

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#22-07

Date of Meeting: June 26, 2007

Date of Transcription: June 28, 2007

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

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

II. ROLL CALL

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

Also Present: John Foster, Interim Town Administrator

III. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Potter moved the Board approve invoice #80258395/8 from Camp, Dresser & McKee in the amount of \$55,075.00 re: engineering services for designing sewers in seven remaining priority areas in the Town of Wareham. Selectman Donahue seconded.

VOTE: (4-0-1)
Selectman Cronan abstained

NOTE: The meeting proceeded w/ item VI. Town Business – A. Vote to accept gift of property – a GPS Chart Plotter from Navionics, Inc.

Chairman Eckstrom stated that Navionics, Inc. would like to donate a GPS Chart Plotter to the Harbormaster.

MOTION: Selectman Potter moved the Board accept the donation of a Raymarine A65 GPS/Chart Plotter w/ a retail value of \$1,675.00 from Navionics, Inc., 6 Thatcher Lane, Wareham, under the provisions of Chapter 44: section 53A ½ - gifts of tangible personal property; acceptance. Selectman Donahue seconded.

VOTE: Unanimous (5-0-0)

B. Any other Town business.

1. Onset Bandshell Movies.

Selectman Potter stated the first movie will be shown on Thursday, June 28, 2007 at the bandshell.

2. CEDA Strategies.

Selectman Sauvageau stated he attended a CEDA meeting re: a draft report on CEDA strategies & findings made by a consultant. CEDA will come before the Board to discuss said findings & the Board will receive a draft of the report. CEDA will be requesting to be on the agenda.

Selectman Sauvageau stated this report is in re: to economic development strategy that the consultant revised. He discussed how data was collected for the report.

3. Sewer Enterprise Fund.

Chairman Eckstrom introduced the Town's new Town Administrator, John McAuliffe who was present in the audience.

Chairman Eckstrom explained that the Board has discussed the Sewer Enterprise Fund & if there should be some type of form the departments fill out so there is accurate information. She made some suggestions as to what the form should contain. She feels these forms should be submitted monthly.

Selectman Sauvageau feels this form should be a time & rate report. The departments should affirm their labor & pay rate of the employee doing the work. There should also be a description of the work. Said report should be turned into the department head w/ an affirmation/attestation of the department head that the information submitted is true & accurate. This report is a bill. Staff should be informed of how important this document is & the importance of its accuracy.

Selectman Cronan suggested an explanation be made for Mr. McAuliffe re: what the issue is w/ the Sewer Enterprise Fund. Chairman Eckstrom discussed the Sewer Enterprise Fund & the concerns that the amount being charged for Administrative fees have exceeded what has been reported as spent. The sewer rate is of concern as well. Selectman Potter explained that there are departments that collect fees that tie into sewer use, but said fees are not being turned back to the sewer department.

Chairman Eckstrom stated the form should also include if a fee was collected.

Selectman Sauvageau stated that another accounting adjustment needs to be made; revenue to an employee conducting the work effort for the sewer side. The adjustment would be to offset their hours dedicated to sewer against what is being budgeted to pay the employee. He feels double dipping is going on.

Mr. McAuliffe clarified what he feels the issue(s) are, such as indirect cost. Discussion ensued.

MOTION: Selectman Donahue moved that the Board set policy that the Sewer Enterprise Fund Administrative Fee be set under a job cost system & to direct the Interim Town Administrator to set up a form for the Board to give to employees of departments. Selectman Sauvageau seconded for discussion.

NOTE: Chairman Eckstrom stated she has a draft form & will give it to Mr. Foster, Interim Town Administrator.

VOTE: Unanimous (5-0-0)

IV. LICENSES & PERMITS

- A. Hearing – Application for a transfer of an Annual Common Victualer All Alcoholic Beverages License from Tsintas, LLC d/b/a Webster Hall Restaurant to the Clermont Group, LLC d/b/a Webster Hall Restaurant, 207 Main Street, Wareham and the proposed manager, Tony Blaize, under the provisions of MGL c.138 and on the application for a Public Amusement on Weekdays for Live Entertainment & Dancing License, under the provisions of MGL c. 140.

Present before the Board: Tony Blaize
 Mike Kelly

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

VOTE: Unanimous (5-0-0)

Chairman Eckstrom asked if this is a transfer of license from one LLC to another. Mr. Blaize stated, “yes”. Chairman Eckstrom asked if the manager will stay the same. Mr. Blaize stated that the management is changing. It is a conversion of ownership of the business.

Mr. Blaize explained that he & Mr. Kelly have familiarized themselves w/ the establishment & its operation. They would like to operate the business as a community business & contribute to the improvement of the Town.

Mr. Blaize discussed his work schedule & stated that he will designate a lot of time at the establishment. He discussed the partnership make-up of the LLC. He added that there might be two or three managers on the premises at one time. He discussed the intent to run a sound law abiding business. He discussed other business he has represented in the past & he is aware of the rules, regulations, liquor license rules, etc.

Mr. Kelly stated he has had the opportunity to learn from the present owners, the Kalkanis’s & it has been invaluable.

Selectman Cronan clarified that this is a five-year deal. He noted that the present family operation that these gentlemen will be taking over is a good one. He asked if it would be the same type of business. Mr. Blaize stated, “yes”. Selectman Cronan welcomed the gentlemen to Town & wished them the best.

Selectman Sauvageau stated he is glad to hear that their efforts will be focused on compliance & they have knowledge of various matters, such as liquor license regulations. He is happy they are coming into the downtown area of Town due to the importance of revitalizing this part of Town. He asked re: what the ideas are for expanding/improving the businesses. Mr. Blaize stated in the short term they would continue the business as is. There is a need to create a relationship & learn the dynamics of the Town before thinking of expansion. He is hoping w/in the next two to three years to have a better idea on direction & then they can move forward. Mr. Kelly stated they are looking to build a relationship w/ the Town & to obtain patrons that will come back often.

Selectman Potter stated the Town is always looking for businesses & business owners that want to be actively involved in the community.

The audience was asked to speak for or against the application.

Present before the Board: Mr. Corpe, Abutter

Mr. Corpe stated there are abutters to this business that reside approx. 50ft. from the establishment. He expressed concern re: the proposal to have live music at the establishment.

Present before the Board: Demetrios Kalkanis

Mr. Kalkanis stated the building has been soundproofed & discussed. He noted that there are currently TV's & a radio system in the building. He stated sound decibels around the building would not exceed a point that it will create a disturbance in the area.

Mr. Blaize stated the proposed entertainment would be what it is currently. There is a possibility of bringing in a jazz group from time to time. Mr. Kelly stated everything is in line w/ what has been done there in the past.

Mr. Corpe suggested keeping the trash barrels cleaner in the back of the building. Chairman Eckstrom stated Mr. Corpe could contact the Board of Health & the ConCom in the future if there is a problem w/ this. Mr. Blaize stated if this were a problem, they would address it. He has spoken to the current manager before completing the entertainment application & what is included in said application mirrors what is there now.

Selectman Donahue asked Mr. Corpe if these answers satisfy him. Mr. Corpe noted there are a lot of elderly that live in close proximity to the establishment. Selectman Sauvageau stated if there is an issue w/ music, it should come before the Board's attention.

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

VOTE: Unanimous (5-0-0)

MOTION: Selectman Potter moved the Board approve the application for a transfer of an Annual Common Victualer All Alcoholic Beverages License from Tsintas, LLC d/b/a Webster Hall Restaurant to the Clermont Group, LLC d/b/a Webster Hall Restaurant, 207 Main Street, Wareham and the proposed manager, Tony Blaize, under the provisions of MGL c.138 and on the application for a Public Amusement on Weekdays for Live Entertainment & Dancing License, under the provisions of MGL c. 140 & further, the manager & employees shall undergo TIPS training. Selectman Cronan seconded.

VOTE: Unanimous (5-0-0)

V. SEWER BUSINESS

A. CDM – Mike Guidice

Present before the Board: Mike Guidice, CDM
 Dave Simmons, WPCF Superintendent
 John Gall, CDM

Selectman Potter asked Mr. Simmons re: the status of the landfill leachate issue. Mr. Simmons stated he has not heard anything back from Town Counsel since April. Brief discussion ensued.

Mr. Guidice updated the Board on the following:

Briarwood Beach:

- Paving completed.
- Final quantities calculated.
- Will be sending information out w/in the next few weeks.

Rosepoint:

- Ongoing paving this week.
- Once complete, will be finalizing quantities.

New Sewer Areas:

- Working on designs.
- Oakdale area is being focused on & being placed as a top priority for design.
- Meeting held re: designs & pump station locations.

Mr. Guidice explained that the electrical pedestal must be located above flood plain elevations. Thus, there is a challenge in coming up w/ locations for pump stations.

- Looked at potentially erecting a force main from Agawam Beach & conducting directional drilling.

Pump Station Upgrades:

- Held pre-construction meeting today.
- Discussed drawings to replace generators.

Selectman Cronan asked which area is next in line to be done re: sewer. Mr. Guidice stated the first contract contains Linwood/Ladd Aves. Tempest Knob, & Oakdale. Selectman Cronan asked what happened to Parkwood & Agawam Beach. Chairman Eckstrom explained that there would be three different contracts. Selectman Potter noted that a timeframe has not been established yet for the other two contracts.

Mr. Guidice explained that Parkwood & Agawam Beach is further progressed in terms of design. Prior to the decision being made, assumptions were made re: what the grouping of areas might

be. These designs were pushed forward in the thinking that they would be contained in the first contract. This is why the Oakdale design is lagging behind, because the assumption was it wasn't going to be in the first contract. All the contracts can't be put out to bid at once, but all the designs can be done at once. The priority currently is on the first contract.

B. EDU & alternative billing methods.

Mr. Gall gave a background re: transition from an EDU system to metered water use. During the course of discussions w/ the Board, the Board indicated they wanted to build an operating reserve if transitioning to water use. The operating reserve would cover the ups & downs of use of a metered water use system. It was felt that the reserve should be put in place prior to the transition. The Board had asked if the current EDU rate was held constant & more EDU's would be added w/ new projects coming on line & there were changes in operation & costs, could a reserve be built over a set period of time. Other ways to get to an appropriate reserve were also discussed.

Mr. Gall discussed his approach looking out to the year 2012. He has taken the current projects completed, made estimates, & determined how many EDU's have been brought in. He discussed the estimate of how operating expenses would change. He also looked at miscellaneous revenues & current debt payments in which he made assumptions for borrowing. He looked at the current rate of revenue. He discussed complications re: sewer debt associated w/ sewer betterments. The revenue associated w/ these betterments need to be kept separate & he explained why. He discussed in length the financial data presently & out to the year 2012, for example, revenues & debt service.

Selectman Sauvageau asked at what point does betterment revenue recouped. Mr. Gall stated it is on the betterment fund portion. The debt service is dropping off w/in the next few years & some will be completely off the system by 2015. Discussion ensued.

Selectman Potter discussed the statute that could be adopted which allows charging 50% of the cost up front. Discussion ensued. Selectman Sauvageau feels this would create a significant burden to homeowners. Lengthy discussion ensued.

Selectman Sauvageau feels the rate will be held constant w/ a change in the system analysis out until the year 2012. He feels it is a positive for the ratepayer.

Selectman Cronan feels if the current EDU rates stay the same & a reserve fund is established by 2011, the reserve will be at \$3 million & it doesn't seem that the rates will go down. Selectman Sauvageau stated if there were no reserve, the rates would go down. The intent is to try to create a reserve to protect the payment of debt service. The fee will be held at a constant until there is a change in the system. Once there is a reserve & the change is made to a water metered system, there should be a decrease to some users & an increase to others.

Selectman Cronan doesn't agree with this whole matter. He feels the rate of \$662 is incorrect. Selectman Sauvageau explained that the change will help lower this fee for many who have been subsidizing the system & paying for something they don't use. The intent is to make things fairer.

Selectman Sauvageau discussed new commercial factors that will be factored in. He discussed generating fees from the acceptance of leachate. He feels this is money that can go to lowering the EDU rate. Selectman Potter feels the Board should consider other methods of lowering the rate. Many people are upset w/ the rate & the EDU system. Selectman Sauvageau understands that the EDU system is a big burden for many users. The first priority is to protect the system by having a reserve when the system changes over. He understands Selectmen Cronan & Potter's concerns. He noted that building a reserve w/out raising rates could be done. An analysis is needed as to how many benefit vs. how many do not.

Selectman Sauvageau suggested re-introducing the new analysis to the new Board members. Mr. Gall stated this can be done in early fall.

Selectman Sauvageau asked two different reserve accounts are needed or can there be an accounting scheme. Mr. Foster stated it is held this way in the accounting system & explained.

Selectman Donahue stated the members could read through the information that has been submitted from 12/06 instead of having CDM come back. Selectman Sauvageau stated he is only suggesting this for the new members.

Selectman Potter stated the Board should decide how the administrative fee & the leachate issue will be handled & the Board should also meet w/ the Water Districts again before moving forward. Selectman Sauvageau feels there is time to hold discussions & conduct an analysis. Selectman Potter feels that the Board should pursue other avenues to decrease the rate or before changing the system before five years out.

Discussion ensued re: information in hand re: water in vs. water out.

Brief discussion ensued re: auditing the system.

Discussion ensued re: holding a workshop in the fall w/ all parties.

Selectman Potter asked if CDM has worked w/ other towns that have switched systems. Mr. Gall stated not many towns have EDU's. He gave some examples of towns that have made this change.

C. Any other sewer business.

Mr. Simmons updated the Board on the followings:

Weweantic Shores Sewer Connections:

- The four residents that have not connected yet have been contacted & efforts are being made to have them connected ASAP.

Rose Point, Briarwood Beach, & Beaver Dam Estates Sewers:

- Notice was sent out to Rose Point residents on 4/1.
- 37 Permits have been pulled out for connections out of 236 Rose Point residences.
- Briarwood Beach & Beaver Dam Estates notices went out on 5/1.

- 47 permits have been pulled out for connections out of 190 Briarwood Beach/Beaver Dam Estates residences.

NPDES Permit:

- Met w/ EPA last week re: the permit.
- Permit expires on 12/07.
- Nitrogen & Phosphorous limits are going down.
- Limits most likely will stay the same for the new permit.
- EPA has approved the request for bio-toxicity testing to be conducted two times per year.
- It was a favorable meeting.

Sewer Bills:

- Bills to go out 8/1.
- The Board needs to set a rate.
- A timeframe is needed.

Chairman Eckstrom stated the Board will be meeting on 7/10 & they will set the rate on time.

Chairman Eckstrom stated she spoke to a homeowner, Debbie Phnister. She explained that one of Ms. Phnister's homes was hooked up to the sewer, but the septic tank was not properly crushed & filled by a contractor. She feels this is something the Board should look into re: who inspected this.

Mr. Simmons stated that this is one issue w/ one contractor. He has spoken to the contractor & the contractor has agreed to go back & take care of it.

Selectman Donahue asked if there is an issue w/ who is inspecting these jobs. Mr. Simmons stated his department inspects them & they also inspect the crushing & filling of septic systems as authorized by the Board of Health.

Present before the Board: Debbie Pfnister

Ms. Pfnister thanked Mr. Simmons for coming out to her property. She submitted pictures to the Board. She understands Mr. Simmons has spoken to the contractor & understands the situation will be remedied. She asked when this would be done. She discussed what the contractor did & the situation relative to the inspection of it. She added that the contractor reversed the plumbing & she doesn't know if the plumbing inspector is needed. She wants this issue rectified. She noted that the contractor is on the Town's list.

Mr. Simmons stated that when the contractor comes back to fix the issue it will be inspected. Ms. Pfnister stated she wants someone from the Town to be there when the contractor is.

Discussion ensued re: if the Board of Health has involvement w/ this matter. Chairman Eckstrom stated that Mr. Ethier, Health Agent said that the WPCF has already inspected the pipe & the person who inspected was deputized to do inspections. He had expressed surprise re: the actions of the inspector. Mr. Simmons stated everyone in his department is qualified to conduct inspections.

Mr. Simmons discussed how the connections & inspections are done. The big problem is the filling of the septic that isn't being done at the same time as the connections.

Ms. Pfnister stated her situation needs to be addressed ASAP due to the tenants living at the house have a child.

Discussion ensued re: if there is a method to be prescribed for the contractors.

Ms. Pfnister would like some assurance re: the material being pulled out & having someone from the WPCF present when the contractor is there. Mr. Simmons stated the septic has been pumped & only clean fill is being put in. He explained that a corner of the tank must be crushed. He assured Ms. Pfnister he will be there when the contractor comes.

VI. TOWN BUSINESS

A. Vote to accept gift of property – a GPS chart plotter from Navionics, Inc.
(DONE)

B. Any other Town business.

1. Library of Trustees Vacancies.

Selectman Cronan stated he received correspondence from Raymond Viera asking what the process is for filling vacancies on the Library Board of Trustees. He understood the application deadline is 6/30/07.

Chairman Eckstrom discussed the procedure.

Selectman Cronan stated the letter from Mr. Viera states that the vacancies were advertised last March/April. The vacancy continues to be left unfilled & he has been told it is still being reviewed. He asked if the Board's office could look into this.

Chairman Eckstrom stated that applications are being accepted until 6/30/07 & then they will be reviewed. Selectman Cronan asked how long applications have been sitting there. Chairman Eckstrom stated applications could be received up until 6/30/07. Selectman Sauvageau stated an application needs to be given to Mr. Viera.

Selectman Cronan stated the letter from Mr. Viera addressed to him (Selectman Cronan) was already opened & the words "all ready responded" were written on it. He has an issue w/ this. Selectman Sauvageau stated no one should have responded for Selectman Cronan. He questioned if the Charter appoints the Library Board of Directors. Chairman Eckstrom questioned if all Library Trustees should be elected by Town Meeting or another method. She can't find this information in the Town Report anywhere.

Selectman Sauvageau feels the Library Trustees have never been appointed by the Appointing Authority. He stated if it is not the Appointing Authority, but by ballot, this has never happened either. None of these appointments have been done w/in the Charter or statutory regulations. He requested Town Counsel offer an answer to these questions.

Selectman Donahue feels the Charter does indicate appointments to this board. The Appointing Authority has appointed people to the Library Trustees. Selectman Sauvageau stated he has never seen this happen. Selectman Donahue stated possibly it's because none were appointed during his Chairmanship.

Selectman Sauvageau questioned if these appointments are being done properly in the correct framework. He again stated he would like Town Counsel to look at the questions.

Selectman Sauvageau feels it is inappropriate for office staff to be answering Selectman Cronan's letter. Selectman Cronan expressed concern re: this as well & stated he will be addressing the Board's office staff re: this matter. Selectman Sauvageau asked that the Chair speak to office staff as well.

2. Westfield.

Selectman Cronan stated that the Board had asked Town Counsel to write a letter to the contractor re: the Westfield site. Chairman Eckstrom stated this matter would have to be addressed in Executive Session.

3. 53G Accounts.

Selectman Cronan asked Mr. Foster re: DOR being called relative to separate 53G accounts & if this has been done. Mr. Foster stated monies are being put where they have been told to put it & the matter is not resolved. Selectman Cronan expressed concern re: DOR not pushing the issue.

Chairman Eckstrom stated she had spoken to the parties involved w/ this matter & an Executive Session was to be held to discuss this matter, but one party cancelled, thus an Executive Session was never held.

Mr. Foster stated the party that brought this matter up has been dealing w/ it for months. He suggested if the Board wants an Executive Session, Mr. McAuliffe should be made aware of it as well.

4. Planning Board Matters.

Selectman Cronan stated he attended a Planning Board meeting last night. He stated a party was looking for a bond from more than a year ago. The Town Planner explained that the reports of inspection on this matter are missing. The contractor didn't have a copy of the report. The Planning Board's position was that the bond wouldn't be released until SEA Consultants gives the report that was paid for. He feels the Town Planner needs some help in obtaining this report. Mr. Foster we need better documentation all around.

5. Oakdale 40B Project.

Selectman Cronan spoke re: the old Oakdale 40B project & the issue w/ deeds. Some of the units that were supposed to be affordable were sold as not affordable. Mr. Foster stated that Town Counsel is working on this issue.

6. Online Applications.

Selectman Potter asked if the Board's decision vote was relayed to appropriate parties relative to online applications. He still doesn't see the applications online. Chairman Eckstrom stated she spoke to staff re: this. She has asked Mr. Foster to instruct Mr. Underhill to put the applications on the front of the website.

7. Transcription of Board Minutes.

Chairman Eckstrom stated she had asked for job descriptions of staff in the Board's office. It was found that the Board's Administrative Assistant should be doing the minutes under her job description & attending Board meetings. She feels the new fiscal year would be a good time to start this.

Selectman Sauvageau feels this is a budgetary issue w/ paying a Transcriptionist do the minutes, yet the Administrative Assistant has it in her job description to do.

Brief discussion ensued re: the job description.

Selectman Donahue concurred that the Administrative Assistant should be present at the Board's meetings & be doing the minutes. Brief discussion ensued.

Chairman Eckstrom will formally inform the parties involved.

8. 815 Main St.

Selectman Cronan discussed the appeal on the 815 Main St. 40B project.

9. Sewer Matters.

Selectman Cronan expressed concern re: sewer matters.

Discussion ensued re: the State Auditor & how to handle this. Selectman Donahue stated that there would be a need to go to Town Meeting if the Board wanted to go to the State Auditor. Discussion ensued.

Present before the Board: Mr. McAuliffe

Mr. McAuliffe discussed the audit. Lengthy discussion ensued.

10. Weweantic Shores Betterments.

Chairman Eckstrom stated that Representative Williams-Gifford's office called & stated that the sunrise for legislation acts for betterments on the Weweantic Shores sewer project are ready.

11. Verizon/ComCast Agreements.

Chairman Eckstrom spoke re: Attorney Solomon's e-mail relative to Verizon/ComCast agreements. Lengthy discussion ensued.

12. Lifeguards.

Selectman Donahue stated there has been much publicity re: the Town having no lifeguards this year. She noted that many towns are cutting back. She feels that next year the Town will do whatever it takes to get the lifeguards back. She noted that the trash can issue has been addressed by Municipal Maintenance at Onset Beach. The budget approved at Town Meeting had no monies for lifeguards included.

Selectman Sauvageau stated the Board wasn't allowed to discuss the budget once the vote was made. He explained that the town is in a fiscal crisis.

13. Library.

Chairman Eckstrom asked if the library has notified Mr. Foster re: their cut in hours. Mr. Foster stated they haven't.

Chairman Eckstrom explained that the library's budget cut was 7% of their budget. She understands they are cutting 20%. If hours are being cut they should notify Mr. Foster.

Mr. Foster stated they have discussed what cuts they have made w/ him. Discussion ensued re: the library budget & what was cut.

Selectman Potter hopes these issues inspire people to get involved w/ Town government. He feels that people are unclear as to where some cuts have come from.

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

VOTE: Unanimous (5-0-0)

VII. ADJOURNMENT

MOTION: Selectman Donahue moved at 10:03 P.M. to enter into Executive Session for the purpose of discussing contract negotiations w/ non-union personnel & to come back into open session. Selectman Potter seconded.

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

VOTE: Unanimous (5-0-0)

Respectfully submitted,

Kelly Barrasso

Kelly Barrasso, Transcriptionist

SELECTMEN/SEWER COMMISSIONERS MINUTES – 06/26/07 (CONT'D)

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners for their approval 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