

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: January 6, 2009
Date of Transcription: January 7, 2009
Transcribed by: Janet Wilson

1. CALL TO ORDER BY CHAIRMAN

Chairman Potter called the meeting to order at 7:00 P.M.

MOTION: Selectmen Donahue moved to have Selectmen Eckstrom act as clerk for the meeting. Selectmen Cronan seconded.

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

2. ROLL CALL

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

Also present: John Sanguinet, Interim Town Administrator

3. CITIZENS PARTICIPATION

Present before the board: Betty Lapore & Alan Lapore residents of 12
Linwood Avenue

Ms. Lapore asked if the board received a letter she sent to them in regards to the odor at the Water Pollution Control Facility. Ms. Lapore stated that in the summer she is not able to open her windows due to the smell. Selectmen Potter stated that it's something that can be looked to see the source of the smell. Selectmen Potter and asked for them to contact the Town Administrators office with any more complaints. Selectmen Eckstrom asked how often they smell the odor in which they responded for now it's about once a month. Selectmen Potter stated that the board would look further into this and contact her. Ms. Lapore produced an "atomizer" that she claimed was attached to the fencing between the Water Pollution Control Facility and the neighbors.

Present before the board: Rick Janey, 19 Crescent Place

Mr. Janey stated that a house now exists next to his home in which he would argue does not conform to the zoning laws for the area in which it was built on a small undersized lot. Mr. Janey asked if he had any recourse with the board before

he contacts his lawyer to file a lawsuit against the town. Selectmen Potter explained that he does understand the issue and asked what Mr. Janey's goal was now that the home is built? Mr. Janey said his out of pocket expenses so far to date is five figures trying in to protect his interest. Mr. Janey again asked what other recourse he has with the board before he goes to court. Selectmen Donahue asked Mr. Janey in short of demolishing the house what would satisfy him? Mr. Janey said he has had an impact and out of pocket expenses and his legal fees are growing and the three things he would like to pursue would be out of pocket expenses, personal and punitive damages. Selectmen Cronan asked if he complained when the foundation was first poured and sat for two years and asked whom he went to and asked questions. Mr. Janey stated he went to conservation and it did sit for two years and as soon as the framing started he did go to the building department and asked for a copy of the building plans and Mr. Collins stated that he could not have the plans.

CDM ~ Meeting with Michael Guidice re: Agawam Force Main

Present before the board: Mike Guidice

Mr. Guidice wanted to speak about the pending economic stimulus package that may or may not be coming out of Washington. Mr. Guidice stated that the towns project does fit into this category. Mr. Guidice is waiting for confirmation from DEP and an email was received indicating that the projects would be placed on the list and would also like the town to submit the projects to be placed on the list even if it's on the list twice and stated that he would be assisting Mr. Sanguinet fill out the form and get it ready within the next couple of days. Mr. Guidice would like to take the Parkwood Beach section, which was originally in contract #2 and put that in Contract #1 to give more time to get the permit for the Oakdale portion. Mr. Guidice stated the number of homes would be consistent. Mr. Guidice stated in reference to the previous speakers issues, that atomizers are not part of the design and he will look into the issue of the odors if it were constant, he would be more concerned as a system failure but if it is sporadic, it may be an issue of the amount of chemicals that are used.

MOTION: Selectmen Eckstrom moved to replace Oakdale in Contract #1 with Parkwood Beach and put Oakdale into Contract #2 with the original agreements as decided last year. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Donahue moved to have Mr. Sanguinet complete the forms for the economic stimulus package. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

Agawam Beach Force Main - Mr. Guidice stated that as originally conceived during development of the Comprehensive Wastewater management Plan

(CWMP) the force main for Agawam Beach was intended to run from the proposed pumping station site near the intersection of Arlington Road and Gladstone Avenue, up Arlington Road to Great Neck Road, Crooked River Road and onto Indian Neck Road to its intersection with Parkwood Drive. At that point, the Agawam Beach force main would connect to the force main that will serve the Parkwood Beach area. The total length of the Agawam Beach force main under this original alignment was approximately 7,300 linear feet. At the Town's request, CDM evaluated an alternative route for the Agawam Beach force main. Under this alternative alignment the force main would run northeast along Gladstone Avenue, cross beneath a portion of Shell Point Bay utilizing horizontal direction drilling (HDD) and extend up Flint Street to an existing sewer in Fresh Meadow Drive. The total length of this alternative force main route would be approximately 2,600 linear feet, including 600 linear feet of HDD. Therefore, construction of the force main along the alternative alignment could result in an estimated cost savings of approximately \$182,000 to the Town.

MOTION: Selectmen Eckstrom moved for CDM to move forward with the alternative route for Agawam Beach from Indian Neck and Great Neck to horizontal directional drilling (HDD) at Shell Point. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

5. CONSENT AGENDA

Authorization to sign bills and documents, etc.

MOTION: Selectmen Eckstorm moved the approve payment to CDM in the amount of \$5,819.72 for Invoice number 80301947/18 for professional engineering services to perform a phase I and Phase II infiltration/Inflow program for the Town of Wareham in accordance with our agreement dated December 14, 2004 and amendment no 1 dated January 2, 2007 which will be the final invoice for this project. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Appointments of Housing Rehab Inspector position to the Wareham Community & Economic Development Authority Department

MOTION: Selectmen Eckstrom moved the board to appoint William Humphreys as the Interim Housing Rehab Inspector for the Community & Economic Development Authority and to have the Chairman sign the agreement. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Approval of the following meeting minutes: June 5, 2007, July 24, 2007, July 31, 2007, August 14, 2007, August 21, 2007, August 28, 2007, October 9, 2007, November 20, 2007, November 27, 2007, December 2, 2008 and December 16, 2008.

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of June 5, 2007. Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of July 24, 2007. Selectmen Cronan seconded

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

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of July 31, 2007 for discussion. Selectmen Donahue seconded for discussion. Selectmen Eckstrom questioned if Mr. Bliss was at the meeting- after brief discussion it was determined that Mr. Bliss was in attendance as Acting Interim Town Administrator.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of August 14, 2007. Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of August 21 2007. Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of August 28 2007. Selectmen Cronan seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of October 9, 2007. Selectmen Cronan seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of November 20, 2007. Selectmen Donahue seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of November 27, 2007. Selectmen Cronan seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of December 2, 2008. Selectmen Cronan seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the meeting minutes of December 16, 2008. Selectmen Cronan seconded

VOTE: 4-0-0 (Unanimous)

Approval of Executive Session Meeting minutes: July 24, 2007, July 31, 2007, August 27, 2007 & October 9, 2007.

MOTION: Selectmen Eckstrom moved to approve the executive session meeting minutes of July 24, 2007. Selectmen Potter seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the executive session meeting minutes of July 31, 2007. Selectmen Donahue seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the executive session meeting minutes of August 27, 2007. Selectmen Donahue seconded

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the executive session meeting minutes of October 9, 2007 and hold them until the issues is resolved. Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

6. LICENSES & PERMITS

Application for Common Victualler's License by Borders #803, 2421 Cranberry Highway, Suite 460, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Ashley Hickey

MOTION: Selectmen Eckstorm moved to approve the application for a Common Victualler's License by Borders #803, 2421 Cranberry Highway, Suite 460, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Application for a one-day all alcoholic beverages license permit by Andrea Cannon-Tellier, 17 Colony Avenue, Bourne for a private party at the Bay Point Country Club, 19 Bay Pointe Drive, Onset on Saturday, February 7, 2009.

Present before the board: Andrea Cannon-Tellier

The board had some questions for Bay Point Country Club as to who was serving the alcohol and wanted to know whom would they be purchasing the liquor from. The board asked for Ms. Tellier to bring before the board Bay Point Country Club to answer questions.

Note: No action was taken – Chairman Potter will be placing this on next week's agenda.

7. TOWN BUSINESS

Set Town Meeting Dates

MOTION: Selectmen Eckstrom moved to approve the Town Meeting dates (as attached). Selectmen Cronan seconded with the changes made to the dates

VOTE: 4-0-0 (Unanimous)

Selectmen Eckstrom asked if it was necessary to have a meeting on January 20th since it was Inauguration night. Selectmen Potter stated that they do have a hearing scheduled for January 20, 2009 for the Earth Removal Permit for Maple Park. The Board stated that a letter should be sent to Mr. Tucky stating that he needs to go to the Zoning first before applying for an Earth Removal Permit.

MOTION: Selectmen Eckstrom moved to go beyond the hour of 10:00 p.m. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Selectmen Donahue met with Elaine Meredith from Tobey hospital and discussed having some health care programs on WCTV and doing things with the Council on Aging that was done with the previous Director and would like to get back to working with the COA. They spoke about the changes and the expansion of the ER and also the Tobey Homestead building.

Selectmen Cronan feels the board should hold a show cause hearing with Webster Hall in regards to their liquor license and discuss some issues that have been brought up.

Discussion on when the CEDA Director will be hired.

Selectmen Potter asked how the board wanted to handle hiring a Town Administrator and if they wanted to have a sub-committee and how to proceed with the interview process and advertising. Selectmen Donahue stated that the last day to publish for the February beacon would be January 16, 2009.

Selectmen Potter urged residents to apply to the Capital Planning Committee.

Selectmen Potter would like to ensure that the two benches be installed that the board approved once spring arrives.

Selectmen Potter asked the board to look at a letter to send to the residents regarding Wanquinoah Avenue and Wankinco.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to approve the letter to send to the residents. Selectmen Donahue seconded.

Town Administrator's Report

Mr. Sanguinet stated that he had several items that he did not include on his report and asked the board to declare surplus property from the Day Care Center to be sold such as small tables and chairs. Selectmen Eckstrom feels if the items are sold then that would be there would be no hope of the Recreation Center ever having a day care and if so they were to have the day care again they would have to purchase all new items.
(no action taken)

Mr. Sanguinet will be contacting the police to issue compliance checks on the establishments that have not picked up and paid for their licenses.

1. **Beach Parking Fees:** At the meeting of December 16, 2008, I had requested an increase in the parking fees. The Board requested information on revenue generated and projected revenues if an increase is approved. This information is included for your review. I again request the Board consider increasing the fees.

Selectmen Eckstrom was opposed to increasing the fee for the seniors and residents. Selectmen Donahue suggested doubling the one-day pass and increasing the non-resident and the guest placard to \$75. Selectmen Donahue

would like to have the parking attendants sell the one-day rather than making them go to the Town Hall to purchase a one-day beach sticker.

MOTION: Selectmen Eckstrom moved to set the following beach parking fees: One-day pass \$20.00, Senior Residents \$5.00, Residents \$20.00, Non-Resident \$75.00, and guest placard \$75.00 Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

2. **Police Parking Restriction:** The Chief of Police has requested that the restricted parking sign in front of 211 Onset Avenue be removed for the winter months.
(Approved with consensus of the board)

MOTION: Selectmen Potter moved to have Municipal Maintenance add to the parking signs the months in which the restricted parking hours are in effect. Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

3. **Fish Ladder Gibbs Brook:** Senator Pacheco's office notified the Town of a \$35,000 grant award for the Gibbs Brook Herring Run in Wareham. This is an important step in restoring the herring population to Wareham and Buzzards Bay.
4. **Buzzards Bay Action Committee Report:** Dave Pichette has provided the Board with a report of the December meeting of the BBAC
5. **Special Legislation—8 Additional Liquor Licenses:** Representative Susan Williams Gifford has provided an update of the 8 additional liquor licenses requested by the Town in the spring of 2008. The bill is hung up in the Senate Committee on third reading; she advised that we might need yet another Town Meeting votes to move the Bill along. I also spoke to a representative at Senator Pacheco's office who indicated the same information and further believed that recent events with Senator Wilkerson may have caused this legislation to be delayed. I recommend a letter to Senate President Therese Murray and Senator Edward M. Augustus, Chairman of that committee, with hope of moving this Legislation.
6. **MIIA Board Nomination:** The Massachusetts Interlocal Insurance Association's Nominating Committee has issued its report for election of new members to the Board of Directors of MIIA and MIIA Property and Casualty group Inc. (two separate boards). This is the time when current members can nominate outside of the nominating Committee's recommendation. Please complete the nomination request if you have a candidate in mind by January 12, 2009.
7. **Clean Water Committee:** The Cranberry growers have requested that they be included on the Town of Wareham Clean Water Committee.

8. **WPCF Green Energy Grant:** The Town was awarded a \$37,142 Grant to investigate the possibility of placing a 1,500kw wind turbine at the Water Pollution Control Facility plant. The plan is to use these funds to offset the cost of the MET tower.

9. **WPCF Issues:** There were some issues at the WPCF at the end of December. Copies of the reports were distributed to the Board as soon as they were received and are also included with this report. The issues were:

a. The plant exceeded the daily allowance of Fecal Coliform due to denitrification filters blinding and not backwashing properly. This issue has been corrected and should not happen again. I will be meeting with both Mr. Simmons and Mr. Gifford to further discuss this.

b. There was a blockage forty feet before the Saltworks Pump station. This blockage was also corrected, upon discovery by the WPFC staff.

10. **FY2009 3rd Quarter Bourne Sewer Usage Billing.** The Board is asked to approve the 3rd quarter estimated FY2009 sewer bill for the Town of Bourne in the amount of \$26,179.63 for the period January 1, 2009 through March 31, 2009. This includes Bourne's share of the treatment plant and the pumping stations. It also includes septage credits for FY2007 (1,760,291 gallons/\$17,602.91) and FY2008 (1,766,208 gallons/\$17,662.08).

Recommended action. Motion for the Board to approve the 3rd quarter estimated FY2009 sewer bill for the Town of Bourne in the amount of \$26,179.63 and to commit this amount to the Town Treasurer-Collector. .

Note: No action was taken the board would like to put this off until the next meeting to see if they will agree to the extensions

11. **FY2009 Capital Charges—Town of Bourne.** The Board is asked to approve the FY2009 Capital Charges for the Town of Bourne in the amount of \$188,477.53. Per the Inter-Municipal Agreement, Bourne is responsible for a percentage of the capital costs incurred by the Water Pollution Control Facility.

Recommended action. Motion for the Board to approve the FY2009 Capital Charges to the Town of Bourne for its share of the capital costs associated with the Water Pollution Control Facility upgrade in the amount of \$188,477.53 and to commit this amount to the Treasurer-Collector.

MOTION: Selectmen Cronan moved to approve the FY2009 Capital Charges to the Town of Bourne for its share of the capital costs associated with the Water Pollution Control Facility upgrade in the amount of \$188,477.53 and to commit this amount to the Treasurer-Collector. Selectmen Donahue seconded.

VOTE: 3-0-1 Selectmen Eckstrom abstained

8. LIAISON REPORTS

None

9. ADJOURNMENT

Selectmen Eckstrom moved to enter into executive session for the purpose of litigation.

Poll Vote: Selectmen Eckstrom – Yes
 Selectmen Donahue – Yes
 Selectmen Potter – Yes
 Selectmen Cronan – Yes

VOTE: 4-0-0 (Unanimous)

10. SIGNING OF DUCUMENTS APPROVED BY THE BOARD

Respectfully submitted,

Janet Wilson

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/
Sewer Commissioners on 3-10-09

Attest: ***Brenda Eckstrom***, Clerk Pro-Tem

Date Signed: 3-10-09

Date sent to the Town Clerk; 3-11-09