

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#14-07

Date of Meeting: April 23, 2007

Date of Transcription: April 24, 2007

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Eckstrom called the meeting to order at 6:03 P.M.

II. ROLL CALL

Selectmen Present: Brenda Eckstrom, Chairman
Jim Potter, Clerk
John Cronan
Bruce Sauvageau
Jane Donahue (Arrived at 6:40 P.M.)

Also Present: John Foster, Interim Town Administrator
Attorney Richard Bowen, Town Counsel

III. ANNOUNCEMENTS (NONE)

IV. CONSENT AGENDA (NONE)

V. TOWN BUSINESS

1. Vote Town Meeting Articles.
(NONE)
2. Any other Town Business.

Attorney Bowen has spoken to the Moderator & they have reviewed the Charter. Section 5-6c of the Charter states, as part of the presentation of the budget to Town Meeting, the FinCom shall file a report w/in seven days of Town Meeting. He cited the Charter section that states this. He noted when the budget was presented.

Attorney Bowen stated there are several approaches that the Selectmen can follow, one being a conservative approach. The other is that it appears the Charter hasn't been followed. The Selectmen can delay Town Meeting long enough until the seven-day requirement has been met & move forward w/ all non-budgetary articles. Another approach would be to put off Town Meeting for one week until the seven-day requirement has been met.

Selectman Sauvageau feels the most simple way to remedy this situation is to postpone Town Meeting for one week & to follow what the Charter states. He stated the public hasn't been informed of anything. The Board will follow the Charter rules & they should be enforced.

Chairman Eckstrom stated the Warrant must be available, but not necessarily given to residents. He stated one resident has spoken to the Attorney General re: this matter. The Attorney General has stated that if one person challenges anything at Town Meeting, if the Board were to proceed, everything could be null & void.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/23/07 (CONT'D)

Selectman Potter expressed concern re: the cost of postponing Town Meeting. Chairman Eckstrom feels it will be less costly vs. re-publishing, re-printing, etc.

Selectman Sauvageau stated that there is serious behavior being conducted by another party. He doesn't feel anyone should tolerate this behavior. Selectman Potter asked what would prevent this from happening again. Chairman Eckstrom stated the Board would address this in the future. Selectman Sauvageau stated to resolve this matter, the FinCom line item should be removed from the budget & put the printing of the Warrant back where it belongs (w/ the Selectmen).

Mr. Foster asked re: the issue of 45 days notice, but there were only 42 days notice of Town Meeting. Attorney Bowen stated he would need to look at this matter more closely & review the ramifications. The issue at hand is if the budget itself was delivered on time. Chairman Eckstrom stated if the 45-day notice becomes in issue, the Charter states that the budget is to be submitted to the Board by mid-February. It doesn't state a time specific. If the FinCom wants to hold the Board to this, they will put in the Administrator's first budget in the Warrant. She feels if this matter of 45 days is an issue, a specific candidate running for Selectmen would have brought this up under a previous Chair, & it was the FinCom that stated the Board should have had it.

Chairman Eckstrom noted that the FinCom have completed review & voted on the Annual & Special Town Meeting Warrants. She feels it is the title of the FinCom's report that is the issue. Mr. Foster asked re: the title of the new document. Selectman Potter asked if the taxpayers paid for this new document. Chairman Eckstrom stated "no." Attorney Bowen stated the new document is not the Warrant. The Warrant is the document the constable posted. There seems to be two different documents.

Mr. Foster stated in a document from 1993, both titles are used the Warrant & the FinCom Report. Selectman Sauvageau asked Mr. Foster why he researched this. Mr. Foster stated he didn't; the Town Clerk as information gave it to him.

Selectman Sauvageau stated the question is under the Charter, which budget should appear in the document, the Administrator's proposed budget or the FinCom's proposed budget. Under the Charter, he feels it should only be the Administrator's proposed budget. Historically, the Warrant has included both budgets. As he reads the Charter, only the Administrator's proposed budget should be included. He noted that the library budget was refunded \$200,000+ by the FinCom & there is opposition to this. He feels this is why this all transpired. He feels everyone needs to start abiding by the Charter or have the Board relinquish their responsibilities under the Charter. He would like Attorney Bowen to look at this. Attorney Bowen stated he would draft questions & protocol re: the Charter, and review it w/ the Board, & then invite others to discuss.

Chairman Eckstrom displayed how the budget was always done in the Warrant. Due to the dueling budgets in the past, she explained how the Board wanted the only the Administrator's proposed budget in the Warrant.

Selectman Sauvageau explained that Chairman Eckstrom sent e-mail to the FinCom Chairman re: the Board's policy on the budget issue (having only the Administrator's budget) in the Warrant & the Warrant should be printed this way. The FinCom ignored this & a request for a discussion of the Warrant was ignored as well as an inquiry of who the printer was. There is a blatant disregard for this elected office.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/23/07 (CONT'D)

Attorney Bowen stated the Moderator will most likely discontinue Town Meeting for one week and will call on him (Attorney Bowen) for an explanation. He will cite the section relative to the seven days. Selectman Sauvageau wants to make sure the reason is explained. Selectman Potter feels this will be a public embarrassment for the community even though the Board didn't cause it.

Attorney Bowen stated, in speaking w/ the Moderator, it is his experience that it is not unusual to have Town Meeting delayed for one week for a variety of reasons.

Selectman Cronan asked if the Warrant was printed 45 days ago is this sufficient. Attorney Bowen stated it is. Selectman Cronan had thought the Board printed the Warrant, but he has found out the FinCom does it. He feels the gray area is the title page of the new document. Chairman Eckstrom stated the Board had discussed re-printing the budget page to include only the Administrator's budget. The FinCom's budget will not be in the Warrant. The FinCom can make amendments on Town Meeting floor.

Selectman Potter asked re: pre-determined opinions/explanations. Chairman Eckstrom stated these couldn't be touched because it is part of the FinCom's report. Selectman Sauvageau stated the FinCom's opinions are their reports. Discussion ensued. Selectman Potter discussed the FinCom's amendments to some articles. Chairman Eckstrom stated the FinCom's document would remain available. Selectman Sauvageau disagreed. He feels this would be confusing. Selectman Potter asked if the Board would need seven days to print the correct Warrant. Chairman Eckstrom stated no, because the Warrant was already printed.

Chairman Eckstrom suggested tabling this meeting until after Town Meeting tonight to discuss what the Board wants to do.

Discussion ensued re: the budget. Mr. Foster explained some changes. Selectman Sauvageau stated the only budget that should in the Warrant is the Administrator's. Discussion ensued re: some changes made to the Administrator's budget & which of the Administrator's version of the budget should be in the Warrant.

NOTE: Selectman Donahue arrived at this time.

Chairman Eckstrom updated Selectman Donahue on what has been discussed.

Selectman Donahue stated she wants people to see what money is available & where they want that money to go utilizing the Administrator's budget. Chairman Eckstrom asked Selectman Donahue on what her opinion & the Board's opinion were relative to the printing (re-printing) of the Warrant. Selectman Donahue recalls the Board agreeing to re-print the cover of the FinCom's Report, put the title "Warrant" on it, & gives voters what has been included every year. The Board would vote on the budget & the FinCom would make amendments to the budget. Selectman Potter stated that the 3/21/07 version of the Administrator's budget has changed vs. what is printed in the Warrant. Selectman Sauvageau feels the Board decided something different at Sunday's meeting relative to the Warrant. Selectman Potter again stated that the 3/21/07 budget is not what is in the Warrant. Selectman Sauvageau stated that the Board could add the correct notes to the changes made to the budget printed in the Warrant. Discussion ensued re: why former Administrator Hartman's budget wasn't utilized. The Board concurred to have the 3/21/07 Administrator's version of the budget go in the Warrant. Selectman Donahue noted that everyone at Town Meeting should know what the last minute changes were. It was noted that the amended figures of the Administrator's budget are in the FinCom's document. Discussion ensued re: how to proceed.

SELECTMEN/SEWER COMMISSIONERS MEETING 04/23/07 (CONT'D)

VI. TOWN ADMINISTRATOR'S REPORT

1. Marion Transfer Station Update. According to information received from Ray Pickles, Executive Secretary for the Carver/Marion/Wareham Regional Refuse District, the Marion Transfer Station will not be reopening until 6/5/07. Originally scheduled to reopen mid-May, it has been delayed because there are apparently a couple of issues that still need to be addressed.
2. Boys & Girls Club Renovations. Barbara Sullivan, Director of the Boys & Girls Club, has presented a scope of services for the building renovation for the Club's building. Currently, they are in year one of a five-year lease for \$1 p/year.

The Wareham Boys & Girls Club, Inc. is now affiliated w/ the national Boys & Girls Club of America. This increases their ability to provide more services as well as expand their client base. The national affiliation status also gives them access to funds for the building's upgrade so it will not impact the Town's budget.

The Scope of Services for Building Renovation is as follows:

- | | |
|--|--|
| ▪ Build-out current (stage) into storage area | ▪ Redesign snack bar |
| ▪ Carpeting for small TV room | ▪ Change carpeting in playroom to tile |
| ▪ Electrical needs up to code design | ▪ Ceilings need repair |
| ▪ Insulation needs upgrading | ▪ Window in gym need repair/upgrade |
| ▪ Sprinkler system upgrade | ▪ Plumbing upgrade – to code |
| ▪ Storage room – build out to multi-purpose room | ▪ Winterize windows |

Discussion ensued re: who will be paying for electricity.

VII. ADJOURNMENT

MOTION: Selectman Sauvageau moved at 7:00 P.M. to recess this meeting & adjourn to Town Meeting. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

Respectfully submitted,

KELLY BARRASSO

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

Attest: ***JAMES L. POTTER***, clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: July 10, 2007

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