

## MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#13-07

Date of Meeting: April 17, 2007

Date of Transcription: April 19, 2007

Transcribed by: Kelly Barrasso

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

Chairman Eckstrom called the meeting to order at 7:02 PM

### **II. ROLL CALL**

Selectmen Present: Brenda Eckstrom, Chairman  
Jim Potter, Clerk  
John Cronan  
Jane Donahue (Arrived at 7:15 PM)

Selectman Absent: Bruce Sauvageau

Also Present: John Foster, Interim Town Administrator

### **III. CITIZENS PARTICIPATION**

Present before the Board: Attorney Benjamin Sorta

Attorney Sorta asked re: Article 36 – Petition – Vacate Thomas Ave. He asked if there was a hearing on this article. Chairman Eckstrom explained that the petitioner came before the Board & discussed the article & the Board had received nothing from Mr. DeFelice or Mr. Cochi.

Attorney Sorta stated that Mr. DeFelice & Mr. Cochi own lots 58 & 59. Thomas Ave. is the only road to their land. There is an Order of Conditions for lot 59 which stated the road could be fixed.

Attorney Sorta explained that Thomas Ave. is a gravel road & is private. The Town can only discontinue public ways. Only private rights are involved w/ this matter. Only the Planning Board can amend the plan for the road. He doesn't feel this is an issue under the Board's purview.

Attorney Sorta believes the petitioner, Debbie Pfnister, understood the issues of the roadway & she had appealed the Order of Conditions. He noted that there are other lots abutting this roadway. Lot 59 is a buildable lot. He explained that not all the roads in this subdivision were built. Discussion ensued re: this area & roadways.

Chairman Eckstrom stated that she contacted the petitioner, Ms. Pfnister when she heard Attorney Sorta & his clients were coming before the Board. She told Ms. Pfnister that Thomas Ave. was a paper street & there were other private parties involved. She had also spoken to the Municipal Maintenance Director who said there was nothing but woods surrounding the roadway. The Board voted Favorable Action on this article, but due to this new information, she will ask the Board to rescind their motion & move No Action.

Present before the Board: Mr. DeFelice

**SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)**

Mr. DeFelice discussed what commenced w/ his lot when it went before the Planning Board & the Conservation Commission. He noted that Ms. Pfnister attended all the meetings & she appealed the ConCom decision. He doesn't understand why this matter was even put on the Warrant.

Chairman Eckstrom explained how this is a petition article & how it was placed on the Warrant.

Attorney Sorta asked how this area was presented to the Board, for example, was it presented that there was nothing out there. Chairman Eckstrom explained what discussions were held re: this article as well as discussions w/ the Municipal Maintenance Director.

Brief discussion ensued re: Elizabeth St.

Chairman Eckstrom again stated she would recommend the Board rescind its motion on Article 36 & vote for No Action.

Selectman Potter read a letter from Ms. Pfnister into the record (Attached as reference).

Mr. DeFelice read a letter into the record from the Building Inspector relative to a small lot exemption for lot 59 & that it does meet the requirements for a small lot exemption. Selectman Cronan stated a letter from 2/5/06 states this lot does not meet the small lot exemption. Mr. DeFelice discussed what transpired. Selectman Cronan doesn't believe that lot 59 is a buildable lot because there is no frontage. Attorney Sorta discussed why it is buildable.

Selectman Donahue doesn't feel Town Meeting will support this article due to the civil issue that exists.

**MOTION:** Selectman Donahue moved to the Board rescind its vote on Article 36 of the 4/23/07 Annual Town Meeting Warrant. Selectman Potter seconded.

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

**MOTION:** Selectman Donahue moved No Action on Article 36 of the 4/23/07 Annual Town Meeting Warrant. Selectman Potter seconded.

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

**NOTE:** The meeting proceeded w/ item VII. A. Hearing – 1. Continued – Verizon Cable Application.

**MOTION:** Selectman Donahue moved to open the hearing. Selectman Potter seconded.

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

**MOTION:** Selectman Cronan moved to table the hearing until Attorney Solomon arrives. Selectman Donahue seconded.

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

**SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)**

**IV. DISCUSSION RE: ARTICLE 6 OF THE SPECIAL TOWN MEETING WARRANT**

Present before the Board: Dr. Costa

Mr. Costa stated he is present to discuss the nitrogen-loading article. He discussed the Buzzards Bay Coalition & the attempts to better handle nitrogen loading. He explained that a draft Bylaw was presented to the Planning Board for managing nitrogen previously. The Planning Board felt it was too complicated, so in 1/07 a new Bylaw was submitted & inserted into the Special Town Meeting Warrant.

Mr. Costa discussed in length how this Bylaw works & nitrogen loading issues. He provided a PowerPoint presentation. (Attached as reference).

Mr. Costa noted such things, such as an amendment that needs to be made on Town Meeting floor relative to pounds vs. kilograms. He discussed the wording of the Bylaw as well. Selectman Potter asked re: the wording that states the need for DEP approval in the Bylaw & as he understands, there are no DEP approved systems. Mr. Costa stated DEP is not endorsing any new technology, but the wording means that the system needs to meet DEP standards relative to nitrogen.

Chairman Eckstrom understands the nitrogen issues in Town, but the sewer areas only help negate a portion of the nitrogen issue. Mr. Costa stated there are many options available. Brief discussion ensued re: lawn applications & educating residents on appropriate lawn management.

**V. ANNOUNCEMENTS  
(NONE)**

**VI. CONSENT AGENDA**

A. Authorization to sign bills, documents, etc.

(NONE)

B. Interview/Appoint applications for boards, commissions, committees, etc.

1. Zoning Board of Appeals.

Chairman Eckstrom noted e-mailing Mr. Sharkey who has been an Associate member to the ZBA for many years & who has been endorsed by the ZBA to be appointed as a regular member. She doesn't feel an interview is necessary.

**MOTION:** Selectman Potter moved the Board appoint David A. Sharkey as a member to the Zoning Board of Appeals to a term to expire 6/30/08. Selectman Cronan seconded.

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

C. Policy #88-12 amended (07-03).

Chairman Eckstrom stated there is some confusion in the Board's office because this policy was an amended version. The staff would like to have policy #07-03 be known as policy #88-12.

**SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)**

**MOTION:** Selectman Donahue moved to have policy #07-03 be known as policy #88-12. Selectman Cronan seconded.

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

**VII. LICENSES & PERMITS**

**NOTE:** The meeting proceeded w/ item 2. Application by Robertson's Chevrolet, Inc., for the Class I license, formally issued to Paul J. Werner d/b/a Cranberry Chevrolet-Oldsmobile- Geo & located at 3131 Cranberry Highway, East Wareham.

Present before the Board: Steven Robertson

Mr. Robertson submitted the green return receipts. He explained he is buying the business & will just be changing the name.

Selectman Cronan stated w/ the previous owner, the ZBA placed conditions on this lot. The former owner didn't follow through w/ some of them. He would like Mr. Robertson to adhere to the said conditions, such as landscaping since the conditions will be going to Mr. Robertson as the new owner.

**MOTION:** Selectman Potter moved the Board approve the application of Robertson's Chevrolet, Inc., for the Class I license, formally issued to Paul J. Werner d/b/a Cranberry Chevrolet-Oldsmobile- Geo & located at 3131 Cranberry Highway, East Wareham. Selectman Donahue seconded.

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

3. Application of Browne's Package Store, 135 Marion Road, Wareham, MA for a Change of Manager from Steven Browne to Karan V. Johar.

Present before the Board: Karan V. Johar  
Debbie Anderson

Selectman Cronan asked if Mr. Johar has managed a liquor store before. Mr. Johar stated he has.

**MOTION:** Selectman Potter moved the Board approve the application of Browne's Package Store, 135 Marion Road, Wareham, MA for a Change of Manager from Steven Browne to Karan V. Johar. Selectman Donahue seconded.

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

- B. Approve request for permit for use of Town roads to the Gleason Family YMCA 5K Road Race Annual Fundraiser in Onset beginning at 10:00 A.M. & ending at 11:30 A.M. on Saturday, May 5, 2007.

No one was present to represent the application.

**MOTION:** Selectman Potter moved the Board approve a request for use of Town roads by the Gleason Family YMCA for a 5K Road Race Annual Fundraiser in Onset beginning at 10:00 A.M. & ending at 11:30 A.M. on Saturday, May 5, 2007. Selectman Donahue seconded.

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

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

- C. Approve request for use of Town roads for the Great Mass Getaway MS 150 Bike Tour Annual Fundraiser for the National Multiple Sclerosis Society on 6/23/07 – 6/24/07.

No one was present to represent the application.

**MOTION:** Selectman Potter moved the Board approve the request for use of Town roads for the Great Mass Getaway MS 150 Bike Tour Annual Fundraiser for the National Multiple Sclerosis Society on 6/23/07 – 6/24/07. Selectman Donahue seconded.

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

## VIII. REPORT OF INTERIM TOWN ADMINISTRATOR

1. Lease of 7 Elm Street. Proposals were received for the leasing of 7 Elm St., Wareham. Proposals were publicly opened on 4/12/07 at 12:00 noon in the presence of John Cornish of Atlantic Boats, Susan P. Green, & Mr. Foster. Proposals were received from Atlantic Boats & GATRA. GATRA was awarded the bid. The lease is for ten years. Over this period of time, GATRA will pay \$675,000 to lease said building. The other bid received was half this amount.
2. Oak Grove School Update. The revisions to the lease have been received from Town Counsel. In order to provide the Board w/ an opportunity to review the revisions prior to the meeting, Mr. Foster e-mailed them to the Board as well as Mary Pat Messmer, Joan Andrews, Tiny Lopes, & Marilyn Whalley.

Mr. Foster stated he received one comment from Ms. Whalley who is in support of the revisions. She commented that the project is almost complete & there is still the need to enter into an agreement w/ Cape Cod Childcare. He has heard no negative comments.

Mr. Foster asked the Board to authorize him to sign off on the lease based on the amended document provided. Chairman Eckstrom noted Selectman Sauvageau's concern re: the issue of 90 days to terminate the lease. Mr. Foster explained that w/ the amendment, Cape Cod Child Care would have to give the Town three months notice before stepping out of the lease if their Federal funding ceased. Discussion ensued. Mr. Foster stated it is not all the back funding that Cape Cod Child (Development) would have given; it would be for the rent in the future.

Chairman Eckstrom asked that this issue be brought forward next week until Selectman Sauvageau returns. Selectman Donahue asked if there is a reason the Board needs to vote tonight on this matter. Mr. Foster stated there are some timing issues w/ this project to move it forward. Discussion ensued re: how to proceed. Chairman Eckstrom explained that Selectman Sauvageau was concerned re: if Cape Cod Child Care lost

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

their funding & the ninety-day notice. The Board members concurred to handle this matter next week.

3. Nor'easter Update. Mr. Foster received e-mail from Municipal Maintenance re: the storm & flooding over the weekend. At 12:00 A.M. on 4/6/07, Municipal Maintenance staff worked all night pumping out water & clearing trees. Both dams were monitored for flooding. He observed Municipal Maintenance working over the weekend & saw them at a mobile home park that floods. They will be dealing w/ the pipe not flushing water out of the park. Town employees worked hard for the Town & he thanked them for their efforts.
4. Brush Acceptance. Due to the Nor'easter, Municipal Maintenance has extended their hours for acceptance of brush Monday through Friday 7:00 A.M. – 2:00 P.M.
5. Closing of Shellfish Beds. The Division of Marine Fisheries has closed all shellfish areas due to the rain until further notice.

**NOTE:** The meeting proceeded w/ item VII. Licenses & Permits – A. Verizon Cable Application.

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

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

Present before the Board: Attorney Solomon  
Mr. McGrail, VP of Verizon, Inc

Attorney Solomon stated that the final language has been worked out & there is a final agreement. He briefly summarized the process.

Attorney Solomon stated it is a ten-year license w/ an effective date of 12/20/06. For ten years, Verizon will provide service to areas in Town & w/in two years the whole Town & w/in four years, all dwelling units. He discussed PEG Access & how Verizon will match a grant worth over \$522,000 in the ten years. He stated that PEG Access video return would be provided to the Multi-Service Center & one other location (the studio when established). He noted that the Town is fully protected re: responsibility, bonding, indemnification, etc. He feels this is a good license & he thanked Selectman Potter for helping throughout the process.

Mr. McGrail discussed the Verizon company & services provided. He gave an overview of discussions held w/ the Town for the cable license. He summarized events that have commenced since the first meeting.

Attorney Solomon discussed important components of the license & agreement, which include Verizon's ability to sever the license if there aren't enough subscribers. He expressed concern re: Verizon using this termination option due to a change in law. Verizon has made clear this is not their intent & they just want this option in case there are not enough subscribers. Mr. McGrail discussed the three-year termination clause & concurred w/ Attorney Solomon that Verizon wants to make sure they get a return on their investment. He addressed the language re: Federal

**SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)**

legislation. He noted that Verizon intends to abide by the terms of the license. Brief discussion ensued.

Selectman Potter thanked Attorney Solomon & Verizon for their efforts. He feels it is a good opportunity for the Town.

Audience members were asked for comment.

Present before the Board: A gentleman

The gentleman asked if there would be a discount for seniors & disabled veterans. Mr. McGrail stated that Verizon doesn't have any senior discounts on any of their licenses. They feel this is rate regulation & this is why they don't offer a discount. He discussed the positive impact of competition w/ other cable entities. He added that just because a senior discount isn't in the license, doesn't mean it won't be done in some for in the future. He feels competition will provide rate relief. Disabled veterans deserve this intention as well.

Selectman Cronan asked if the rates are already set. Mr. McGrail stated, yes & he identified some package prices.

**MOTION:** Selectman Potter moved to approve the cable license franchise agreement with Verizon.

Selectman Donahue seconded.

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

Board members proceeded to sign relevant documents.

**IX. TOWN BUSINESS**

A. Town Meeting Warrant Articles.

1. Article 39 – South Shore Women's Center

Present before the Board: Kathy Spear, Executive Director

Ms. Spear briefly discussed the organization & services provided. They are seeking \$2,000 to provide these services to Wareham. She discussed statistics of Wareham residents that utilize services.

Chairman Eckstrom stated budgetary issues were discussed & she doesn't feel this item is included in the budget, thus a funding source needs to be found. Discussion ensued. Selectman Donahue feels it was budgeted. Chairman Eckstrom explained that if the Board votes Favorable Action they would need to establish a funding source. Selectman Donahue suggested the petitioner come to Town Meeting & make her case. The money may be found somewhere. She added that this organization provides an important service to the Town.

**MOTION:** Selectman Donahue moved Favorable Action on Article 39 of the 4/23/07 Annual Town Meeting Warrant. Selectman Cronan seconded.

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

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

### 2. Articles 29-35 – Zoning Articles

Present before the Board: Anthi Frangiadis, Planning Board Chair  
Chuck Gricus, Town Planner  
George Barrett, Planning Board

Ms. Frangiadis stated all these articles were presented before in the spring of 2006 & were voted further study. In 10/06, the Articles were not heard. Nothing has changed from the first time they were presented.

#### Article 29 – Zoning Amendment: East Wareham Village

Ms. Frangiadis explained this article looks to rezone the existing strip commercial district. The intent is to have it developed as a smaller town village. The boundaries are the same, but uses & the dimensional tables have changed. There will be an amendment to the map to coincide w/ the written description.

Selectman Potter asked if the Depot Crossing area was considered as part of this. Ms. Frangiadis stated it didn't come up in discussions. She noted that boundaries for metes & bounds have never been made. Discussion ensued.

Chairman Eckstrom expressed concern re: the table indicating a Special Permit needed for motor vehicle service & sales. She stated there is an existing business there presently. She asked if this business would be limited. Ms. Frangiadis discussed sales vs. service. She noted that there is no change to the table for this use. She discussed other issues in this area that will be allowed or not allowed.

#### Article 30 – Zoning Amendment – Inclusionary Zoning

Ms. Frangiadis discussed the initial development of this article. It is a land use tool that would help maintain the affordable housing percentage after the 10% count is met. It would require all subdivisions w/ ten or more lots to provide one affordable unit w/ the following options: 1.) Build on site, 2.) Build off site or land, & 3.) Contribute to the Trust Fund.

Selectman Cronan stated that the attorney for the ZBA had stated that the Town must be careful w/ paying a fee in lieu of affordable housing. Discussion ensued. Ms. Frangiadis clarified that this only applies to ten units or more. Discussion continued.

Chairman Eckstrom expressed concern re: option for an affordable unit off site. She asked if there were criteria to have the same type of building to which they would currently build. Discussion ensued. Ms. Frangiadis discussed s. 584 & 4B, which has language, set up in the tool that offers some criteria relative to land.

Mr. Barrett feels it is a tax & will be passed on. He doesn't feel the 10% figure is attainable. Selectman Potter asked why there would be an option for an off site unit. Discussion ensued. Selectman Potter stated he is not necessarily in favor of this option. Selectman Cronan discussed the intent of this article. Ms. Frangiadis stated the larger the subdivision, the more affordable units there will be. Discussion ensued.

#### Article 31 – Zoning: Industrial District Dimensional Table

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

Ms. Frangiadis stated this article will need to be amended on Town Meeting floor re: minimum amount of area needed relative to septic & developments. They will amend the number to 60,000 sq. ft. for septic.

Ms. Frangiadis asked if there are plans to hook up Phase I industrial park to the sewer system. There is presently a line there to connect. Chairman Eckstrom suggested placing the 60,000 sq. ft. requirement in because there are still discussions ongoing relative to the plant capacity. Brief discussion ensued.

Article 32 – Zoning: General Commercial District Dimensional Table

Ms. Frangiadis discussed the article.

Article 33 – Zoning Amendment: Commercial District Design Standards & Guidelines

Ms. Frangiadis discussed the article.

Article 34 – Zoning: Amend Zoning Map

Ms. Frangiadis discussed the area this would affect. Selectman Cronan asked what these changes would do for the size of buildings. Ms. Frangiadis discussed dimensional changes for General Commercial.

Article 35 – Zoning: Amend Zoning Map

Ms. Frangiadis discussed the area this would affect. Selectman Potter asked why the cranberry bogs are included. Lengthy discussion ensued. Ms. Frangiadis stated the attempt is to try to due mapping by existing sites.

Discussion ensued re: the 43D legislation. Chairman Eckstrom asked when this was put into the Planning Board's charge. Ms. Frangiadis stated the Planning Board met jointly w/ CEDA to hire SRPEDD to discuss this. SRPEDD offered to help the Town w/ the local process. Thus, CEDA & the Planning Board would come before the Board of Selectmen w/ a recommendation. Chairman Eckstrom feels CEDA should have come before the Board first to see if it is something the Board wanted to move forward w/. Mr. Barrett stated CEDA came to the Planning Board for support & the Board liaisons were there. The Planning Board wasn't supportive at that time. Chairman Eckstrom stated the Board appoints CEDA members & it doesn't say two members of the Board should be voting members. She feels this is an issue. She feels an opinion is needed from the Ethics Commission.

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

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

**NOTE:** The meeting proceeded w/ item XI. Sewer Business.

A. Vote the order of sewer extension projects.

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

Present before the Board: Dave Simmons, WPCF Superintendent

Mr. Simmons explained that once there is Town Meeting approval, the SRF application must be submitted. Then, the projects can move forward. The first contract would be ready to bid in late summer/early fall. The second project would be late fall/early winter & the third project could be late winter/early spring.

Chairman Eckstrom expressed concern re: the proposed grouping. She would suggest swapping Parkwood Beach for Agawam Beach due to roadwork issues & the amount of residents that have cesspools, not septic. Selectman Potter agreed, but suggested taking Linwood/Ladd Aves. & putting it w/ Oakdale & moving Cromesett w/ Mayflower Ridge. Chairman Eckstrom stated that the reason Linwood/Ladd Aves. were on the first grouping was because the Board of Health requested getting this area done first.

Selectman Potter suggested grouping Oakdale, Tempest Knob, & Linwood/Ladd Aves. together & then grouping Agawam Beach & Parkwood together.

Selectman Donahue asked if there was a reason for the proposed order. Mr. Simmons stated it was set up by lineal ft. of pipe. If the footage of pipe is the same, the Town will receive better bids. Selectman Potter stated that Mr. Guidice of CDM assured the Board that as long as they kept w/ three projects it would be fine. Mr. Foster stated if all three projects were bid at one time, there would be a lot going on at one time. Discussion ensued re: how aggressive the Board wants to be in moving forward.

Selectman Potter asked if grouping projects w/ areas that are close together would equate to more cost savings, for example, Parkwood & Agawam Beach. Selectman Cronan doesn't feel this would make a difference.

Selectman Donahue stated she would have to recuse herself from this matter. She owns property in Parkwood.

**MOTION:** Selectman Potter moved the Board group the remaining sewer projects in the following order: 1.) Oakdale, Tempest Knob, & Linwood/Ladd Aves. 2.) Parkwood & Cromesett, & 3.) Agawam Beach & Mayflower Ridge. Selectman Cronan seconded.

**VOTE: (3-0-1)**

**Selectman Donahue abstained**

Mr. Simmons asked re: timeframes for projects. The Board concurred to give a timeframe for the first contract. Discussion ensued re: funding.

**MOTION:** Selectman Potter moved to move forward w/ bidding the first contract identified above of the sewer extension program for late summer/early fall pending Town Meeting approval. Selectman Cronan seconded.

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

Discussion ensued re: waivers being given if sewer is to be going in w/in two years.

B. Any other sewer business.

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

### 1. Leachate Contract.

Mr. Simmons stated he has sent the draft leachate contract to Town Counsel for review.

### 2. Wewentic Shores Sewer Connections.

Mr. Simmons stated there are four homeowners that have not connected. Letters were hand delivered to these residents & Town Counsel has offered guidance in writing as to how to move forward w/ these residents, which will be presented to the Board.

### 3. Phase II Pumping Stations.

Mr. Simmons stated that the Phase II pumping station upgrades have been advertised & posted. Bidding is due on 4/26/07 & general contracting bids are due 5/3/07.

### 4. Sewer Bills to Town of Bourne.

Mr. Simmons addressed sewer bills to Bourne. They are currently at \$540.00 for this current year that takes care of up to 60,000 gallons. Anything over this amount is charged 1 cent per gallon. This rate is less than the Town's.

### 5. Emergency Generator Use at Plant.

Mr. Simmons stated he has been approached by EnerNock approached him with a proposal that it would pay the Town \$13,500 per year re: if the plant utilizes high-energy use & the plant goes over to the emergency generator. The contract would be for five years.

Selectman Potter asked how long, if the plant goes off the grid, would the plant have to stay off. Mr. Simmons stated the company determines when to go off & for how long. He doesn't feel comfortable speaking for the company, but many others have signed up.

Mr. Foster asked if the plant goes off the grid, would the Town pay for the generator. Mr. Simmons stated the Town would pay for the diesel fuel. He indicated that the company has presented a proposal that he can provide to the Board & then after review, the company can come discuss the proposal w/ the Board. He understands that running the generator is cheaper vs. being on the grid.

### 6. Briarwood/Beaver Dam Estates Pump Stations

Mr. Simmons stated the earliest training session for these pump stations is 4/30/07. Letters to residents will go out on 5/1/07.

### 7. Nitrogen & Phosphorous

Mr. Simmons discussed the pilot study re: nitrogen & phosphorous levels. He discussed the results that indicate the pilot is working. Brief discussion ensued.

Selectman Donahue asked re: the issue of sewer capacity. She would like to have an estimate on capacity. Chairman Eckstrom stated that CDM would be coming before the Board w/ this information. She noted that 5/8/07 would be a workshop meeting w/ CDM.

**SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)**

**NOTE:** The meeting proceeded w/ item IX. Town Business.

B. (NONE)

C. Board of Selectmen Liaisons.

Chairman Eckstrom explained that an issue arose re: Board representatives on committees, commissions, etc. have always been voting members & liaisons have just been contacts. She contacted the Ethics Commission re: this matter & was given a blanket response. She suggested for the interim, that all Board members be appointed liaisons until there is a firm recommendation from the Ethics Commission on this matter.

The Board proceeded to assign liaison designations for the following committees, commissions & boards:

Council on Aging Board of Directors: Selectman Donahue

Selectman Donahue asked re: the liaison concept. Chairman Eckstrom explained that it is a policy of the Board. Discussion ensued re: liaisons role, the importance of it, & reports liaisons make to the Board.

Affirmative Action Hearing Committee – Chairman Eckstrom

Zoning Board of Appeals: Selectman Cronan

Buzzards Bay Committee: Delegate – Charles Gricus  
Alternate – Town Administrator

Capital Planning Committee: Chairman of the Board of Selectmen

Carver, Marion, Wareham Regional Refuse Disposal District Committee:  
Robert Ethier  
Marietta Maraccini

Cemetery Commissioners: Selectmen Cronan, Potter, & Donahue

Commission on Disability: Selectman Sauvageau

Community & Economic Development Authority: Selectman Sauvageau

Discussion ensued re: if more than two Selectmen are liaisons/representatives of a committee, should the meeting be posted. Chairman Eckstrom would like to have only one liaison on commissions if possible.

Community Preservation Committee: Selectman Potter

Conservation Commission: Chairman Eckstrom

Finance Committee: Selectmen Sauvageau & Potter

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

Note: These two Selectmen will decide who will serve as liaison.

Board of Health: Chairman Eckstrom

Housing Partnership Advisory Board: Selectman Sauvageau

Marine Resources Commission: Selectman Sauvageau

Myles Standish State Forest Study Advisory Committee: Selectman Donahue

Open Space Committee: Selectman Potter

Planning Board: Selectman Cronan

Plymouth County Commissioners Advisory Board: Selectman Donahue

Police Feasibility Study Committee: Chairman Eckstrom

Recycling Committee: Selectman Cronan

SRPEDD: Delegate: Town Administrator

Tobey Will Fund: All five Selectmen

Tremont Nail Master Plan Committee: Chairman Eckstrom

Wareham Local Housing Partnership Committee: Selectman Sauvageau

WPCF Design Sub-Committee:

Discussion ensued re: if this was disbanded or if there was a name change. Chairman Eckstrom doesn't feel this committee is needed now that Mr. Simmons updates the Board.

### D. Discussion – Special Municipal Employee Status

Chairman Eckstrom would like to discuss this issue when Selectman Sauvageau returns.

### E. Discussion – DOR/Audit

Chairman Eckstrom stated she would like DOR to conduct an audit of the Town.

Selectman Cronan stated he mentioned this at Candidate's Night & feels it is a good idea to get a fresh look. Chairman Eckstrom agreed. She feels DOR could help solve problems if they exist. The Town needs an audit done. She discussed the audit done on the sewer fees. She suggested asking Senator Pacheco to help get this rolling. She asked for the Board's consensus.

Selectman Potter stated he doesn't have a problem w/ DOR conducting an audit, but he recalls DOR stating that they can't come into Town for six months when the sewer fees audit was done. Chairman Eckstrom stated this may be the case, but an audit needs to be done. Selectman Donahue stated that advice is always helpful. She has no problem.

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

The Board members concurred to have DOR come in & conduct an audit.

F. Any other Town business.

1. Meeting w/ FinCom.

Selectman Donahue asked whatever happened to the FinCom coming before the Board to discuss the budget prior to Town Meeting. Chairman Eckstrom explained that she sent e-mail to the FinCom Chair explaining the policy of the Board relative to the Warrant. She stated comments were made back & forth by e-mail. She relayed that she copied all of these e-mails as part of the public record. (Attached as reference). The FinCom did not respond re: coming before the Board to discuss the budget.

Selectman Potter asked if the Warrant issue was cleared up. Chairman Eckstrom stated no one has seen the Warrant. Selectman Cronan expressed concern re: the content of the e-mails that were going back & forth between Chairman Eckstrom & the FinCom Chair. He noted spending time reviewing the Charter & Bylaws & he doesn't feel there is a gray area, but he believes the Charter needs help. He believes it is clear what the rules are & he doesn't feel the FinCom Chair drawing a line in the sand is beneficial. He doesn't know why the Warrant/reports from the FinCom were not being printed. Chairman Eckstrom doesn't know what is being done. It should have been done today, seven days prior to Town Meeting. Selectman Cronan asked if it is the Board's Warrant, why is someone else in charge of it. He felt the Board gave a directive to Mr. Foster to get it printed. He understands the FinCom is to make reports to present at Town Meeting & they can make amendments at Town Meeting. He is embarrassed by what is happening.

Mr. Foster explained that the gray area is the title of the FinCom's report. Usually it is titled "The Warrant", but the FinCom Chair feels it is "The FinCom's Recommendations to Town Meeting". There is a question as to if the Warrant is the posted & advertised document by the Board or if it is the printed document the FinCom did. He doesn't have the Warrant to print.

Chairman Eckstrom explained that in the past, the printing of the Warrant was in the FinCom's budget. The discrepancy is the title of the document. She discussed what Mr. Heaney's (FinCom Chair) argument is & what the document is.

Mr. Foster stated another issue is, after Chairman Eckstrom spoke to John Georgio of Kopelman & Paige, Mr. Georgio called him to let him know that he will no longer be representing the Town. Chairman Eckstrom clarified that she never contacted Mr. Georgio. She contacted Len Kopelman who informed Mr. Georgio, thus, Mr. Georgio contacted Mr. Foster. Mr. Foster explained that during his conversation w/ Mr. Georgio, he explained to him that there were problems w/ the Warrant & the printing of the Warrant. Mr. Georgio asked what the issues were. Mr. Foster stated he told him it was a matter of printing the Administrator's budget vs. the Administrator's budget & the FinCom's budget. Mr. Georgio told him that in his opinion, the document to be handed out at Town Meeting is the FinCom's recommendations & the Board's Warrant was what was posted & advertised previously. Chairman Eckstrom stated when she received this information; she called Mr. Kopelman who stated that the Board is the policy makers. He noted that if the policy is that the document is the Warrant, then that is the Warrant. Mr. Foster feels that after Town Meeting, everyone should get together & discuss these matters due to the amount of time that was spent on this issue.

## SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)

### 2. Upper Cape Tech. School Budget Meeting.

Selectman Potter updated the Board on the meeting he attended. He explained it would take two towns to deny the proposed budget. The school would then have 30 days to revise the budget & then the towns would have 45 days to call a Special Town Meeting to re-approve the budget. He explained that most of the increase in the budget deals w/ nine positions that previously had been funded by grants, but now there are no grants. He feels this is a budget issue on the school's part.

Chairman Eckstrom explained that it is a 2/3's majority vote. If two towns don't approve, the school has 30 days to re-submit the budget. They could only change the budget by \$1 if they wanted, & then the towns would have to post a Special Town Meeting. This matter could go on & on.

Selectman Potter stated the proposed increase is approx. \$100,000. Discussion ensued. Chairman Eckstrom noted that the school would meet in October when their numbers are final.

### 3. Downtown Strategic Planning Committee.

Selectman Potter asked re: this committee that he heard about. He indicated the committee is looking for 11-13 members. Chairman Eckstrom stated this is a committee relating to Community Development & Selectman Potter can speak to Marilyn Whalley about it. Selectman Potter is interested in this committee.

### 4. Town Meeting Signage.

Selectman Potter stated that Town Meeting signage is very small. He offered to help increase the size of the signs. He feels there should be a focus on advertising Town Meeting.

### 5. Town Meeting.

Selectman Potter reminded citizens that they are the legislators of the Town & should attend Town Meeting. He was disappointed at the last Town Meeting when seven zoning articles were not voted upon. He feels articles shouldn't be unfinished & citizens need to participate. Selectman Donahue concurred.

### 6. Town Budget.

Selectman Donahue spoke re: the budget. She feels this is at the heart of the Warrant printing issue. She cited the Warrant as stating "The FinCom shall file a report containing its recommendations for action on the proposed budget. The proposed budget is compiled by the Administrator". She stated this is what the FinCom should be making its recommendation on. The Board at last week's meeting made its preference known through Mr. Foster that the proposed budget should be in the Warrant & the FinCom can make recommendations to this budget. She spoke re: zoning articles not be acted upon at the last Town Meeting & also prior to that. She supports Selectman Potter's points.

### 7. Next Board Meeting.

Chairman Eckstrom stated the Board would meet at 6:00 P.M. in the High School Cafeteria on 4/23/07.

**SELECTMEN/SEWER COMMISSIONERS MEETING 04/17/07 (CONT'D)**

**X.           SELECTMEN'S REPORTS**  
**(NONE)**

**XI.          SEWER BUSINESS**  
**(DONE)**

**XII.         ADJOURNMENT**

**MOTION:** Selectman Potter moved to enter into Executive Session for the purpose of discussing strategy relative to litigation & collective bargaining. Selectman Donahue seconded.

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

**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