

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

Date of Meeting: October 6, 2009  
Date of Transcription: October 20, 2009  
Transcribed by: Janet Wilson

### **1. CALL MEETING TO ORDER BY CHAIRMAN**

### **2. ROLL CALL**

Selectmen Present: Bruce D. Sauvageau, Chairman  
John P. Cronan, Clerk  
Brenda Eckstrom  
M. Jane Donahue  
Walter B. Cruz, Sr.

Also present: John J. Sanguinet, Interim Town Administrator

### **3. CITIZENS PARTICIPATION**

Present before the board: Sal Boccadoro & Paul Somers, Oak Terrace residents  
Mr. Somers & Mr. Boccadoro was before the board asking the town to consider paving a portion of Oak Terrace for safety reasons. Mr. Sanguinet stated that the contract states that the road will be put back in the condition the roads were in prior to the sewer project. Selectman Sauvageau would like Mr. Sanguinet to get an estimated cost on paving this area. Selectman Donahue would like CDM to get an assessment on the additional cost of paving the streets in the project that are not paved as well.

### **4. DISCUSSION OF TOWN MEETING WARRANT ARTICLES**

The first article the board discussed was Article #22 Amend Zoning Bylaw-Special permit for Large Tracts. – Present before the board: Gary Cannazi, Manager of Planning & Development at Bay Pointe & Attorney Robert Devin

Attorney Devin stated that this article was drafted to allow a master plan to be developed for the Bay Pointe property. This does not include any 40B. Attorney Devin stated that the proposal is a special permit process, which allows if the article is passed to go before the planning board with a master plan for approval with a special permit. If the special permit is granted they would appear before the board asking for approval on the project. Mr. Cannazi is hoping to develop something with the board and other boards to benefit the community, businesses, and taxpayers. The zoning article gives the town complete control over everything they do and the article will allow them to begin the process.

**MOTION:** Selectman Eckstrom moved to vote further study on this article. Selectman Donahue seconded. **3-2-0** Selectman Cruz and Cronan opposed

Article #1 Supplemental budget

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.

**VOTE: 5-0-0**

Article #2 – Westfield Property

SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Cronan seconded.

**VOTE:** 5-0-0

Article #3 – Meals Excise

**MOTION:** Selectman Donahue moved favorable action. Selectman Eckstrom seconded for discussion. **VOTE:** 3-2-0 Selectman Cronan & Sauvageau opposed.

Article #4 – Room Occupancy Excise

**MOTION:** Selectman Eckstrom moved no action. Selectman Cronan seconded.

**VOTE:** 4-1-0 Selectman Cruz opposed of no action.

Article #5 – Revoke Civil Service Status – Police Chief

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.

**VOTE:** 5-0-0

Article #6 – Accept Street Layouts

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.

**VOTE:** 5-0-0

Article #7 – Amend Bylaw – Preservation of Historic Buildings

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded

**VOTE:** 4-0-1 Selectman Cronan abstained

Article #8 – Medicare: Retirees

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.

**VOTE:** 5-0-0

Article #9 - Community Preservation – Habitat for Humanity

**MOTION:** Selectman Cronan moved no action. Selectman Donahue seconded.

**VOTE:** 5-0-0

Article #10 – Community Preservation – Preservation of Historic Records

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.

**VOTE:** 5-0-0

Article #11 – Community Preservation – Wareham Community Pathway

**MOTION:** Selectman Donahue moved favorable action. Selectman Cronan seconded.

**VOTE:** 5-0-0

Article #12 – Community Preservation –Parker Mills & Center Park Districts

**MOTION:** Selectman Donahue moved favorable action. Selectman Cronan seconded.

**VOTE:** 5-0-0

Article #13 – Community Preservation – Building Assessment and Preservation Plans

**MOTION:** Selectman Donahue moved favorable action. Selectman Cronan seconded.

**VOTE:** 5-0-0

Article #14 – Community Preservation – Debit Services

SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.  
**VOTE: 5-0-0**

Article #15 – Community Preservation – Conservation Restriction – Sacred Hearts Seminary

**MOTION:** Selectman Donahue moved favorable action. Selectman Eckstrom seconded.  
**VOTE: 4-0-1** Selectman Cronan abstained

Article #16 – Community Preservation – Conservation Restriction – Great Neck

**MOTION:** Selectman Donahue moved favorable action. Selectman Eckstrom seconded.  
**VOTE: 4-0-1** Selectman Cronan abstained

Article #17 – Harbormaster Maintenance/Improvement Account

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.  
**VOTE: 3-0-2** Selectman Cruz & Cronan abstained

Article #18 - Harbormaster Maintenance/Improvement Account

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.  
**VOTE: 3-0-2** Selectman Cruz & Cronan abstained

Article #19 – Line Painting Account

**MOTION:** Selectman Donahue moved favorable action. Selectman Eckstrom seconded.  
**VOTE: 5-0-0**

Article #20 – Harbor/Beaches Maintenance Account

**MOTION:** Selectman Donahue moved favorable action. Selectman Eckstrom seconded.  
**VOTE: 5-0-0**

Article #21 – Sign Materials Account

**MOTION:** Selectman Eckstrom moved favorable action. Selectman Donahue seconded.  
**VOTE: 5-0-0**

Article #23 – Petition : Change of Zoning

**MOTION:** Selectman Donahue moved no action. Selectman Eckstrom seconded.  
**VOTE: 5-0-0**

5. **ANNOUNCEMENTS (none)**

6. **CONSENT AGENDA**

- a. Authorization to sign bills and documents, etc. (none)
- b. Approval of the Board of Selectmen's regular meeting minutes of September 15, 2009

**MOTION:** Selectman Cronan moved to approve the meeting minutes of September 15, 2009. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

- c. Appointment to the Wareham Cultural Council

**MOTION:** Selectman Cronan moved to appoint Jackson Gillman as a member to the Wareham Cultural Council to a term to expire no later than June 30, 2011. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

**7. LICENSES & PERMITS**

- a. Application for a one-day all alcoholic beverages license permit by G.H. Dunn Insurance Agency, Inc. c/o/ Ami Milano, 2201 Cranberry Highway, W. Wareham for a Business Networking Event on October 8, 2009 from 5:30 p.m. to 8:00 p.m.

Present before the board: Ami Milano

Ms. Milano stated that G.H. Dunn has moved and were looking to promote business.

**MOTION:** Selectman Cronan moved to approve the one-day all alcoholic beverages license permit by G.H. Dunn Insurance Agency, Inc. c/o/ Ami Milano, 2201 Cranberry Highway, W. Wareham for a Business Networking Event on October 8, 2009 from 5:30 p.m. to 8:00 p.m. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

- b. Application for the use of Town Roads by Friends of Wareham Pathway, c/o David Smith for the South Coast Pathway Challenge on Monday, October 12, 2009 from 9:00 a.m. to 1:00 p.m. beginning at Merchant's Way through the streets of Wareham

Present before the board: David Smith

Mr. Smith stated that they would have about 20 bike riders participating.

**MOTION:** Selectman Cronan moved to approve the use of Town Roads by Friends of Wareham Pathway, c/o David Smith for the South Coast Pathway Challenge on Monday, October 12, 2009 from 9:00 a.m. to 1:00 p.m. beginning at Merchant's Way through the streets of Wareham. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

**8. TOWN ADMINISTRATOR'S REPORT**

**FY2010 Budget:** Attached is the final budget which will be presented at the October 26, 2009 Town Meeting. The changes were minimal with the exception being to the Municipal Maintenance Department. Mr. Sanguinet held his revenues; based upon discussions with the Division of Local Services Representative, they would not question our numbers as long as our estimated equaled or were below FY09 actual collections, and my numbers are below the

## SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

collections. Mr. Sanguinet adjusted no other revenue source. In addition, the Assessor is confident that with the new growth figure we will not be having a large windfall as we did last year. Adjustment to the operating budget were as follows (all adjustments are reductions except where noted):

**Selectmen:** Salary and Wages: \$151,904 to \$132,642 – This reduction available due to the vacant Assistant to the Board/TA position

**Town Administrator:** Expenses, \$24,850 to \$49,850 – This increase is to cover additional costs associated with the Westfield Project and engineering at the Onset Mobile Home Park.

**Town Accountant:** Salary and Wages, \$124,101 to \$100,101 – This reduction is due to the town hiring a new Town Accountant at a lower salary

**Elections and Registrations:** Salary and Wages, \$8,960 to \$26,888 – This increase is due to the two additional elections called to fill Senator Kennedy's Seat. Expenses. \$9,682 to \$12,625 due to the additional elections.

**Town Planner:** Salary and Wages, \$170,162 to \$155,162 – This reduction is due to the delay in filling this position.

**Public Buildings:** Salary and Wages, \$188,293 to \$156,108 – This reduction is due to the reduction in staff in FY2009.

**Police Department:** Salary and Wages, \$3,855,287 to \$3,755,287 – This reduction is due to the retirements of both Tom Joyce and Arthur Brightman

**Inspections:** Salary and Wages, \$200,685 to \$192,685 – This reduction is due to the anticipated retirement of the Building Inspector, Ted Misiaszek

**Municipal Maintenance:** Salary and Wages, \$779,536 to \$631,667 – This reduction was due to the Staff Reductions in FY2009

**Non Net School Spending:** \$1,492,915 to \$1,467,915 – This reduction is per discussions with the School Superintendent.

**Worker's Compensation:** \$327,000 to \$242,000 – This reduction was realized due to a lower annual bill than what was budgeted and the decision to pay the entire bill up front realizing a 5% savings.

**Town Insurance:** \$414,750 to \$329,750 – This reduction was realized due to a lower annual bill than what was budgeted and the decision to pay the entire bill up front realizing a 5% savings.

**County & State Assessments:** \$2,342,912 to \$2,335,770 – The State reduced our assessment.

**Other Cherry Sheet Offsets:** \$189,326 to \$237,286 – The increase was due to an error in the budget presented in April, as the number was inadvertently carried over.

**Teachers Pay Deferral:** 0 to \$44,916 – The ITA was of the mistaken belief that FY2009 was the town last payment.

**Article Other Potential:** \$65,000 to 0. No other articles were presented making this money available for reduction.

**Article Upper Cape Cod Reg.** Vocational \$1,977,400 to \$1,958,623 – Budget reduced due to changes to the School District's Local Aid.

Town Accountant, Elizabeth Zaleski, has notified Mr. Sanguinet that there is a \$194,000 revenue deficit for FY2009, which will be offset by turn backs; Biz is still cleaning this up.

Late last month, State Treasurer Tim Cahill reported that State Revenue Collections were down by \$200 million dollars. As discussed with the Administration this could mean additional Local

## SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

Aid reductions for FY2010. For example, a 3% reduction could mean a reduction of \$439,000. which he will be watching very closely.

**FY2011 Budget:** The Budget for FY2010 is not final and he needs to look at the budget for FY2011. Doom and Gloom is premature at this date but Mr. Sanguinet will be preparing a preliminary budget model for my budget message. The budget will be predicated right now with a 1% reduction in Local Aid and level to small reduction in Local Receipts. Some anticipated additional costs are a 12% to 14% increase in our retirement contribution, and increase to the health insurance payment.

**Municipal Law Seminar:** Biz and Mr. Sanguinet attended the DOR sponsored Law Seminar Friday, October 2. This session is designed to update municipal leaders in changes to State and Federal law as well as recent court decisions that effect how municipal business is done.

**Cell Phones:** At a recent Managers meeting there was some discussion about new IRS regulations related to company issued cell phones. The IRS may be clamping down on personal usage and making a reporting requirement. Mr. Sanguinet is still trying to get information on this and will be working with the staff once he has all the details.  
The board had a discussion on coming up with a policy regarding cell phone usage.

**MOTION:** Selectman Eckstrom moved to prohibit town employees from using cell phones for unreasonable use. – Discussion on drafting a policy. Selectman Eckstrom withdrew her motion after discussion with the board on drafting a policy.

**Town Planner Interviews:** Mr. Sanguinet has scheduled interviews for the Town Planner position the week of October 13 and is looking for a Selectman to sit in on them.

### **Sewer Business**

**FY'10 1st Half Sewer Usage Billing.** The Board is asked to approve a commitment for first Half FY'10 Sewer User Fees in the amount of \$2,383,035.36.

**Recommended action.** Motion for the Board to approve the First Half FY'10 Sewer User Fees commitment in the amount of \$2,383,035.36 and to commit this amount to the Town Treasurer-Collector.

**MOTION:** Selectman Cronan moved the board to approve the First Half FY'10 Sewer User Fees commitment in the account of \$2,383,035.46 and to commit this amount to the Town Treasurer-Collector. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

## **9. TOWN BUSINESS**

- a. Any other town business

## SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

Selectman Eckstorm went over the policies that the board drafted a few weeks ago and received the recommended wording of the policies back from Town Counsel. Recommended replacing policy # 09-02 and 09-03 with the current policies.

**MOTION:** Selectman Eckstorm moved to replace policy #'s 09-02 and 09-03 with the current policies drafted by Town Counsel. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

Selectman Eckstrom spoke about an accident with a Town Employee in New Bedford. Selectman Eckstrom drafted a letter to the School Committee, Dr. Rabonivich and the Chairman of the School Committee to ask questions regarding the accident.

**MOTION:** Selectman Eckstorm moved to send the letter. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

Selectman Sauvageau stated that the Liquor Locker has lost the appeal with the ABCC and supported the penalty.

**MOTION:** Selectman Donahue moved to close the Liquor Locker from Saturday, October 17, 2009 to October 23, 2009. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Eckstorm moved to go beyond the hour of 10:00 p.m. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

Selectman Donahue spoke about the Health Care Trust Fund and stated that it was brought to their attention in July from the School Department that an audit was being done. Selectman Donahue stated that the issue will be resolved and the employees should be put at ease and the board needs to meet with both the Finance Committee and the School Committee. Selectman Donahue was disappointed that they were not more inclusive with the information being put out to the public and the board is willing to cooperate to resolve this issue.

### **10. SEWER BUSINESS**

Meeting with Mike Guidice of Camp, Dresser & McKee

Present before the board: Mike Guidice

Mr. Guidice stated things are moving along well with contract #1 the first crew is on Parkwood Drive near the Cape Avenue section working towards Indian Neck Road. The second crew is on Crab Cove Terrace finishing the water main and sewer. They are projecting to be done by early November. Mr. Sanguinet stated that he did receive an email from Michael Martin and he told them that the board did vote to pay the \$500,000 and have P. Gioioso do a change order on the project. They will be working on the pumping stations over the winter. On contract #2 Mr. Deshares has been working with easements and appraisals for that contract. Mr. Guidice stated that some residents were in attendance to discuss Connehasset Road

Residents before the board: Robert Leary & Joann Frazier and Chris Savoie

Ms. Savoie stated the only concern was that she wouldn't want to see the land clear-cut and had a concern about odor. Some discussion about an alternate site located on a vacant lot on Mattapoisett Road. Mr. Leary would like to see the pumping station moved to the Mattapoisett location.

Present before the board: Jim Iaobacci and Beatrice Tabor, Oakdale residents

## SELECTMEN/SEWER COMMISSIONERS MEETING – 10-6-09 (CONT'D)

Mr. Iaobacci was before the board on behalf of Mr. McClean who could not be at the meeting. Mr. Iaobacci asked if the station could be moved to the other side of the road. Mr. Guidice stated the original location was on the corner of Avenue A and Sandwich Road on a vacant parcel. Mr. Iaobacci had a list of questions for Mr. McClean and Mr. Guidice did state that he would answer the questions for him.

Any other sewer business

### **11. LIAISON REPORTS**

Selectman Eckstrom stated that a wake was being held for Mr. Thompson this evening and the funeral will be held tomorrow.

Selectman Sauvageau asked for a moment of silence for the passing of Ralph Thompson the Chairman of the Board of Health. Mr. Sauvageau extended the boards sympathies to his family and stated that he will be missed.

### **12. ADJOURNMENT**

**MOTION:** Selectman Eckstrom moved to enter into executive session for the purpose of discussing strategy with respect to collective bargaining or litigating position. Also, to discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual. Selectman Donahue seconded.

Vote:               Selectman Eckstrom – yes  
                      Selectman Donahue – yes  
                      Selectman Cruz – Yes  
                      Selectman Sauvageau – yes  
                      Selectman Cronan - yes

### **13. 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 November 3, 2009

Attest: ***John P. Cronan, Clerk***

Date Signed: November 3, 2009

Date sent to the Town Clerk: November 4, 2009