

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#16-07

Date of Meeting: May 22, 2007

Date of Transcription: May 25, 2007

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Eckstrom called the meeting to order at 7:03 P.M.

II. ROLL CALL

Selectmen Present: Brenda Eckstrom, Chairman
Jim Potter, Clerk
Bruce Sauvageau
John Cronan

Selectman Absent: Jane Donahue

Also Present: John Foster, Interim Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Jim Newman, Veterans Council

Mr. Newman explained that the Veterans Memorial Board dedication will not be held this Memorial Day. There are some unfinished issues & another dedication date will be set. He explained that Veterans flags have not been placed yet on graves. He discussed the timeframe for placement of the flags at various cemeteries in Town. He discussed the timeline of ceremony events to be held on Memorial Day.

Mr. Newman read a letter into the record from Chief Joyce stating that the Honor Guard will not be participating in the Memorial Day Parade due to budget cuts. Selectman Potter asked if the Town always paid overtime for the Honor Guard to participate in the parade. Mr. Newman doesn't know.

Present before the Board: Mr. Slater, Tremont Nail Committee

Mr. Slater stated he has been working on setting up the Tremont Nail Committee. There are ten seats on this committee. Some members have not been attending. He addressed the issues the building has & nothing can be done to address them w/out funding. He would like to have a meeting w/ other committees, such as the Historic Commission, to possibly come up w/ remedies to the issues at hand.

Chairman Eckstrom discussed the issue of the building's roof damage. She feels that tarps should be placed on the roof temporarily. She stated if the Board concurs, she could speak to Municipal Maintenance to set up an informal meeting to discuss these matters. Mr. Slater stated the Historical Commission could help deal w/ matters on the outside of the building & signage.

Selectman Sauvageau stated there is no money for anything. He understands the urgency of the issues, but the Town needs to realize there is no money. He doesn't feel departments should be pressured for money to expend on these issues. Mr. Slater stated he is looking to develop a plan on

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how to move forward. He is not necessarily speaking about money. Chairman Eckstrom understands that Mr. Slater is looking for direction. She noted the lack of attendance & membership on this committee.

Selectman Sauvageau feels it is important to have everyone know there is no money to do anything. He also noted that if other groups want to do something, there would be liability issues as well.

Mr. Slater stated the committee met in January w/ a girl scout who wanted to do something on the property. He doesn't know how liability falls into this. The safety program this Girl Scout is proposing was approved. Discussion ensued re: what the Girl Scout program is & liability issues. Mr. Slater stated this is to commence 6/11/07. Mr. Foster stated he would look into this matter.

Mr. Slater stated every Town department that was assigned to the committee has not been participating.

Brief discussion ensued re: Articles of Incorporation.

IV. SEWER BUSINESS

A. Discussion: EnerNoc proposal on use of emergency power capabilities.

Present before the Board: David Simmons, WPCF Superintendent
Dilip Shah, EnerNoc

Mr. Shah discussed the proposal to utilize the Town's emergency standby power capabilities at the WPCF in times of "brown-outs" during high energy demands so that electricity can be diverted elsewhere in the power grid.

Mr. Shah discussed the EnerNoc Company. He discussed demand response which prevents black outs from happening. He noted the black out that occurred across the country previously. He discussed the goal of the company. He discussed the reason why certain types of power plants have not been built.

Mr. Shah again discussed the proposal to run the WPCF generator when black outs are imminent & the Town will be paid for doing so. The company provides everything needed to participate in the program. There is no risk or cost to the Town to utilize the generator.

Mr. Shah discussed how the company is paid & how they in turn, pay those who participate. There are guaranteed payments & usage payments. If involved w/ the program, other opportunities can be offered to the Town. The company can also control the use of the generator on weekends so there are no overtime costs on the part of the Town for employees.

Mr. Shah noted other Town's that are involved w/ this program. He submitted documentation to the Board. He will also supply more elaborate information to the Board.

Selectman Potter asked re: usage of the generator. Mr. Shah explained. He noted that most likely, the generator would only be utilized one time per year. He spoke re: the frequency of use & events that have occurred in the past year.

Chairman Eckstrom asked how often the generators are tested. Mr. Simmons stated once per week.

SELECTMEN/SEWER COMMISSIONERS MEETING 5/22/07 (CONT'D)

Mr. Foster asked if EnerNoc is the only company that provides this type of program. Mr. Shah stated there are other smaller companies that do as well. Mr. Foster asked if other towns have gone out to bid on this type of program. Mr. Shah stated not that he knows of. He stated he presented the information & made a presentation to the Board of Sewer Commissioners in other towns & they in turn voted on it. No RFP's were sent out. Discussion ensued.

Mr. Shah stated he would provide more detailed information to the Board.

B. Enforcement of sewer connection Bylaw.

Mr. Simmons stated that four homeowners in Wewantic Shores have not connected to the sewer system. Chairman Eckstrom stated that Town Counsel has suggested the Town proceed w/ civil action for these homeowners. Mr. Simmons noted that there has been no response from these homeowners. He has sent correspondence to these four residences by certified mail one time. The receipts were returned, but there has still been no communication from these homeowners. Only letters have been sent.

Selectman Sauvageau asked if Mr. Simmons has the residents' phone numbers. Selectman Potter feels a phone call should be made re: this issue to the homeowners before moving forward w/ other action. Selectman Sauvageau concurred. Mr. Simmons stated he would do this.

V. LICENSES & PERMITS

A. Hearing – Application of Welch Restaurant & Lounge, Inc. d/b/a Pomodores Restaurant, Brian Welch, Manager, 2424 Cranberry Highway, Wareham for a Public Amusement on Weekdays License for one jukebox & one video poker game, under the provisions of MGL c. 140.

Chairman Eckstrom noted that the applicant contacted the Board's office & stated that the green abutters notification cards have not been sent out. The applicant has asked for a continuance of the hearing.

MOTION: Selectman Potter moved to open the hearing. Selectman Cronan seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Potter moved to continue the hearing to 6/5/07 at 7:30 P.M. Selectman Cronan seconded.

VOTE: Unanimous (4-0-0)

VI. POLICE FEASIBILITY STUDY COMMITTEE – FINAL REPORT (PART 1 OF 2)

Present before the Board: Claire Smith, Police Feasibility Study Committee
John MacMillan

Chairman Eckstrom explained that this presentation this evening is the first part of the final report. The second part of the report will be held on 6/5/07.

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Ms. Smith gave a brief history as to how this feasibility study came about. She discussed representation on the committee & the process the committee followed relative to discussions. She discussed the scope of the project & the consulting firm's experience.

Mr. MacMillan proceeded to give a PowerPoint presentation.

Mr. MacMillan discussed when the Police building was first built, a management study conducted in 1988, an architectural study analysis done of the facility in 1995, an organization & staffing study conducted in 2002 by the MMA, a management consultant study conducted, & the current study performed.

Mr. MacMillan stated to date, information concurs w/ past studies that there is a need for a new police facility. He discussed statistical trends. He discussed the current conditions of the facility at length. He gave a summary of the existing building analysis. He discussed the existing building site, the surrounding area, & the limitations of the site & surrounding area.

Selectman Sauvageau asked if remediation was looked into relative to the wetlands out back. Mr. MacMillan stated that 5,000 sq. ft. is not enough. Discussion ensued.

Mr. MacMillan discussed other sites looked at & the pros & cons of these various sites for relocation of the police facility.

Ms. Smith noted what would be discussed at the next presentation, for example, square footage needed to suit the needs of a new facility. Selectman Sauvageau asked what the square footage amount is that is being looked at. Ms. Smith discussed the time taken to come up w/ the information being presented. The committee is looking at 32,000 sq. ft. to accommodate everything discussed. Selectman Sauvageau asked what locations/alternate sites would the committee be recommending. Ms. Smith stated this information is still being worked on. She discussed other sites looked at that had six to ten acres. Some of these property owners were spoken to. She discussed the importance of the location of this safety facility. The property on Minot Ave. was also looked at which is Town owned. Selectman Sauvageau asked what will the average square footage be for build out. Mr. MacMillan stated \$240 to \$250 per square foot cost.

Present before the Board: Chief Thomas Joyce, Wareham Police Dept.

Chairman Eckstrom asked re: the issue of the Honor Guard not participating in the Memorial Day Parade. Chief Joyce stated the Honor Guard is paid & there would be a need to provide coverage on the parade route. He discussed the lack of funds to pay for the Honor Guard's participation.

VII. CEDA UPDATE & DOWNTOWN "VISION" PLAN

Present before the Board: Marilyn Whalley, CEDA Director
Jean Connaughton, CEDA Board
Sandra Besse, CEDA Board
Earl Dalrymple, CEDA Board

Ms. Whalley read from a prepared report. (Attached as reference).

Chairman Eckstrom asked re: representatives on the CEDA Board & asked if representatives have been sought that represent different segments of the population. Ms. Whalley discussed members solicited that have met several of the qualities listed for representation. She added that CEDA is always actively pursuing members.

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Chairman Eckstrom asked re: the management chart. She noted that it states the Board may delegate responsibilities to the Administrator, but she doesn't know if this has been done. She asked if there was a time when the Board told CEDA to answer to the Administrator. Ms. Whalley understood there was to be an amendment made to the Charter re: this. The former Town Administrator told her when she was hired that she reports to the town administrator. Selectman Sauvageau stated according to the statute, CEDA needs to report directly to the Board. Discussion ensued.

Ms. Whalley discussed when the two entities (community development/economic development) were put together through legislation & the absence of management language. Chairman Eckstrom read the language into the record. Selectman Sauvageau feels the language is specific. He suggested this language be clarified & that CEDA report to the Board. He feels the management chart should be changed. Selectman Potter stated if the language is correct, the Board needs to give direction to CEDA. In section 7, 6D, it speaks to Town Meeting & that a report shall be given re: what projects have been undertaken. Ms. Whalley clarified that this is only relative to urban renewal programs. She explained that all grant the Board approves applications. She doesn't feel the Board is kept outside the process. The grant applications give CEDA the authority to manage grants on the Board's behalf. If the Board wants more involvement, that would be fine. Chairman Eckstrom feels this is needed. There had been two Board representatives on CEDA at one time. She understands CEDA has powers that are separate from other departments. She wants to get the process in order before a new Administrator comes on board.

Selectman Sauvageau asked who CEDA has been reporting to. Chairman Eckstrom felt it was the Administrator. Selectman Sauvageau stated the statute needs to be followed which states CEDA reports to the Board, not the Administrator. He feels the management chart needs to be revised to indicate this.

Chairman Eckstrom discussed proposed changes in the social services budget. Ms. Whalley discussed that rules change all the time as well as emphasis on different programs. She noted this year's emphasis is on youth programs. She discussed the monitoring of these programs.

Chairman Eckstrom would like to have credit given that CEDA scholarships are part of CEDA & are provided in advertisements. Ms. Whalley stated she could ask that this be printed.

Chairman Eckstrom noted Chapter 40B. She asked if CEDA is keeping track of the number of units, deed restrictions, etc. Ms. Whalley stated under housing rehabilitation, they register them. Projects under the ZBA; they try to track these projects. Selectman Cronan feels the Town Planner is responsible for registering these projects at the registry. Brief discussion ensued. Ms. Whalley noted that this is a time consuming process. Selectman Cronan disagreed & discussed the process briefly.

Chairman Eckstrom stated that the Downtown "Vision" Plan meeting would be held on May 23, 2007 in the Town Hall auditorium at 6:30 P.M. Selectman Sauvageau stated he would like to receive e-mails relative to CEDA meetings.

Chairman Eckstrom spoke re: minutes of CEDA. She asked if Ms. Whalley is the Clerk. Ms. Whalley indicated who transcribes the minutes and which in turn she reviews & signs them. Chairman Eckstrom feels a member of the CEDA Board should sign the minutes, not Ms. Whalley.

SELECTMEN/SEWER COMMISSIONERS MEETING 5/22/07 (CONT'D)

VIII. MINOT FOREST COMMITTEE UPDATE ON GRANTS & SIGNAGE

Present before the Board: Sandy Slavin
Ms. Angelo

Ms. Slavin thanked the Community Preservation Committee for the funds to install signage in Minot Forest. She thanked those who helped w/ said installation. She discussed what the Garden Club would be working on.

Ms. Angelo discussed the brochure relative to Minot Forest & that it includes GPS mapping & trails. She displayed a map re: where signage was placed which total nine signs. She spoke re: a bench to be installed & two trash barrels. She discussed that Mr. Gifford has indicated that the Sheriff's Dept. workers will pick up the trash from these barrels.

Ms. Angelo expressed concern re: a dumping site before Agawam Cemetery & that a Girl Scout Troop has offered to clean it up & Mr. Gifford has indicated he will have his staff pick up the trash from this site.

Selectman Potter asked where the bench would be placed. Ms. Angelo stated it would be in the park area that she described.

IX. ANNOUNCEMENTS

- A. The Downtown "Vision" Plan meeting will be held on May 23, 2007 in the Town Hall auditorium at 6:30 P.M.
- B. The Memorial Day Parade will be held on May 28, 2007 in Onset.

X. CONSENT AGENDA

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

MOTION: Selectman Potter moved the Board approve invoice #80255934/7 from Camp, Dresser & McKee in the amount of \$36,525.00 re: engineering services for designing sewers in seven remaining priority areas in Town. Selectman Cronan seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Potter moved the Board approve invoice #80255238/18 from Camp, Dresser & McKee in the amount of \$4,297.74 from Camp, Dresser & McKee re: residential engineering services during sewer construction in Briarwood Beach. Selectman Cronan seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Potter moved the Board approve invoice #80255235/1 from Camp, Dresser & McKee in the amount of \$3,141.62 re: engineering design services for the improvements to three existing wastewater-pumping stations. Selectman Cronan seconded.

VOTE: Unanimous (4-0-0)

- B. Appointments to the Stormwater Remediation Program Committee: Town Departments.

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MOTION: Selectman Potter moved the Board appoint Michael Parola (Harbormaster Rep.), Ted Misiaszek (Inspectional Services Rep.), David Pichette (Conservation Commission Rep.), & Robert Ethier (Board of Health Rep.) as members to the Stormwater Management Program Committee to indefinite terms. Selectman Sauvageau seconded for discussion.

NOTE: Discussion ensued re: these department heads being on this committee & answering to the Board & the Administrator.

VOTE: Unanimous (4-0-0)

XI. TOWN BUSINESS

A. Approve applications for special events:

1. Cape Verdean Festival.

Present before the Board: Mr. Roderick

Mr. Roderick stated there is nothing the festival committee can do to scale back the event.

Selectman Potter stated he received e-mail from Mr. Foster re: Chief Joyce feels that his department could manage the festival. Mr. Foster discussed e-mails received from Chief Joyce. There seemed to be confusion re: the first e-mail relative to other safety personnel to be utilized. The second e-mail indicated that the Chief has garnered 14 undercover officers out of the 28 needed & he will look at other agencies for help. He explained that at this time, the Chief would deny the permit, but he is still looking into other agencies for help. He noted that there is a need for undercover officers.

Mr. Roderick stated that the festival, in the past, has not paid for undercover officers. They have paid the Police Dept. & the Sheriff's officers. The balance of undercover officers was paid in the past by mutual aid.

Selectman Potter feels it is hypocritical to have long-standing events denied based on manpower when the town would not be providing lifeguards for thousands of beach-goers over the summer. He noted that there would be no lifeguards this summer. He feels there is an indication to have the manpower. Mr. Roderick feels there will be more than adequate protection for the festival. Selectman Sauvageau agreed w/ Selectman Potter. He stated the Chief does not decide what events are held or not. The Board of Selectmen does, and the police dept. will have to provide what is has to provide.

MOTION: Selectman Potter moved & Selectman Cronan seconded that the Board approve the permit for the Cape Verdean Festival to be held on 8/11/07 from 12:00 noon to 6:00 P.M. w/ the following conditions: (see copy of permit attached)

VOTE: Unanimous (4-0-0)

2. Onset Blues Festival.

Present before the Board: William Lockwood

Chairman Eckstrom felt that Chief Joyce was in favor of this festival, but know she understands that it would be contingent upon having help available.

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Selectman Potter asked how many people attend this festival. Mr. Lockwood stated approx. 650-700 people. Selectman Potter asked how many police officers are required. Mr. Lockwood stated 13. Selectman Potter doesn't understand why there is a shortage of police officers. Brief discussion ensued.

MOTION: Selectman Potter moved & Selectman Cronan seconded that the Board approve a permit for the Onset Blues Festival to be held on August 18, 2007 from 9:00 A.M. to 6:00 P.M. w/ the following conditions: (see copy of permit attached)

VOTE: Unanimous (4-0-0)

B. Verizon Legislation.

Chairman Eckstrom stated she received correspondence relative to the bond. The Board has signed & in effect, Attorney Solomon is looking at getting ComCast to bring service to streets currently unserved.

Chairman Eckstrom briefly discussed Verizon legislation. She asked if the Board would write a letter to defeat the State license. The Board members concurred.

C. Special Municipal Employee Status.

Selectman Sauvageau proposed abolishing this whole status. He understands it is a contentious issue. He explained that this new Board promised to follow the Charter. He discussed what Special Municipal Employee Status is. He feels conflict of interest clouds public perception & eliminating this status fully will solve many issues. He again recommended abolishing this status, effective immediately.

Selectman Cronan discussed what this would mean to some committees, such as to the Chairmen of the ZBA & Planning Board. Selectman Sauvageau stated the status has no value. He feels if you sit on a Town board, you shouldn't do business in Town.

Selectman Potter asked how many boards & members the abolishment would affect. He understands apparent conflicts. He again asked how many boards would be affected by a lack of quorum if this went into effect. Selectman Sauvageau stated the solution to potential conflicts is to not do business in Town & then not a single board would be affected.

Selectman Potter spoke re: issues relative to bus drivers & coaches & this status. Brief discussion ensued.

Selectman Sauvageau stated the issues is how the exceptions are made. There is a standing policy that states that there is to be no special municipal status, but it is being done anyway. Chairman Eckstrom noted that two committees have come before the Board asking for this status, but the Board denied these requests.

Margaret Ishihara asked to come before the Board on this matter. Chairman Eckstrom asked her to send a letter to the Board instead.

Selectman Potter asked what identifies someone doing business in Town & the frequency. He asked how this is determined & what is reasonable. Selectman Sauvageau feels "zero" is reasonable.

SELECTMEN/SEWER COMMISSIONERS MEETING 5/22/07 (CONT'D)

Selectman Potter expressed concern re: some Chairmen of boards may resign even if they may have only one case in nine years where there may be a potential conflict. Selectman Sauvageau doesn't feel this is a risk to be concerned with. He feels it is inappropriate to make money from the Town if serving on a committee. Chairman Eckstrom feels it is not necessarily just doing business in Town, but anything that would be perceived or appear to be a conflict. She noted the State Ethics laws & filings at the Clerk's office.

Selectman Potter questioned why no one has ever been asked to leave a committee or board that had apparent conflicts. Selectman Sauvageau stated they were granted an exception. He doesn't agree that the only way to obtain qualified people on committees/boards is to grant this status. He feels this status was never designed to be an exception, but only a disclosure. It is not a license to be in conflict. He feels this status should be abolished & each circumstance be handled on a case-by-case basis. He feels the Board should start from scratch re: this matter.

MOTION: Selectman Sauvageau moved the Board abolish the Special Municipal Status & to take each case on an individual basis. Selectman Cronan seconded.

VOTE: Unanimous (4-0-0)

D. Any other Town business.

1. Onset Pier Parking.

Chairman Eckstrom asked Mr. Foster to look into the Onset Pier parking issue. She asked if the woman that handled the collection of fees at the pier works under Lt. Wallace. She asked Mr. Foster to find out if this woman would work for a few weeks until money is generated at the pier to pay her. Mr. Foster stated this woman doesn't get paid from money taken in at the pier. She has been paid through the Police budget. Chairman Eckstrom stated that the Recreation Revolving Fund could also be utilized to pay her.

Chairman Eckstrom asked the Board to consider increasing the parking fee at the pier. She stated Selectman Potter had suggested \$1.50. She is suggesting \$2.00. Brief discussion ensued re: increasing this rate.

MOTION: Selectman Cronan moved the Board increase the parking rate at the Onset Pier to \$2.00. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Selectman Potter suggested the Board think about switching the parking collection to an automated machine. Chairman Eckstrom stated there is no money available up front now to pay for this, but it is something to think about in the future.

2. Onset Pier Ticket Machine.

Chairman Eckstrom asked Mr. Foster to contact Municipal Maintenance to make sure the ticket machine is working properly at the pier.

SELECTMEN/SEWER COMMISSIONERS MEETING 5/22/07 (CONT'D)

XII. SELECTMEN'S REPORTS

1. Selectman Potter – Expressed confusion as to why the Honor Guard cannot participate in the Memorial Day Parade. He stated the Town is still in its current fiscal year & he feels money to pay them is in the budget. Chairman Eckstrom stated she is shocked that the Honor Guard wouldn't volunteer to do this.
2. Chairman Eckstrom – Stated there would be no Board meeting next week. She asked the Board to hold a meeting w/ the Planning Board on 6/4/07 to discuss TDR. The Board concurred. The next regular meeting of the Board will be held on 6/5/07.

XIII. ADJOURNMENT

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

VOTE: Unanimous (4-0-0)

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