

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: February 16, 2010
Date of Transcription: February 17, 2010
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: Mark J. Andrews, Town Administrator

3. ANNOUNCEMENT

Flu Clinic – H1N1 Vaccine Thursday, February 18, 2010 Wareham Multi-Service Center, 48 Marion Road, Room 316, Top Floor 9:00 a.m. to 11:00 a.m. (or until supply lasts) all ages – no charge.

4. CITIZENS PARTICIPATION

Present before the board: Mike Flaherty

Mr. Flaherty was questioning the SEED money and also asked if making donations to the Library are tax deductible. The Board advised Mr. Flaherty that the donations made are tax deductible. Mr. Flaherty also asked if there was any type of report that would let the public know what donations are made and to what account. Selectman Donahue stated that the Town Accountant does have a ledger. Mr. Flaherty questioned an article that was in the paper recently about a fundraiser on Facebook and asked if the Town Administrator has heard anything from Town Counsel. Mr. Andrews stated that the request was made and it's before Town Counsel. Does the Vote April 6th have the approval of the Board of Selectmen? Selectman Sauvageau stated that he would not discuss anything political during a Selectmen's meeting.

Selectman Sauvageau stated that Selectman Cronan read into record the two letters received by the District Attorney. Selectman Sauvageau stated that it was reported that the Board didn't apologize when they read the letters. He stated that an apology wasn't made due to the fact that it wasn't a parcel of either of the two letters. He suspects the reason that the board was not requested to formally apologize was because that an apology was no legal remedy at all. Legal remedies that Selectman Cronan read into the record are a matter of public record and they are being complied with either directly by the board or by Town Counsel. Selectman Sauvageau feels that this matter is long overdue and it's time to move on.

Selectman Eckstrom said she was thinking of other boards meetings that she has attended that have gone into executive and they may not be in front of the camera and

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asked the board if they would be interested in having Town Counsel and do a seminar on the Open Meeting Law and also invite the Assistant District Attorney to participate in that so that everyone is on the same page. Selectman Eckstrom feels this would be an opportunity for the entire town to learn by their mistake.

Selectmen discussed having a seminar by Town Counsel and the Assistant District Attorney regarding the Open Meeting Law.

MOTION: Selectman Donahue moved the board to have all members of boards, committees and commissions elected or appointed, Assistant District Attorney and Town Counsel to have an open meeting law seminar at which anyone that does not attend and sign at the meeting will have to view the video tape and attest with the clerk that they have seen the video tape. Selectman Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

5. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc. (none)
- b. Approval of the board's regular session minutes of 1/26/10 & 2/9/10

Approval of regular session meeting minutes of January 26, 2010

MOTION: Selectman Eckstrom moved to approve the meeting minutes of January 26, 2010. Selectman Cruz seconded.

VOTE: 3-0-2 (Selectmen Donahue & Sauvageau abstained)

Approval of regular session meeting minutes of February 9, 2010

Selectman Donahue would like to add the following discussion items that were brought up that should be on the minutes. Selectman Donahue wanted an explanation added to as why only one appointment to the Board of Health was being made. Also she wants added that the Library Certification being continued through until the legislature effort by Senator Pacheco

6. LICENSES & PERMITS

(none)

7. TOWN ADMINISTRATOR'S REPORT

Mr. Andrews stated that he would have an intern from Suffolk University starting soon.

Legal Services. At the Board's request, Mr. Andrews looked into some options for legal services for the Town of Wareham, including issuing an RFP. To that end, he has attached a memo from Derek Sullivan, of Suffolk University, that summarizes the Town's needs and outlines three models of municipal attorneys that we may want to

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consider in preparing an RFP. Mr. Andrews has also attached a copy of the RFP that was prepared in 2005.

Tremont Nail Update: Chris Reilly, CEDA Director, is present tonight to give an update on the Tremont Nail facility.

Present before the board: Chris Reilly

Mr. Reilly was before the board to update them on the status of the Tremont Nail facility. The Tremont Nail Masterplan Committee has been operating with the understanding that a preservation restriction was being worked on by a consultant under the direction of the CPC. The building can be redeveloped under certain guidelines to the highest and best use however, without that Preservation restriction in place it does hamper the committee on their charge in giving recommendations to the Board of Selectmen. Without that restriction they cannot move forward on the historic portion of the building on that site. They can move forward with the upland portion to the northeast by the railroad tracks. A tentative recommendation to the Board would involve housing. There are some portions of the building that the committee would like to explore with the board on the upland vacant portion. Mr. Reilly spoke about one room housing or retail office space.

Selectman Donahue said she does like the idea to sub-divide the property and personally she would weigh heavily in favor of looking at the development of that sub-divided property as storefront retail that related towards historic district tourism. One of the things that she wanted to make sure Chris was aware is that the tour busses do come in to visit the Old Company Store and we have not taken the opportunity to capitalize on that.

Selectman Cronan asked Mr. Reilly if the little white house in front of the property would disappear? Mr. Reilly stated that the white house would stay. Selectman Cronan stated that he prefers housing for seniors on this site. Selectman Cronan stated that it's a very valuable piece of land and someone has to grab this and run with it since it's a good proposal. Mr. Slavin from the Tremont Nail Master Plan Committee stated that they have been working together. Mr. Slavin stated they were looking to get some traffic to the location temporarily and perhaps have CEDA move their temporarily or to lease out the white building. The basic problem with the white building is because the way the dam is set up water does run through part of the basement therefore you cannot have anything in the building that may have a problem with moisture.

Selectman Eckstrom does like the idea of the housing at the location and then retail space on the historic side. Selectman Eckstrom would like to have the CPC, Tremont Nail Committee and the Open Space Committee come to one of the Selectmen's meeting. Selectman Sauvageau does agree that they need to accelerate this process. He said he was in favor of Senior Housing as well as sharing the land for multiple uses to accomplish the goals that they have.

MOTION: Selectman Eckstrom moved the board to have CEDA explore the feasibility of sub-dividing the property and speaking to some of the recent developers who had shown interest in the senior housing to see if this is a feasible piece of property that they would want to do a smaller version on with the purposes of reporting back to the Selectmen. Selectman Cruz seconded.

VOTE: 5-0-0 (Unanimous)

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Cape Rail—Massachusetts Coastal Railroad: Chris Reilly and Mr. Andrews met with John Pearson, General Manager of Mass Coastal Railroad, Monday, February 8, 2010. He attached a copy of his presentation. He proposes to institute a three-year demonstration program for passenger service between Sandwich, Buzzard's Bay, Wareham and the MBTA Lakeville station with limited extended service to Hyannis.

This feeder service could be up and running by the end of March 2010 depending upon financing availability. We need to work on a Memorandum of Agreement with Mr. Pearson relative to providing this service to Wareham.

Before the board: Mr. Pearson

Mr. Pearson said that this effort started about two years ago as a project of Cape Rail and it's President John F. Kennedy. Mr. Pearson stated that they are seeking \$600,000 to \$800,000 in funding. The proposal itself is a two or three train cart set and they are self-propelled cars. The service starting point would be the power plant in Sandwich since they have been offered their contractors parking lot that would hold about 300 cars at no cost. They would operate from Sandwich to Buzzards Bay to Wareham and Lakeville which they have an agreement with the MBTA. They estimate six round trips per day with about 1200 seats per day going into Boston daily. They would service Hyannis only on weekends. Selectman Cruz had a question about the mph listed on the report since it was written in one sentence as 40 mph and then 60 mph. Selectman Cruz asked how many people they were estimating would travel through Wareham? Mr. Pearson stated that about 200 people a day would be boarding on and off at Wareham. They are expecting total 800 passengers a day in total with all the railroads. Selectman Donahue asked if they had some specific stop that the train would be making in Wareham? Mr. Pearson said the proposal was to use existing platforms and as far as parking they would have to make some arrangement with the town to have some reasonable compensation arrangement. Selectman Cronan asked about where they plan on putting 187 parking places.

Glenn Cove & Onset Beach Mobile Home Park: On Friday, February 12, 2010 at 10:00 bids were opened. The town received 12 bids with the low from Jones Contracting at \$94,800, and a high from Cape Ann Equipment of \$314,000. The next two low bidders were \$105,000 and 109,000. Jones had all of the necessary information and they have begun checking references. He hopes to award this as soon as possible.

Wastewater Pollution Control Facility: Town Accountant Elizabeth Zaleski, Treasurer/ Collector John Foster and John Sanguinet met with Plant Operator Dave Simmons to review the FY2011 WPCF budget. Comparing what was spent in FY09 and what has been expended so far and adjusted his budget accordingly. You will see steep increase in (in particular) is electrify account for the plan, previous years this has been continuously under budgeted. The Administration costs included in his budget are for insurances only; no town department services are included. The WPCF budget is lengthy – to put is mildly – the number of lines correlate to the spreadsheet Mr. Simmons uses to create the Bourne sewer usage bill. Revenues will have a report for distribution on Tuesday.

School Budget Discussion: Mr. Andrews e-mailed Superintendent Barry Robinovitch requesting that the school committee discuss their budget with the Board at the February 23, 2010 meeting since they will be there for the Heath Trust discussion. He responded that he would check with the School Committee and let him know. Mr. Andrews expects to have the final report out to the board this week. Selectman Sauvageau suggested having them come in the following week and if they are not able to attend that meeting then just schedule a meeting with the Finance Committee. Selectman Eckstrom read a letter the board received that the School Committee would not be able to attend and they would like for them to attend their March 10th meeting. Selectman Eckstrom would like to clarify that when the School Committee claims that they have been cut \$750,000 from their budget, which means that their budget request is \$750,000 greater than what they are getting. Selectman Eckstrom stated that they are still getting the state required minimum. Selectman Eckstrom stated that she has been looking over the finances over the past couple of years with the school department and perhaps where they are spending their money might not be the most prudent place. She finds it hurtful to the town that they claim that their budget is being cut \$750,000. If the chapter 70 funds are cut from the state and the state gives us less money than the town is anticipating the difference comes out of the town's side of the budget. Selectman Eckstrom stated that if the state gives us less money than the town is anticipating the difference comes out of the town's side of the budget. Therefore, if the town is anticipating \$12 million and we only get \$10 million then the Town still has to provide \$12 million to the schools and that \$2 million will come out of the municipal side of government; it will be the clerks and maintenance workers that would get laid off or furloughs and it will be the people in town hall that will be cut and not the school department. Selectman Eckstrom would like placed on the February 23rd agenda a meeting with the school committee.

February 12, 2010 Snow Storm: It was reported to the Town Administrator's Office that Municipal Maintenance received very few complaints regarding the snow storm which was the same in the Selectmen Office. Several complaints regarding the sidewalks, these were completed on Friday.

8. TOWN BUSINESS

- a. Meeting with the Charter Review Committee to place a non-binding referendum on the April 6th ballot

Present before the board: Alan Slavin

Mr. Slavin said originally the Charter Review Committee was going to talk about a non-binding referendum but they would like to put this off for the time.

- b. Update on 361 Main Street

Present before the board: Ryan Correia

Mr. Correia said to date the 3rd floor is framed and the electrician has started to do his work and the 2nd floor framing is underway and the siding is expected to start in a few weeks. They are still hoping to finish by early spring since they are meeting their deadlines. Mr. Correia stated that the parking behind the building is still the same as before and at the request of the Conservation the parking lot will be seashells. Mr.

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Correia stated that they have acquired the abandoned building between Majestic Mattress and Sam's Gas station and also they also in the process of acquiring Sam's Gas as well.

c. Any town business

Selectman Cronan asked Mr. Reilly about the Downtown Sign and Façade program. Mr. Reilly stated that the program had expired and they were granted a few extensions however, they were not able to proceed with the one project that the extension was granted for. They will have to revisit the program and they will have to take a radical redesign of the program since it wasn't as successful as they had hoped for. On the downtown design they have requested \$385,000 for streetscape improvements in the FY10 grant application.

Selectman Cruz stated that since five trains will now be going thru downtown per day with an estimate of 2000 people per week the businesses should get together. Selectman Cruz also stated with the trains coming in the town will also have to come up with some parking spots.

Selectman Eckstrom reminded everyone about the H1N1 clinic. She also stated that if a non-binding referendum is being placed on the ballot it should get to the Town Clerk's office since it needs to be submitted 35 days prior to the election. She would like them written up and get to the Town Clerk by the end of next week. Also she stated that she would like to get the Community Preservation Committee before the board to discuss conservation restrictions. The board would like to have counsel write the conservation restrictions.

Selectman Donahue said that she has put together draft performance evaluation guidelines for Mr. Andrews and Mr. Andrews.

Selectman Donahue thanked the Salerno's for offering the function hall last week for a function for Turning Point.

Selectman Donahue also congratulated the Wareham Lodge of Elks on their selection of the citizen of the year award, which went to Robert Slager.

Selectman Cronan asked the board about some executive session minutes and asked that the board check into the following minutes: 6/20/07, 4/21/09, 11/3/09, 1/12/10, 2/2/10 and also 2/9/10.

Selectman Sauvageau spoke about the non-binding referendum question to appear on the ballot on the Westfield location for senior housing. Selectman Sauvageau asked for the board's full support in getting this on the ballot. The board did agree that the residents should have the opportunity to express their opinion at the ballot box.

MOTION: Selectman Eckstrom moved to put the question of senior housing at the Westfield site on the ballot. Selectman Cronan seconded.

VOTE: 5-0-0 (Unanimous)

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Selectman Sauvageau stated that he would draft up the question and present it to the board at the next meeting.

9. **SEWER BUSINESS**

a. Any sewer business

10. **LIAISON REPORTS**

(none)

11. **ADJOURNMENT**

MOTION: Selectman Eckstrom moved to enter into executive session for the purposes of discussing litigation and personnel matters. Selectman Donahue seconded.

Poll vote:

Selectman Donahue - yes
Selectman Eckstrom – yes
Selectman Cronan – yes
Selectman Cruz – yes
Selectman Sauvageau – 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: ***John P. Cronan***, Clerk

Date Signed: 3-16-10

Date sent to the Town Clerk: 3-17-10