

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

Date of Meeting: September 11, 2007  
Date of Transcription: September 17, 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

Also Present: John F. McAuliffe, Town Administrator

### **III. CITIZEN PARTICIPATION**

Present before the Board: Jack Silva

Mr. Silva came before the board and asked about the Oak Grove School – possible opening – what is the hold up as the school was supposed to be opened by now. Mr. McAuliffe stated that there was an on site review, that the Planning Board to review site plan, the sidewalks have not been completed. The building appears to be in very good shape.

### **IV. ANNOUNCEMENTS**

Selectman Potter announced that Salerno's will be hosting the "Mass Children's Relief Dinner" fundraiser on Saturday, September 15, 2007 from 6:00 p.m. to 11:00 p.m. to benefit Mass Children's Relief Kids Comfort Kits, Onset Youth Center, Boys and Girls Club and Turning Point.

### **V. CONSENT AGENDA**

A. Authorization to pay bills: Selectman Potter moved that the board approve to pay Camp, Dresser & McKee, invoice no. 80263375/4, in the amount of \$4,173.35 for professional engineering design services, Selectman Sauvageau seconded and Selectman Cronan abstained.

VOTE: 4-0-1

Selectman Potter moved that the board approve to pay Camp, Dresser & McKee, invoice no. 80263398/16, in the amount of \$3,365.61 for professional engineering services, Selectman Sauvageau seconded and Selectman Cronan abstained.

VOTE: 4-0-1

B. Interview/appoint applicants to boards, committees or commissions: Selectman Potter moved to appoint Matthew Silva, 2375 Cranberry Highway as Certified Weigher to a term to expire June 30, 2008. Selectman Donahue seconded.

VOTE: Unanimous 5-0-0

Selectman Potter moved to appoint Doreen Besso, 5 East Central Avenue as a member to the Wareham Cultural Council to a term to expire June 30, 2009. Selectman Donahue seconded.

VOTE: Unanimous 5-0-0

C. Approve minutes of previous meetings: Selectman Potter moved to board to approve the following minutes: November 16, 2006; January 16, 2007, February 27, 2007, March 6, 2007, March 13, 2007, March 20, 2007 and April 3, 2007. Selectman Cronan seconded the motion and Selectmen Donahue and Sauvageau abstained.

VOTE 3-0-2

Approve minutes of previous meetings: Selectman Potter moved to board to approve the following minutes: July 10, 2007 and August 7, 2007

VOTE: Unanimous 5-0-0

## VI. LICENSES & PERMITS

Earth Removal Permit. Bill Madden present. Mr. Madden stated that the project is taking longer than anticipated. No complaints with the neighbors or noise complaints. Selectman Eckstrom asked Mr. Madden if he was aware of the new regulations on the Earth Removal in the Town Bylaws – Division IV, Article III. Discussion ensued

Selectman Potter made a motion to approve the earth removal permit to G. Lopes & Sons effective September 12, 2007 for 3 years expiring September 12, 2010 with the following order of conditions:

1. Hours of operation: 7:30 am to 4:00 pm.
2. Maintain a \$1,000,000 liability policy naming the Wareham Water District as the additional insured.

3. Maintain a \$15,000 bonding for the Town of Wareham per acre.
4. Crushing not allowed on site.
5. Contingent upon Massachusetts State Highway approval.
6. No vehicles parked or stopped on the highway.
7. Right-turns in and out of the site only as identified on the plan.
8. Assume costs of monitoring by consultants hired by the town and/or Town staff.
9. Subject to annual review or phase review, whichever comes first.
10. Maximum of 50 loads per day.
11. No queuing or caravans.
12. Street sweeping as presented in the plan.
13. Work with and maintain communication with residential abutters if any issues arise. Annual notification to abutters to write any comments to the Board of Selectmen if needed.
14. Subject to Division IV for article III, earth removal regulations in the Wareham By-Laws

Selectman Sauvageau seconded.

VOTE: Unanimous 5-0-0

#### VIII. TOWN ADMINISTRATOR'S REPORT.

Mr. McAuliffe stated that the Oak Grove School will appear frequently in his report and that he has had continued financial meetings with the Town Accountant, Treasurer/Collector, and Chief Assessor. Meetings with Department Heads: Municipal Maintenance Director, Chief of Police, Community Development & Economic Director, small business owner and President of the Onset Bay Association with regard with resident issues, etc., School Superintendent and Assistant Principal. Meeting with the Community Preservation Committee was very productive, working towards the Oak Grove School and the Town Meeting Warrant. Typed up a brief overview of what has changed since last Thursday, we had a draft warrant and this will tie in to the new warrant, a lot of time was spent to make it correct. Since Thursday, as discussed when he had met with the CPC that they would be submitting five additional articles, 28 – 32 on the Town Meeting Warrant. He split a previous CPC article into two articles for administrative purposes. It was a lot for one article and could be confusing on Town Meeting floor.

Some articles were removed and shall be placed on the Spring Town Meeting Warrant. Articles that were removed were supplemental budget items, capital improvements and transferring from cemetery perpetual care. Discussion ensued. Mr. McAuliffe asked that the board close the Town Meeting Warrant and post the warrant on Friday, September 14 and motion to allow for Scribner errors and corrections.

Selectman Potter moved the board to close the Fall 2007 Town Meeting warrant and post on Friday, September 14<sup>th</sup>. Selectman Donahue seconded.

VOTE: Unanimous 5-0-0

Selectman Potter moved the board to allow for Scribner errors and corrections on the Fall Town meeting warrant. Selectman Donahue Seconded.

VOTE: Unanimous 5-0-0

Selectman Potter said the 17-community Middleboro Casino Task Force meeting has been postponed until the Governor's decision on gambling.

Selectman Cronan attended the Planning Board meeting. Ken Ferreria, Chairman of the ZBA spoke with the planning board and both are planning on writing a letter to the Board of Selectmen to request rescinding the elimination of Special Municipal Employee status to the Board of Selectmen.

Selectman Sauvageau said that the CEDA board has concerns about the Housing Repair Program that CEDA provides has some glaring inconsistencies and some people are being denied due to the geographic area. According to the state Wareham is allowed a certain amount of funds and divided among applicants that have applied for the program. Some geographic areas are excluded from the program. CEDA has written correspondence to the state to amend or change the requirements to qualify. Selectman Sauvageau would also like a letter to be written to modify the program to allow all residents to be qualified and not restrict to geographic locations. Selectman Eckstrom also agreed a letter needs to be written. Selectman Donahue feels that the board should have the Town Administrator view the certain instances where there were denials. Selectman Sauvageau feels that CEDA should have a workshop meeting with the board and have a discussion with them before a letter is written to the state legislature.

Selectman Sauvageau said that Under Chapter 268A he would disclose publicly that he does reside at 188 Swifts Beach Road about four lots away from the eminent domain taking property know as the Swifts Beach property, which is article #17 under the CPC. Also Selectman Sauvageau had a business dealing with this plaintiff who was awarded the \$1.5 million dollars Mrs. Dighton at the time (and Mrs. Haupt now), and that business relationship was that Selectman Sauvageau rented a portion of her parking lot for a period of three months one summer about seven years ago three years before ever coming a Selectman. The reason for the rental was at the time was he and his wife owned a seasonal restaurant and rented the parking lot to help and assist with the restaurant business for three months because he had a lease arrangement with the prior owner who sold the property to Ms. Dighton-Haupt and was a continuation of that business relationship for the final one season. Selectman Sauvageau was also offered by the plaintiff to purchase a portion of that land which is the parking lot portion. Selectman Sauvageau made such an offer as requested to and it was a fraction of the price that was realized in the award and was rejected and was never discussed again.

Selectman Sauvageau said that he would never do anything to embarrass either the community or himself and assure no impropriety whatsoever on his part or his families part. He had nothing to do with this taking and he did not vote and did not participate when the eminent domaine proceeding happened and does not intend to vote on this matter at Town Meeting.

IX. SELECTMEN'S REPORTS

Selectmen Potter brought up the letters received from the Town Clerk regarding the Raffle ticket fees and Selectman Eckstrom said she would bring that up at the next meeting.

Selectman Donahue thanked the Water District employees for their hard work passing out water and was happy the boil water order has been lifted.

MOTION made by Selectman Eckstrom to adjourn the meeting and go into executive session to discuss litigation strategy. Selectman Donahue seconded.

VOTE: Unanimous 5-0-0

Respectfully submitted,  
*Shirley Oldfield*

The Board of Selectmen/Sewer Commissioners approved the fore going minutes on October 2, 2007.

Attest: *James L. Potter, Clerk*

Date copy sent to Wareham Town Clerk on: October 3, 2007