

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

**Date of Meeting:** January 2, 2007

**Date of Transcription:** January 3, 2007

**Transcribed by:** Kelly Barrasso

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

Chairman Fernandes-Abbott called the meeting to order at 7:10 P.M.

### **II. ROLL CALL**

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

Selectman Absent: Bruce Sauvageau

Present: Michael Hartman, Town Administrator

### **III. EXECUTIVE SESSION W/ CEDA**

Present before the Board: John Georgio, Town Counsel  
Jean Connaughton

**MOTION:** Selectman Pillsbury moved to enter into Executive Session for the purpose of discussing the Oak Grove School. Selectman Potter seconded for discussion.

**NOTE:** Selectman Potter questioned why this matter is to go into Executive Session since he has heard nothing new since the last meeting. He feels this discussion should be public.

Attorney Georgio stated the matter needs to be held in Executive Session so that CEDA & the Board can discuss information re: adequate revenue on complete alternatives & then an announcement can be made in open session re: a Memorandum of Understanding.

Selectman Potter is in favor of an open meeting because those present will need to leave so the Executive Session can commence. He has no documentation re: this Executive Session's purpose. He feels the Oak Grove School project is a public project & he is unsure as to whether an Executive Session is needed.

Selectman Pillsbury feels when Town Counsel requests an Executive Session it would behoove the Board to pay attention to this. She feels there can be an initial discussion in Executive Session, progress to a solution, & then the Board can go back into open session. She feels the initial discussion should be in Executive Session, but the whole meeting doesn't have to be.

Selectman Eckstrom stated she would be abstaining from this vote.

Ms. Connaughton stated she understands negotiations w/ CEDA should be in Executive Session & no one has been awarded the RFP bid yet. Attorney Georgio stated that the RFP's will be opened

## **SELECTMEN/SEWER COMMISSIONERS MEETING 01/02/07 (CONT'D)**

on 1/12/07 & the bid has not yet been awarded. He noted the challenge is to make sure the lease agreement is adequate to fund the project. He feels having this discussion in public could have a detrimental effect on negotiations for the Town. Selectman Potter feels the Board's vote on this matter should be in open session.

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

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

**NOTE:**       The meeting came back into open session at 8:07 P.M.

Also before the Board: Marilyn Whalley, CEDA Director

Chairman Fernandes-Abbott briefly discussed the Memorandum of Understanding (MOU) for the Oak Grove School.

Ms. Whalley explained that CEDA has offered a remedy whereby CEDA will replace \$410,000 w/ \$460,000 more. She stated that \$250,000 will come from uncommitted program income & CEDA will be applying for a \$200,000 MA Development loan so this matter doesn't have to go to Town Meeting & an MOU has been worked out.

Attorney Georgio explained that upon execution what the MOU would provide. He stated along w/ CEDA's contributions, a total of \$1,069,000 along w/ other appropriations will be provided which should be sufficient funding for the project. Program income grant funds have been offered by CEDA & \$200,000 will come from a MA Development grant, which there will be a need for evidence of an agreement to obtain this loan. The money will be placed in a CEDA account under the charge of the Town Treasurer. The Town has put out an RFP for the leasing of the building after completion. Two criteria of the lease are as follows:

1. The lease must be w/ a non-profit organization that offers Early Childhood Education to low income families; &
2. There is a need to insure that \$200,000 of the money borrowed by the Town will be repaid plus interest. The lease payments will be divided in such a way that the Town's debt for the project will be repaid in full by the end of the 10-year lease. The Town shall receive 60% of each monthly lease payments and CEDA will receive the remaining 40% in order to help them defray the costs of the loan from DHCD. There is a minimum rental payment that escalates over 10 years, thus, the total amount paid by the tenant in 10 years will satisfy the debt that will occur. After 10 years, the limit of eligibility for the leasing of the building will encompass any service that serves low-income families. If the building is needed for something else or sold after 10 years, the Town can do so, although it may need to have discussions with DHCD. If the building is leased after the initial 10 years, CEDA will get 50% & the Town will get 50%.

Chairman Fernandes-Abbott asked if the funds would be borrowed before the lease is in hand. The Administrator stated they would. Discussion ensued re: what happens if a lease isn't secured.

## SELECTMEN/SEWER COMMISSIONERS MEETING 01/02/07 (CONT'D)

Ms. Whalley gave a project schedule update.

**IV.            CITIZENS PARTICIPATION**  
**(NONE)**

**V.            ANNOUNCEMENTS**  
**(NONE)**

**VI.           CONSENT AGENDA**

A. Authorization to sign bills, documents, etc.

**MOTION:** Selectman Eckstrom moved the Board sign invoice #80245343/1 from Camp, Dresser & McKee in the amount of \$68,700.00 re: engineering services for constructing sewers in seven remaining priority areas of the Town. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sign invoice #80245458/17 from Camp, Dresser & McKee in the amount of \$2,674.97 re: engineering general services during sewer construction in the Rose Point area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sign invoice #80245462/16 from Camp, Dresser & McKee in the amount of \$8,093.69 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sign invoice #80245459/13 from Camp, Dresser & McKee in the amount of \$8,912.62 re: resident engineering services during sewer construction in the Rose Point area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sign invoice #80245461/13 from Camp, Dresser & McKee in the amount of \$31,002.18 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Pillsbury seconded.

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

**MOTION:** Selectman Eckstrom moved the Board sign invoice #80244990/13 from Camp, Dresser & McKee in the amount of \$1,303.62 re: engineering services to perform Phase I infiltration/inflow program for the Town. Selectman Pillsbury seconded.

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

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**MOTION:** Selectman Eckstrom moved the Board sign partial payment #13 from Albanese Brothers, Inc. in the amount of \$142,407.37 re: the Rose Point sewer project. Selectman Pillsbury seconded.

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

B. Approve minutes of previous meetings: 10/10/06, 10/23/06, 11/7/06 & 11/14/06.

**MOTION:** Selectman Eckstrom moved the Board approve the Regular Session meeting minutes of 10/10/06, 10/23/06, 11/7/06, & 11/14/06. Selectman Pillsbury seconded.

**NOTE:** Chairman Fernandes-Abbott noted minor corrections to the minutes of 10/10/06 & 11/14/06.

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

C. Interview/appointment to Recycling Committee

Chairman Fernandes-Abbott stated that Ms. Ellen Nelson has applied to this committee & the Recycling Committee has concurred w/ her appointment.

**MOTION:** Selectman Eckstrom moved the Board appoint Ellen Nelson as a member to the Recycling Committee to a term to expire 6/30/09. Selectman Pillsbury seconded.

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

### **VII. LICENSES & PERMITS**

A. Application for Common Victualler's License by Gloria Quintal, Quintal's Crack O' Dawn, Inc., 2605 Cranberry Highway, Wareham, under the provisions of MGL c. 140.

Present before the Board: Gloria Quintal

Chairman Fernandes-Abbott stated Ms. Quintal has purchased the old Prada's building & intends to open a new restaurant.

Ms. Quintal stated they would be serving breakfast, lunch, & early supper. She discussed the hours of operation (5:00 A.M. to 9:00 P.M.). They plan to open in two months. She submitted a proposed menu & stated there will be 40 seats in the restaurant. Brief discussion ensued re: the 40 seats.

**MOTION:** Selectman Eckstrom moved the Board approve the application for Common Victualler's License by Gloria Quintal, Quintal's Crack O' Dawn, Inc., 2605 Cranberry Highway, Wareham, under the provisions of MGL c. 140. Selectman Pillsbury seconded.

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

B. Application for a Junk Dealer's License by Steven Fillion, Gold World, Inc., 3112 Cranberry Highway, East Wareham, under the provisions of MGL c. 140.

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No one was present to represent the application.

Chairman Fernandes-Abbott explained that there had been a show cause hearing for this applicant due to the applicant's failure to renew the license. She spoke re: a letter submitted by the applicant stating why he failed to renew. She noted that if approved this evening, this license would only be valid for five months & then the applicant would have to re-apply.

The Board discussed informing the applicant in a letter the terms of the license & that it will only be valid for five months & he will need to re-apply after five months.

**MOTION:** Selectman Eckstrom moved the Board approve the application for a Junk Dealer's License by Steven Fillion, Gold World, Inc., 3112 Cranberry Highway, East Wareham, under the provisions of MGL c. 140 w/ said license to be valid for five months. Selectman Pillsbury seconded for discussion.

Selectman Potter asked if it is a requirement for this applicant to have insurance. The Administrator explained the insurance requirement. Selectman Potter noted the applicant's insurance would be up in March. Chairman Fernandes-Abbott noted that the matter of insurance could be included in the letter to the applicant stating that an insurance rider needs to be submitted prior to 4/1/07. The Board concurred to add this to the motion as well.

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

- C. Attestation by the Board of Selectmen of its possession of copies of a Certification of Inspection for licensees, under MGL c.138, s.12 in the Town of Wareham in accordance w/ Chapter 304 of the Acts of 2004: *An Act Relative to Fire Safety in the Commonwealth*:

Chairman Fernandes-Abbott briefly explained why this attestation is needed.

**MOTION:** Selectman Eckstrom moved & Selectman Pillsbury seconded that the Board make an attestation of its possession of copies of a Certification of Inspection for the following licensees, under MGL c.138, s.12 in the Town of Wareham in accordance w/ Chapter 304 of the Acts of 2004: *An Act Relative to Fire Safety in the Commonwealth*:

- i. 99 Boston, Inc. d/b/a 99 Restaurant & Pub;
- ii. American Legion, Inc.;
- iii. Trove, Inc., d/b/a Bailey's Surf N' Turf;
- iv. Welch's Bill's, Inc. d/b/a Barnacle Bill's;
- v. Bay Pointe Country Club;
- vi. Brinker Massachusetts Corp., d/b/a Chili's Grill & Bar;
- vii. Cromesett Tribe #156 Improved Order of Redmen, Inc.;
- viii. Dudley L. Brown Post #28-46 VFW of U.S., Inc.;
- ix. Fan Club, Inc.
- x. GS Corp., d/b/a Gateway Tavern;
- xi. Harbor Watch Inn, Ltd.;
- xii. Hong Kong Island Restaurant, Inc.;
- xiii. Lindsey's, Inc.;
- xiv. Little Harbor Country Club, Inc.;

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- xv. Marc Anthony's LaPizzeria, Ltd.;
- xvi. Tsika, Inc. d/b/a Minerva's Pizza;
- xvii. Concol, Inc. d/b/a Narrows Crossing Restaurant;
- xviii. Stevie B's, Inc. d/b/a Onset Sports Resort;
- xix. Pier View Restaurant, Inc. d/b/a Stephen's Lounge;
- xx. Welch Restaurant & Lounge, Inc. d/b/a Pomodore's Restaurant;
- xxi. Hadley-Macintosh Enterprises, d/b/a the The Stonebridge;
- xxii. Barry's Lighthouse Restaurant, Inc.;
- xxiii. Vel's, Inc.;
- xxiv. Wareham Lodge of Elks #1528;
- xxv. Tsintas, LLC d/b/a Webster Hall;
- xxvi. Charlie's Place
- xxvii. Kaimo Corp. d/b/a Shooter's Restaurant & Sports Bar.

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

**NOTE:** The meeting proceeded to item IX. Town Business – A Vote Town Meeting dates.

Chairman Fernandes-Abbott explained that the Planning Board would like to bring forward the zoning articles that were not handled at the Fall Town Meeting to be placed on the Special Town Meeting Warrant.

Selectman Eckstrom read the Annual Spring Town Meeting dates into the record. (Attached as reference).

**MOTION:** Selectman Eckstrom moved the Board approve the Annual Spring Town Meeting dates as read into the record. Selectman Pillsbury seconded.

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

Discussion ensued re: voting on Special Town Meeting dates. Selectman Eckstrom would like to review the Annual Town Meeting Warrant first & possibly have the zoning articles on the Annual Warrant vs. the Special Warrant because it may suggest to others that they have time to file their article under the Special Warrant. Chairman Fernandes-Abbott understands Selectman Eckstrom's position, but she is concerned w/ having a large Annual Warrant. She stated there is time before the Board has to vote the Special Town Meeting dates & the Board can hold off on doing so at this time. The Board concurred to hold off on voting on the Special Town Meeting dates until the Board's next meeting.

Brief discussion ensued re: the Planning Board holding another public hearing on the zoning articles.

### **VIII. TOWN ADMINISTRATOR'S REPORT**

1. Infiltration/Inflow Study, Phase II Amendment, CDM. The Board is asked to approve the Phase II Amendment to the 12/14/04 agreement w/ CDM for professional services related to a Phase I infiltration & inflow study of the Town's sewer system. The amendment addresses the scope of

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work, time periods of performance & payment to perform Phase II of the study.

There is money not expended from the Phase I budget amount of \$135,254 & this amendment proposes to increase that amount by \$60,800 to allow for Phase II completion, bringing the total budget for Phases I & II to a not to exceed amount of \$196,054 plus a total fixed fee of \$17,155.

**MOTION:** Selectman Eckstrom moved the Board approve & authorize the Chair to sign on behalf of the Town, *Amendment #1 to Agreement Between Owner & Engineer for Study & Report Professional Services*, dated 12/14/04 between the Town of Wareham & Camp, Dresser & McKee, Inc. to increase the original contract amount by \$60,800 to include Phase II of the infiltration & inflow study of the Town's sewer system & further, this amendment will extend the contract completion date to 7/1/07 & include a total contract price not to exceed \$196,054 for completion of Phases I & II. Selectman Pillsbury seconded.

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

2. Sewer Tie In Request, Map 39, Lot T-3. A request has been received to tie the property at 1 Oak Hill Road, Map 39, Lot T-3 to the Town's collection system. The plan, submitted by J.C. Engineering, Inc. has been reviewed by David Simmons, WPCF Superintendent/Chief Plant Operator. A meeting also took place w/ the property owner, John Nolan, because gravity sewer will be available in the near future when the Town expands the system & Mr. Nolan will be obligated to hook up to that. The Town wanted to be sure Mr. Nolan was aware of that prior to going to the expense of hooking up now. Because the septic systems have failed for the properties, Mr. Nolan feels he has no choice but to connect at this time & later abandon this connection & connect to the gravity system. If the Board approves this request, it is recommended that the approval be w/ the fee structure & conditions noted as follows:

- Residential Sewer Permit Fee of \$100 p/dwelling
- Waive the Sewer System Development Charge which has been the practice when a resident has to install a pump chamber &/or force main & maintain at his/her expense.
- The homeowner shall install a 1000 gallon pump chamber w/ dual submersible pumps w/ automatic controls including, but not limited to a high level alarm & automatic level controls at his/her expense to service both dwellings as outlined in the revised plan.
- The homeowner shall also incur all costs associated w/ the installation of all piping required to connect to the Town's collection system.
- The homeowner shall maintain the operation of the pumps, including but not limited to, operation costs, repair & maintenance costs & in the event there is a pump failure due to mechanical failure or loss of power, the homeowner shall be responsible for having the contents of the pump chamber removed by a licensed septic hauler & will bear all costs associated w/ pumping & disposal.
- The homeowner shall hire a licensed drain layer to perform this work per plans submitted by J.C. Engineering, Inc. The homeowner is responsible for having the drain layer properly

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abandon the existing septic system following the connection to the Town sewer & having all work inspected by appropriate personnel of the Water Pollution Control Facility.

- Prior to backfilling, all cleanouts, pipe & connections shall be inspected & approved by the Director of Municipal Maintenance.

In addition to the above, the following conditions were discussed & agreed to at the meeting on 12/15/06 & are hereby made part of this approval:

- When the Oak Hill area sewer project is completed & if gravity sewer is available, the homeowner will disconnect & abandon the pump chamber & all piping to the force main & connect directly to the Town's collection system.
- If gravity sewer is not available to both of the residences then the house that can connect to the gravity system shall be disconnected from the pump chamber & connected to the Town's collection system.
- In the vent that gravity sewer is not available then the proposed system will remain in place.
- Regardless of which scenario becomes a reality, the homeowner will be required to pay the betterment per connection in the amount equal to the betterment assessed when the Town's sewer project for Oak Hill is completed.

Discussion ensued re: this request & making sure Mr. Nolan is aware that the Town's sewer system will be coming to this area. Discussion ensued re: the impact any development of this property would have on the sewer system & if this could be an added condition. The Administrator stated that the sewer system would be going by this property anyway, so there couldn't be a condition.

**MOTION:** Selectman Eckstrom moved the Board approve the sewer connection tie in request for 1 Oak Hill Road, Map 39, Lot T-3, subject to the fee structure & conditions the Administrator outlined above. Selectman Pillsbury seconded.

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

3. Sewer Abatement Request – Acct. #739010, 28 Cohasset Rd. The Board is asked to approve abating this account for first half FY07 in the amount of \$261.00 for 1 EDU. The house was destroyed by fire & is uninhabitable & written confirmation is on file that there is no water service to this property. The account will be put on hold until such time as the home is rebuilt.

Selectman Eckstrom feels this home burnt down only two weeks ago & there had been water service. The Administrator stated he has documentation that the fire occurred on 2/21/06. Selectman Eckstrom surmised that there must have been two fires at this property.

**MOTION:** Selectman Eckstrom moved the Board abate account #739010 for first half FY07 sewer usage in the amount of \$261.00. Selectman Potter seconded.

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



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4. Sewer Abatement Request – Accts. #736644 & 738196, 3132 & 3040 Cranberry Highway. The Board is asked to approve abating these accounts for first half FY07 in the amounts of \$2,349.00 for 9 EDU's & \$1,044.00 for 4 EDU's respectively. A sight inspection of the first property confirmed that five lots are empty & four are w/out water, gas or electricity & the second property has two empty lots & two others w/out water, gas, or electricity.

The Board reviewed the documentation & discussion ensued. The Board concurred to have confirmation by the WPCF to bring back before the Board at a later date.

**NOTE:** 88-8 – Records of the State of the Town. Chairman Fernandes-Abbott read said policy into the record. She explained that by the end of January, all departments should submit the required documentation. She is asking for this because the Board will need to take a more active role in Town government. The Administrator stated he would have this information by the Board's first meeting in February.

### **IX. TOWN BUSINESS**

- A. Done
- B. Easement requests discussion.

Chairman Fernandes-Abbott stated easements for NSTAR & Verizon relative to the Oak Grove School would need to go before Town Meeting. She would like more information on these easements. The Administrator stated the two companies are putting in poles & easements are now required. He briefly explained the easement process. Brief discussion ensued re: location of these poles.

Selectman Potter asked re: underground utilities. The Administrator stated that this most likely would be an additional cost. There is one pole for NSTAR & one pole for Verizon. Chairman Fernandes-Abbott asked if these could be combined into one. The Administrator stated there had been discussion re: this as well as negotiations, but each company wanted their own. Selectman Potter stated he could negotiate w/ Verizon re: their present contract & see about getting this utility underground. Discussion ensued. The Administrator stated if Selectman Potter is successful w/ Verizon, NSTAR could be approached to utilize the same trench. Chairman Fernandes-Abbott asked what would happen if Town Meeting doesn't approve the poles. The Administrator stated a licensing agreement would have to be pulled.

- C. Woodland Circle discussion.

Chairman Fernandes-Abbott discussed an issue of a house encroaching on a public way & this resident is trying to sell their home. They ran into a problem that won't allow the transfer of the property due to this encroachment. Town Counsel was consulted to see how the Town could help this resident sell the property. Town Counsel has recommended that it would require the resident to seek relief by having a road re-configuration done so there property is no longer in a public roadway. This will require the resident to have a plan drawn of a potential new roadway, present it to the Board; the Board will present it to the Planning Board, & then present it to Town Meeting. Correspondence from the resident's attorney has stated they will be moving forward w/ a new

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roadway layout, thus, time is of the essence for the Board to pass this along to the Planning Board so the process can proceed. She indicated that this is problem across Town.

### **D. Community Events Committee discussion.**

Selectman Potter discussed creating a Community Events Committee back in 7/06. He gave a brief background of the Visitor Services Committee to which this committee will be similar. The VSC was dissolved in 2003. This new committee has a need in the community. This committee could help relieve private organizations & the Town could sponsor events. There are money issues related to events & he has been working on how to generate money. He explained that the VSC were given a percentage of the hotel/motel tax. The Town still collects this tax & he is hoping that a percentage of this tax could be given to the Community Events Committee. He read a motion of Town Meeting re: this funding to be given to the VSC. He understands the VSC no longer exists & the hotel/motel tax is used for seasonal police. He doesn't want to reduce the police budget, but he feels some of this money should be used to re-invest into the community.

Selectman Potter stated he has drafted new language for the committee that suggests taking 70% of the hotel/motel tax. He read said language into the record. He discussed the proposed make-up of the committee & term limits. He read the proposed mission of the committee into the record & proposed funding sources.

Selectman Potter discussed the proposal of a gift fund & chapter law that would apply. He would like all this to commence by 5/1/07. He noted a Memorandum of Understanding & what events the committee could oversee. He noted revenue-generating sources. He also suggested the pier collection system go to an automated machine. He discussed the estimated amount of monies that could be generated & estimated expenditures.

Selectman Eckstrom expressed concern re: all the committee members serving a one-year term. Discussion ensued re: staggering the terms. Selectman Eckstrom also stated that while she is in favor of the committee she is concerned with the affect this will have on the budget. She asked how the budget will be affected by taking the hotel/motel tax money out of it. Selectman Potter understands this may be difficult, but if the VSC existed today, it would have been given to them. Selectman Pillsbury stated the VSC doesn't exist today because there was no money – it went to seasonal police. Discussion ensued re: the hotel/motel tax.

Selectman Eckstrom expressed concern re: a 5/1/07 implementation date and if this would have an impact on the Fireworks. She asked if Mr. Corbitt of the Fireworks Committee could still be involved w/ the fireworks. Selectman Potter stated he is still involved & he is aware of the committee. He feels the committee could assist Mr. Corbitt.

Chairman Fernandes-Abbott noted the term limit changes & suggested having Town Counsel review the proposal of Selectman Potter.

### **E. W/S Development Agreement discussion.**

Chairman Fernandes-Abbott discussed the proposed agreement w/ W/S Development re: the gifting of funds. Town Counsel has reviewed the documentation. She read Town Counsel's response into the record. (Attached as reference).

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Chairman Fernandes-Abbott spoke re: the various mitigation issues that were made during the permitting process for the mall. She discussed the schedule of allocation of the gift funding from W/S Development which totals \$300,000 over five years including the monetary breakdown per year.

Chairman Fernandes-Abbott stated when discussions were held re: where the funding should go, she had expressed that she didn't want this money going into the operating budget. She would like the money to go towards benefiting the community. She briefly discussed how Exhibit B (monetary allocations) came to exist. She expressed concern re: changing this allocation structure & having this funding go into the operating fund.

Selectman Potter stated the Board has the authority over this funding, not Town Meeting. Selectman Eckstrom feels that these allocations can be changed. Selectman Pillsbury stated that Mr. Masiello stated these allocations were made to areas they felt it should go to. She feels that every Board that comes along in the future may make different decisions. She feels the money should be set as outlined. Selectman Eckstrom feels some flexibility is needed w/ this money. She doesn't understand how this schedule was determined & there should be the ability to have some discretion at a later date. Selectman Potter agreed w/ Town Counsel's opinion re: having some flexibility. Discussion ensued. Selectman Pillsbury doesn't understand why the Board should meddle w/ the allocations.

Brief discussion ensued re: the downtown revitalization, studies done, & how this money would contribute to this cause. Discussion again ensued re: being flexible w/ the allocation schedule.

Chairman Fernandes-Abbott read a portion of Town Counsel's opinion & language stating "any lawful municipal purpose". Selectman Pillsbury disagrees w/ this language from Town Counsel. Discussion ensued.

Selectman Potter feels that maybe the categories are too open ended, for example, the Police Dept. Selectman Pillsbury stated the money allocated to the Police Dept. would go to offset expenses. She feels these allocations are small amounts to be spread out. She stated these allocations were discussed w/ Mr. Masiello & she doesn't see why they should be changed & the agreement changed. She doesn't feel this would be a good faith agreement. Selectman Eckstrom doesn't know if these allocations have to be set in stone because Mr. Masiello stated it would be up to the Board. Chairman Fernandes-Abbott stated these allocations are W/S Development's attempt to address issues beyond the mall & help the community. Everyone agreed to the agreement when discussions were held.

Chairman Fernandes-Abbott & Selectman Pillsbury stated they don't want to change the agreement. Discussion continued.

Selectman Eckstrom stated if something comes up in these categories, flexibility would be needed. Selectman Pillsbury stated if this is going to be done, it should be limited to the categories listed. Selectman Potter stated notwithstanding, the Board in their discretion, could disburse funds differently as they see fit for the categories depicted. Chairman Fernandes-Abbott questioned if the agreement is to be changed, should the allocations be changed as well.

**MOTION:** Selectman Pillsbury moved to go beyond the hour of 10:15 P.M. Selectman Eckstrom seconded.

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

Selectman Pillsbury feels that Chairman Fernandes-Abbott's point re: changing the allocations is all the more reason why this agreement shouldn't be changed. She feels it should stay the way it is. Chairman Fernandes-Abbott feels there would be too many things to change. Selectman Potter feels it would have been better if the police budget were more front-loaded. Discussion ensued.

Selectman Eckstrom asked where the money allocated to the Community Events Committee go if Town Meeting doesn't approve this committee. Selectman Potter stated the agreement only states community events, not a committee. Selectman Pillsbury doesn't want to get to the point where the agreement looks nothing like the original & it is made wide open.

The Administrator suggested adding language to one sentence in the agreement that states, "At its discretion, the Board may disburse funds in a manner that differs from the original schedule, but still w/in Exhibit B". Brief discussion ensued.

**MOTION:** Selectman Eckstrom moved to accept the development agreement between the Town & W/S Development w/ the addition of the language the Administrator discussed above. Selectman Potter seconded.

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

#### **X. SEWER BUSINESS**

##### **A. CDM Update.**

Present before the Board: Mike Guidice, CDM

Mr. Guidice updated the Board on the following:

WPCF:

- Control valve issue has been addressed & working properly.

Chairman Fernandes-Abbott stated the Board has w/held payment of a bill to Methuen Construction because there were questions re: phosphorous issues & if this bill was to be covered under warranty issues. Mr. Guidice stated the phosphorous issue is not part of this bill. Chairman Fernandes-Abbott stated Mr. Simmons, WPCF Superintendent had contacted Methuen Construction re: this issue. Mr. Guidice stated that Mr. Simmons was attempting to obtain modifications outside the scope of work. Chairman Fernandes-Abbott then clarified that the issues Mr. Simmons wants addressed are above & beyond the contract. Mr. Guidice stated the warranty is for one year (which has already passed) & the valve has been addressed beyond the warranty period.

- Record drawings turned over to Mr. Simmons in 12/06.
- Original outfall design included submerged outfall, but the Army Corp. of Engineers & the EPA wanted submerged discharge.

## **SELECTMEN/SEWER COMMISSIONERS MEETING 01/02/07 (CONT'D)**

Selectman Potter spoke re: concerns he has heard relative to discharge & dissipation of shellfish in the area. Mr. Guidice stated a full study was done w/ the new design & the impacts were looked into.

Brief discussion ensued re: the bill from Methuen Construction & that it is a final bill for retainage.

**MOTION:** Selectman Pillsbury moved the Board release the final retainage for Methuen Construction re: the WPCF upgrade project. Selectman Potter seconded.

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

Rose Point:

- Pipes started.
- Pumping station started.
- 14 day test remains & will be scheduled w/in the next few weeks.
- Outstanding issues: portable generator & final paving, everything else is completed.

Selectman Eckstrom inquired re: groundwater seepage & asked if everything has checked out favorably. Mr. Guidice stated he is unaware of any groundwater seepage, but he will ask Mr. Brouder about this.

Briarwood Beach:

- All piping & mainline complete & tested.
- Restoration to be completed.
- Pump station installation complete. Awaiting generator & 14-day test to commence in 2/07 to be turned over to Town.

New Sewer Areas:

- Survey work ongoing.
- Design laid out for first four areas.
- Discussion needed re: what to include on the Town Meeting Warrant relative to project order & contracts.

Mr. Guidice stated preliminary order of projects is as follows:

1. Tempest Knob, Agawam Beach, & Linwood/Ladd Aves.
2. Cromesett & Parkwood
3. Mayflower Ridge???

Chairman Fernandes-Abbott doesn't understand why Parkwood isn't w/ Tempest Knob or Agawam Beach. Selectmen Eckstrom stated that there has been a suggestion that a line go under Onset Bay over to Agawam Beach from Sunset Island. Discussion ensued.

Chairman Fernandes-Abbott stated if this option is not applicable to Agawam Beach & the sewer line was to go to this area by roadway, it would have to pass by Indian Neck Rd. & Great Neck Rd. She asked if residents living on these roads would be able to connect. Mr. Guidice stated most likely

## **SELECTMEN/SEWER COMMISSIONERS MEETING 01/02/07 (CONT'D)**

this line will be a force main & the Board would have to decide re: other connections, although it wasn't the intent to have these connections. The Administrator stated DEP has discouraged anyone in between the proposed sewer areas to connect along the way. Selectman Eckstrom stated in the Bylaw, if a subdivision comes in it states they have to hook in. The Administrator states this for a gravity line, not a force main.

Mr. Guidice discussed various options re: groupings for contracts. The Administrator noted that the Board of Health has asked that Linwood/Ladd Avenues be done first. Mr. Guidice stated that Linwood/Ladd Aves. & Tempest Knob should be grouped together. He suggested Agawam Beach be added to this grouping because Parkwood is a very large area & could be a contract by itself.

Selectman Potter asked how many areas can be done at once. Mr. Guidice stated all seven areas could be done at once, but this would limit the amount of contractors bidding & vice versa. With smaller contracts, you get smaller contractors w/ less experience. He stated the goal is to have between 3-5 contracts.

Brief discussion ensued re: Standish Shores.

I/I Program:

- Testing completed.
- Final report pending.

Rate Study:

- Meeting held 11/28/06.
- Letter will be forthcoming outlining options & costs.

Chairman Fernandes-Abbott stated that a final report re: plant capacity is forthcoming. She feels it is critical at this point to get this information as well as DEP analysis agreement for sewer areas. There is a concern re: where to go after the plant capacity is full.

Mr. Guidice stated that septage flow seems to be lower than expected at the plant & this trend may impact capacity & other issues at the plant.

Selectman Potter asked re: landfill leachate material & if it is accepted at the plant. He feels acceptance of this may be a source of revenue. He noted speaking to Mr. Simmons about this. Mr. Guidice stated that he would have to look at the composition of the leachate. Selectman Potter stated that he is bringing this up because it may meet the septage acceptance rates. Mr. Guidice stated the material would have to be reviewed & there is capacity at this time to accept it if approved, until the last areas come on line. Lengthy discussion ensued.

B. Any other sewer business.

1. Sewer Bills.

Chairman Fernandes-Abbott stated John Foster, Treasurer/Collector will be issuing a supplemental sewer bill for the \$140.00 increase. The billing company will issue the bill. The regular sewer commitment bill will go out next month. Mr. Foster is trying to find out if the Town can commit the whole amount & have it billed at different dates or split the amounts into two bills. It will cost

## SELECTMEN/SEWER COMMISSIONERS MEETING 01/02/07 (CONT'D)

\$2,500 to mail these bills. She is in favor of committing the whole bill w/ two separate due dates. This is already done w/ tax bills, but not sewer bills.

Selectman Potter is in favor of having the whole amount billed then the supplemental billed. Chairman Fernandes-Abbott stated Mr. Foster needs the direction of the Board whether this can be done. A decision needs to be made by next week. She doesn't want all the bills coming at once. Discussion ensued.

Selectman Eckstrom suggested doing the bills in two parts, but the supplemental should be in the amount of \$140.00. Discussion ensued re: options.

Chairman Fernandes-Abbott discussed options for payment, for example, when the sewer rate is actually set, there could be a coupon booklet.

The Board concurred w/ Selectman Eckstrom's suggestion of two sewer bills, then a supplemental bill of \$140.00.

Selectman Eckstrom spoke re: the affordable housing/CDA meeting w/ the Wareham Housing Authority. They will be working collaboratively re: Agawam Village expanding & having another building which will increase the affordable rental units by 20.

Selectman Potter stated the Community Preservation Committee has begun its review of applications. There are 2 for open space, 4 for historic preservation, & 2 for affordable housing.

Selectman Potter stated that Verizon negotiators contacted him about the double poles & they will be removing 20 double poles per month.

### **XI. ADJOURNMENT**

**MOTION:** Selectman Eckstrom moved to adjourn the meeting at 11:27 P.M. Selectman Potter seconded.

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

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