a need to start dialog w/ the State re: the State defaulting on promised funding to towns. Mr. Tropeano stated that Town Counsel represents many towns in MA & all the towns should get together & act.

Brief discussion ensued re: differences on votes of FinCom & the Board on several articles. Mr. Heaney discussed the FinCom's vote on Article 11. He stated the FinCom voted No Action because there is no money to fund the article & it isn't much different than an article at a prior Town Meeting. Selectman Sauvageau stated the Board was advised differently & was told by Town Counsel that it accomplishes what it was meant to & it will not open the floodgates of a benefit package. He stated Town Counsel has given the benefit of both matters in the language of the article. Brief discussion ensued. Mr. Heaney discussed how the FinCom understood the article. Discussion again ensued. Selectman Sauvageau suggested Town Counsel review this article language again to get clarification. Discussion ensued re: the ten-year period cited in the article.

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

Discussion ensued re: the FinCom's vote of Further Study on Article 26. Mr. Giberti stated the FinCom felt a Further Study vote was appropriate due to the potential cost impacts to the Town. Mr. Tropeano added that there was no way to determine the financial impact of this project of the Town, thus, a Further Study vote would allow review of this matter. Selectman Sauvageau disagreed w/ the FinCom's vote. He feels this is the exact project that would have no impact to the Town. Discussion ensued. Mr. Heaney stated another reason the FinCom voted Further Study was to gain better understanding of the project & to gather more information.

V. TREASURER/COLLECTOR – MWPAT INTERIM LOAN (DONE)

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

- A. Application for change of hours by Mill Pond Station, LLC, Jim Kane, Manager, 2569 Cranberry Highway, Wareham.

Present before the Board: Jim Kane

Mr. Kane stated he would like to shorten the businesses hours relative to the liquor license. The hours will change as follows: Sunday – 12:00 noon to 7:00 P.M. & Monday through Saturday – 8:00 A.M. – 9:00 P.M.

MOTION: Selectman Eckstrom moved the Board approve the Application for change of hours by Mill Pond Station, LLC, Jim Kane, Manager, 2569 Cranberry Highway, Wareham. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item X. Town Business – B Discussion w/ Conservation Commission re: Article 10 – Moratorium on Docks/Piers

Present before the Board: Douglas Westgate, Chairman
David Pichette, Conservation Agent

Mr. Pichette stated the article is intended to provide a one year time period to allow the Commission an opportunity to create a more detailed set of standards or regulations to address the proliferation of docks/piers in Town waters. The size & location of many recent pier proposals have become problems due to inadequate water depths, significant shellfish beds, & impacts to recreational uses.

Mr. Pichette stated through public hearing discussions w/ other Town & State officials, concerned citizens, local engineers, & through the review of existing Dock/Pier By-laws in other coastal communities, the ConCom will draft regulations to more adequately protect remaining shellfish habitat, eelgrass beds, & to insure the recreational value or integrity of the Town's water bodies.

Selectman Pillsbury stated the last time there was a building moratorium, the Board was told that the moratorium had to be for a specific purpose & for a specific area. When this moratorium was proposed, applicants rushed in w/ freeze plans & she feels this could happen w/ this proposed moratorium. Mr. Pichette stated the language in the Warrant will address this & it states any application submitted after 9/6/06 would not be considered. Town Counsel has said this could be done & has been done in other towns.

Mr. Westgate stated the Town of Orleans has a moratorium on piers/docks. He feels something needs to be done. There have been ten applications for docks/piers this year alone. He stated that shellfish beds, eelgrass beds, & vital areas are being impacted.

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

Discussion ensued re: poor water circulation relative to piers/docks & issues that occur w/ them when there are hurricanes. Selectman Potter asked if the ConCom could encourage people to utilize collective piers. Mr. Westgate stated this can be done, but there is a need to consider the areas where these piers/docks are being proposed. He discussed the positive aspects of shellfish. Discussion ensued.

Selectman Sauvageau asked what would be accomplished in one year w/ this said moratorium. Mr. Pichette stated the one-year moratorium is necessary to provide an adequate length of time for the ConCom to address the issue & then have language prepared to submit for the 10/07 Town Meeting as well as not having more projects being submitted while these discussions take place. The ultimate goal is to provide a more comprehensive set of guidelines re: docks/piers for both applicants & engineers to work w/ when evaluating a site for a potential project.

Selectman Potter asked how many applications are already in process. Mr. Pichette stated approx. four or five & they fall under the Town's Wetland By-laws. He added that the State is not involved w/ the Town's By-law.

MOTION: Selectman Eckstrom moved Favorable Action on Article 10 of the 10/23/06 Fall Town Meeting Warrant. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

C. Bike Path Committee Update.

Present before the Board: Mr. Howlett
Louise Paoletta
Michael Langford
Dale Scott
Mr. Paling

Mr. Howlett discussed the mission & other information. (Attached as reference).

Mr. Howlett discussed funding for the bike path. The committee is not asking for money from the Town at this time. They are preparing a report & it is a project to be developed down the road. He estimates maintenance of the bike path to cost approx. \$6,000 - \$12,000 per year, but he is unclear as to what kind or amount of maintenance will be included.

Selectman Sauvageau discussed the proposed rail extension. Mr. Howlett stated the proposal for the bike path is to utilize the property close to the rail line, not the line itself. He requested the Board write a letter of support in seeking use of the property next to the rail line, even though this will be a long-term project.

Selectman Sauvageau stated he would be interested in seeing the breakdown of the estimated \$6,000 - \$12,000 for maintenance. Mr. Howlett stated for the committee to move forward, the Board needs to write a letter requesting the use of the rail line. Selectman Sauvageau stated he would not vote for anything that the Town can't get out of & which will add costs.

Selectman Potter asked if the money requested from the CPC, nearly \$270,000, for the project is reasonable & average. Mr. Howlett stated the SRPEDD consultant gave this cost estimate to the committee. He discussed the bike path proposal in the Town of Fairhaven.

Mr. Howlett feels a bike path is a good goal for the community. Selectman Eckstrom expressed concern re: the request for CPC funds & what category it falls under. Mr. Howlett again stated the committee is not asking for money, but a letter from the Board in support of utilizing the rail line.

Present before the Board: Margaret Ishihara

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

Ms. Ishihara stated bike paths are a good idea in most cases. She discussed working on getting the rail line extended to Town & Buzzards Bay. She expressed concern re: seeing plans for a bike path running along an active rail line & safety issues. Selectman Sauvageau feels that liability & insurance would increase as well. Brief discussion ensued.

Selectman Potter asked if other bike path routes were looked at. Mr. Howlett stated that there had been a proposal to utilize County Rd., but this was not eligible for funding. He again stated that the letter from the Board is not to secure CP funds, but a request for future use for a bike path whether it is utilized or not. Selectman Sauvageau stated he would like to wait until the cost figures are known. Mr. Howlett stated the State would do nothing re: cost figures until the support of the Town is given for use of the rail line. Selectman Sauvageau briefly discussed the SRPEDD figures. He stated the committee's charge was to advise the Board, report to the Board, & then the Board would decide.

Selectman Pillsbury asked for a timeline as to where the letter will put the committee. Mr. Howlett stated the committee couldn't do anything else until this letter is written. Selectman Pillsbury noted that the committee is not at a point where money is going to be spent & she feels this letter could be written. Selectman Sauvageau expressed concern re: not having all information needed. Selectman Pillsbury feels if the committee can't move forward, then it shouldn't have been appointed. Chairman Fernandes-Abbott feels the committee has reached an impasse. Selectman Eckstrom expressed confusion, as the last request made by this committee was to support a bike path & to utilize the rail line. She doesn't know if a letter should be written in support, but rather a letter could be written looking to investigate the use of the rail line w/ no promises.

Mr. Paling stated there are bike paths along active rail lines, but there are specifications that need to be in place. The idea is to find the best route, find the least expensive way to do this, & have the least amount of land takings. The committee is trying to proceed & they are exploring opportunities. The committee needs a letter stating the Town is looking at utilizing the rail line. Chairman Fernandes-Abbott stated she has no problem w/ the Board writing a letter to explore the possible use of the rail line. Selectman Sauvageau stated if this letter were to be written, he would like it shared w/ the Board first.

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

VOTE: (3-2-0)

Selectmen Eckstrom & Sauvageau opposed

Mr. Paling asked if there are specifics the Board wants. Chairman Fernandes-Abbott stated the Board would need to see the SRPEDD report. Selectman Sauvageau stated he would like to see the estimated costs, trail sites, etc. Brief discussion ensued re: working w/ the Town of Marion. Mr. Paling noted that \$268,000 would be needed to find/fund the most feasible route.

VI. ANNOUNCEMENTS

- A. The Wareham Fire Dept. will host a Fire Prevention open house on 10/15/06 from 11:30 A.M. to 3:00 P.M.

VII. CONSENT AGENDA

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

MOTION: Selectman Eckstrom moved the Board approve application #7 from RJV Construction Corp. in the amount of \$254,371.26 re: the Briarwood Beach & Beaver Dam Estates sewer project. Selectman Potter seconded for discussion.

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

NOTE: Selectman Potter asked if this bill would be discussed in CDM's presentation this evening. Chairman Fernandes-Abbott doesn't believe so. The Administrator stated this is not part of the presentation, but just a normal bill.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Eckstrom moved the Board approve application #38 from Methuen Construction Co., Inc. in the amount of \$299,386.39 re: the WPCF upgrade. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

NOTE: Discussion ensued re: the punch list item remaining & if the retention amount will cover this punch list matter.

B. Appointments to boards, committees, commissions:

1. Wareham Historical Commission.

MOTION: Selectman Eckstrom moved the Board appoint William A. Hough, III as a member to the Historical Commission to a term to expire 6/30/09. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

2. Emergency Poll Worker's.

MOTION: Selectman Eckstrom moved the Board appoint Betty J. Gilmette, Rosemary O. Carter, Lucille B. Dardis, & Catrina L. Desarmes as Election/Poll Workers to terms to expire 6/30/07. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

VIII. LICENSES & PERMITS

A. (Done)

B. Request for use of Town roads from the Wareham Fire Dept. for their 11th Annual Fire Truck Parade on 10/15/06 from 11:30 A.M. to 12:00 noon from Besse Park to Main Street fire station.

C. **MOTION:** Selectman Eckstrom moved the Board approve the request for use of Town roads from the Wareham Fire Dept. for their 11th Annual Fire Truck Parade on 10/15/06 from 11:30 A.M. to 12:00 noon from Besse Park to Main Street fire station. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item XI. Sewer Business – B. Approve User Rate FY07.

Present before the Board: Mike Guidice, CDM
John Gall, CDM

Mr. Gall gave a presentation re: four sewer rate alternatives & information. (Attached as reference). Discussion ensued re: the figures presented & differences in figures previously discussed due to changes from 20 months ago. Discussion ensued re: reserves. Selectman Sauvageau expressed the importance of having a reserve, but not to an extent that it affects the ratepayer. He would prefer it be spread out as much as possible. The Administrator discussed how the rate process works & the need to establish a rate for FY07. Discussion ensued re: if the figures add up.

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

Lengthy discussion ensued re: the options. The Board concurred to hold a workshop meeting on this matter as well as other sewer matters.

A. CDM Update.

Mr. Guidice updated the Board on the following:

WPCF:

- Construction update – one punch list item remaining.
- Penultimate pay requisition – holding \$40,000.
- Nitrogen (4.0 limit): 8/06 average = 1.7 mg/l; 9/06 average = 1.4 mg/l.
- Phosphorous (0.2 limit): 8/06 = 0.3 mg/l, 9/06 average = 0.3 mg/l.
- Meeting to discuss capacity.

Rose Point Sewers:

- Construction update:
- Pipe testing/repair
- Loaming/seeding/planting
- Pumping stations startup/testing
- Complete by end of 11/06
- Final paving remains (2007)

Briarwood Beach/Beaver Dam Estates Sewers:

- Construction update:
- Easement to Fairfield Dr. completed (restoration remaining)
- Working on Fairfield Dr.
- Pumping station – no activity
- Pending Change Order – Briarwood Dr. sidewalk rehab. Complete

Chairman Fernandes-Abbott indicated that the Board has seen this Change Order & voted against it. Selectman Potter asked if the sidewalk is still there (the part that wasn't damaged by the contractor). Mr. Guidice stated that as he understands, all the rehabilitation work is completed & the entire length of the sidewalk was repaired. Selectman Potter stated as he understands, the sidewalk was removed in preparation for the new one. He stated the work has been done, but the Board did not approve it. Mr. Guidice stated he would speak to Mr. Brodeur re: this issue. He felt there was a work directive from the Town that was submitted to the contractor for this work. Selectman Eckstrom explained that only a portion of the sidewalk that the contractor disturbed was to be rehabilitated, not the entire sidewalk. Mr. Guidice doesn't feel the contractor unilaterally made the decision to fix the whole sidewalk.

Brief discussion ensued re: payment for sidewalk repair. The Administrator stated that he believes Mr. Gifford approved the change in the field and because of that, the money would have to come out of Mr. Gifford, Municipal Maintenance Director's budget. Again, Mr. Guidice stated he would research this matter w/ Mr. Brodeur. Discussion ensued re: why the contractor did this work, if there was prior approval from someone, concerns re: the work already being completed on the sidewalk, & then the Change Order was given to the selectmen to "rubber stamp" the change.

- Approx. 80% of mainline sewer installed

New Sewer Areas:

- CWMP analysis/priority list
- Supplemental EPF information to DEP by 10/5/06
- Construction contract delineation
- Survey work

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

Infiltration/Inflow Program:

- Smoke testing early 10/06
- Coordination w/ Dave Simmons/Police/Fire/Newspaper
- Transfer of additional funds required at 10/06 Town Meeting

The Administrator briefly spoke re: where these additional funds will come from.

Chairman Fernandes-Abbott brought up an issue relative to the Briarwood Beach sewer project. She stated that the projected betterment for this area involved a miscalculation of the number of dwelling units, thus, the projected betterment is incorrect based on the incorrect numbers CDM supplied. Mr. Guidice stated CDM was asked to provide a list of parcels being served. He is not sure, but he believes the original list included Briarwood Beach & Beaver Dam Estates in one, but subsequently, CDM was asked for a list for Beaver Dam. No one caught that the first table included both areas. Selectman Sauvageau residents informed the Board of an error in the number of dwellings. He stated CDM is being paid to advise the Board & he feels that basic math is what the Board has contracted for. He stated this mistake will increase the betterments for the users in this area & that this is a significant problem.

Chairman Fernandes-Abbott stated she has asked the Administrator to schedule a meeting between the Board & CDM to discuss this issue further.

IX. TOWN ADMINISTRATOR'S REPORT

1. Softshell Clam & Oyster Regulations. These regulations have not changed. The timetables for oyster harvesting is 2/1/06 – 3/1/06 & for softshell clams 11/1/06 – 4/30/06 under Chapter 130, s. 52.

MOTION: Selectman Pillsbury moved the Board approve the Softshell Clam & Oyster Regulations under MGL, Chapter 130, s. 52. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

2. FY07 Sewer Rate. The current recommendation for the FY07 sewer rate is \$622.00. The Administrator stated this was on the recommendation of staff.

Selectman Eckstrom asked why an increase and if any information has been received relative to the rate study. She is hesitant to set a rate until this information has been submitted & reviewed. Chairman Fernandes-Abbott agreed.

Selectman Potter stated one issue is running bills too close together. The Administrator stated that bills can be sent out & if needed, an amended bill can be sent out.

Selectman Pillsbury noted that the process for the study & acceptance is a long time. Brief discussion ensued.

The Administrator indicated he will look into the matter of the study & the bills will go out at the rate they are presently. Discussion ensued re: options for billing if changes are made later & DOR requirements. Selectman Pillsbury discussed an alternate option (basing rate on property values) & if the Town could do this. The Administrator stated this is factored into the rate study Mr. Gardner is doing & will be taken into account (property values). He clarified that the value of property owned by the Sewer Commissioners & personal property will be factored into billing. Selectman Sauvageau asked if this is the line item “taxes, in lieu of”. The Administrator stated, “yes.” Selectman Sauvageau stated that there is only

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

\$122,000 in this line item. The Administrator stated this only part of the formula. Brief discussion ensued re: status of study.

Selectman Pillsbury asked if DOR supports Mr. Gardner's expertise. The Administrator stated that Mr. Gardner is a better-known expert & is known by DOR as an expert.

Selectman Pillsbury asked if DOR would look at this report favorably or will they come & do their own work. Selectman Sauvageau stated DOR's letter indicates DOR would come in & do their own work if the Board requested them to do it in the event the Board is unhappy w/ the report. DOR has also requested a copy of said report.

Discussion ensued re: the current sewer rate of \$522.00. Selectman Potter is not sure the \$522.00 figure is accurate. Selectman Eckstrom feels the rate has doubled in three years. Discussion ensued.

Selectman Sauvageau stated that the number can be adjusted based on the report, the Board can then go to DOR & have them come in & give an accurate reflection up or down. Selectman Pillsbury feels DOR will utilize the same methodology as Mr. Gardner to come up w/ a figure. Selectman Sauvageau stated that may be so, but stated DOR will ask if various departments are involved & he feels the answer will be no, then, the number will be changed. He doesn't hold confidence in the report.

Selectmen Eckstrom stated that she can not vote for an increase unless and until it is justified. Selectmen Potter and Fernandes-Abbott concurred. Selectman Pillsbury stated that if the increase is what is recommended by staff, then we need to approve it. Selectman Eckstrom asked Selectman Pillsbury is she would prefer Selectman Eckstrom make a motion so Selectman Pillsbury could vote against it. Selectman Pillsbury stated that would be her preference.

MOTION: Selectman Eckstrom moved the Board send out the first half FY07 sewer bills at the rate of \$522.00 thereby not increasing to \$622.00 as the Administrator requested. Selectman Sauvageau seconded for discussion.

NOTE: Selectman Sauvageau stated he cannot vote for an increase w/out the benefit of having information & he is not relying on the report solely. The rates can't be raised until the numbers are certain. Selectman Pillsbury stated the second bill could knock the socks off ratepayers. Selectman Potter stated the second bill would be large if the report is not accepted & DOR comes in.

VOTE: (4-1-0)

Selectman Pillsbury opposed

3. Sewer Hook-ups. There is a By-law relative to sewer hook-ups. There are a handful of Wewehantic Shores' residents who have not yet hooked up to the system. He indicated the Board should adopt an order to order these residents to pull a permit & hook up w/in 30 days. After that, for those who still have not hooked up, a letter will be sent to them by Town Counsel stating that they will be liable & fined \$50.00 the first day, \$150.00 the second day, \$300.00 the third day & every day thereafter. The only other option after the fines would be for the Board to authorize the Health Agent to order them to hook up & then have the Health Agent inspect for failed septic systems. The list is approx. 20 residents.

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

Selectman Eckstrom voiced concern re: residents not being able to hook-up in thirty days due to contractors' time lines. Many of these residents will be at the mercy of the contractors and the approaching winter season.

Chairman Fernandes-Abbott asked if there is financial assistance for hooking up. The Administrator stated that a letter was sent to these residents stating there is money available for assistance through Community Development. The intent is to have these residents pull a permit w/in 30 days.

MOTION: Selectman Eckstrom moved the Board issue an order to all property owners in the Weweantic Shores area to complete their sewer hook up applications to the Town's sewer system w/in 30 days of stated order & further, authorize the Chair to sign said order on the Board's behalf. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

IX. TOWN BUSINESS

A. Authorize the State Election Warrant.

MOTION: Selectman Eckstrom moved the Board approve & authorize the State Election Warrant for the State election to be held on 11/7/06 for purposes of voting for offices for candidates for the State election & three ballot questions. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

- B. Done
- C. Done
- D. None

X. SEWER BUSINESS (Done)

XI. SELECTMEN'S REPORTS

1. Selectman Fernandes-Abbott – The draft RFP has been submitted for the Administrator's search.

XII. ADJOURNMENT

MOTION: Selectman Pillsbury moved to adjourn the meeting. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

Respectfully submitted,

Kelly Barrasso

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: Jan 2, 2007

Date copy sent to Wareham Free Library: Jan 9, 2007