

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: February 6, 2007

Date of Transcription: February 8, 2007

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:15 P.M.

II. ROLL CALL

Selectmen Present: Renee Fernandes-Abbott, Chairman
 Bruce Sauvageau
 Brenda Eckstrom
 Jim Potter

Present: Michael Hartman, Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Geoffrey Swett, Wareham School Committee

Mr. Swett read a statement into the record requesting a question be put on the ballot for an operational over-ride. (Attached as reference)

Chairman Fernandes-Abbott acknowledged that an over-ride question may be on the horizon, but she indicated that the Board has not even seen the FY08 budget yet. She is apprehensive at this time to put an over-ride question on the ballot & then have it go to Town Meeting. She acknowledged the cost of a special election. Mr. Swett explained that the final budget will be known by the end of March & the public hearing on the budget will be in March, thus the ballot needs to be done by April 3. He does not want this matter to be put as a special election due to the cost factors. If it is not placed on the ballot or there is not a special election, the Town will have to wait longer.

Selectman Potter stated that w/out having seen the budget he is uncomfortable making a decision at this time. He understands the possible fiscal crisis before the Town, but he is unsure relative to the budget at this time. Mr. Swett explained that the budget deficit could be as high as \$3 million - \$4 million. He understands the Board's concerns, but the Town's fiscal picture will be known w/in the next seven weeks. He indicated that the State is trying to make towns feel that not much money will be coming forward. He feels his suggested sequence of protocol works.

Chairman Fernandes-Abbott stated the Administrator would be presenting the budget to the FinCom tomorrow evening. She again stated that the Board will need more information re: the budget, but agrees it will be a tough fiscal year for the Town.

Selectman Eckstrom stated that the rumors are going around re: the budget & potential cuts. She feels it is too early to make a decision on a ballot question until there are more numbers.

Selectman Sauvageau questioned why it is always the first reaction to raise taxes & reduce services at the same time when there are fiscal troubles. No alternatives are ever looked at & are ignored. He does not feel the taxpayers are taken into account w/ these decisions. He feels an over-ride would

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

not minimize the tax burden, but will increase it. He discussed what the Charter states re: the Administrator's presentation of the budget by 12/15. This presentation & debate is almost two months late according to the Charter. He agrees an open dialog is needed & priorities need to be set. He explained that the five-year plan projected these deficits & he has no idea where the Town is fiscally. There is a need to take control. He does not feel an over-ride is the answer or the only answer. He noted high real estate taxes, CPA taxes, sewer betterments, sewer rates, etc. & now there is a request for an over-ride. He feels this will do more harm than good. He feels the State should be put on notice as to the fiscal situation the Town is in. He would like the Board to bring in the Dept. of Revenue to offer guidance, which they provide. He does not feel the Town is capable of solving its problems. He wants DOR to come in.

Mr. Swett stated his intent is to get dialog started. He is not optimistic that DOR can solve the Town's problems w/out additional revenue. Discussion ensued.

Present before the Board: Steve Curry, Rose Point

Mr. Curry presented questions re: the Rose Point sewer project that he would like CDM to answer later on in the evening.

Mr. Curry asked the following questions:

1. The contractor is done w/ the project & he has been told it is on budget. He asked if CDM is part of this.
2. He does not feel the residents should be charged for the work that was done under the river. He questioned these charges.
3. He asked re: application fees & when residents can tie in.
4. He questioned fees & final cost numbers.

Chairman Fernandes-Abbott stated there are still final numbers coming in & CDM can update on this project later in the evening. With re: to fees, this information is available at the WPCF. Once CDM is ready, the residents will get a letter relative to tie-in procedures.

IV. ANNOUNCEMENTS

- A. The Veterans Council is looking for people to help with the Veterans Day Parade. Interested people can contact Jim Newman at the Veterans Council office at 508-291-3100 ext. 6513.

V. CONSENT AGENDA

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

MOTION: Selectman Eckstrom moved the Board approve invoice #80247416/17 from Camp, Dresser & McKee in the amount of \$4,785.77 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

MOTION: Selectman Eckstrom moved the Board approve invoice #80247413/18 from Camp, Dresser & McKee in the amount of \$908.67 re: engineering general services during sewer construction in the Rose Point area. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80247415/14 from Camp, Dresser & McKee in the amount of \$7,610.81 re: resident engineering services during sewer construction in the Rose Point area. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80247417/14 from Camp, Dresser & McKee in the amount of \$11,827.38 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

VI. LICENSES & PERMITS

- A. Application for Pledge of an Annual All Alcoholic Common Victualer's License by Welch Restaurant & Lounge, Inc. d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway, Wareham.

Present before the Board: Brian Welch

Brief discussion ensued re: the pledge of license & what it is for. Mr. Welch stated it is for re-financing purposes.

MOTION: Selectman Eckstrom moved the Board approve the application for Pledge of an Annual All Alcoholic Common Victualer's License by Welch Restaurant & Lounge, Inc. d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway, Wareham, MA. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

VII. TOWN ADMINISTRATOR'S REPORT

1. Smelt Regulations. Asked the Board to approve the smelt regulations for 2007. A memorandum from Mr. Parola, Harbormaster/Shellfish Constable has been submitted w/ a copy of the proposed regulations that are the same as last year. Smelt season extends from 3/1/07 to 4/1/07 and permits will be available at the Harbormaster's office beginning Tuesday, February 20, 2007 from 8:30 A.M. to 4:00 P.M.

MOTION: Selectman Eckstrom moved the Board approve the Smelt Regulations for 2007. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

2. Recreation Dept. Director. The Recreation Dept. Director will be leaving to take another position out of State. Given the financial questions relative to the budget, the Administrator will not be filling this position right now. The only candidate presently for this position is someone that would have to quit their other job to fulfill the requirements of this position. Thus, this program will be phased out.

Selectman Sauvageau stated that Selectmen Eckstrom had questioned this matter & was told that responses & notifications were out that the Recreation Dept. was closing & employees of this department should leave their post. He feels if the Administrator is informing departments that they will close after a certain date & the Administrator moves on, then this is not enforceable. He does not know what the attempt w/ this matter is, but discussions that are going on re: this department should not be engaged in at this point. He asked if the Administrator is telling people that this department will be closing. The Administrator stated he has only said that the Director is leaving. He stated there is enough money in the current fiscal year's budget to operate the department, but his instructions are to not re-hire a new Director. He stated he has made no official announcement that the Recreation Dept. has closed. This will be determined at Town Meeting.

Selectman Potter stated he spoke to Candice Foster, Recreation Director re: community events funding & Ms. Foster relayed to him that the department will be closing as of 3/1/07. He feels the Board needs to be notified if a department is closing. He noted the Recreation Commission minutes. Selectman Sauvageau doesn't feel a department can be terminated w/out Town Meeting approval.

The Administrator stated the public has been told the department will not be open to the public temporarily until a supervisor of the program is found. He stated Ms. Foster is leaving 2/20/07. The programs could keep running, but there will be no supervisor & he is unsure that he can secure an acting Director. He stated the programs are funded through June. He stated the programs running now can continue through June, but there will not be a supervisor. He is looking at others to fill the position & he did not give the closure date of 4/1/07.

Selectman Eckstrom expressed concern re: the preschool not operating to the end of the school year. The Administrator stated he is exploring the operations of the preschool & the departments other programs. He stated it is not a money issue through 6/30/07, but a recruitment issue.

Selectman Potter feels that advertising needs to be done. The Administrator stated w/ the current fiscal climate, it would be hard to fill this position. Discussion ensued. The Board asked the Administrator to look at alternatives. The Administrator stated he is. Selectman Eckstrom reiterated that families depend on the preschool and it cannot be shut down until the end of the school year. She suggested that seeing this is an

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

operation that is established, it merely needs oversight. She suggested having De Bell of COA oversee it. The employees of the Rec Dept do not need day-to-day oversight, so Deb Bell could at least do it until the end of the fiscal year.

The Administrator explained that the intent is to keep the preschool running to a term uncertain. Selectman Sauvageau feels a replacement of the Director is needed to continue. The Administrator stated if this were a department that may have deep cuts or is eliminated, recruitment would be difficult. He will explore keeping open what can be kept open. Selectman Sauvageau clarified that nothing is being shut down unilaterally.

VIII. TOWN BUSINESS

A. TDR – Planning Board & Attorney Jon Witten

Present before the Board: Anthi Frangiadis, Planning Board Chair
Attorney Jon Witten
Mr. Guimond, SRPEDD

Ms. Frangiadis updated the Board on the work of the Planning Board relative to zoning amendments. The Planning Board voted to forward zoning amendments from the last Town Meeting Warrant that were not heard, to be included in this Spring's Town Meeting Warrant. There will be another public hearing on these amendments. She asked if the Board would like these amendments presented again. The Board concurred to have them re-introduced.

Ms. Frangiadis stated the Planning Board has been exploring TDR & the Board had asked them to look at additional receiving areas & instituting caps for units of acres, most notably for Tihonet. She briefly explained what TDR is. The Planning Board has met w/ Attorney Witten three times & the Planning Board has received a new TDR draft.

Mr. Guimond displayed a map of two years ago vs. modifications made presently. He noted that A.D. Makepeace owns the priority site.

Attorney Witten stated at the last meeting, the Board gave feedback of what they wanted to see, for example, taking the rights of the sending parcel & giving it to the receiving parcel resulting in a conservation restriction of the sending parcel. He explained the economic value of doing this. He stated it doesn't necessarily mean moving money value of land to money value of land. It depends where it comes from & where it is going. There is guidance on how this is done. The areas picked for sending & receiving determines if it is successful. He discussed the addition of priority areas (bonuses). The parcels have to be controlled by ownership or a purchase & sales agreement. This would be under the auspices of the Planning Board. The Bylaw will have specific guidelines for the receiving parcel.

Attorney Witten explained that before using a parcel in the receiving district for commercial use, it could not be done independently of the TDR. Selectman Sauvageau asked if there is underlying zoning for commercial, how would the TDR work. Attorney Witten stated that before it can be used commercially, it should be part of the TDR. Ms. Frangiadis stated this condition is in reference to the Tihonet receiving district, which would be residential. Discussions had been held re:

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

changing the area to allow commercial. Selectman Sauvageau expressed concern re: this article not just being for one property owner, but for any property owner. Attorney Witten stated w/in the law, the receiving district rules, & guidelines could be different. Different receiving areas can be created w/ different guidelines & rules to fit the area.

Attorney Witten discussed the issue of caps for maximum dwellings/acre. Draft numbers range from eight units to 12 units/acre. Each receiving district will be different, but in general there will be six to 12 units /acre. There is not a firm number. He briefly discussed the conversion factor.

Selectman Sauvageau stated the mechanics & process are being worked out by the Planning Board & Attorney Witten. He feels the Board's job is to discuss this matter in a wider spectrum & determine the community impacts. The important factor is the receiving district(s) & the impacts as well as other alternatives to the TDR as a system.

Selectman Sauvageau noted receiving correspondence re: nitrogen Bylaws. He asked if the Planning Board has responded to this & what is the alternative. Ms. Frangiadis stated that the nitrogen piece had a section written for rules & regulations, which has been put on hold. She stated they have been so busy with TDR that they have not explored the nitrogen by-law. It will not be part of the Warrant article.

Attorney Witten discussed the trade-off of transferring from a sending parcel to a receiving parcel & the conservation restriction of the sending parcel. This restriction is put in before a transfer takes place. Selectman Eckstrom asked if a restriction were put on a property, would it pay a lower rate as undevelopable land. Attorney Witten stated the Assessors would have to determine tax revenue & land value issues. Brief discussion ensued.

Selectman Sauvageau asked how a restriction carries over (forward) to future owners. Attorney Witten stated it would be an agreement w/ the Town, predecessor, & the State w/ re: to future predecessors. There will be a need to record this transfer w/ the State. The State is involved w/ the TDR; thus, there is a layer of enforcement.

Ms. Frangiadis feels the greatest benefit of the TDR is it allows preservation of open space w/ a trade-off w/ increased density in the receiving district. Attorney Witten stated where TDR has worked, it has worked well. He noted the areas where it has worked where very large tracts of land have been preserved. He noted that this process is voluntary. Discussion ensued.

Ms. Frangiadis suggested another round table discussion on this issue. Selectman Eckstrom asked why would a Town want to exchange transferring rights vs. severing rights. She asked what the incentive is to keep the property. Discussion ensued. Selectman Potter noted it is a voluntary process. Selectman Eckstrom stated she knew that, but could the Town require the land transferred into conservation in exchange for the development somewhere else. Attorney Witten stated yes, but then it would not be a transfer of rights, but a land transaction.

Discussion ensued re: the sending parcel, which may have existing development & the incentive to give away development rights to the receiving parcel.

Selectman Sauvageau discussed the impact of the density issue in the receiving areas. He expressed concern re: the TDR being managed properly. If it is not, it could be worse than a 40B.

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

Chairman Fernandes-Abbott asked if every TDR is looked at uniquely by Town Meeting. Ms. Frangiadis stated each TDR is looked at uniquely through the Special Permit process. The Planning Board has broad discretion as to the way this is drafted.

Brief discussion ensued re: when to meet again.

B. Peter L. Freeman representing Cornerstone Properties, Inc. – 815 Main Street.

Present before the Board: Attorney Peter Freeman
Mr. McCarthy, Stantec

Attorney Freeman updated the Board on the 40B application before the ZBA presently. He gave a brief history of Cornerstone & their investment for this project. He stated it will not be a for sale project.

Attorney Freeman stated they had hoped to put in private sewer, but it would be too expensive. They have sought permission to hook into the Town's sewer system. He feels the ZBA has the legal right to issue permission to hook in, but Town Counsel disagrees w/ the developer seeking this permission from the ZBA. He stated his client reserves their rights to have the ZBA body be the one to grant the local sewer extension.

Attorney Freeman stated the developer feels there is current capacity reserved at the sewer plant to feed this project. He explained that all the units are affordable & will be rentals. He asked for discussion on ideas presented relative to their feeling that the ZBA should be the body to grant the sewer extension. He noted that after approval, it would go to DEP.

Attorney Freeman suggested that the Town would have greater capacity for their development if the Town fills in the gaps of the infiltration/inflow issues. They are willing to help w/ this I/I if the Town gives them some dialog. Selectman Sauvageau asked if one of Cornerstone's representatives will be giving technical advise on the Town's sewer system. Attorney Freeman stated no, but Mr. McCarthy has spoken to the WPCF & CDM & will impart his knowledge of the system. Selectman Sauvageau asked if the WPCF & CDM have agreed w/ this assessment. Attorney Freeman stated he doesn't know, but Mr. McCarthy will speak as to what he found out.

Mr. McCarthy stated he wouldn't state the WPCF or CDM are in full agreement w/ what he will be stating. He didn't ask them specifically. He is responsible for the engineering prospects of the project. He displayed a site utility plan w/ the general layout of the facility.

Mr. McCarthy explained that this would be an 88 unit residential development w/ 163 bedrooms utilizing 110,000 gal. per day. They have a plan to collect wastewater for the sewer collection system w/ some storage capability on site that will convey flows to the Main St. connection during evening hours when the plant is slower. The cost to the developer to do this will be approx. \$400,000 vs. the on-site sewer facility which would cost the developer approx. \$1.4 million to \$1.9 million.

Mr. McCarthy discussed the Town's infrastructure re: sewer & wastewater as well as the spring Borne pump station statistics that is slated to be upgraded in the spring. The flows projected for the project will be able to be handled at this pump station after the upgrade by Wareham Crossing. Discussion ensued re: the capacity capabilities of this pump station.

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

Selectman Eckstrom asked what the cost to the developer would be for the proposed additional storage on site. Mr. McCarthy stated the cost would be in the area of \$20,000 - \$25,000. He noted the capacity at the sewer plant, which is at 1.56-mg/per day w/an I/I that allows for the growth, existing users, & the 12 identified needs areas. He feels this project is part of the existing sewer system. Selectman Sauvageau stated it doesn't exist now. Mr. McCarthy stated it would be an extension of the sewer system. He stated the site is in an existing sewered area. Attorney Freeman noted that it is w/in 600 ft. of the sewer main in the area. Selectman Sauvageau feels this doesn't mean the site is part of the sewer system.

Mr. McCarthy discussed the I/I study program in which a report will be supplied later this year. Some areas have been identified as areas of concern, which will need to be remedied. He stated the developer is willing to help fix these problems w/ funding. Selectman Sauvageau asked if the developer is offering money to fix sewer issues identified by the I/I study. Attorney Freeman stated yes & explained in length what is being proposed. Discussion ensued.

Selectman Sauvageau stated that some commercial capacity was contemplated originally, but not outside areas such as this project. He feels the Town did compromise w/ this 40B project in the first phase, but the project proposals have changed. Attorney Freeman explained that in the initial phases, it was thought that they could provide on-site sewer. He understands from new information received there is capacity at the current plant.

Mr. McCarthy discussed that they are willing to attempt to help pay for fixing I/I programs that ultimately drive up capacity. Chairman Fernandes-Abbott stated that the last two 40B projects in Town were required to pay \$7,700 p/bedroom towards the I/I program. She feels this would add over \$1 million to the project's \$400,000 connection fees. Attorney Freeman questioned if this is a formal policy of the Town (paying per bedroom). Selectman Eckstrom asked what amount the developer is willing to offer. Attorney Freeman stated approx. \$75,000 - \$100,000. He noted there are several waivers relative to fees that will need to be addressed. He again questioned the \$7,700 p/bedroom figure & if this is universal or a policy. He added that the money they are willing to pay to help w/ the I/I issues is not part of their budget.

Selectman Sauvageau asked if \$1 million - \$1.5 million is the profit margin on the project. Attorney Freeman stated the project would be an on-going rental project. Discussion ensued.

Selectman Eckstrom stated the developer's original intent was to have an on-site treatment plant & to hold down costs for rental units. She feels now, they can't do an on-site plant & rents have gone up. Attorney Freeman explained that they will be applying for Section 8 for 12 of the units & money that will be generated will be for the sale of low income tax credits. All the figures have been given to the ZBA & they are doing a review of the figures. Selectman Eckstrom noted the changes made from the original proposal. Attorney Freeman discussed the addition of land, conservation issues that have evolved, & plan changes needed to address these issues. Selectman Sauvageau doesn't see why the Town is being asked to provide economic viability for this project. He doesn't feel the Town owes a developer a profit & he doesn't feel a 40B project should take precedent re: connection to Town sewer vs. already targeted & established areas. Attorney Freeman discussed 40B law & regulations relative to municipal sewer. Based on their study, they feel there is a good proposal to connect. Selectman Eckstrom feels that if this project tied in to the sewer in front of the needs-areas established to be sewered, it will affect the Town's waterways in the long run. Attorney Freeman made the case that it would not impact the environment. He stated if the Town states it wants this project to move forward, DEP will have to approve it. Many times DEP will

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

state it is OK to do what is being asked; especially if a Town says, they support a project. Selectman Eckstrom feels this project could be considered re: connecting to the sewer after the needs, areas are connected & capacity is reviewed at that time. Attorney Freeman stated that affordable housing has favorable status, as does an approval by DEP and the town's support. He doesn't feel the 18,000 gallons p/day the project will produce will cause sewer capacity issues. Selectman Eckstrom feels the Board should wait to hear for CDM results if there is a gap re: I/I & if \$100,000 would close those gaps as well as capacity issues & then have this matter come forward at a later date.

Selectman Sauvageau discussed the number of homes in the area of the project. He explained that the Town is in a situation where capacity will be met w/out expansion of the plant. There would be condemnation & liability because they can't be sewered. Attorney Freeman discussed balancing of issues & addressed the liability issue.

Selectman Potter expressed concern re: not having a final proposal from the developer & the many changes to the plan. He doesn't feel approval can be granted on something that is not concrete. Attorney Freeman discussed that there have been a flux in plans, but it is typical of a good process, for example, making changes based on Board recommendations, such as Conservation. Final plans will be submitted shortly.

Selectman Potter stated the plant has specific capacity & other areas have been promised connections. He doesn't feel that paying to help remedy I/I issues will help make up capacity. He doesn't feel \$75,000 - \$100,000 is a large amount of money. Attorney Freeman stated the intent is to help pay for some capacity the project will utilize.

Selectman Sauvageau stated the issue remains re: jurisdiction & who decides re: the sewer. He expressed concern re: 40B in general for the community. Selectman Potter stated the results the applicant is presenting are results the Town cannot afford. Selectman Eckstrom stated there is a need to speak to CDM re: I/I, obtaining information, & speak w/ Attorney Witten re: the capacity issue. Brief discussion ensued.

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

VOTE: Unanimous (4-0-0)

NOTE: The meeting proceeded w/ item X. Sewer Business.

A. CDM Update.

Present before the Board: Mike Guidice, CDM

Mr. Guidice updated the Board on the following:

Rose Point Sewer Project:

- Project complete.
- Performance testing of pumping stations being conducted.
- Training to occur for staff on 2/20/07.
- All properties listed have been turned over to the plant in preparation of letter being sent out.

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

- Paving can't occur until May/June.

Briarwood Sewer Project:

- All piping is in ground & tested.
- Pumping station testing will commence shortly.

Mr. Guidice briefly discussed how this testing is done.

- Generator testing to be done 2/8/07.
- Clean up & restoration work to be done in the spring.

New Sewer Areas:

- Received survey from Parkwood area.
- Proceeding w/ design.
- Have preliminary layout for Agawam Beach, Tempest Knob, & Linwood/Ladd Aves.
- Town Meeting appropriation.

Mr. Guidice explained that they are looking at going for the same appropriation from last fall & some in the spring. This didn't happen. The fall amount needs to be appropriated at this Town Meeting & part of the SRF approval requests full funding by 6/30/07.

- Estimated costs for each of the seven areas submitted. (Attached as reference) Town has been approved for \$18.6 million in SRF loans.
- Recommended a 20% contingency, thus, adding another \$1.3 million.

Selectman Potter suggested looking at doing all the projects at once, but keep them separate contracts & staggering the RFP's. Mr. Guidice discussed the approach. He can look into scheduling the billing out of the RFP. He stated they could be done close together to keep construction costs down.

Selectman Eckstrom asked if this was done, would sewer users already on the system pay more for short-term debt. Mr. Guidice stated this could happen. Discussion ensued.

Selectman Potter stated the Town could charge half the betterment up front under State statute. Selectman Eckstrom stated people on line would still be carrying the debt until these new areas go on line. Selectman Sauvageau asked if assessing half the betterment up front would cause an increase. Chairman Fernandes-Abbott stated it would be charged to the user that is coming on line. The Administrator stated the Board would adopt Chapter 83, s. 15. This means you can better at that time 50% of the construction cost once the estimate is given. Selectman Sauvageau clarified that the new ratepayer would be subject to paying half the betterment before they even have the service. Selectman Potter stated this is correct. He asked if it is right for all other sewer users to carry construction costs for these new areas not hooked in yet. He feels the option should be considered. Discussion ensued. Selectman Eckstrom expressed concern re: if this would offset the amount needed for long-term debt. Chairman Fernandes-Abbott stated this wouldn't be to offset long-term debt, but short-term debt. Discussion ensued re: this option & benefits of it.

Mr. Guidice stated that a Town Meeting Warrant article is needed if the loan is to be accepted. DEP is looking for the Town to move forward w/ an aggressive schedule.

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

Selectman Eckstrom asked if the issue of a line going under the water from Sunset Island to Agawam Beach has been reviewed. Mr. Guidice stated it hasn't been discussed yet, but they are reviewing information for this option. It may be a shorter route, but may be more costly to do directional drilling. He discussed other issues w/ directional drilling.

Mr. Guidice again suggested a contingency. Discussion ensued. Mr. Guidice stated the attempt would be to keep w/in the 3%-5% of change-orders, which utilize the contingency.

I/I Study:

- Met w/ subcontractor last week.
- Discussed Phase I of study.
- System was determined to be in good condition.
- None of the 13 sub-areas were in default.

Mr. Guidice discussed the guidelines utilized for infiltration. He discussed inflow results & how this is done. He stated sump pumps most likely cause the main flow of inflow. House to house inspections would have to be done to deal w/ sump pump issues.

Discussion ensued re: how much capacity would be gained in fixing I/I issues. Mr. Guidice stated this is one method communities utilize to gain capacity. Some communities require developers to remove an amount of flow from the system to free up capacity. He added that he himself did not provide I/I information to Attorney Freeman re: the 815 Main St. project.

Rate Study:

- Mr. Gall will get a letter to the Board shortly.

Selectman Potter asked if there is a way to tie in the rate study w/ a more aggressive approach w/ sewer contracts. Discussion ensued.

WPCF:

- Everything seems to be running O.K.
- The testing of nitrogen & phosphorous will start again in 4/07.

NOTE: The meeting went back to item VIII. Town Business.

B. Revote Legislation.

Chairman Fernandes-Abbott spoke re: letter to Senator Pacheco. (Attached as reference) She has spoken to his office today. She spoke re: the contract signed w/ Makepeace & was told that none of these articles needed to be re-voted. They had been under the assumption that the articles were put forward in the 2006 session, so they are valid petitions. Discussion ensued.

Chairman Fernandes-Abbott discussed why they weren't filed in the 2006 session. Selectman Sauvageau asked what happens to the legislation now. Chairman Fernandes-Abbott stated it is in the 2007 session presently & it needs to be decided upon by 12/31/07. She discussed what happened w/ the petitions re: the five liquor licenses. Discussion ensued.

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

Chairman Fernandes-Abbott stated a letter should be sent to Senator Pacheco re: the BDOD because he feels this issue is still alive. She explained that the Senate already heard this, so it is now a dead issue.

Selectman Sauvageau asked re: the 15 liquor licenses. Chairman Fernandes-Abbott explained that it would come under the 2007 legislative process. Discussion continued.

C. Tremont Dam/Parker Mills Dam.

Selectman Potter stated Mr. Gifford has submitted an application for CP funds for the Parker Mills Dam. The CPC has voted Further Study on this application. The CPC is looking at who is responsible for the dam. Two cranberry growers utilize the water rights. He has scheduled a meeting w/ them on this issue. He has spoken to Makepeace re: a safety issue at the Tremont Dam & ADM has agreed to lower the water table, which may buy some time. Makepeace controls the gates to the dam even though the Town owns it. He spoke re: the study done on the two dams.

Selectman Sauvageau asked under which of the three CP components the dam falls. Selectman Potter stated historic preservation. The CPC considers Parker Mills as par of historic land the Town bought. He feels there is a need for a financial decision on the dam.

Selectman Sauvageau expressed concern re: anything being off the table. Selectman Potter stated the Town needs to acknowledge the issues w/ the dam & that two cranberry growers need to help w/ the problem. Selectman Eckstrom asked if the cranberry growers have paid money to utilize the dam. The Administrator stated it was indicated that the two dams don't serve a municipal purpose. The Town acquired the Tremont Dam when the road was built over it. The dam is not part of the Tremont Nail building.

Selectman Eckstrom noted MGL 253 that states that cranberry growers utilizing a dam should be paying rent. Discussion ensued.

Discussion ensued re: liability if the dam fails. Selectman Sauvageau understands reducing the liability issue short term by turning down the water table, but the long-term issue still needs to be addressed. He feels the Town & the cranberry growers are responsible for liability. Selectman Potter suggested a letter be sent to the growers that there will be some research done on the dam & further study will be done of the issue. The Board members concurred.

Discussion ensued re: what questions will be asked at the meeting w/ the growers & what would it entail to shut the dam down. Selectman Potter feels this may alter the water rights of Makepeace. Discussion ensued re: reducing water levels.

D. Any other Town business.

1. COA Petition.

Selectman Sauvageau stated there was a petition w/ 150 signatures re: a COA petition & a confidence issue. He hasn't seen anything about this. He expressed concern re: this not coming forward to the Board since he understands the petition was addressed to the Board. He stated this issue is weeks old. He feels this sends a bad message on the part of the Board. The Board would

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

benefit from seeing this document & discussing it. He feels it is a policy discussion, not a day-to-day discussion.

The Administrator is not certain to whom the petition was addressed to. The person gave it to him & he gave it to Mr. Nordquist on the Board of Directors. He can supply the Board w/ a copy. Discussion ensued.

Selectman Sauvageau stated he would like the petition & would like to have a public discussion on the matter. The Administrator will not discuss personnel in public. Selectman Sauvageau stated a procedure should be followed, but a public discussion should be held. The Administrator stated if this is to be done, the Chair of the Advisory Council should be present. Selectman Eckstrom stated she would like a copy of the petition. Chairman Fernandes-Abbott feels this is a day-to-day issue & she doesn't want to get involved. Selectman Potter understands the day-to-day issue, but he feels there is something that needs to be addressed & discussed. There is a valid concern. Discussion should be held to see if there is an issue. Any time over 100 people sign a document it should be looked at.

Selectman Eckstrom doesn't want to get involved w/ day-to-day matters. She wants to see what the concerns are. The Administrator stated there are no issues or concerns. It is a no confidence matter. Selectman Sauvageau stated the issues of what the no confidence are & solve the problem. The Administrator stated it is a no confidence matter & it makes no allegations. A majority of the people who signed it were not clients of the COA. Selectman Sauvageau feels thus, this isn't a personnel matter. The Administrator disagreed. It is directed at a person in the COA. Selectman Sauvageau stated he would like a copy of the petition. He feels the Board should have been notified of this document & presented w/ it.

2. Senator Pacheco Letter.

Selectman Eckstrom spoke re: the letter that went out to Senator Pacheco that had many mistakes. She noted all the mistakes made in the letter. She expressed the importance of this document & the issues/mistakes w/ it. She would like a letter of reprimand placed in the employee's file that did this letter. Discussion ensued re: this issue.

3. Bylaw Regulations.

Selectman Eckstrom discussed an issue concerning Div. IV, Article II, Section 2 of the Town's Bylaws. The Bylaw requires subdivisions to tie into the Town's sewer system. Attorney Witten has suggested changing the language to state, in short, that an applicant needs to receive a permit from the Sewer Commissioners before going to the ZBA & no permit will be issued until all needs areas are completed. Discussion ensued re: if there is any differentiation in the Bylaw between extensions & connections. The Administrator stated extensions must be approved by DEP. Selectman Eckstrom stated this change would need to be in the form of an article for the Warrant.

4. Recycling.

Selectman Potter expressed concern re: haulers not reporting recycling for the Town. He spoke to BFI & if the public contacts them, they recycle for free & provide free bins. Every hauler needs to provide recycling for free. He discussed statistics on trash & recycling for the Town. He feels the BOH needs to follow through on this issue. Selectman Sauvageau stated this is a BOH enforcement issue & a discussion should be held w/ the BOH. Chairman Fernandes-Abbott stated another issue

SELECTMEN/SEWER COMMISSIONERS MEETING 02/06/07 (CONT'D)

is promoting recycling in the community. Selectman Potter noted the financial gain to the Town if they provide recycling.

5. MAP Plan.

Selectman Potter spoke re: the Affordable Housing Plan for mobile homes, namely the MAP plan. He will be presenting this plan to the Board shortly. He presented it to the Housing Partnership last week as well as one mobile home park owner. He has received positive feedback. The mobile home park owner spoke re: empty lots, sewer issues, & permitting.

6. Taping of Town Meeting.

Selectman Potter stated letters were sent to the Moderator re: taping of Town Meeting. He feels Town Meeting shouldn't be shown live. People should be encouraged to attend Town Meeting, not watch it from home. Chairman Fernandes-Abbott stated everyone has the right to participate & not participate. Selectman Sauvageau agrees. Brief discussion ensued.

IX. SELECTMEN'S REPORTS (NONE)

X. SEWER BUSINESS (DONE)

XI. ADJOURNMENT

MOTION: Selectman Eckstrom moved to enter into Executive Session for the purpose of discussing litigation. Selectman Potter seconded.

POLLED VOTE: Selectman Potter – Yes
Selectman Fernandes-Abbott – Yes
Selectman Eckstrom – Yes
Selectman Sauvageau – Yes

VOTE: Unanimous (4-0-0)

Chairman Fernandes-Abbott stated the Board would not be coming back into open session.

Respectfully submitted,

Kelly Barrasso

Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: 4/3/07

Attest: *Brenda Eckstrom*

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 4/3/07

Date copy sent to Wareham Free Library: 4/5/07