

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

Date of Meeting: August 7, 2007  
Date of Transcription: August 9, 2007  
Transcribed By: Shirley Oldfield

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

Chairman Brenda Eckstrom called the meeting to order.

### **II. ROLL CALL**

Selectmen Present: Brenda Eckstrom, Chairman  
James L. Potter, Clerk  
Bruce Sauvageau  
John P. Cronan  
M. Jane Donahue

Others Present: John D. Foster, Interim Town Administrator  
John F. McAuliffe, Future Town Administrator

### **III. CITIZEN PARTICIPATION**

Present before the board Doreen Schmidt, property at 75 Highland Shores Drive. Said that the sewer stub is located on the vacant lot on the corner. She wants clear title to be able to hook up to sewer. She is paying for the betterment, but is unable to hook up to the sewer as the stub is next to her property. She requested a sewer abatement, but was denied because of the 6 month time frame. Mr. Simmons addressed her concern (letter attached).

Present before the board Bill Whitehouse. He wanted to direct the question to Selectman Sauvageau, but Selectman Eckstrom said that he needed to direct the question to the board. Mr. Whitehouse stated that the sewer commissioners is an elected post and no one wanted it so the Board of Selectmen took over. Selectman Eckstrom replied that the town voted at Town Meeting to appoint the Board of Selectmen as Sewer Commissioners. Selectman Sauvageau asked Mr. Whitehouse why did he want the question directed to him and Mr. Whitehouse replied that he did not know. Selectman Sauvageau asked if Mr. Whitehouse was a member of the press and he replied a press of one. Selectman Sauvageau asked if he came to his home several weeks back and Mr. Whitehouse said that he did. Selectman Sauvageau stated that Mr. Whitehouse looked through his window, throughout his house and talked to him through his window, but Mr. Whitehouse claims that he stood at the doorstep and knocked on the door. Selectman Sauvageau wanted to publicly state that he found it incredibly offensive that Mr. Whitehouse came to his home, trespassed on his property and looked through his window and that if his wife were home he would have a much

bigger problem that him just chasing him off his property and also stated that if Mr. Whitehouse is on his property again, he will have him arrested.

Present before the board Diane Yarrington. The taxpayers pay 27% of tax dollars, how much of it goes back to the village of Onset. How much goes to street paving? That the Town of Wareham received \$150,000 in federal grant and are they going to get 27% to better the village of Onset. Also said that she could not understand why she could not vote in Wareham. She also wants the streets paved. Had complaints against the Police Chief and that he needs to be called on. When you call the Wareham Police Department to address a complaint, they say that "we will add you to the list". If you want a police officer, you have to flag them down, that's the only way to get help. The Chief needs to go. Selectman Eckstrom thanked Ms. Yarrington for coming before the board.

Present before the board William White – Regent Avenue. Discussed Harborwatch hearing and meeting minutes being missed. Selectman Eckstrom explained all minutes are kept at the Library and each board is responsible for sending their minutes to the Library. Selectman Sauvageau mentioned that the Personnel Board has 10 years of missing meeting minutes, suggested may not be appropriate to keep at the Library and would like to see the Clerk's Office have space available at Town Hall to be keeper (custodian of records) – Selectman Cronan expressed his concern for not being able to find meeting minutes. Selectman Donahue said since the Town Clerk has all meetings postings, then she would know that minutes should be turned in for those meetings.

#### IV. ANNOUNCEMENTS

Selectman Eckstrom said that Municipal Maintenance department has had a decrease in their budget for the last two years.

Selectman Sauvageau said they had over thirty employees and now has only eleven employees and the town has not decreased in size.

Selectman Donahue announced that on Saturday, the Elks, the ladies of the Wareham Emblem Club will be holding a benefit fundraiser for the veterans. They are trying to purchase a dog from an organization called "Needs" to help disabled veterans do things like get dressed, etc. Anyone wishing to help out the veterans should call (508) 295-5084. Starts at 6:00 p.m. and the dogs will be there to do a demonstration.

Selectman Potter announced the movie on Thursday night, Iron Giant and the Cape Verdean Festival on the Bluffs.

#### V. CONSENT AGENDA

A. Authorization to sign bills and documents, etc. – Selectman Potter read the CDM Invoice number 80262018/9 for \$43,625.00 for professional engineering services in the seven remaining areas in accordance with the agreement dated August

15, 2006 to be paid. Selectman Cronan opposed saying that nothing matches with the invoices and contracts and the duplicate check of \$36,000. Said the bills do not match the contracts. He wants a meeting with CDM and himself, spoke with Barbara Ford and she could set up the meeting or can set it up himself. John Foster to call Mike Guidice at Camp, Dresser & McKee to make reference re contract and amount and they will provide. In an emergency Mr. Gifford is allowed to sign off on change orders. Mr. Foster stated that it is not broken down into projects.

MOTION made by Selectman Potter that the Board sign bill to CDM Invoice number 80262018/9 for \$43,625.00 for professional engineering in accordance with the agreement dated August 15, 2006 to be paid, seconded by Selectman Sauvageau,.

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

B. Approve minutes of previous meetings.

MOTION made by Selectman Potter that the Board approve minutes of November 20, 2006 and December 19, 2006, seconded by Selectman Eckstrom. Selectman Sauvageau asked if the rest of the minutes that were scheduled on the agenda could be put off for a date in the near future.

C. Appointment/interview applicants for boards, committees & commissions:

MOTION made by Selectman Potter to approve the appointment of Robin Ragel Davis to the Historical Commission to a term to expire June, 2010, seconded by Selectman Sauvageau.

VOTE: Unanimous (5-0-0)

MOTION made by Selectman Potter to approve the appointment of Ellen Nelson to the Wareham Housing Authority to a term to expire June, 2010.

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

Discussion re. Board will make appointments to the Community Events Committee at their August 21, 2007 meeting.

Sewer Business: Selectman Potter, discussion regarding follow up on landfill, Town Counsel reviewed letter but did not go out to print yet. The town is losing about \$250,000 to \$400,000 yearly on projected revenue. This could be a savings of \$40.00 annually on the EDU rate per user.

Town Business: Selectman Potter read into the record the dates to establish the Annual Fall Town Meeting (attached as referenced), Special Town Meeting to be established at a later date.

MOTION made by Selectman Potter to approve the establishment of dates for the annual fall town meeting, seconded by Selectman Donahue.

VOTE: Unanimous (5-0-0)

Mass Recycles Paper! Letter received from Department of Environmental Protection was read into the record (attached as referenced). Mass Dep has invited our community to join in a statewide initiative to recycle 1 million tons of paper per year. Discussion ensued.

MOTION made by Selectman Potter to approve the "Resolution in Support of the Mass Recycles Paper Campaign" (attached as referenced), seconded by Selectman Cronan.

SRPEDD Delegate: Discussion ensued. Selectman Eckstrom stated that the Town Administrator was appointed as the delegate and Chuck as the alternate. On May 14, 2007 the planning board voted Charles Gricus as the alternate on the SRPEDD Commission. Selectman Cronan also wanted to go on record that out of the 12 people, Selectman Sauvageau did not get one vote. Selectman Sauvageau stated that the Town needs representation and would like to be involved.

MOTION made by Selectman Potter to appoint Selectman Sauvageau as the delegate on the SRPEDD commission, seconded by Selectman Donahue.

#### IX. SELECTMEN'S REPORTS

Selectman Eckstrom spoke with Town Counsel that their letter to the board is a public document and read the letter into the record (attached as referenced). Selectman Eckstrom said a few weeks ago they had members of the Library Board of Trustees come before the board because there were some concerns about the appointments. It was the opinion of Counsel that they are appointed by the Board of Selectmen. Selectman Eckstrom asked that the members of the Library Board fill out new applications so they could reappoint them and also stated that there are five openings on the library board now. According to the law unless Town Meeting authorized them to have a treasurer and that Treasurer has to be bonded with surety to the Town and the money should be turned over to the Town. Approximately 6 months ago, they created a foundation a 501C3, a non profit foundation where some of this trust money has been put so therefore it was not the Trustees money now, it is the foundations'. Attorney Corbo had asked them to get all the information and to get all of that to the Town Treasurer. There was no information given to the Town Treasurer that following week. Attorney Corbo had contacted them and had asked them to have a meeting so that informally, myself, the former chairman of the Library Board of Trustee, the Treasurer of the Trustee, the attorneys and anyone else that they felt comfortable with having them come and sit down to find out what money we are talking about, where the money is, how this is authorized, if they were able to do this. All of the research, we found that there may be some issues with it. A couple of days before that meeting was to take place, last Wednesday, Attorney Corbo got an email from the current

chairman of the recently ousted trustees and informed Counsel that the former chairman would not be able to make it and did not offer any more information to the finances, where the records were, who had possession of them and did not offer to reschedule. Attorney Corbo tried to contact them twice with no response. Friday morning the Library Board of Trustees, this role group of citizens acting as the Library Board of Trustees posted a meeting for the Library Board of Trustees to meet this evening at 6:00 p.m. When I had heard that, I contacted Counsel and had asked of anyone could go to it and Selectman Sauvageau, you might want to give us an update as to what happened this evening.

Selectman Sauvageau stated that he was requested by the Chairman to attend this meeting, on the advice of Counsel. At 6:00 p.m., a meeting of the former trustees was held at the Library, it was very brief only a few minutes long. There was an immediate motion to hire and retain counsel. There was an attorney in the room with the firm from New Bedford, it was a unanimous vote to retain counsel and immediately there was no discussion. Immediately following that vote, counsel advised to go into executive session. Discussion ensued. There has been an absolute refusal to turn over the people's money. That the citizens have hired an attorney and are using whatever money or where they are getting it to get a lawyer. If they are part of the town in anyway shape or form to becoming to the Town. He recommends that the DA start action – this is way out of control.

A motion was made to investigate into the finances of the Library Board of Trustees to authorize Town Counsel to use subpoena powers to obtain the records if no records are produced by August 16, 2007.

Selectman Potter made a second for discussion, feels this is an important matter.

Selectman Eckstrom stated that they are looking for applicants on the CEDA. Discussion re Board will have Chief Joyce come before the board on Friday, August 10, 2007 at 6 pm and will have an executive session meeting posted re deployment of personnel. Discussion re Oak Grove meeting, re the memo addressed to Selectman Sauvageau to remove tree and relocate a storm drain. Selectman Donahue agreed to attend the meeting. Selectman Potter and Interim Town Administrator John Foster took a tour with WS Development. Target and Lowes to open in October and several other establishments to follow afterwards late fall.

Discussion re. Barry's Lighthouse, believe the business is open, the side door is open (bar area) and that they are still serving food.

Selectman Potter discussion the casino in Middleboro. He attended a meeting was held on July 25, 2007, several surrounding towns were invited to attend and that the towns are not in favor of a casino in Middleboro. There were two selectmen from Middleboro who attended the meeting and said that the towns should all band together and have a seat at the table with the Mashpee Tribe and the State and the towns could say what they wanted. Middleboro stated that the towns could demand it from the state. If the

state approved gambling, the money is disbursed over the entire state. He feels that we will all pay for Middleboro's casino and that's how all the towns viewed it. He will be attending another meeting in Lakeville w/SRPEDD. Selectman Potter also feels that there are a few things that needs to be addressed. The Secretary of Interior has to approve tribal lands and there is a process there. The tribe has some agreement with Mashpee to move their reservation out of Mashpee. For many years , the tribe had an eminent domain proceeding to take all of Mashpee back and to help them get federally recognized. The Mashpee tribe worked with the Town of Mashpee to help them get federally recognized and the tribe agreed to drop the eminent domain complaint, and that they would move their reservation someplace else.

MOTION made by Selectman Cronan to get a consensus of the board, who is for or against the Middleboro Casino. Selectmen Sauvageau, Eckstrom and Potter opposed, Selectman Cronan in favor of the casino and Selectman Donahue abstained.

MOTION made by Selectman Sauvageau, seconded by Selectman Cronan that all minutes to be recorded and filed with the Library by all boards, committees and bodies, keeping minutes shall be maintained by custodian of the records by as statutory identified as the Town Clerk and upon the new Town Administrator taking office that we, the board shall request facilities be provided to the Clerk and supplemental funding to offset against the Library budget. Selectman Eckstrom added that all present and future minutes to be sent to the Clerk.

VOTE: Unanimous 5-0-0

MOTION made by Selectman Sauvageau that all change orders within the field except for emergency change orders with respect to sewer business shall be brought before the Board of Selectmen and that we clarify that in a written policy. Seconded by Selectman Cronan.

VOTE: Unanimous 5-0-0

Selectman Sauvageau attended the CEDA meeting last night and they requested to come before this board to make a formal presentation to present their consultants study and recommendations with respect to economic development in Wareham.

Selectman Eckstrom announced that they will be a workshop meeting on July 14, 2007 with the Wareham Board of Health to discuss emergency preparation regarding bird flu and that the next regular meeting will be on August 21<sup>st</sup>.

Selectman Eckstrom said that on behalf of the Board and citizens of the town would like to give here sincerest heartfelt thanks and appreciated to John Foster for stepping in a very difficult position and that he handled it with professionalism and dignity and gave more respect to the citizens of this town and to the employees and to this board.

MOTION made by Selectman Eckstrom to adjourn the meeting. Selectman Cronan seconded.

VOTE: Unanimous 5-0-0

Respectfully submitted,

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Shirley Oldfield

The Board of Selectmen/Sewer Commissioners approved the fore going minutes on September 11, 2007.

Attest: \_\_\_\_\_  
James L. Potter, Clerk

Date copy sent to Wareham Town Clerk on: