

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: February 27, 2007

Date of Transcription: March 1, 2007

Transcribed by: Kelly Barrasso100

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order at 7:07 P.M.

II. ROLL CALL

Selectmen Present: Renee Fernandes-Abbott, Chairman
Brenda Eckstrom, Clerk
Bruce Sauvageau
Jim Potter

Absent: Michael Hartman, Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Theresa Tello

Ms. Tello stated her group's lawyer submitted a letter re: 6 Anchorage Dr., which was sold at a Town auction. There are serious concerns w/ Town boards handling this matter as well as documentation referencing this property before the auction. Much has to do w/ the Administrator & Mr. Foster who was in charge of the auction.

Selectman Eckstrom stated she has met w/ Ms. Tello. She explained that the situation is the property in question was documented in the Assessors office & stamped on the Assessors card as an unbuildable lot. At the Town auction, no claims were made that this lot was buildable or unbuildable. Now, someone is trying to build on the lot & is asking for Variances through the ZBA, ConCom, & the BOH. She stated the Board couldn't supersede these other boards. She had told Ms. Tello what the Board had for paperwork re: the properties. Ms. Tello had submitted documentation to her re: an advertisement for the property (properties) that had no comments about the property & the other said the lot was unbuildable. She feels that Ms. Tello needs to wait to see what the other boards do in this matter. The Board of Selectmen doesn't have the authority to step in.

Ms. Tello stated it was presented as an unbuildable lot. On the Assessors map, it has an unbuildable lot code number.

Selectman Sauvageau felt the first step in this process begins in the Building Inspections Dept. where it is either approved or it goes to the ZBA. Ms. Tello stated the applicant has sidestepped the ZBA & they have gone to the BOH & ConCom first. The Building Dept. in 3/06 deemed this lot unbuildable & it is also on the Assessors records as unbuildable. Selectman Eckstrom added that since the subdivision in 1979, this lot was always unbuildable on the Assessors records.

Selectman Sauvageau asked what the purchase price for the property was & how square is it w/ fair market value. Ms. Tello stated the person bought it for \$35,500 & a similar lot up the road is going for \$200,000. She feels someone "messed up" w/ this lot. Many neighbors are upset. There are

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wetlands & wildlife habitat on this lot. She discussed the proposed septic on the lot & the proposed home to be built. She feels this will de-value homes in the neighborhood.

Present before the Board: John Foster, Interim Town Administrator

Mr. Foster explained that two months ago he received a call on this matter. All properties sold at the Town auction were offered with no conditions or guarantees. This auction was based on the Town's need for additional funding. The Administrator had asked for an estimate on the amount to be received from the auction. The properties were assessed & an estimate was established. The auction resulted in \$1.1 million being collected. When this particular lot was purchased, it was noted that there were wetlands & there were no additional funds available to survey the lot. He doesn't feel the applicant was guaranteed this lot was buildable. No restrictions were placed that it would be a buildable lot.

Selectman Sauvageau feels the applicant took a risk & the Town has publicly held out that this lot was unbuildable. It was advertised in the newspaper as being unbuildable. The question is if the applicant is superseding the Town's process. Ms. Tello stated many neighbors called Town Hall & were told it was an unbuildable lot. She spoke to Mr. Foster at that time & obtained information on the lot from Town Hall. She noted that only two abutters were notified of this property's availability & it was being foreclosed on. The person who bought the property has a son who is a Town employee who will be living there.

Mr. Foster explained that many abutters were notified of these properties & it was advertised. Ms. Tello stated the direct abutters were not notified. Mr. Foster stated abutters don't have to be notified re: an auction of property. It was advertised properly.

Selectman Potter asked if any board has granted anything to the applicant. Ms. Tello stated "no." She stated the BOH feels that this is the applicant's property. If the BOH grants a Variance, they will be violating the Town's Bylaw. She asked if the BOH grants this Variance & they are in violation, whom would she go to. Selectman Sauvageau stated she would go to her lawyer. The Board can't interfere w/ these decisions. Selectman Eckstrom discussed the process Ms. Tello can follow if the BOH grants a Variance.

Chairman Fernandes-Abbott feels there is a circumvention of the process/policy. She feels Attorney Witten should be asked to look at this issue. Selectman Eckstrom stated the Board could send out the Bylaw to the land use boards.

Chairman Fernandes-Abbott asked if the other boards asked the applicant if they had gone before the ZBA. Ms. Tello read the letter from the lawyer into the record. The letter notes that the applicant needs to go to the ZBA first. This letter was given to the ConCom, but the ConCom didn't respond.

Selectman Sauvageau agreed w/ the suggestion of sending a letter to the land use boards re: the policy/Bylaw process. The Board members concurred. Chairman Fernandes-Abbott will speak to the BOH Agent, ConCom, & the ZBA on this issue & discuss the policy.

Present before the Board: Wayne LaGue

Mr. LaGue asked that the land use boards be notified of the policy/procedure & have them be instructed to follow the policy.

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Present before the Board: Mr. Kelsch

Mr. Kelsch stated he understands the process is going out of procedure. He asked why these other boards are moving forward w/ this issue when it is clear the lot doesn't conform w/ zoning. Selectman Sauvageau stated he doesn't know, but there is a problem.

Chairman Fernandes-Abbott discussed due process & why these boards need to consider the application. It should have been given to the ZBA first. She felt the policy procedure was clear on this.

Present before the Board: Bill Caleary

Mr. Caleary shares the concerns of his neighbors. To have this issue keep going on is wrong. He asked the Board's opinion on the lawyer's letter. Selectman Eckstrom stated they couldn't comment on it right now. Chairman Fernandes-Abbott concurred due to potential litigation.

Ms. Tello noted the BOH will meet on 3/6 & the ConCom on 3/7.

IV. ANNOUNCEMENTS

- A. A charrette will be held at Salerno's on 3/24/07 at 9:00 A.M.
- B. Selectman Eckstrom stated when Ms. Ishihara was here to discuss the MBTA rail line; she had asked that a meeting be held w/ the Town of Bourne on this issue. She contacted Bourne stating the Board would like to meet w/ them on this issue as well as sewer issues. They will be getting back to the Town on this meeting. Selectman Potter stated he spoke to the Chairman of the Bourne BOS & they wish to wait until the Town election is over to meet. Selectman Eckstrom stated the Bourne BOS are meeting tonight to discuss when to meet.
- C. Chairman Fernandes-Abbott stated the Planning Board is going to hold another public hearing on the Wankinco/Oceanside Dr. issue on 3/26. Selectman Eckstrom asked if the Board authorized this. She felt the Board decided that the map was the issue. Chairman Fernandes-Abbott stated this wasn't the issue; there were other issues. The Planning Board has opted to hold another public hearing to clean up this issue.

Selectman Eckstrom stated she read the Planning Board minutes on this issue & she noted Chief Joyce's letter as well. A Planning Board member told her that this matter was brought up at a meeting two weeks ago & there was a 2-4-0 vote. The matter was brought up again recently & they voted favorably to rescind this vote. She explained that the Planning Board couldn't rescind a vote of a public hearing. She clarified what the issue w/ this road had been. Chairman Fernandes-Abbott clarified what the issue was & that the Planning Board didn't feel it was a number or letter mistake.

Selectman Eckstrom stated the Planning Board minutes didn't reflect that it was Selectman Sauvageau's wife approached the Board or Mr. Murphy's letter. She feels this is suspicious especially since it is election time. She feels politics are involved w/ this issue. She doesn't feel this issue should be brought forward again. Lengthy discussion ensued.

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Chairman Fernandes-Abbott does not feel this issue is suspicious. She discussed what she did to clarify w/ the Planning Board on what they did.

Selectman Sauvageau stated the Board granted temporary authority to the Planning Board to do one thing. The Planning Board cannot rescind a vote they made at a public hearing & the Board can't do this either. The Board can't go back & rescind anything. He feels this matter has already been resolved. He feels the numbers or street names don't need to be changed. The Board should inform the Planning Board that they couldn't rescind the vote. Everyone should follow Chief Joyce's memorandum option which stated do nothing.

Selectman Sauvageau stated it appears there are boards, committees, etc. that are unaware of how the Charter works & where their authority begins. He feels policies need to be sent out to remind boards, committees, etc. of this.

Chairman Fernandes-Abbott stated she would understand if this issue was a cut & dry one, but it isn't. She discussed what was changed & that the Planning Board doesn't feel it is what was voted. She stated there is now a challenge six months later as to what was voted. Discussion ensued.

Chairman Fernandes-Abbott stated she will notify the Planning Board not to hold another public hearing & she will notify residences of their address. She just wants resolution of this matter. Selectman Sauvageau concurred. Selectman Eckstrom clarified that this road will be Oceanside Dr.

NOTE: The meeting proceeded w/ item VIII. Sewer Business.

Present before the Board: David Simmons, WPCF Superintendent

A. Vote the omitted commitment for FY07.

Chairman Fernandes-Abbott stated the Board has been asked to accept the omitted commitment for FY07 sewer user fees in the amount of \$56,079.89. She asked for an explanation of what this is.

Mr. Simmons explained what an omitted commitment is & it is being asked for acceptance now due to the delay in the regular sewer rate. Most of this figure presented represents the Wewantic Shores residences, which added 145 new accounts to the sewer system. These are new connections to the system, not new homes. He explained that one commitment was done vs. two.

MOTION: Selectman Eckstrom moved the Board approve the omitted commitment for FY07 sewer user fees in the amount of \$56,079.89. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

B. Sewer Abatement Requests.

1. Sewer Abatement Request – Acct. #767438, 2859 Cranberry Highway, Map 129, Lot 1153.

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Chairman Fernandes-Abbott stated the Board is asked to approve abating this account for second half FY07 in the amount of \$913.50 for 3.5 EDUs & \$245.00 for 3.4 EDUs on the supplemental sewer usage bill.

Mr. Simmons verified the correct #'s for seating at this location are 116 seats vs.190 that had been previously identified and billed. Thus, there is a reduction in seating. He discussed what the EDUs represent & how they are utilized relative to seating.

MOTION: Selectman Eckstrom moved the Board abate account #767438 for second half FY07 & the supplemental sewer usage bills in the amounts of \$913.50 & \$245.00 for 3.5 EDUs respectively for a total abatement of \$1,161.50. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

2. Sewer Abatement Request – Acct. #739003, 3147 Cranberry Highway, Map 7A-1, Lot 15.

Chairman Fernandes-Abbott stated the Board is asked to approve abating this account for second half FY07 in the amount of \$261.00 for 1 EDU & \$70.00 for 1 EDU on the supplemental sewer usage bill. The unit has been vacant since 6/06, although water service cannot be shut off because there are no separate meters.

Selectman Eckstrom stated this is a rental plaza. She doesn't feel bills should be abated just because there is no tenant. This becomes a burden on the community as a whole. Mr. Simmons stated if this is the Board's decision, it should become policy. He stated currently, the owner informs the plant when no tenant is in a unit. If this is to be handled differently, he needs to know. Discussion ensued.

Selectman Sauvageau feels a policy issue needs to be addressed. He doesn't feel the Town should be subsidizing landlords. Brief discussion ensued.

Chairman Fernandes-Abbott stated the Board would give a directive to enact a policy, which she discussed.

MOTION: Selectman Eckstrom moved that the Board **deny** the abatement to Acct. #739003 for second half FY07 & the supplemental sewer usage bills in the amounts of \$261.00 & \$70.00 respectively for a total of \$331.00. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

C. Sewer Connection Request.

1. Sewer Connection Request – 2511 Cranberry Highway, Map 84, Lot 1025.

MOTION: Selectman Eckstrom moved the Board approve the application to connect to the town sewer subject to the conditions in the Bylaws of the Town of Wareham. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

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D. Any other sewer business.

Selectman Sauvageau asked if Mr. Simmons would come before the Board periodically. Mr. Simmons stated he would. He stated there is another pending abatement for a trailer park. There is a new owner whom he has met w/. There are some derelict units he is being charged for. There are no utilities to these units. They are uninhabitable. He has walked the site & verified the derelict units. The owner wants to pull the units out & put new ones in. He actually found two additional units that are included. This matter was brought forward in 1/4/07.

Selectman Potter stated he also met w/ the new owner. He explained that the new permitting process gives the Board information that a new unit has come in & to watch for EDUs. He doesn't feel derelict units should be charged. Selectman Sauvageau stated the previous issue the Board dealt w/ this evening was the opposite (vacant tenant). He asked how this issue is different. The trailer is not habitable, but the land has utilities available. These utilities are being offered when a new trailer is put there. Selectman Potter stated that is when the Town should start charging the EDU. Mr. Simmons stated there is a distinction. He explained that if there is still a connection to a derelict unit, the Town could charge, but if it is uninhabitable & the utility is capped, the Town shouldn't charge.

Chairman Fernandes-Abbott stated the Board would have this abatement brought back for their next meeting.

Mr. Simmons stated he doesn't see the article for the new sewer areas & the SRF loan on the Special Town Meeting Warrant. Selectman Eckstrom stated the article is in hand now & she read it into the record. Discussion ensued re: the wording of the article. Chairman Fernandes-Abbott stated Town Counsel would review it.

Mr. Simmons asked if a timeframe has been established for what areas will be done first, grouping, etc. Selectman Sauvageau stated that preliminary groupings were discussed & the cost estimate was made. Chairman Fernandes-Abbott stated that the Board would make a decision as soon as possible on this issue.

Mr. Simmons explained that once the contract(s) are awarded for an area, it take two years to complete. He spoke re: the Board of Health issues relative to waivers being sought & their timeframe issues they need to meet.

Mr. Simmons asked re: the 815 Main St. issue. He updated the Board that the applicants have requested information on the Phase I I/I study. The applicants will be offering to pay for I/I remedies. He discussed DEP holding to the rule of ratio of I/I per gallon of wastewater. The loading is different. He stated the loading being stated by the applicant is 18,000 g/p/day. A package treatment plan would work well at this site. He discussed the trade-off of I/I & per gallon loading. He briefly discussed inflow from sump pumps. Brief discussion ensued.

Mr. Simmons discussed possibly changing from an EDU system to an actual consumption system. He would like to keep informed of this issue. Selectman Sauvageau stated the Board has studied this issue. He asked Mr. Simmons' thoughts. Mr. Simmons discussed the community he used to work in & what they did, how billing was done, & the metering of water. He stated their system was purely a consumption rate method w/ metering & a minimum amount was charged. The problem/issue is w/ summer properties & usage. Lengthy discussion ensued re: setting a rate, the EDU system, & issues w/ seasonal properties.

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Selectman Sauvageau stated the Board needs to review the real impact of the options discussed. He tends to want to go w/ the consumption option. He asked if Mr. Simmons if he has had correspondence w/ CDM on this issue. Mr. Simmons stated he has. Selectman Sauvageau feels Mr. Simmons should be involved w/ these discussions. Mr. Simmons stated he could do this if informed.

Lengthy discussion ensued re: accepting leachate material at the plant, setting a price, & when & if acceptance can be stopped. Mr. Simmons stated he could draft a proposal & have CDM & Town Counsel review it. Mr. Simmons discussed the potential money that could be gained. He discussed figures re: septage intake, leachate, & leachate treatment.

Selectman Potter discussed the issue of laundry mats & the issues they face if the rate goes from EDU's to consumption. Mr. Simmons expressed concern re: change in rates for laundry mats, hotels/motels, & car washes. He suggested looking at commercial establishments water consumption & assign a cost estimate. He feels the three entities referenced above want to pay for what they use. A list of water consumption would have to be obtained for commercial establishments. Discussion ensued re: laundry mats & EDU rates charged to them.

MOTION: Selectman Sauvageau moved the Board authorize Mr. Simmons to draft a proposal for acceptance of landfill leachate. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Mr. Simmons discussed the plant's \$275,999 electric bill. He discussed a proposal for a wind turbine for electricity. The wind turbine would cost \$1 million & the payback would be less than five years if the rates don't go up. Selectman Potter discussed municipal turbine use & the waiting list for such turbines.

Mr. Simmons discussed a program that would allow the emergency generator at the plan to run & get paid for it.

V. CONSENT AGENDA
(NONE)

VI. TOWN BUSINESS

A. Board of Health Appointment.

Selectman Potter discussed the BOH appointment the Board made last week. Selectman Eckstrom spoke re: the appointment of Deb Rose to the BOH & Ms. Rose's experience. The BOH had had her application since 9/06. In 12/06, Ms. Rose asked they why they hadn't interviewed her. The BOH told her she had to get placed on the agenda. In 1/06, the BOH told her she had no medical or engineering experience. Ms. Rose told the BOH this wasn't a requirement.

Selectman Eckstrom stated she is offended why the BOH treated Ms. Rose like this. She read a letter from the BOH Chair into the record that takes exception to the Board's appointment of this applicant. She stated the BOH took six months & did nothing w/ this appointment.

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Selectman Eckstrom stated there are plenty of people who want to volunteer on boards, committees, etc., but for some reason these boards, committees, etc. don't want these people filling vacancies.

Selectman Eckstrom spoke re: the Recreation Commission appointment issue. She has received a letter from the applicant in question. She read said letter into the record that stated the applicant was perplexed as to why the Commission denied him & that he was not interviewed. The applicant feels an apology is warranted since his name has been bantered around in the press & elsewhere. He is no longer interested in the position. Selectman Eckstrom issued an apology to the applicant for the actions of the Recreation Commission.

Chairman Fernandes-Abbott stated she spoke to the applicant as well. She apologized to him as well on behalf of the Board & the Recreation Commission. She also spoke to the Recreation Commission Chair as to what happened w/ this appointment. She feels the Recreation Commission needs to reach out to this applicant & have him back to discuss the issue.

Selectman Sauvageau feels this should have already been done. He stated serious things have happened in the past few weeks & there is a need for the Board to tell boards, committees, etc. how the Charter works. He discussed instances in which boards, committees, etc. are in opposition to the Charter.

Selectman Sauvageau discussed a recent instance where a 40B developer asked him to attend a sidebar meeting. He stated protocol was not followed. He again discussed Charter protocol.

Selectman Eckstrom cited a section of the Charter relative to the Board appointing members to boards, committees, etc. She has drafted a letter to be sent to the BOH re: the appointment issue & authority issues. She submitted a copy of said letter to the Board members for review. Selectman Sauvageau feels the letter should also state that the appointment the Board made to the BOH stands & the BOH should embrace it.

Chairman Fernandes-Abbott discussed administrative issues re: applications & protocol. Discussion ensued. Chairman Fernandes-Abbott stated she would check into this issue.

Selectman Eckstrom discussed an e-mail received from the Administrator relative to updating the Board on requisition items & that a report would be forthcoming by the end of the week. Chairman Fernandes-Abbott suggested a few Board members meet w/ the Administrator & Mr. Foster before Friday to discuss issues.

Present before the Board: John Foster, Interim Town Administrator

Selectman Eckstrom asked if any transition activities have occurred. Mr. Foster stated he met w/ the Administrator today for an hour and a half to go over the Administrator's proposed budget & ongoing legal issues. He also met w/ Bob Bliss & will meet w/ him daily. He also would like to meet w/ the Board regularly to hear their view on issues. He has a good idea how things operate.

VII. SELECTMEN REPORTS

A. Selectman Fernandes-Abbott – The next Board meeting will be on March 6, 2007.

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- B. Selectman Eckstrom – Discussed attorney bills. She has reviewed them. She proposed submitting these bills to Mr. Bliss for review. She clarified why she is reviewing these bills. She wants to make sure that legal issues are being charged to the correct accounts.

MOTION: Selectman Sauvageau moved the Board go beyond the hour of 10:00 P.M. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Mr. Foster discussed the process relative to multiple bills being received from the same legal firm. Chairman Fernandes-Abbott feels the third step of the process is not being followed. Selectman Sauvageau doesn't feel the legal budget is being offset by other accounts use of legal. Discussion ensued. Mr. Foster stated that some departments might not understand how this is done.

VIII. SEWER BUSINESS
(DONE)

IX. ADJOURNMENT

MOTION: Selectman Eckstrom moved to adjourn the meeting at 10:14 P.M. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Respectfully submitted,
Kelly Barrasso, Transcriptionist

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

Attest: ***BRENDA ECKSTROM, Clerk***
BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date copy sent to Town Clerk's Office: September 12, 2007