

## **MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS**

**#21-07**

**Date of Meeting: June 19, 2007**

**Date of Transcription: June 20, 2007**

**Transcribed by: Kelly Barrasso**

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

Chairman Eckstrom called the meeting to order at 7:07 P.M.

### **II. ROLL CALL**

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

Present: John Foster, Interim Town Administrator

### **III. RE-AFFIRM VOTE OF TOWN ADMINISTRATOR APPOINTMENT**

Chairman Eckstrom explained that last week during interviews for Town Administrator, the Board violated the Open Meeting Law by having an official vote taken in Executive Session. She has contacted Town Counsel & the State to report the violation. She explained why the Board couldn't vote to affirm this position in Executive Session. The interviews were open to the public & the vote to appoint the new Administrator will be made in public. She apologized for the error.

Chairman Eckstrom felt the three finalists would have served the Town well.

Selectman Sauvageau concurred w/ Chairman Eckstrom. He was looking for a person w/ skills dealing w/ a deep understanding of fiscal management w/in the Commonwealth of MA. Mr. John McAuliffe has this experience. These skills are needed in Town. He feels Mr. McAuliffe is well versed in FinCom roles & has trained FinCom's. This will be helpful w/ the new FinCom. He saw many valuable skills Mr. McAuliffe has that will benefit the Town. He liked Mr. McAuliffe's position on taking a leadership role.

Selectman Sauvageau acknowledged that the Board did violate the Open Meeting Law & it was a mistake. He should have known better. He apologized to the community. It wasn't a malicious intent, but an oversight.

Selectman Cronan noted the selection process for a new Town Administrator. He feels the Board's choice stood out among the finalists. Mr. McAuliffe is a financial person & feels he is top notch. He was impressed w/ his knowledge of the Town already.

Selectman Donahue noted the selection process w/ the three finalists as well as the skills of each finalist. She feels Mr. McAuliffe's skills dealing w/ things such as MA Municipal Finance Committee are good for the Town. She thanked the consultant hired for the process for the work done in choosing six finalists. She discussed the award given to the Town Mr. McAuliffe works in now in which he had a hand in. She likes his community involvement.

## **SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)**

Selectman Donahue stated that the Board had no malicious intent on voting the appointment in Executive Session.

Selectman Potter spoke highly of the three finalists & feel all of them would have served the Town well. He feels Mr. McAuliffe shined in his final interview. He has financial experience, an award in his community, etc., which are all attributes. He will be everything the Town hasn't had in a long time. Mr. McAuliffe is familiar w/ MA law & financial systems.

Selectman Donahue stated the Board was impressed w/ Mr. McAuliffe being up front & honest re: a situation that happened in the Town of Somerset where he works. She briefly discussed the situation. All Mr. McAuliffe's references spoke highly of his management skills. Chairman Eckstrom stated she had read about the situation & it was refreshing that Mr. McAuliffe came forward to the Board about it. She feels he will be a good long-term Administrator for the Town.

**MOTION:** Selectman Sauvageau moved the Board re-affirm the vote to hire John McAuliffe as the Town Administrator for the Town of Wareham subject to successful contract negotiations & a background check. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

### **IV. CITIZENS PARTICIPATION**

Present before the Board: Tiny Lopes

Mr. Lopes stated he has just returned to Town. He understands Joan Andrews addressed the Board relative to the Oak Grove School. He thanked the Board on their efforts & their support. There will be a community meeting at the VFW in the future to make plans to move forward. The Board is welcome to attend. He has toured the new facility & feels it is great.

### **V. ANNOUNCEMENTS**

- A. Barney Frank will be at the Harbor Watch Inn on 6/24/07 at 9:00 A.M.
- B. The Onset Bay Movies will commence on Thursday, June 28.
- C. The Relay for Life will be held at the High School track on Friday, June 22.

### **VI. CONSENT AGENDA**

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

**MOTION:** Selectman Potter moved the Board approve invoice #802577112/21 from Camp, Dresser & McKee in the amount of \$1,137.95 re: engineering services for the bidding, permitting, & construction services for the Weweantic Shores sewer project. Selectman Donahue seconded.

**VOTE: (4-0-1)**

**Selectman Cronan abstained**

**SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)**

**MOTION:** Selectman Potter moved the Board approve invoice #80257714/2 from Camp, Dresser, & McKee in the amount of \$3,897.23 re: engineering design services for the improvements to three existing wastewater-pumping stations. Selectman Donahue seconded.

**VOTE: (4-0-1)**

**Selectman Cronan abstained**

**MOTION:** Selectman Potter moved the Board approve invoice #80257713/19 from Camp, Dresser & McKee in the amount of \$8,008.49 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Donahue seconded.

**VOTE: (4-0-1)**

**Selectman Cronan abstained**

**MOTION:** Selectman Potter moved the Board approve application #12 from RJV Construction Corp., project # CWSRF – 2825 in the amount of \$118,260.14 re: the Briarwood Beach & Beaver Dam estates sewer project. Selectman Donahue seconded.

**VOTE: (4-0-1)**

**Selectman Cronan abstained**

- B. Approve minutes of previous meetings: Regular Session – 5/7/07 & Executive Session – 6/10/07.

**MOTION:** Selectman Potter moved the Board approve the Regular Session meeting minutes of 5/7/07 & the Executive Session meeting minutes of 6/10/07. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

- C. Appoint/interview applicants to boards, committees, commissions:

1. Board of Health

Present before the Board: Ralph Thompson

Chairman Eckstrom had asked Mr. Thompson to come before the Board to address a situation that occurred back in the winter relative to an appointment to the BOH.

Mr. Thompson explained that the letter sent by the BOH to the Board was a mistake & shouldn't have happened. The mistake was sending the letter. The BOH felt they were doing the right thing. He understands the mistake now.

Selectman Sauvageau asked Mr. Thompson to elaborate on what was his mistake. Mr. Thompson stated it was his letter.

Selectman Donahue stated she is unaware of this matter. Mr. Thompson stated that the BOH were going to conduct interviews for appointments & the Board appointed someone to the BOH. In the past, the BOH conducted the interviews & sent their recommendations to the Board.

## **SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)**

Selectman Sauvageau expressed concern re: the letter was telling the Board that they would reject the appointment the Board made. He feels making a statement like this as a Chair indicates to him that there wasn't an understanding that the BOH can't arbitrarily reject an appointment the Board has made. He feels this is not good for the community. He explained that the BOH is an autonomous board & the Board can't interfere w/ the decisions the BOH make. The Board does have input as to the direction it wants the BOH to go, such as the BOH make-up & decision making factor via appointing members. He accepts Mr. Thompson's apology. He stated he has nothing personal against Mr. Thompson.

Mr. Thompson stated he didn't mean for the letter to come out the way it did. He apologized.

Selectman Cronan stated he served on the ZBA for nine years & during those years, the ZBA never spoke to the Board. The Board & committees need to work together. He didn't know this situation occurred. He noted that this Board would be doing things differently. Everyone needs to work together. Selectman Donahue stated the Board is willing to work w/ the BOH on any matter.

Selectman Potter asked how this new member is working out. Mr. Thompson stated this member is doing fine.

**MOTION:** Selectman Potter moved the Board appoint Ralph Thompson as a member to the Board of Health to a term to expire 6/30/10. Selectman Donahue seconded.

**VOTE: (4-1-0)**

**Selectman Sauvageau opposed**

### **2. Conservation Commission.**

**MOTION:** Selectman Potter moved the Board appoint Louis C. Caron, Jr. as a member to the Conservation Commission to a term to expire 6/30/10. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

**MOTION:** Selectman Potter moved the Board appoint Manuel S. Barros, Jr. as a member to the Conservation Commission to a term to expire 6/30/09. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

**MOTION:** Selectman Potter moved the Board appoint Donald J. Rogers as an Associate member to the Conservation Commission to a term to expire 6/30/08. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

### **3. Constable**

**MOTION:** Selectman Potter moved the Board appoint Herve W. Vandal, Jr. as a Constable for the Town of Warcham to a term to expire 6/30/08. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

## **SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)**

**MOTION:** Selectman Potter moved the Board appoint John H. Wylde as a member to the Recreation Commission to a term to expire 6/30/10. Selectman Donahue seconded for discussion.

**NOTE:** Selectman Cronan asked if the Recreation Commission is separate from the Recreation Dept. Selectman Potter stated it is, but they used to work together. He noted Mr. Wylde is on the Fields & Grounds Committee as well. Chairman Eckstrom stated Mr. Wylde would be coming before the Board at a later date.

Selectman Cronan understood that Municipal Maintenance operates the fields & grounds. He asked why there needs to be a Fields & Grounds Committee. Chairman Eckstrom will contact Mr. Wylde about his involvement w/ fields & grounds. Selectman Cronan stated he would be concerned joining Municipal Maintenance & fields & grounds.

**VOTE: Unanimous (5-0-0)**

### **4. Community Preservation Committee**

**MOTION:** Selectman Potter moved the Board appoint Sandra Slavin as a member to the Community Preservation Committee (Open Space Representative) to a term to expire 6/30/10. Selectman Cronan seconded.

**VOTE: Unanimous (5-0-0)**

**MOTION:** Selectman Potter moved the Board appoint Susan Mellon as a member to the Community Preservation Committee (Citizen At Large Representative) to a term to expire 6/30/10. Selectman Cronan seconded.

**VOTE: Unanimous (5-0-0)**

Selectman Cronan asked for an updated list of appointments to boards, committees, etc. Chairman Eckstrom will supply this list.

## **VII. 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 Weekdays License for one jukebox & one video poker, under the provisions of MGL. C. 140.

Present before the Board: Brian Welch

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

**VOTE: Unanimous (5-0-0)**

Mr. Welch stated that his customers have been requesting a jukebox & a video poker machine.

Selectman Cronan asked if the video poker machine is for fun, not gambling. Mr. Welch stated, “yes”.

## **SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)**

Selectman Sauvageau asked if there would be a jukebox from 12:00 noon to 1:00 A.M. on Sundays. Mr. Welch stated, "yes". Selectman Sauvageau explained that there is a separate public amusement license for Sundays, which hasn't been applied for. He only sees the application for a weekdays license. Brief discussion ensued. Selectman Sauvageau explained that if the jukebox is to be utilized on Sundays, Mr. Welch needs to apply for this. Mr. Welch stated he understands.

Selectman Potter noted that all the green return receipts are in order.

No one spoke for or against the application.

**MOTION:** Selectman Sauvageau moved to close the hearing. Selectman Cronan seconded.

**VOTE: Unanimous (5-0-0)**

**MOTION:** Selectman Potter moved to approve the application of Welch Restaurant & Lounge, Inc. d/b/a Pomodores Restaurant, Brian Welch, Manager, 2424 Cranberry Highway, Wareham for a Public Amusement Weekdays License for one jukebox & one video poker, under the provisions of MGL. C. 140 & w/ an amended Sunday public amusement license to be applied for. Selectman Cronan seconded.

**VOTE: Unanimous (5-0-0)**

- B. Application for three One Day Beer/Wine Permits by the Makepeace Neighborhood Fund, Kim Houdlette & Linda Burke for three fundraising events in the partnership & to benefit the National Marine Life Center, Turning Point Day Resource Center, & the Gleason Family YMCA in the outdoor picnic area at 158 Tihonet Road, Wareham on 6/21/07, 7/26/07, & 8/23/07 & beginning at 6:00 P.M. & ending at 9:00 P.M. w/ rain dates to be 7/19/07, 8/2/07, & 8/30/07.

Present before the Board: Linda Burke

Ms. Burke stated that this request is for three one-day permits for the sale of beer & wine at a series of concerts sponsored by the Fund. She discussed said Fund. The ticket proceeds will go towards the National Marine Life Center, Turning Point Day Resource Center, & the Gleason Family YMCA. She noted the event times & the ticket prices.

**MOTION:** Selectman Potter moved the Board approve the application for three One Day Beer/Wine Permits by the Makepeace Neighborhood Fund, Kim Houdlette & Linda Burke for three fundraising events in the partnership & to benefit the National Marine Life Center, Turning Point Day Resource Center, & the Gleason Family YMCA in the outdoor picnic area at 158 Tihonet Road, Wareham on 6/21/07, 7/26/07, & 8/23/07 & beginning at 6:00 P.M. & ending at 9:00 P.M. w/ rain dates to be 7/19/07, 8/2/07, & 8/30/07. Selectman Sauvageau seconded.

**VOTE: Unanimous (5-0-0)**

### **VIII. TOWN BUSINESS**

- A. Discussion w/ the Onset Beach Bathhouse Revitalization Committee & its proposed clean-up project.

## SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)

Present before the Board: Mick Jones, Chairman

Mr. Jones stated the committee's name has changed to the Onset Bathing Pavilion Committee.

Mr. Jones thanked the Board & Mr. Foster for helping them get started & for allowing the committee to enter the bathhouse.

Mr. Jones discussed plants infiltrating the roof area of the building in the back & chipping paint allowing wood to be exposed. The committee would like to stabilize the building while the committee pursues other rehabilitation projects in the future. Currently, the committee wants to stabilize the building, make it presentable, & get people involved. He discussed the proposed clean-up project. (Attached as reference).

Mr. Jones noted other members of the committee.

Chairman Eckstrom thanked the committee for taking on this initiative & stepping up to do something the Town can't do presently.

Selectman Potter offered to donate some of his time to help out.

Mr. Jones discussed vision & planning by the committee. He discussed a sump pump on the beach next to the building in which its door is being held down by concrete blocks & surrounded by a fence. He understands this pump does work. Mr. Foster indicated he contacted Upper Cape Vocational School & asked if their metal shop students could fabricate a new door. They are interested. He stated this would require a letter from the Board addressed to the school to allow someone from the school to come look at what could be done. There are also wiring issues inside the building that also could be worked on by the students. He feels the intent of this committee is well thought out. Chairman Eckstrom asked Mr. Foster to have Susan Green, Secretary write something up to submit to the school.

Selectman Sauvageau asked how much debris would be taken out of the building. He expressed concern re: disposal of the debris & liability issues. Mr. Foster stated this issue was brought up at the committee meeting. There is a dumpster on the pier that can hold small items & he has volunteered his truck & trailer for the removal of brush. Selectman Sauvageau noted that on-site waivers would be needed for volunteers that just stop by to help. He thanked the committee.

**MOTION:** Selectman Potter moved the Board approve the clean-up project for the Onset bathhouse by the Onset Bathing Pavilion Committee as outlined. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

B. Any other Town business.

1. Board meeting schedule.

Discussion ensued re: a meeting schedule for July.

The Board members concurred to meet on 7/10, 7/17, & 7/31. 7/24/07 will be a workshop meeting. If the 7/31 meeting is not needed, it can be canceled.

## SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)

### 2. SRPEDD Committee Meeting.

Chairman Eckstrom stated that the SRPEDD Committee would be holding a meeting on 6/27/07 at 7:00 P.M. in Taunton to discuss the fiscal year budget, economic development strategy, TIP program, etc.

### 3. Old Red Farm Inn.

Chairman Eckstrom spoke re: the Old Red Farm Inn issue relative to one day liquor licenses. She noted that the Board of Health has stated they don't object to the issuance of one-day liquor licenses, but if the Board is giving them out, the Board should verify if the function were being catered in which a catering license would be required.

Selectman Cronan stated this property was discussed at a ZBA meeting & the issue came up that the owner is stating they only rent the premises for functions. He expressed concern re: this matter becoming a daily liquor license issue.

Chairman Eckstrom is waiting to hear back from the Building Dept. on this matter. The BOH wants to make sure catering is not being done by the business operating there.

Selectman Sauvageau stated the Board is the liquor licensing authority. He expressed concern re: this business circumventing the liquor license laws by requesting one-day liquor licenses.

### 4. Online Applications.

Chairman Eckstrom stated she spoke to Mr. Underhill re: online applications. There seems to be some resistance by some departments to do this.

Selectman Potter stated there is a working application that can be filled out online, but it is not being utilized.

Discussion ensued re: what the resistance is.

Selectman Potter stated that if this is a vision of the Board, it should come from the Board as a whole. Discussion ensued.

Selectman Sauvageau feels there are benefits from having applications online. He is upset that some are drawing the day-to-day line yet again and that this will be part of our discussions. "This is what I'm talking about, this type of attitude will change because it will change; we're not serving anyone like this." He said that we will move full-force when we continue our "visioning" discussions and he thinks that it is appropriate and that he would not tolerate this.

**MOTION:** Selectman Potter moved that the Board now implement the online access for submitting committee applications, which will transmit directly to the selectmen's office. Selectman Cronan seconded.

**VOTE: Unanimous (5-0-0)**

## IX. SELECTMEN'S REPORTS



## **SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)**

1. Chairman Eckstrom – Stated the contract for the Town Administrator is being negotiated which she discussed briefly. She noted that Mr. McAuliffe will be in Town Hall tomorrow & he will be making a presence w/in the next few weeks. She hopes he will commence work on 7/26/07. The contract could be signed tomorrow. Town Counsel has it in hand & is reviewing it.

Selectman Potter asked if there would be a reception for the new Town Administrator. Chairman Eckstrom stated it should be done once he arrives in July. Selectman Donahue stated that employees & townspeople should be invited.

2. Selectman Sauvageau – Discussed letter received from the Town of Halifax asking if the Board would like to be involved w/ any input relative to the purchase of land in Middleboro by the party interested in placing a casino there. The letter asked if the Town would want to partnership. He would like a representative of the Town to be involved. He would be happy to do it, but he wants it clear he is adamantly opposed to a casino.

Chairman Eckstrom feels there should be two Town representatives.

Selectman Donahue read a portion of the letter into the record.

The Board members concurred to join in the discussions.

Selectman Sauvageau expressed concern re: the response received relative to concerns surrounding the baseball championship to be held on 7/28. There will be approx. 5,000 plus people in attendance & there is no plan in place for safety personnel, crowd control, etc. He feels the Board made the gesture, but he is upset w/ the response: that it is on school property, it is a family event, & there is no concern. He doesn't understand why this event doesn't require some type of review. He feels the Board should have the ability to review a plan. He understands Chairman Eckstrom wrote a letter to Chief Joyce & Mr. Wylde explaining the Board's position. He read said letter into the record.

3. Selectman Potter – Discussed the fireworks issue. There are three criteria that would have to be met to have a fireworks display. They are 1) all municipal departments involved would have to agree to provide manpower, 2) \$34,000 is needed to cover the fireworks & personnel to work the event, & 3) a signed contract by a certified fireworks company.

Selectman Potter explained that the Town has never run the fireworks & the money was always privately raised. The Town did however provide safety personnel for the event. The Town departments did not plan for this event in their budgets.

Selectman Potter stated the Board felt the public should know that there would be no fireworks. The Board didn't want to cancel them, but the situation is out of its control, for example, no signed contract. He

## SELECTMEN/SEWER COMMISSIONERS MEETING 06/19/07 (CONT'D)

discussed earmarking money for the fireworks in the new Community Events Fund.

Selectman Donahue reiterated that the Board didn't cancel anything. The Board was just informing the community that there wouldn't be any fireworks. The Town isn't involved w/ signing the fireworks contract.

4. Selectman Donahue – Asked if a letter should be written to the Town of Halifax expressing the Town's interest in being involved relative to the Middleboro/casino issue.

**MOTION:** Selectman Donahue moved that the Board respond to the Town of Halifax Committee that the Town would like to be invited to meetings relative to the Middleboro/casino issue. Selectman Potter seconded.

**VOTE: Unanimous (5-0-0)**

### **X. ADJOURNMENT**

**MOTION:** Selectman Potter moved to adjourn the meeting at 9:00 P.M. Selectman Donahue seconded.

**VOTE: Unanimous (5-0-0)**

Respectfully submitted,

***Kelly Barrasso***

Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on July 31, 2007.

Attest: ***James L. Potter***

Jim Potter, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: July 31, 2007

Date copy sent to Wareham Free Library: August 6, 2007