

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: October 7, 2008
Date of Transcription: October 23, 2008
Transcribed by: Janet Wilson

A. CALL TO ORDER BY CHAIRMAN

Chairman Potter called the meeting to order.

MOTION: Selectmen Donahue moved the board to have Selectmen Eckstrom serve as clerk in the absence of Selectmen Sauvageau. Selectmen Cronan seconded.
Unanimous (4-0-0)

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

Also present: John Sanguinet, Interim Town Administrator

B. CITIZENS PARTICIPATION

Present before the board: Ed Pacewicz
Mr. Pacewicz was looking for a letter from the Town Administrator to send to the DOR for a tax credit on the sewer project in Briarwood.

Present before the board: William Brophy
Mr. Brophy talked about the ongoing water problem with the Onset Beach Mobile Home Park and the flooding situation. Mr. Sanguinet will talk with the owner of the property and schedule a meeting on November 1st and will contact him with a time.

Present before the board: Larry Gaines
Mr. Gaines is looking to form a group to assist in helping the elderly get to Town Meeting.

Present before the board: Alan Slavin
Mr. Slavin would like the board to air on the caution with spending in these tough economic times.

C. ANNOUNCEMENTS

Next meeting of the Board of Selectmen will be October 14, 2008

Wareham Historical Society (What's Haunting Wareham?) October 20, 2008 7:00 P.M. at the Old Methodist Meeting House, 495 Main Street.

Wareham Village Association is holding fundraiser on Oct 12th at the Wareham High School featuring Loretta Laroche.

An meeting open to the public will be held on Wednesday October 8th at 6:30 pm re: South Coast Rail Corridor.

Flu shots will be given out on October 23rd and November 6th

D. **CONSENT AGENDA**

1. Authorization to sign bills and documents, etc.
2. Approval of meeting minutes

MOTION: Selectmen Eckstom moved the board to approve the meeting minutes of July 29, 2008 and August 19, 2008. Selectmen Donahue seconded.

Unanimous (4-0-0)

MOTION: Selectmen moved the board to approve the minutes of the Executive Session meeting minutes of July 22, 2008 and hold the minutes until the issue is resolved. Selectmen Donahue seconded.

Unanimous (4-0-0)

3. Appointments to the Peg Access Board of Directors.

Present before the board: David Smith
Mr. Smith would like to be involved in the Peg Access board and was on the Falmouth Cable Television board and produced over 20 films.

MOTION: Selectmen Eckstrom moved the board to appoint David Smith as a member to the PEG Access Board of Directors to a term to expire June 30, 2009. Selectmen Donahue seconded.

Unanimous (4-0-0)

MOTION: Selectmen Eckstrom moved the board to appoint Thomas Tricker as a member to the PEG Access Board of Directors to a term to expire June 30, 2009. Selectmen Donahue seconded.

Unanimous (4-0-0)

E LICENSES & PERMITS

7:15 pm – Request by the Wareham Veterans Council for the use of Town roads for its annual Veterans Day Parade on Tuesday, November 11, 2008.

Present before the board: Jim Newman & Frank Carmichael

Mr. Newman & Mr. Carmichael said that this is a special parade to commemorate the 90th Anniversary of the end of the fighting and invited the board to march in the parade.

MOTION: Selectmen Eckstrom moved the board to approve the permit for use of Town roads to the Wareham Veterans Council, c/o Jim Newman, for their annual parade. The parade starts at Besse Park down Main Street and left up Chapel Hill to Marion Road and end at the Memorial Town Hall on Tuesday, November 11, 2008. It is understood and agreed that the Town will be held harmless from all liability as to damage to property or injuries to any persons. Selectmen Donahue seconded.

Unanimous (4-0-0)

F. TOWN BUSINESS

Bartlett Pond Review – Present before the board: Attorney Robert Devin
Mr. Devin stated that his client is proposing eighteen (18) single family homes located on approximately eight (8.0) acres of land situated off Standish Avenue. The proposal has no age limit and five (5) will be affordable and the price cannot be established at this time and can only guess they will be around \$170,000. Discussion ensued.

Discussion of warrant articles

Mr. Sanguinet stated that Mr. Gonsalves (Director of Assessing) provide him with a new estimate for new growth at \$665,000 up from what was estimated last April for close to \$300,000 which is a significant increase and would like to suggest to amend the budget by restoring the Assessor's Clerk position to full and time and restoring the custodian full time position. Mr. Sanguinet asked the board to move to amend the Assessors line from \$272,462 to \$279,456 and to amend the public building wages line from \$195,223 to \$211,766

MOTION: Selectmen Eckstrom moved favorable action on Article 1 as amended by Mr. Sanguinet. Selectmen Donahue seconded as amended.

Unanimous (4-0-0)

Article #2 ~ Amend Bylaws – Mullin Rule

MOTION: Selectmen Eckstrom moved favorable action on Article #2.
Selectmen Cronan seconded.

Unanimous (4-0-0)

Article #3 ~ Demand Fees

MOTION: Selectmen Donahue moved favorable action on Article #3.
Selectmen Cronan seconded.

VOTE: 3-1-0 (Selectmen Eckstrom opposed)

Article #4 ~ Rescind Article – Police Cruisers

MOTION: Selectmen Eckstrom moved favorable action on Article #4.
Selectmen Donahue seconded.

VOTE: 3-0-1 (Selectmen Cronan abstained)

Article #5 ~ Legal Bills

MOTION: Selectmen Eckstrom moved favorable action on Article #5.
Selectmen Cronan seconded.

Unanimous (4-0-0)

Article #6 ~ Unpaid Bills – Nstar

MOTION: Selectmen Eckstrom moved favorable action on Article #6.
Selectmen Cronan seconded.

Unanimous (4-0-0)

Article #7 ~ Community Preservation Fund.

MOTION: Selectmen Donahue moved favorable action on Article #7.
Selectmen Eckstrom seconded.

Unanimous (4-0-0)

Article #8 ~ Community Preservation: Debt Service

MOTION: Selectmen Donahue moved favorable action on Article #8.
Selectmen Eckstrom seconded.

Unanimous (4-0-0)

Article #9 ~ Community Preservation: Town Hall Roof

MOTION: Selectmen Eckstrom moved favorable action on Article #9.
Selectmen Potter seconded for discussion.

**VOTE: 2-1-1 (Donahue & Potter in favor, Cronan opposed
& Eckstrom abstained)**

Article #10 ~ Community Preservation: Bike Path Study

MOTION: Selectmen Eckstrom moved favorable action on Article #10.
Selectmen Cronan seconded.

Unanimous (4-0-0)

Article #11 ~ Community Preservation: Great Neck Project

MOTION: Selectmen Eckstrom moved favorable action on Article #11. Selectmen Donahue seconded.

Unanimous (4-0-0)

Article #12 ~ Community Preservation: Minot Forest Trails

MOTION: Selectmen Eckstrom moved favorable action on Article #12. Selectmen Donahue seconded.

Unanimous (4-0-0)

Article #13 ~ Land Donation – NO ACTION TAKEN

Article #14 ~ Transfer of Property

MOTION: Selectmen Cronan moved favorable action on Article #14. Selectmen Eckstrom seconded.

Unanimous (4-0-0)

Article #15 ~ Excavation, Earth Removal & Filling Bylaw

MOTION: Selectmen Cronan moved favorable action on Article #15. Selectmen Eckstrom seconded.

Unanimous (4-0-0)

Article #16 ~ Community Events Fund

MOTION: Selectmen Eckstrom moved favorable action on Article #16. Selectmen Cronan seconded.

Unanimous (4-0-0)

Article #17 ~ Bylaw: Sewer Construction in New Developments

MOTION: Selectmen Eckstrom moved favorable action on Article #17. Selectmen Donahue seconded.

Unanimous (4-0-0)

Article #18 ~ Amend Bylaw: Nitrogen Standards

MOTION: Selectmen Donahue moved favorable action on Article #18. Selectmen Cronan seconded.

Unanimous (4-0-0)

Article #19 ~ Personnel Plan – NO ACTION TAKEN

Article #20 ~ Trench Permitting Authority

MOTION: Selectmen Donahue moved favorable action on Article #19. Selectmen Eckstrom seconded.

Unanimous (4-0-0)

Article #21 ~ Petition: Amend Bylaw: Town Meeting Location

MOTION: Selectmen Eckstrom moved no action. Selectmen Cronan seconded.
Unanimous (4-0-0)

Article #22 ~ Petition: Swifts Beach Property Committee

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded.
Unanimous (4-0-0)

Article #23 ~ Petition: Charter Change: Recall Elected Officials

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded.
Unanimous (4-0-0)

Article #24 ~ Petition: Charter Change: Recall Elected Officials

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded.
Unanimous (4-0-0)

Article #25 ~ Petition: Charter Change: Submission of Budget

MOTION: Selectmen Eckstrom moved no action. Selectmen Cronan seconded.
Unanimous (4-0-0)

Article #26 ~ Petition: Charter Change: Uniform Procedures

MOTION: Selectmen Eckstrom moved no action: Selectmen Cronan seconded.
Unanimous (4-0-0)

Article #27 ~ Petition: Charter Change: Action Proposed Budget

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded.
Unanimous (4-0-0)

Article #28 ~ Petition: Charter Change: Amendments to Budget

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded
Unanimous (4-0-0)

Article #29 ~ Petition: Charter Change: Moderator

MOTION: Selectmen Eckstrom moved no action. Selectmen Cronan seconded.
VOTE: 3-0-1 (Selectmen Donahue abstained)

Article #30 ~ Petition: Charter Change: Meeting Minutes

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded
Unanimous (4-0-0)

Article #31 ~ Petition: Bylaw Change: Selectmen/Elected Office

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded
Unanimous (4-0-0)

Article #32 ~ Petition: Bylaw Change: Board Meetings/Hearings

MOTION: Selectmen Eckstrom moved no action. Selectmen Cronan seconded.
Unanimous (4-0-0)

Article #33 ~ Petition: Bylaw Change: Board Meetings/Hearings

MOTION: Selectmen Eckstrom moved no action. Selectmen Donahue seconded
Unanimous (4-0-0)

G. SEWER BUISINESS

H. TOWN ADMINISTRATOR'S REPORT

Mr. Sanguinet advised the Board of Selectmen that it was him that released the draft meeting minutes and apologized for any embarrassment it may have caused the board.

Mr. Sanguinet also advised the board that he has a copy of the map of the Memorial benches that the board had requested at a previous meeting.

Mr. Sanguinet moved the board to approve the election warrant.

MOTION: Selectmen Eckstrom moved to approve the election warrant as presented. Selectmen Donahue seconded.

Unanimous (4-0-0)

Commercial Oyster and Soft Shell Clam Fisheries. The Board is asked to approve the Soft Shell Clam and Oyster regulations for the coming season (refer to attached report from Michael Parola, Harbormaster/Shellfish Constable). The Commercial Oyster regulations are in effect December 1, 2008 through March 31, 2009, and no changes are being recommended this year from prior years.

The Commercial Soft Shell Clam regulations run November 1, 2008 through April 30, 2009. There are no recommended changes from last year.

Recommended action. Motion for the Board to approve the Commercial Oyster regulations effective December 1, 2008 to March 31, 2009, and the Commercial Soft Shell Clam regulations effective November 1, 2008 to April 30, 2009, in accordance with the provisions of MGL Chapter 130, Section 52, per the attached regulations.

MOTION: Selectmen Eckstrom moved the board to approve the Commercial Oyster regulations effective December 1, 2008 to March 31, 2009, and the Commercial Soft Shell Clam regulations effective November 1, 2008 to April 30, 2009, in accordance with the provisions of MGL Chapter 130, Section 52, per the attached regulations. Selectmen Cronan seconded.

Unanimous (4-0-0)

2. **Establishment of Management Area #4—East River and Broad Cove.** The Board is asked to approve the establishment of East River and Broad Cove as

shellfish management area #4 effective November 1, 2008. This will allow the Town to properly manage the shellfish received under the relay program sponsored by the Division of Marine Fisheries. There have been 1,350 bushels of quahogs planted by the Shellfish Department over the last two years and managing the allowable harvest will help ensure years of productive shellfish beds.

Recommended Action. Motion for the Board to declare the following described portion of Onset Bay Management Area #4, subject to special regulations, in accordance with the provisions of Chapter 130, Section 52 of the Massachusetts General Laws:

“East River and Broad Cove: The conditionally approved waters and flats of that portion of Onset Bay, North of the Onset Avenue Bridge, and easterly of the Main Avenue Bridge (Dummy Bridge).”

MOTION: Selectmen Eckstrom moved the Board to declare the following described portion of Onset Bay Management Area #4, subject to special regulations, in accordance with the provisions of Chapter 130, Section 52 of the Massachusetts General Laws:

“East River and Broad Cove: The conditionally approved waters and flats of that portion of Onset Bay, North of the Onset Avenue Bridge, and easterly of the Main Avenue Bridge (Dummy Bridge).” Selectmen Donahue seconded.

Unanimous (4-0-0)

3. **FY09 Budget.** Director of Assessing, Richard Gonsalves, has provided me with a new estimate for New Growth of \$665,000. I would suggest that the Board vote to amend the budget being presented to Town Meeting, restore the Assessing Clerk’s position to full time, and restore the full time custodian’s position. The Warrant and the Budget will be published in this week’s Observer. I have not restored many of those items that I would have liked to due to the concern with possible reductions in State Aid. My understanding from MMA and the discussion with Senator Pacheco is that the Governor may request additional reductions in November. It is my hope to offset those cuts through this increase. A 1% reduction in our Local Aid equals \$167,000.

Recommended Action. Motion for the Board to amend the Assessor’s Line item from \$272,462 to \$279,456 and to amend the Public Buildings Wages from \$195,223 to \$211,766.

(This was done earlier in the meeting)

4. **First Quarter Reports.** Attached are the revenue and expenditure reports. The Revenue report is for July and August, the final September numbers are not available until mid October. The Expenditure report is for July, August, and

September. I have asked those departments that have expended more than 30% of any one item to give me an explanation for this.

5. **Onset Police Investigation.** The Bristol County DA is investigating the incident that occurred in Onset. According to that Office an Active investigation is continuing and they would not divulge any additional information. It is their hope to have a final report in the not too distant future.
6. **SRPEDD Traffic Review.** I have spoken to Roland Hebert at SRPEDD regarding the River Run and the Retreat at Union Pond. He was looking into whether SRPEDD had commented on the River Run Project and will not have an answer until this week. I will update you at the meeting. I have sent him the Traffic Study report for the Retreat at Union Pond and they will review that for us. If the Town would like them to complete a full traffic analysis a letter from the Board is required. I have included a letter for you to sign.
7. **Donation of Two Prints.** Mr. Richard Wadsworth donated two prints of Wareham Narrows Circa 1850. Both prints are currently in the Selectmen's Office. I will be talking to the Historical Commission to determine a suitable location for them.

MOTION: Selectmen Ekstrom moved the board to accept the donation of the two prints. Selectmen Donahue seconded.

Unanimous (4-0-0)

8. **ABCC Hearing.** The Department of Revenue has appealed the Board of Selectmen's Decision to revoke the Harborwatch Inn's License. I have forwarded a copy to Town Counsel. A Hearing has been scheduled for November 19, 2008 at 11:30AM.
The Town submitted the material requested for the Hearing held on September 10th and the Hearing was closed on September 24th.
9. **South Coast Rail Technical Assistance Program.** I have completed the application (included in this report) for Technical Assistance being offered by EOT. It needs to be signed by the Chair.
10. **W/S Development Agreement.** The Town has received the second installment of W/S's Agreement with the Town.
11. **Sign Enforcement.** Attached is a memo I sent to the Director of Inspectional Services, Ted Misiaszek, regarding enforcement of the sign by-law.

SEWER BUSINESS

1. **Sewer Abatement Request—76 High Street.** The Board is asked to abate Account No. 735392, Map 47, Lot 1031, 76 High Street, Wareham, \$1,022.00 for the first half FY09 sewer user bill. The account has been being billed for 22 bedrooms and recently, at the request of the owner, a site visit was conducted by David Simmons. He verified that there are only 15 bedrooms not the 22 they have been assessed. He went from room to room and was allowed access to all the rooms. Per the EDU system, the house is assessed 1 EDU and then each bedroom is assessed .5 EDUs. Prior billings were for 12 EDUs and now the assessment will be for a total of 8.5 EDUs.

Recommended Action. Motion for the Board to approve abating Account No. 735392, Map 47, Lot 1031, 76 High Street, Wareham, \$1,022.00 for first half FY2009 sewer user fees, for 3.5 EDUs.

MOTION: Selectmen Eckstrom moved the board to approve abating Account No. 735392, Map 47, Lot 1031, 76 High Street, Wareham, \$1,022.00 for first half FY2009 sewer user fees, for 3.5 EDUs. Selectmen Donahue seconded.

Unanimous (4-0-0)

2. **Sewer Abatement Request—8 Commonwealth Avenue.** The Board is asked to abate Account No. 736981, Map 13, Lot 1031A, 8 Commonwealth Avenue, Wareham, \$292.00 for first half FY09 sewer user bill. The water has been shut off for this property since November 27, 2006, as verified by the Onset Water Department.

Recommended Action. Motion for the Board to approve abating Account No. 736981, Map 13, Lot 1031A, 8 Commonwealth Avenue, \$272.00 for first half FY2009 sewer user fees for 1 EDU.

MOTION: Selectmen Donahue moved the Board to approve abating Account No. 736981, Map 13, Lot 1031A, 8 Commonwealth Avenue, \$272.00 for first half FY2009 sewer user fees for 1 EDU. Selectmen Donahue seconded.

Unanimous (4-0-0)

3. **Sewer Abatement Request—53 South Boulevard.** The Board is asked to abate Account No. 735270, Map 1, Lot 15A, 53 South Boulevard, Wareham, \$389.38 for 2 EDUs for 1st half FY09 for the period April through July 2008. It has been verified that the water line was cut and capped March 26, 2008.

Recommended Action. Motion for the Board to approve abating Account No. 735270, Map 1, Lot 15A, 53 South Boulevard, Wareham, \$389.38 for 2 EDUs for 1st half FY2009 April through July 2008.

MOTION: Selectmen Eckstrom moved the Board to approve abating Account No. 735270, Map 1, Lot 15A, 53 South Boulevard, Wareham, \$389.38 for 2

EDUs for 1st half FY2009 April through July 2008. Selectmen Donahue seconded.

Unanimous (3-0-1) Selectmen Cronan abstained

4. **FY2009 2nd Quarter Bourne Sewer Usage Billing.** The Board is asked to approve the 2nd quarter FY2009 sewer bill for the Town of Bourne in the amount of \$61,444.62. This includes \$51,147.43 for Bourne's share of the treatment plant and \$10,297.19 for their share of the pumping stations.

Recommended action. Motion for the Board to approve the 2nd quarter FY2009 sewer bill for the Town of Bourne in the amount of \$61,444.62 and to commit this amount to the Town Treasurer-Collector.

MOTION: Selectmen Eckstrom moved the Board to approve the 2nd quarter FY2009 sewer bill for the Town of Bourne in the amount of \$61,444.62 and to commit this amount to the Town Treasurer-Collector. Selectmen Donahue seconded.

Unanimous (4-0-0)

5. **141 Minot Avenue Sewer Connection.** The Board approved a sewer connection December 6, 2005 for this property, however, the plan has changed and needs to be approved as it is now planned.

The plans have been reviewed by David Simmons, WPCF Superintendent. If the Board approves the new plan, it is recommended that it do so with the same conditions as the 2005 approval, which is noted below.

Recommended action. Motion for the Board to approve a sewer connection request for 141 Minot Avenue, Map 41, Lot 1000-1001, subject to the following conditions:

- Payment is made of all appropriate fees, including the Residential Sewer Permit Fee;
- Waive the Sewer System Development Charge, which has been the practice when a resident has to install a pump chamber and/or force main and maintain at his/her expense;
- The homeowner shall install a pump chamber with a grinder pump with automatic controls including but not limited to a high level alarm, and automatic level controls at his/her expense;
- The homeowner shall also incur all costs associated with the installation of all piping required to connect to the Town's collection system;
- The homeowner shall maintain the operation of the pumps including but not limited to, operation costs, repair and maintenance costs and in the event there is a pump failure due to mechanical failure or loss of power, the homeowner shall be responsible for having the contents of the 1000

gallon pump chamber removed by a licensed septic hauler and will bear all costs associated with pumping and disposal;

- The homeowner shall hire a licensed drainlayer to perform this work per plans submitted by JC Engineering, Inc.;
- Prior to backfilling, all cleanouts, pipe and connections shall be inspected by the WPCF department and an as-built drawing shall be submitted by the contractor/engineer upon completion;
- All cuts within existing paved roadways shall be inspected and approved by the director of Municipal Maintenance.

MOTION: Selectmen Eckstorm moved the board to rescind the previous vote of December 6, 2005. Selectmen Donahue seconded.

Unanimous (4-0-0)

MOTION: Selectmen Eckstrom moved the board the Board to approve a sewer connection request for 141 Minot Avenue, Map 41, Lot 1000-1001, subject to the following conditions: Selectmen Donahue seconded.

Unanimous (4-0-0)

- Payment is made of all appropriate fees, including the Residential Sewer Permit Fee;
- Waive the Sewer System Development Charge, which has been the practice when a resident has to install a pump chamber and/or force main and maintain at his/her expense;
- The homeowner shall install a pump chamber with a grinder pump with automatic controls including but not limited to a high level alarm, and automatic level controls at his/her expense;
- The homeowner shall also incur all costs associated with the installation of all piping required to connect to the Town's collection system;
- The homeowner shall maintain the operation of the pumps including but not limited to, operation costs, repair and maintenance costs and in the event there is a pump failure due to mechanical failure or loss of power, the homeowner shall be responsible for having the contents of the 1000 gallon pump chamber removed by a licensed septic hauler and will bear all costs associated with pumping and disposal;
- The homeowner shall hire a licensed drain layer to perform this work per plans submitted by JC Engineering, Inc.;
- Prior to backfilling, all cleanouts, pipe and connections shall be inspected by the WPCF department and an as-built drawing shall be submitted by the contractor/engineer upon completion;
- All cuts within existing paved roadways shall be inspected and approved by the director of Municipal Maintenance.

MOTION: Selectmen Eckstrom moved the board to go beyond the hour of 10:00 P.M. Selectmen Cronan seconded.

Unanimous (4-0-0)

I. LIAISON REPORTS

Selectmen Eckstrom attended a Conservation Commission meeting recently and was upset to see that Mr. Westgate was ousted as Chairman without anyone giving him the courtesy to be notified.

Selectmen Cronan stated that Mr. Westgate is an asset to the Conservation Commission and hopes that he will continue to serve on the board.

Selectmen Donahue also thanked Mr. Westgate and hopes that he stays on the board as well.

Selectmen Donahue stated that it was a pleasure to be the liaison the Finance Committee and they are doing a remarkable job.

Selectmen Donahue also attended a Personnel Board meeting and said there has been changes made to the Personnel Plan and also said that if anyone would like to serve they do have openings.

Selectmen Donahue said she attended the MMA seminar on Friday and was worth while attending and has information to share with the board.

J. ADJOURNMENT

MOTION: Selectman Eckstrom moved to enter into Executive Session for purpose of litigation. Selectman Donahue seconded.

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

Attest: _____, Clerk
Brenda Eckstrom

Date Signed:

Date sent to the Town Clerk: