

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#12-07

Date of Meeting: April 10, 2007

Date of Transcription: April 11, 2007

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER

Chairman Eckstrom, Chairman Pro Tem, called the meeting to order at 7:05 P.M.

MOTION: Selectman Sauvageau moved Selectman Potter be Clerk Pro Tem for this meeting. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

II. ROLL CALL

Selectmen Present: Brenda Eckstrom, Chairman Pro Tem
Jim Potter, Clerk Pro Tem
Bruce Sauvageau
Jane Donahue
John Cronan

Also Present: John Foster, Interim Town Administrator

NOTE: The meeting proceeded w/ item VIII. Town Business – B. Discussion – 1. Change of Policy.

Chairman Eckstrom discussed a portion of a policy re: election of a chairman, which she read into the record. She discussed an additional portion in the policy relative to the authority of Selectmen & changes made to amendments to rules. The new policy number is #07-03 that will replace policy number 88-12.

Selectman Sauvageau discussed parliamentary procedure & when default Robert's Rules is utilized. He feels this policy change would make it more consistent w/ this default rule.

MOTION: Selectman Donahue moved to accept policy #07-03. Selectman Cronan seconded.

VOTE: Unanimous (5-0-0)

NOTE: The Board proceeded to nominate a new Chair & Clerk.

MOTION: Selectman Sauvageau moved to nominate Selectman Potter as Clerk for the year beginning 4/10/07. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Sauvageau moved to nominate Selectman Eckstrom as Chairman for the year beginning 4/10/07. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Chairman Eckstrom welcomed the new members to the Board.

Selectman Cronan stated he would work the best he can. He thanked his family, voters, & various individuals.

Selectman Donahue thanked the voters. She discussed the primary role of the Board & problems that have arisen in the past due to many problems, such as not following the Charter, lack of leadership, etc. She discussed matters that need attending to, such as the Town's financial issues.

Selectman Sauvageau thanked the voters & congratulated the two new members. He thanked Mr. Foster for the role he has filled the past few weeks.

NOTE: The meeting proceeded w/ item VI. Licenses & Permits – A. Hearing – Application of TGI Friday's, Inc., Raymond Dale Broach, Manager, 2421 Cranberry Highway, Suite 300, Wareham Crossing, Wareham, under the provisions of MGL, c. 138 for the third of five Annual Common Victualer's All Alcoholic Beverages Licenses approved by a special act of legislation for economic development.

Present before the Board: Al Denapoli, Representative
Dale Broach, Manager

Mr. Denapoli stated they are looking for a liquor license for TGI Friday's restaurant to be built at the new mall. He briefly noted Mr. Broach's experience. He explained that Mr. Broach is the proposed manager of record until the time of opening of the new establishment at which time a new manager will be sought.

Mr. Denapoli discussed the establishment chain briefly. He submitted the notice of abutters. He discussed hours of operation.

Selectman Sauvageau spoke re: the special legislation that provided these licenses. He wants to make sure the applicant understands the rules pertaining to this special license as well as its limitations & scope. Mr. Denapoli understands the nature of this type of license given by the State. The business has not objections or concerns re: this type of license.

Selectman Cronan stated that these special licenses are not just designated for the mall site. Chairman Eckstrom clarified that three of the licenses are designated for the mall site & two are for a different area.

Selectman Potter noted that one certified abutter receipt is missing for 751 Main St. Mr. Denapoli submitted the original to the Board.

Selectman Potter stressed the importance of the establishment being active in the community to help w/ economic development in the community as well as conducting national drives. Mr. Broach discussed the importance of community involvement the establishment gets involved in. He discussed various events held in other communities the establishment has been involved in. Mr. Denapoli noted that the establishment is part of a national chain, but they employ local people. Selectman Sauvageau discussed the advantages of a national chain. He expressed the importance of managing this license properly. He added that this establishment would be a value to the community. Mr. Denapoli understands the importance of the responsibility for holding this license.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Mr. Denapoli discussed in-house training provided to all employees & how employees are tested to make sure they are enforcing the regulations.

MOTION: Selectman Potter moved to approve the application for an Annual Common Victualer's All Alcoholic Beverages License approved by special act of legislation for economic development for TGI Friday's, Inc., Raymond Dale Broach, Manager, 2421 Cranberry Highway, Suite 300, Wareham Crossing, Wareham, under the provisions of MGL, c. 138. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

III. CITIZENS PARTICIPATION

Present before the Board: Richard Neary, Onset Avenue

Mr. Neary spoke re: the Harbor Watch Inn & the noise level that has become unbearable. He feels this issue is deteriorating the neighborhood & Onset. It isn't a quiet community any more. He feels the bands playing outside are the issue. When there is a band outside, the sound reflects off the water & people can't sleep. He knows the owner has tried to control the noise, but there is no controlling noise levels of a band. He added that this issue isn't new. Last year he called each of the Selectmen twice. He also went to the Board's office to see when the establishment's permit would be issued so he could know beforehand. When he went to the office again, he was told the license had already been issued. The police logs show a large amount of calls re: noise at this establishment. There are many in this area that are not happy w/ the establishment & the noise generating from the outside Tiki Bar. He suggested something be done w/ amplification. He again stated that it is the outside entertainment that is causing the noise.

Mr. Neary spoke re: the new building that was acquired by the same owner that is next to the inn. He heard a band inside this new building. Selectman Potter is unclear whether the entertainment license given is attached to the new building. Brief discussion ensued.

Selectman Sauvageau stated a discussion is needed on this issue. He suggested holding a show cause hearing to discuss the status of the license & the issue at hand. He feels any more information to come forward should be submitted for the record at the show cause hearing.

MOTION: Selectman Sauvageau moved the Board hold a show cause hearing for the Harbor Watch Inn at a time to be determined by the Chair. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

Present before the Board: A woman

The woman stated she has called the Harbor Watch Inn many times re: noise. She discussed how loud the music is as well as how loud the music is in the new building which she felt was only supposed to be a dining area.

Selectman Potter stated he met w/ Mr. Neary last year as well as the owner of the Harbor Watch Inn who is aware of the noise issue. The owner understood that there would be recourse by neighbors if nothing changed. He had discussed w/ the owner possibly obtaining a decibel meter. Selectman Sauvageau suggested these discussions should be done at the show cause hearing.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Present before the Board: Sharon Barsono

Ms. Barsono stated she works as a registered nurse at Tobey Hospital. She stated the nurses' contract expired in 2006. She discussed the status of the union's progress in negotiations & the impacts this will have on the Town & the surrounding area which look bleak. She asked for the communities support in the efforts of the nurses.

Present before the Board: Steven Curry, Rose Point Association

Mr. Curry stated that residents of Rose Point received the sewer letter relative to connecting to the newly constructed sewer system. Several Association members had questions/concerns. The letter states that residents have to connect by 4/2/08 or they will be assessed \$300 per day as a fine. Residents are concerned because 15%-20% of the residents are retirees & another 20% are of low income. These residents may have trouble connecting by this due date. Contractors have told residents that most of the time connections can be done up until December due to weather & the cost to connect is approx. \$3,200. He noted that the permit fee is \$200 which has increased to \$400, there is a sewer user fee, & the pumping out of the existing septic system is approx. \$200.

Mr. Curry discussed the 41A Deferral (betterment deferral) & as he understands, the Town didn't vote for this, thus it can't be utilized. He asked if there is a hardship waiver. Chairman Eckstrom stated that the law indicates residents have one year to connect. There is a waiver, for example, if a resident has installed a new septic recently. If a resident is having a problem, the Sewer Dept. will work w/ them, for example, the ground is frozen & the connection can't be done. She explained that the \$300 p/day fine is a last resort. If there is a financial hardship it will be dealt w/ on a case-by-case basis. Selectman Sauvageau explained why the \$300 p/day fine was imposed (for those who refused to connect). He explained that the neighborhoods that were sewered were mandated to be sewered. If these residents don't connect, the Board was afraid the Town would be penalized. There are laws that have been established. Discussion ensued.

Selectman Sauvageau understands the issue of financial hardship, but the obligation can't be put off at the end. The sewer system needs to be connected into by law; it is not a free pass.

Mr. Curry discussed the 41A Deferral & that there is no local acceptance of this. Chairman Eckstrom stated she would look into this.

Mr. Curry asked re: paving. Chairman Eckstrom stated that when the weather breaks paving will commence for those roads that were previously paved. She explained that Mr. Gifford has applied for Wastewater Remediation Grants to help defray costs.

Present before the Board: David Simmons, WPCF Superintendent

Mr. Simmons stated the letter also indicated there are loans available through Community Development if there is a financial hardship.

NOTE: The meeting proceeded w/ item VIII. Town Business – A. Town Meeting Articles #20-#26 – Community Preservation Committee.

Present before the Board: Nancy Miller, CPC Chair
Sue Mellon, CPC
Ann Marie Brooks, CPC

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Article 20 – CP Budget

Article 21 – Administrative Expenses

Ms. Miller stated the amount requested is \$54,235. The majority of this money is needed to place previously approved conservation restrictions on properties.

Article 22 – Sacred Hearts Seminary

Ms. Miller stated the amount requested is \$500,000 for acquisition of a conservation restriction/development right on 90 acres of the Sacred Hearts Seminary property. This request is coming through the Land Trust & the Audubon Society for an effort to save an undisturbed pristine area of Town. The money requested is seed money to obtain Federal monies to get said restriction.

Selectman Potter asked why a higher number is shown in the article. Ms. Miller stated \$900,000 was requested, but the Committee felt \$500,000 could be given now & \$400,000 in the fall if there was money available.

Chairman Eckstrom asked if the action would just to acquire a conservation restriction. Ms. Miller stated this restriction would be into perpetuity. There is talk of possibly offering passive recreation on another portion of the property, but it is private property. The Town will not own the property. She herself would not like to see public access. The full cost of the restriction is \$2.5 million.

Selectman Sauvageau expressed concern re: the substantial commitment for this land. He stated taxpayer dollars would be used & taxpayers wouldn't be able to utilize the land. The taxpayers are paying to preserve property w/out use. It is preserving private property rights.

Present before the Board: Jim Munise, Land Trust

Mr. Munise explained that the money being sought is seed money to obtain Federal monies to purchase a restriction. The property owners are looking to raise revenue to keep the seminary going. The Land Trust would not like to see this area developed. It is an environmentally sound area. There is a second proposed project, which is separate from this request. Negotiations are still being held w/ the seminary. The other project will be down the road.

Mr. Munise explained how this land is pristine. There may be some access rights allowed on the side of Bass Creek. The Land Trust is in favor of some access.

Selectman Sauvageau supports the use of CP money for open space, but the taxpayers will be acquiring open space w/ limited or no access to the property. He feels this needs to be made clear to the voters. He feels the taxpayers will be gaining nothing. Mr. Munise stated that access will be negotiated. The restriction will only be on 90 acres of the property. The other portion of the property can be developed.

Ms. Miller indicated that Town Counsel has said this would be a purchase of real property. Selectman Sauvageau disagreed. There is no transfer of title of ownership; it will only strip away the development rights. The Town would hold the restriction, but the landowner would hold the deed. Mr. Munise stated the Land Trust would be speaking to the seminary re: a transfer of the property & the Town having the right of first refusal. Discussion ensued.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Mr. Munise discussed the Federal fund grant they would like to apply for. If this grant were unsuccessful, the \$500,000 would go back into the CP fund. Ms. Miller stated the money would also go back if negotiations fall through relative to a Memorandum of Understanding. Discussion ensued re: development.

Article 23 – Minot Forest

Ms. Miller stated the request is for \$2,175 to provide trail map flyers for Minot Forest as well as trash barrels & a bench. Municipal Maintenance has agreed in writing to empty the trash barrels & install the bench. She briefly discussed the flyers.

Article 24 – Town Hall Roof

Ms. Miller stated the request is for \$179,213.60 for the restoration of the Town Hall slate roof. Town Hall qualifies for the national registry. She discussed the uniqueness of the slate roof. Brief discussion ensued re: the evaluation of the roof & that only some sections of the roof need to be replaced.

Article 25 – Tremont Nail Office Building Roof & Structural Survey

Ms. Miller stated the request is for \$64,737 for the restoration of the office-building roof at the Tremont Nail complex. Also requested is an archeological/structural survey on all the buildings in the complex. The Historic Commission & the MA Historic Association have asked for a survey of the property buildings before placing asphalt on the all the roofs. Up to \$50,000 is for the study & the rest will cover the cost to replace the office-building roof, which is a newer roof. She explained that every roof (six in all) is leaking. There were discussions re: placing asphalt on all the roofs, but the State wanted a study done first.

Selectman Sauvageau clarified that \$50,000 is just for a study, not repairs. Discussion ensued.

Brief discussion ensued re: leasing of this property & listing of the property. Mr. Foster noted that bids have gone out relative to leasing.

Selectman Sauvageau wants taxpayers to know that the survey should have been done before this property was purchased.

Article 26 – American Dream Down Payment Initiative

Ms. Miller stated the request is for \$100,000 to establish a revolving fund for the American Dream Down Payment Initiative program. She discussed the program for Town citizens & how it works.

Selectman Cronan asked what happened to the money from 40B unit sales that were earmarked for Town citizens who are first time homebuyers. Chairman Eckstrom understands this money has gone into the Housing Trust Fund. Selectman Potter agreed, but stated there needs to be a board to disburse it. Selectman Cronan discussed the intent of this money & he feels this proposed program is a good idea, but he feels it will be doing something that is already in place & established. Selectman Sauvageau suggested the Chair write a letter to Ms. Whalley, Director of Community Development asking for an accounting of this money.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Chairman Eckstrom discussed another issue relative to this article. She read a portion of a letter addressed to South Shore Housing that was written by the former Chair in support. This was done w/out the Board's knowledge. She would have been opposed to this because this request came in after the deadline. Ms. Miller explained that the Committee does grant emergency grants. This proposal was granted as an emergency request. She noted that the Committee would be opening up grants because deadlines don't seem to be working.

MOTION: Selectman Potter moved Favorable Action on Article 20 of the 4/23/07 Annual Town Meeting Warrant. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Potter moved Favorable Action on Article 21 of the 4/23/07 Annual Town Meeting Warrant. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Potter moved Favorable Action on Article 22 of the 4/23/07 Annual Town Meeting Warrant. Selectman Donahue seconded.

VOTE: (3-2-0)

Selectmen Cronan & Eckstrom opposed

MOTION: Selectman Potter moved Favorable Action on Article 23 of the 4/23/07 Annual Town Meeting Warrant. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Potter moved Favorable Action on Article 24 of the 4/23/07 Annual Town Meeting Warrant. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

MOTION: Selectman Potter moved Favorable Action on Article 25 of the 4/23/07 Annual Town Meeting Warrant. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

VOTE: (3-2-0)

Selectmen Eckstrom & Sauvageau opposed

IV. ANNOUNCEMENTS

A. The Onset VFW will hold a Town Meeting Warrant review on 4/19/07.

Selectman Sauvageau stated the FinCom presents the articles, but the Board inserts the articles. He feels the Board should attend this review. Selectman Donahue noted that usually the FinCom only presents money articles at this review.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

V. CONSENT AGENDA
(NONE)

VI. LICENSES & PERMITS
(DONE)

NOTE: The meeting proceeded w/ item X. Sewer Business – A. CDM Update.

Present before the Board: Michael Guidice, CDM
 David Simmons, WPCF Superintendent

Mr. Guidice updated the Board on the following:

WPCF:

- Nutrient removal system turned on 4/1/07.

Mr. Simmons discussed modifications made to the system that include changing of chemicals used. Different chemical packs were added at multiple locations at the end of March. He discussed testing results, for example, nitrogen. He discussed rate results last year vs. this year.

Rose Point Sewer Project:

- System accepted & turned over to Town.
- Connection letter sent to residents. Six residents have already connected.
- Final paving of formally paved roads to be done in the next few months.

Briarwood Sewer Project:

- System accepted & turned over to Town.
- Connection letter will be mailed shortly to residents.
- Vendor to provide training to WPCF staff for pump stations.
- Once training done, connection letter will go out.

New Sewer Areas:

- Sewer survey work complete.
- Working on design.
- Areas are laid out.
- Town Meeting article on Warrant for construction costs.
- Working on SRF application due 10/07.
- Discussion needed on prioritizing remaining areas.

Discussion ensued re: getting updated costs.

Pump station Improvements/Phase II:

- Narrows, Kennedy Lane, & Hynes Field slated for replacement of emergency generators.
- Contracts out to bid tomorrow.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

- Filed sub-bids to be opened on 4/26 & general bids to be opened 5/3.

I/I Program:

- Report update in progress & due in July.

Rate Study:

- Working on final analysis.
- Once meeting held w/ Town representatives, a final report can be submitted.

Selectman Sauvageau stated that this would have no impact on this budget cycle, but the sooner the better. There are litigation issues w/ the EDU that will be impacted by the Board's decision on this. Discussions need to be held by the Board on the administrative fees, which will impact the EDU. The FinCom seems to be establishing an EDU rate w/in the budget before the Board has voted on it. Brief discussion ensued.

B. Sewer Projects.

1. Leachate testing.

Mr. Simmons discussed tests run on leachate & what was done. The results are the leachate is compatible & is not detrimental. He has spoken to Town Counsel re: a leachate agreement, thus, the plant will move forward w/ this.

2. Financial Hardships.

Selectman Sauvageau spoke re: financial hardships & policy relative to non-compliance. He asked Mr. Simmons how these issues should be dealt with. Mr. Simmons indicated that the letter that went out to Rose Point residents included everything. One portion of the letter included what could happen if a resident didn't connect. He discussed various cases of how this issue could be handled. He recommended looking at these issues on a case-by-case basis. He noted that it is better that a resident keeps in touch vs. ignoring the matter.

Selectman Sauvageau feels the Board many need to have a discussion on this matter relative to policy, especially since seven more areas will be sewerred. He understands the financial burden placed on residents, but certain & specific ground rules need to be established.

Mr. Simmons stated that some residents applying for hardship may not have a current Title V system & they will not be eligible for a four-year extension. Their systems are subject to failure at any time.

3. Wareham Crossing.

Mr. Simmons noted that next week he would submit several connection requests from Wareham Crossing.

C. Vote Bourne sewer usage billing for 4th quarter FY07.

Mr. Simmons stated the Town's inter-municipal agreement w/ Bourne expires in 2008.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Selectman Potter discussed a bill from last summer in which use was tied into the EDU. He doesn't know if this is linked to the agreement. It looks as if Bourne pays a lesser rate on the EDU. He had asked former Administrator Hartman why this was & was told it is because Bourne is metered. Thus, because they are metered, they are charged a different rate. He wants to know why everyone isn't paying equally.

Mr. Simmons discussed the agreement w/ Bourne made 20 years ago and at that time, the Town as billing on usage. In 1996, the Town switched to EDU. Bourne has meters on their pumping stations. Thus, flow is known & they pay a percentage of other utilities as well. He discussed how Bourne's share is determined & how the IMA is set up for flow & percentage.

Selectman Potter discussed the differences in rates between the Bourne & the Town. Mr. Simmons noted that Bourne is also paying a percentage of the capital cost of the plant. Brief discussion ensued.

Mr. Simmons stated that the IMA should be reviewed for things that exist today that didn't exist when the IMA was developed. He will supply this information to the Board.

VII. INTERIM TOWN ADMINISTRATOR REPORT

1. Sewer Abatement Request – Acct. #737210, 1 Narrows Road, Map 45, Lot 1002. Asked the Board to approve abating this account for 2nd half FY07 & supplemental sewer usage bills in the total amount of \$245.00 for 3.5 EDU for the period 8/1/06 – 1/31/07. The Board of Health determined a decrease in the seating capacity that was also verified by David Simmons, WPCF Superintendent.

Chairman Eckstrom asked if this is based on the Board's decision to go w/ the BOH figures. Mr. Simmons stated, "yes." This way will be fairer which he discussed.

Selectman Sauvageau stated if the Town goes off the EDU system, discussion needs to be held re: the commercial EDU rate, for example, EDU for laundry mats. He asked Mr. Simmons' opinion if usage figures are better for laundry mats vs. EDU. Mr. Simmons feels that water consumption is the fairest system to utilize. Selectman Sauvageau stated that the EDU system is used & is broken down into two parts, residential & commercial. There is a business owner that feels they use less than the EDU rate assigned to them. Brief discussion ensued.

Brief discussion ensued re: if this bill was issued before the Board's policy.

MOTION: Selectman Potter moved the Board abate acct. #737210 for 2nd half FY07 & the supplemental sewer usage bills for a total amount of \$245.00 for 3.5 EDU for the period 8/1/06 – 1/31/07. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

2. Zero Percent Administrative Interest Rate- Weweantic Shores Sewer Project. Several calls have been received re: the status of the proposed legislation Town Meeting approved re: a zero percent administrative interest rate for the Weweantic Shores sewer project betterments. At this time, it has been assigned to a committee, but no public hearing has been held, nor has it been assigned a bill number. Mr. Foster will continue to keep the Board informed of any progress on this.

NOTE: The meeting continued w/ item X. Sewer Business – C. Vote Bourne sewer usage billing for the 4th quarter FY07.

MOTION: Selectman Potter moved & Selectman Donahue seconded that the Board approve the FY07 4th quarter Bourne sewer usage billing – IMA for a period from 4/1/07 – 6/30/07 w/ the following amounts:

Bourne total cost share – Treatment Plant:	\$ 34,542.00
Bourne total cost share – Pumping Station:	\$ 8,944.90
Bourne total cost share	\$ 43,486.90

VOTE: Unanimous (5-0-0)

VIII. TOWN BUSINESS

- A. Town Meeting Warrant Articles – CPC. (Done)
- B. Discussions.
 1. Change of Policy. (Done)
 2. Letter to Senator Pacheco & Representative Williams-Gifford.

Chairman Eckstrom distributed letter to the Board relative to a letter going to Representative Williams –Gifford in response to a letter sent by one of the Town's committees. She has drafted another letter in response to e-mails received re: legislation for the surviving spouse insurance. She would like to send this to Senator Pacheco.

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

VOTE: Unanimous (5-0-0)

Chairman Eckstrom stated that all legislation is important to the Town, but some legislation will impact Town residents more. She would like to write letters to the above on this matter.

3. Town Counsel.

Chairman Eckstrom asked the Board to consider allowing her to speak to Kopelman & Paige re: not having John Georgio representing the Town any more. She is unhappy w/ some representation & concerned re: legal bills & what is being charged. There are many items that should have been noted as not a legal matter.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Chairman Eckstrom asked that the policy be followed re: having those who wish to access Town Counsel go through the Administrator first. Mr. Foster stated this is being done now. He noted that Kopelman & Paige contacted him stating that the inquiries from various Town entities were getting out of hand & asked him to agree to have these entities go through him (Mr. Foster) first.

Selectman Sauvageau expressed concern re: Mr. Georgio being accustomed to the Town for so long & certain aspects in which a fresh voice is needed. He believes Mr. Georgio has shown bias in the past. He discussed legal ethics & standards & utilizing these standards for the whole, not an individual. He feels that new legal representation is needed.

Selectman Cronan asked re: the status on the search for new Town Counsel. Chairman Eckstrom explained that Kopelman & Paige are on a month-by-month basis currently. Approx. six months ago, the Board interviewed six candidates, but in the past year, this has not been addressed. Discussion ensued.

Selectman Sauvageau stated the Board needs to start discussing looking for new town counsel. Selectman Potter stated at a FinCom meeting, the Board was blamed for out of control legal expenses. Chairman Eckstrom stated Town Counsel is under the purview of the Board. Selectman Potter stated bills have been received, but the Board isn't necessarily in the loop & they are finding out about contacts after the fact. Selectman Donahue suggested looking at hiring an in-house counsel.

Chairman Eckstrom recommended Richard Bowen of Kopelman & Paige represent the Board.

MOTION: Selectman Donahue moved the Board have Richard Bowen of Kopelman & Paige as representative counsel. Selectman Sauvageau seconded.

NOTE: Mr. Foster stated that Mr. Georgio is scheduled to come in next week to discuss outstanding litigation. He asked if the Board would like Mr. Bowen instead. Chairman Eckstrom stated she would speak to Len Kopelman about this.

VOTE: Unanimous (5-0-0)

Selectman Sauvageau stated he is in favor of in-house counsel due to the positive aspects & cost issues.

C. Any other business.

1. ZBA.

Selectman Cronan asked if the Board has received a letter from the ZBA re: who will be moving up to take his place on the ZBA. Chairman Eckstrom stated she hasn't heard from Mr. Ferreira yet, but she most likely will get it tomorrow.

2. Budget, Warrant, & Town Meeting.

Selectman Donahue asked re: the budget, Warrant, & Town Meeting.

Selectman Sauvageau stated the Warrant needs to be printed seven days prior to Town Meeting & he feels this date will be Thursday. Mr. Foster stated that Thursday is the day the Warrant is going

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

to the printer. He is not sure if this is the deadline or not. Selectman Sauvageau stated the Charter states seven days prior. Brief discussion ensued re: deadline for printing.

Selectman Sauvageau feels the Charter reads clearly as to how the budget is to be presented to Town voters. Under the Charter, the procedure is the Town Administrator has sole authority in terms of drafting a budget. It is then to be vetted by the Board. In his eight years serving the Town, he hasn't seen this happen. After being vetted to the Board, it is to go to the FinCom for comment. Under the Charter, the FinCom is responsible for holding a public meeting consistent w/ said budget. There is nothing in the Charter that calls for the budget to be altered, re-arranged, changed, modified, etc. in any way prior to Town Meeting by the FinCom. He feels the sole responsibility of the FinCom is to make comment, hold a public meeting, & on Town Meeting floor, present the Administrator's budget at which time the FinCom can amend. This is the proper protocol under the Charter. Presently, there are two budgets, the Administrator & the FinCom's. Further, there is nothing in the Charter that states an alternative budget is to be presented. He feels the Board needs to be consistent w/ the Charter.

Selectman Sauvageau stated the Board is responsible for drafting, printing, & producing the physical Warrant document. He suggested the Board print the Administrator's budget in the Warrant, assert their responsibility in this matter, & advise the FinCom they are welcome to join the Board in discussion at a Selectmen's meeting, & further, the FinCom can amend the budget at Town Meeting.

Selectman Potter stated one outstanding issue that needs to be addressed is the Upper Cape Tech. School budget. The issue is if w/in the FinCom's budget, if this additional money is not put in as requested, the request is not being funded. Mr. Foster's budget funds the requested amount. The Board needs to be able to address the issue of additional funding & if the Town can't afford it, he feels the extra funding shouldn't be listed under this budget line item. Selectman Sauvageau feels this is a substantive issue, & the matter at hand is a procedural issue. He feels the Board should support the insertion of the Administrator's budget period. After the budget is agreed upon & printed, all the substantive discussions can be held on Town Meeting floor. He noted, as to the Upper Cape Tech. School budget issue, if three out of the five towns vote in favor of the request, then the Town would have to pay. He understands there may be a revised number for this budget. Mr. Foster stated the budget request for the Town has been reduced by \$35,000. It will be voted upon after Town Meeting. The net increase over foundation for this budget is \$101,000. The Town owes \$1.7 million & the \$101,000 would be over foundation.

Chairman Eckstrom stated that over the years, the process has changed where the FinCom brings the Warrant to the printer. She noted the discussion held w/ Kelly Barrasso, Assistant to the FinCom who stated she hadn't received the budget document yet to be placed in the Warrant, but as she understood, both the Administrator's budget & the FinCom's budget would be side by side in the Warrant. Chairman Eckstrom feels the FinCom's budget should not be in the Warrant. Selectman Sauvageau feels the Board should make a motion to not have the FinCom's budget included in the Warrant & then, send a directive to the Assistant to the FinCom that the printing of said Warrant would be conducted through the Board's office since the Board is billed for the printing. He doesn't feel the FinCom has money budgeted for printing. Mr. Foster indicated that the FinCom does have a budget for this. Selectman Donahue is positive the printing costs are built into the FinCom's budget. Selectman Sauvageau feels if this is the case, then a directive should be that the Warrant is to be printed according to the Charter & based on the Board's motion.

Selectman Donahue feels it needs to be made clear as to which budget is being presented to Town Meeting voters. The language of the Charter is clear & reads, "the proposed budget will be

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

presented to Town Meeting voters & is the proposed budget presented by the Administrator.” She stated whether or not the Board allows the FinCom to put in their recommendations is another issue. She suggested the following compromise: However the Warrant is printed, it should be made clear that it states that it is the proposed budget & the motion is on the proposed budget, & if Town Meeting chooses to make amendments based on the FinCom’s recommendations, the voters will be able to see the proposed budget & the recommended changes by the FinCom.

Chairman Eckstrom stated the FinCom wants to put both budgets in the Warrant. Selectman Donahue understands, but the FinCom wants to vote on their budget, not the Administrator’s. She again suggested the Board make sure the vote before Town Meeting is on the Administrator’s budget. If the FinCom chooses to put out recommendations in the form of amendments to the budget, this would be acceptable.

Mr. Foster suggested changing the titles of the budget columns, for example, instead of the headings “Administrator’s Budget” & “FinCom Budget” the columns could be changed to “Proposed Budget” & “Recommendations of the FinCom.” Brief discussion ensued.

Selectman Eckstrom asked if the Charter states the FinCom’s recommendations are to be in the Warrant. Selectman Donahue stated the Charter states, “the FinCom shall file a report containing its recommendations, but shall be available no less than seven days prior to the date in which Town Meeting is to act on the proposed budget.” Selectman Sauvageau would like a way to ensure the above language is made clear & wants to ensure this is how it happens on Town Meeting floor which he feels is a compromise. He questioned how this could be done. Chairman Eckstrom stated there could be a motion to have the budget that is presented at Town Meeting be the proposed budget. Selectman Cronan doesn’t feel a motion is needed. He feels the Board just needs to follow the Charter. Chairman Eckstrom stated it is not a matter of the Board following the Charter, but it is informing others to follow it.

Selectman Sauvageau feels a strong letter should be sent to the FinCom recommending how this Warrant & budget issue is to be handled & if it’s not, in the next cycle, the Board will enforce the Charter & take possession of the responsibility of the Warrant.

Selectman Donahue suggested leaving the FinCom’s budget column off & let the FinCom print off a separate sheet as a handout relative to their budget. Brief discussion ensued.

The Board members concurred for the Chair to send a letter to the FinCom Chair stating that the proposed budget will be the only budget printed in the Warrant & amendments can be made on Town Meeting floor, in accordance w/ sec. 5-6 of the Acts of the Proposed Budget (sec. C). Selectman Donahue read a portion of sec. C into the record. Selectman Sauvageau stated the definition of proposed budget is on the proposed budget of the Administrator. Chairman Eckstrom stated she would send this directive to the FinCom Chair via e-mail tomorrow.

3. Personnel Plan

Selectman Donahue stated she discussed the Personnel Plan w/ the FinCom last week. The level of detail in the budget doesn’t allow the Board to know what is in the line item for the plan. Mr. Foster has confirmed that the salaries in the current budget are based on STEP increases. She suggested, due to the Town’s fiscal status, she suggested a freeze on these salaries until the situation is fixed. The Board could make an amendment on Town Meeting floor re: further recommendations. The amount of these increases is not known nor how many people it effects.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

Selectman Donahue explained that as of 7/1/07, the plan would consolidate the STEPs from a ten STEP plan to a five STEP plan. She doesn't recall the Personnel Plan being adopted at Town Meeting. She would like the Personnel Board to come & speak to the Board re: this matter. She noted the MA Municipal Survey that deals w/ salaries & she feels this needs to be looked at. Brief discussion ensued.

Selectman Sauvageau suggested the Board purchase this survey. Mr. Foster believes it is in the personnel office. Selectman Sauvageau stated he would like to see it. The Board members concurred.

Mr. Foster stated that he followed the "boiler plate" budget submitted by former Administrator Hartman & he has made further cuts/amendments to that. The instructions that were given to everyone was to increase by the STEP, but there were no cost of living adjustments. Thus, anyone due a STEP increase used the budget at that time, as well as the unions. The School Dept. was bound to their contracts & they gave 3% raises this year on top of STEP increases.

Selectman Sauvageau stated this summer, the Town will be negotiating all collective bargaining agreements. He doesn't think this shows good faith to have the Personnel Plan freeze wages when the Board hasn't asked their own members under the plan to freeze theirs. He doesn't feel it is appropriate to ask a bargaining unit to take a 0% increase when the Board hasn't asked management to do the same. Selectman Donahue stated the consolidated STEP increase that takes effect in July makes a difference in what a STEP increase means in dollars & cents. Mr. Foster explained that the five STEP level is already in existence & in place currently. Selectman Donahue feels this may explain increases being reported for some employees. Selectman Sauvageau feels this is a necessary message & this is money the Town can't afford.

Selectman Donahue suggested looking at having some employees work three days p/week to save jobs & save on unemployment as well as providing coverage. Mr. Foster discussed attempts to keep departments from closing. This is one of the reasons why there was an attempt to get money back into the library so that permanent full-time employees could be kept. Many cuts were made, for example, Municipal Maintenance was cut \$200,000 & they will be losing one part-time employee. The Police Dept. will be losing their part-time seasonal help, a part-time custodian, but full-time employees are trying to be retained. He discussed anticipated unemployment costs & attempts to keep as many full-time employees as possible. Selectman Donahue is suggesting keeping full-time employees, but reducing some employees' hours. Mr. Foster stated the library made this suggestion.

MOTION: Selectman Donahue moved the Board freeze the Personnel Plan salaries at their current rate. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

IX. SELECTMEN REPORTS
(NONE)

X. SEWER BUSINESS
(DONE)

XI. ADJOURNMENT

SELECTMEN/SEWER COMMISSIONERS MEETING 04/10/07 (CONT'D)

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

POLLED VOTE: Selectman Potter – Yes
Selectman Donahue – Yes
Selectman Eckstrom – Yes
Selectman Sauvageau – Yes
Selectman Cronan – Yes

VOTE: Unanimous (5-0-0)

Chairman Eckstrom stated the Board would not be coming back into open session.

Respectfully submitted,

Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: July 10, 2007

Attest: *Jim Potter*, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: July 10, 2007

Date copy sent to Wareham Free Library: July 13, 2007