

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: March 18, 2008
Date of Transcription: March 31, 2008
Transcribed by: Janet Wilson

1. CALL TO ORDER BY CHAIRMAN

Chairman Eckstrom called the meeting to order at 7:00 P.M. and stated that at last weeks meeting to set the record straight stated that she was the person who called the police because the audience would not leave and it wasn't that she felt physically threatened by the Town Administrator. Chairman Eckstrom stated that outbursts would not be tolerated at the meeting.

2. ROLL CALL

Selectmen present: Brenda Eckstrom, Chairman
Jim Potter, Clerk
John P. Cronan
Bruce D. Sauvageau
M. Jane Donahue (absent)

Also present: John F. McAuliffe, Town Administrator
John Sanguinet, Assistant to the Town Administrator and
Board of Selectmen.

3. CITIZENS PARTICIPATION

Present before the board: Larry McDonald

Mr. McDonald stated that in a November meeting pictures of school-aged children were presented to the Board and public and were entered into record. Mr. McDonald said someone who had no connection to the children didn't consult with the parents prior to taking the pictures. Mr. McDonald would like to request that the photos be removed from the record. Selectman Eckstrom stated that they were part of the public record and she does have children and she couldn't identify if the pictures were of male or female and couldn't identify the faces on the children. Mr. McAuliffe said they cannot be released as part of the public information request until the matter is resolved the pictures will need to be put aside. Mr. McAuliffe said the pictures are in a box and would not be released by someone filling out a request for public information are not part of the file that someone would be able to access.

Present before the board: Antone Campinha

Mr. Campinha stated he was appalled by last weeks meeting and feels that people need to put their egos and personalities aside and work together and address the issues of the town.

Present before the board: Mary Nyman

Ms. Nyman would like to appeal to Chairman Eckstrom to conduct a meeting that is governed by civility and restraint as far as possible.

Present before the board: Bob Brady

Mr. Brady stated that he was once a Selectmen and also served on the Finance Committee for six years in the 80's and 90's. Mr. Brady said that he is in the Real Estate business and the leadership of this town is hurting the town further. Mr. Brady would like to have the board conduct themselves more professionally and stated that according to the Charter the Board of Selectman are policy makers and the day to day is not their purview. Mr. Brady also said that the permit process in the town is the most difficult and the process needs to be looked at.

Present before the board: Brock Tucz

Mr. Tucz stated that the board has made him go from Cranberry grower to gravel hauler. Mr. Tucz would like for the board to allow him for the next three months to make 50 trips per day and start at 7:30 am to recoup some of the business that he has loss in the process of obtaining the permit. Mr. Tucz stated that he has invited the entire board to come to his property and see his operation and not one person has shown up. Mr. Tucz would like the board to consider changing the conditions on the permit. Selectman Eckstrom wanted to state for the record that they just received the bond yesterday. Selectman Sauvageau stated that Mr. Tucz couldn't come before the board during citizen's participation and ask for the board and change the conditions. Selectman Eckstrom said that he could come back during a public hearing and consider any changes at that time.

Present before the board: Bob Brady

Mr. Brady wanted to bring up another matter regarding the administrative fees and the sewer enterprise fund. Mr. Brady said he was a member when the fund was adopted. Mr. Brady stated that he has reviewed all the town reports and have noticed significant increases in the fund. Mr. Brady would like the board to consider not devastating the services in town. Selectman Sauvageau stated that what he has seen over the past fifteen years was rubber-stamping and no one questioned the administrative fee. Selectman Sauvageau stated that every sewer ratepayer is paying twice. Selectman Sauvageau stated that last week was a debate and nothing more. Selectman Potter stated that for the past 15 years the boards along with the Town Administrator did use the enterprise fund for an operational deficient and said it was easier to have a board of five people raise the

fee rather than have a proposition 2 ½ override that would be turned down. Selectman Potter stated that it's not a huge savings if the administrative fee is cut to the EDU but you will be able to look at someone in the face and tell them that it's justified and thinks that is the most important thing. Selectman Eckstrom said that this board wanted to make a statement and be aggressive in addressing the administrative fee. Mr. McAuliffe said the fee has been cut 8%.

4. **CONSENT AGENDA**

- a. Authorization to sign bills and documents

MOTION: Selectman Potter moved the board to approve Invoice # 80279238/1 dated February 23, 2008 to Camp, Dresser & McKee Inc., in the amount \$7,769.92 for professional residential engineering services associated with improvements to three of the town's existing wastewater pumping stations – Narrows, Kennedy Lane and Hynes Field in accordance with our agreement dated December 19, 2005. Selectman Sauvageau seconded.

VOTE: 3-0-1 Selectman Cronan abstained

- b. Approval of selectmen's meeting minutes of January 22, 2008

MOTION: Selectman Potter moved the board to approve the meeting minutes of January 22, 2008. Selectman Sauvageau seconded.

Unanimous (4-0-0)

5. **LICENSES & PERMITS**

- a. Common Victualer All Alcoholic Beverages License issued to Bay Point Functions, Inc., d/b/a The Pavillion at Bay Point County Club, Michael Herron, Manager, 10 Bay Point Drive
- b. Common Victualer Wines & Malt Beverages License issued to Mark, Inc., d/b/a China Garden, Ivan Mark, Manager, 265 Marion Road.
- c. Common Victualer Wines & Malt Beverages License issued to GYJO, Inc., d/b/a/ The Lobster pot, Joseph A. Marino, III, Manager, 3155 Cranberry Highway, E. Wareham
- d. Common Victualer All Alcoholic Beverages License issued to MG & GM, Inc. d/b/a Onset Bay Blues Café, Grant MacConnell, Manager, 2 West Central Ave., Onset

- e. Club All Alcoholic Beverages License issued to Point Independence Yacht Club, Inc., d/b/a Point Independence Yacht Club, Gerald Peters, Manager, 15 Independence Lane, Onset
- f. Common Victualer Wines & Malt Beverages License issued to Quintal's Crack O'Dawn, Gloria Quintal, Manager, 2605 Cranberry Highway, Wareham.

MOTION: Selectman Potter moved to approve Seasonal Liquor License under the provisions of Chapter 138 of MGL for the year 2008 as an All Alcoholic Beverages License to Bay Point Functions, Inc., d/b/a The Pavillion at Bay Point Country Club, Michael Herron, Manager, 10 Bay Pointe Drive, Onset. Selectman Sauvageau seconded.

Unanimous (4-0-0)

MOTION: Selectman Potter moved to approve Seasonal Liquor License under the provisions of Chapter 138 of the MGL for the year 2008 for a Common victualer All Alcoholic Beverages License issued to MG & GM, Inc., d/b/a Onset Bay Blues Café, Grant MacConnell, manager, 2 West Central Avenue, Onset. Selectman Sauvageau seconded.

Unanimous (4-0-0)

MOTION: Selectman Potter moved to approve Seasonal Liquor License under the provisions of Chapter 138 of MGL for the year 2008 for a Common Victualer Wines & Malt Beverages License issued to Mark, Inc., d/b/a/ China Garden, Ivan Mark, Manager, 265 Marion Road, Wareham, MA & for a Common Victualer Wines & Malt Beverages License issued to GYJO, Inc., d/b/a The Lobster Pot, Joseph A. Marino, III, Manager, 3155 Cranberry Highway, E. Wareham. Selectman Sauvageau seconded.

Unanimous (4-0-0)

MOTION: Selectman Potter moved to approve Seasonal Liquor License under the provisions of Chapter 138 of the MGL for the year 2008 for a Club All Alcoholic Beverages License issued to Point Independence Yacht Club, Inc., d/b/a Point Independence Yacht Club, Gerald Peters, Manager, 15 Independence Lane, Onset. Selectman Sauvageau seconded.

Unanimous (4-0-0)

MOTION: Selectman Potter moved to approve Seasonal Liquor License under the provisions of Chapter 138 of the MGL for the year 2008 for a Common Victualer Wines & Malt Beverages License issued to Quintal's Crack O'Dawn,

Gloria Quintal, Manager, 2605 Cranberry Highway, Wareham. Selectman Sauvageau seconded.

Unanimous (4-0-0)

6. TOWN BUSINESS

a. **ATTEST:** The seasonal liquor license holders approved for 2008 are in possession of a valid certificate of inspection under MGL c. 138 §12 as required by Chapter 304 of the Acts of 2004, *An Act Relative to Fire Safety In the Commonwealth*.

MOTION: Selectman Potter moved to ATTEST The seasonal liquor license holders approved for 2008 are in possession of a valid certificate of inspection under MGL c. 138 §12 as required by Chapter 304 of the Acts of 2004, *An Act Relative to Fire Safety In the Commonwealth*. Selectman Sauvageau seconded.

Unanimous (4-0-0)

b. Seasonal renewal certification.

MOTION: Selectman Potter moved to approve the seasonal renewal certification for 2008 (as attached) Selectmen Sauvageau seconded.

Unanimous (4-0-0)

c. Appointment to Town Counsel

MOTION: Selectman Potter moved the board to appoint Kopelman & Paige on a month to month basis for the next year. Selectman Sauvageau seconded.

Unanimous (4-0-0)

d. Vote to close warrant

MOTION: Selectman Potter moved the board to close the warrant for the Annual Town Meeting. Selectman Sauvageau seconded.

Unanimous (4-0-0)

MOTION: Selectman Potter moved the board to close the warrant for the Special Town Meeting. Selectman Sauvageau seconded.

Unanimous (4-0-0)

e. Discussion with Plymouth 1000 Committee

Present before the board: Jo Ann Salamone, Clerk of Plymouth 1000 Committee

Ms. Salamone introduced the committee and stated that they are a group of concerned residents operating as an informational resource and their goal is to see that the entire community has the information needed to make informed decisions pertaining to any and all possibilities for the tax title land known as New England Park 1000 acres. Ms. Salamone stated that information is also on the website www.plymouth1000.com and presented the board with a 7-minute presentation (as attached).

Helen Hapgood, Chairman of the Plymouth 1000 Committee thanked the board for having them as guests this evening because they feel that Wareham is their neighbor. The east side of this project borders Bourne and on the west side it borders Wareham's property in the Glen Charlie area and further up the road is the Makepeace River Run Project. Ms. Hapgood stated that the right now the only potential land user at this time is Plymouth Rock Studios and lists that they would have 14 sound stages, Village, Hotel and shops to service the industry. Ms. Hapgood said that this would increase traffic in the town of Wareham.

Selectman Potter read the dates of the next seminars (as attached)

Selectman Cronan asked if the committee would pass along a copy of the feasibility study to the board once it's complete.

Selectman Sauvageau feels that TDR is and can be destructive and stands opposed to TDR and the way it's being utilized by this developer.

Selectman Potter asked if the on site wastewater treatment was septic or sewer. Tim Grandy responded by saying the system being planned at A.D. Makepeace site and or movie industry is a shared system that they will file with the DEP and stated that the plan is for a nitrogen loading septic system to be shared by all the users on site. The initial process through A.D. Makepeace is individual nitrogen loading septic system and they will be on their own system in the far northeast corner.

f. Vote on election warrant

MOTION: Selectman Potter moved the board to accept the election warrant (as attached) Selectman Sauvageau seconded.

Unanimous (4-0-0)

g. Increase in fees for Raffle Permits and Birth Certificates

Present before the board: Mary Ann Silva, Town Clerk

Ms. Silva asked the board to approve raising the fee for the raffle permit from \$10 to \$20. Ms. Silva was informed by the state that they could increase the initial permit but not the renewal fee. .

MOTION: Selectman Potter moved the board to raise the fee for new raffle permits to the amount of \$20 allowed under Chapter 271 §7A. Selectman Sauvageau seconded.

Unanimous (4-0-0)

Ms. Silva asked for the board to approve raising the fee for vital records and explained that currently the charge is \$5 for the first copy and \$3 for the second copy of the same record and would like to change that to a flat fee of \$5 for any and all copies issued.

MOTION: Selectman Potter moved the board to approve to change the fee to a flat across the board fee of \$5 for vital records under Chapter 40, §22F. Selectman Sauvageau seconded.

Unanimous (4-0-0)

h. Reaffirm the Town of Wareham's leash law

MOTION: Selectman Potter moved the approve the Leash Law (as attached) Selectman Cronan seconded.

Unanimous (4-0-0)

i. Sewer Tie-In request – 4 Dusty Lane, Onset

Present before the board: Joseph A. Spinola

Mr. Spinola was requesting to tie into 4 Dusty Lane, Onset and explained that the homeowner paid for the betterment from 1987 through 1991 and was never connected to the sewer. The homeowner did apply for and received an abatement back in 1991. The reason they were never connected to town sewer was due to an elevation problem. Mr. Spinola stated that if the homeowner at that time connected to town sewer the charge would be \$971.29 and now it would cost \$16,742.56. Selectman Potter read the policy #07-01 Sewer System Development Charge. The sewer-system development charge to connect to the town's sewer system is equal to the amount of the most recent betterment assessed. The sewer-

system development charge where a gravity-fed connection is not possible and a pumping system is required is equal to the amount of the most recent sewer betterment assessed, less the cost of the pumping system. Selectman Cronan feels that the board should consider cutting some type of break to the homeowner and take the requests on a one on one basis. Selectman Sauvageau stated that the individual homeowner tying into the system today is paying the higher rate. Selectman Potter states that the board should review policy and have Mr. Spinola withdraw his request until a later time. Mr. Spinola agrees to come back at a later time. Mr. Simmons stated that in order for an abatement to be granted it has to be requested apparently the betterment was assessed and paid for five years and was able to convince someone in town that they cannot get from point A to point B. Selectman Eckstrom stated that the board would review this and vote on it at a later date.

7. **SEWER BUISINESS**

(none)

8. **TOWN ADMINISTRATOR'S REPORT**

Mr. McAuliffe stated that he met with Finance Committee, worked on the budget and worked on Town Warrant articles.

Mr. McAuliffe discussed the Sewer Abatement Request, Account 792093, 58 Rosepoint Avenue, Map 78-1, Lot 45. The board is asked to approve abating this account for 2nd half FY08 Omitted Sewer User Fee in the amount of \$325.00. Although the property has been connected to the sewer system, no occupancy permit was granted until February 19, 2008. This has been confirmed with the water and inspections department. Dave Simmons stated that they didn't have any water hooked up.

MOTION: Selectman Potter moved the board to abate account 792093, 58 Rosepoint Avenue, Map 78-1, Lot 45, for the 2nd half FY08 Omitted Sewer User Fee in the amount of \$325.00. Selectman Cronan seconded.

Unanimous (4-0-0)

Sewer Abatement Request, Account 735392, 10 Thirteenth Street, Map 1, Lot 344. The Board is asked to approve abating this account for FY08 Sewer User Fees in the amount of \$650.00. The water was disconnected 12/05/2006 and the home subsequently demolished (permit issued March 20, 2007). The lateral has been cut and capped and the account placed on hold until the house is re-built and re-connected to the sewer.

MOTION: Selectman Potter moved the board to abate Account 735392, 10 Thirteenth Street, Map 1, Lot 344, for FY08 Sewer User Fees in the amount of \$650.00. Selectman Cronan seconded.

Unanimous (4-0-0)

Sewer Abatement Request, Account 736775, 2 Arbutus Avenue, Map 11, Lot K20. The Board is asked to approve abating this account for 2nd half FY08 Sewer User Fees in the amount of \$162.50. The water was disconnected by the Onset Water Department October 19, 2006.

MOTION: Selectman Potter moved the board to abate Account 736775, 2 Arbutus Avenue, Map 11, Lot K20, for 2nd half FY08 Sewer User Fees in the amount of \$162.50. Selectman Cronan seconded.

Unanimous (4-0-0)

2nd Half FY08 Omitted Commitment. The Board is asked to accept the Omitted Commitment for 2nd half FY08 Sewer User Fees in the amount \$20,679.39. This is for residential sewer users connected to the system for less than six months and the bills are pro-rated accordingly.

MOTION: Selectman Potter moved the board to approve the Omitted Commitment for 2nd half FY08 User Fees in the amount of \$20,679.39. Selectman Cronan seconded.

Unanimous (4-0-0)

9. LIAISON REPORTS
(NONE)

10. ADJOURNMENT

MOTION: Selectman Sauvageau moved to enter into Executive Session for the purpose of litigation. Selectman Potter seconded.

Roll-call vote: Selectman Cronan – Yes
Selectman Sauvageau – Yes
Selectman Potter – Yes
Selectman Eckstrom – Yes

12. **SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

Respectfully submitted,

Janet Wilson

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/
Sewer Commissioners on: April 15, 2008

Attest: ***James L. Potter***, Clerk

Date Signed: April 15, 2008

Date sent to the Town Clerk: April 16, 2008