

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#02-07

Date of Meeting: January 16, 2007

Date of Transcription:

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Fernandes-Abbott called the meeting to order.

II. ROLL CALL

Selectman Present: Renee Fernandes-Abbott, Chairman
Brenda Eckstrom, Clerk
Mary Jane Pillsbury
Bruce Sauvageau
Jim Potter

Also Present: Michael Hartman, Town Administrator

NOTE: Discussion proceeded re: the Oak Grove School Memorandum of Understanding.

Present before the Board: Joan Andrews

Chairman Fernandes-Abbott stated that Town Counsel has made minor revisions to the Memorandum of Understanding (MOU) re: the Oak Grove School Resource Center. The revisions incorporate the mechanical systems that Selectman Potter suggested is added in. These amendments don't change the intent.

Chairman Fernandes-Abbott read the amended MOU into the record.

Ms. Andrews explained that this would not be just a resource center for the history of Cape Verde, but also a center for the community & other communities to visit. They hope to have a learning center w/ volunteer staff & possibly invite the President of Cape Verde to visit & speak. They would also like to give Cape Verde language lessons where colleges have offered to help get things underway. She noted two pending fundraisers to get started.

MOTION: Selectman Pillsbury moved the Board sign the MOU for the Cape Verdean Resource Center. Selectman Eckstrom seconded for discussion.

NOTE: Selectman Eckstrom asked if there would be a deed restriction so this portion of the building will always stay a resource center. Selectman Potter feels this should be a future memorandum. Chairman Fernandes-Abbott agreed that this portion of the building should be protected into perpetuity. Brief discussion ensued.

VOTE: Unanimous (5-0-0)

The Board proceeded to sign the MOU

III. CITIZENS PARTICIPATION

SELECTMEN/SEWER COMMISSIONERS MEETING 01/16/07 (CONT'D)

Present before the Board: Michael Ligor, 184 Swifts Beach Rd.

Mr. Ligor received a letter re: street name changes. He feels the Board shouldn't waste their time getting involved w/ this issue. He noted spending four hours in the Planning Dept. going over records. He feels this issue goes back & forth. He spoke re: the street name Wankinco/Wankinquoah, which has changed several times.

Chairman Fernandes-Abbott stated that there was an overgrown path that was re-named by the Planning Board. They re-named the portion of Wankinquoah on Map 50B1 to Oceanside Drive. Mr. Ligor feels this is where the error occurred. Chairman Fernandes-Abbott disagreed. Mr. Ligor doesn't feel the intern that worked on this made a mistake purposefully, but instead of the intern naming 50B3 & 50C1 he named it 50B1. This whole area is unbuildable.

Chairman Fernandes-Abbott said these matters are not a waste of the Board's time. There is a public safety issue & it was incumbent upon her office (due to calls to the BOS office) to determine what the intent of the Planning Board and what was its vote and where the sign was to be placed. The Planning Board hearing re-named that portion of Wankinco/Wankinquoah to Oceanside Dr. If this is incorrect, it will require another public hearing.

Mr. Ligor asked if there are any road commissioners. Chairman Fernandes-Abbott stated the Board is the road commissioners & the Board's office has the responsibility for street numbering. She discussed the meeting that was held, the information gathered, & thus, the letter that went out.

Selectman Sauvageau stated his wife discussed the name change at the Planning Board hearing & made the name change request. There was no confusion at the hearing & there was a public safety issue. The numbering & spelling of road names are issues. He feels there was no confusion on the Planning Board's part & they understood what part of the road was to be changed. There was a mistake, but not on the part of the Planning Board. He stated legally, the only way to change the name back now is to re-open the public hearing.

Selectman Eckstrom asked if these roads were authorized by the Board to be changed. Selectman Sauvageau stated that Murphy's Way was supposed to change, not Wankinco. Discussion ensued.

Chairman Fernandes-Abbott stated she asked the Planning Board to show her what they were voting on as Oceanside Dr. She feels the Planning Board needs to hold a hearing on this matter or re-open the hearing to address the issues. Selectman Sauvageau again stated that if there was a public safety issue & he doesn't feel there is a legitimate purpose for changing the name again. He feels there was no confusion on the Planning Board's part. Chairman Fernandes-Abbott feels there was confusion on this issue because of what was voted vs. what the intent was and now where the sign is and that clarification obviously is needed re: all the complaints received in the selectmen and planning department offices.

Selectman Eckstrom read a portion of the minutes relative to this matter. Discussion ensued re: if Murphy Rd. was changed

Selectman Sauvageau feels it should be left the way it is now. Discussion ensued. Selectman Pillsbury stated that the map number could be changed. The Board concurred to leave the roads the way they are & a memo be sent to correct the map number on the documentation.

Present before the Board: Steve Curry, Rose Point

SELECTMEN/SEWER COMMISSIONERS MEETING 01/16/07 (CONT'D)

Mr. Curry stated he has several questions re: the sewer project in the Rose Point area. He asked now that construction is complete, when will the betterments be coming forth & when will paving be done. Chairman Fernandes-Abbott stated the Board hasn't decided on the paving yet. Mr. Curry noted that there would be four roads that need to be paved. He asked if grant monies were coming forward for drainage & paving of the other streets. The Administrator stated that the Town was denied one grant application, but was urged to apply again & the Town is awaiting results of the other grant. The Town plans to apply again.

Mr. Curry asked if CDM's cost would be less since the project finished ahead of schedule & under budget. Chairman Fernandes-Abbott stated that CDM has indicated they are in the final stages & conducting testing. The Administrator stated the next time CDM is here, they will give a report & a letter should be going out to residents.

Mr. Curry asked re: Articles 38 & 39 that was not acted upon at the October '06 town meeting. He asked if these would be presented in the spring. The Administrator stated they would. He noted though that the petition article would have to be re-submitted.

IV. ANNOUNCEMENTS

- A. There are vacancies on various boards, committees, etc. Interested individuals can obtain applications in the BOS office. Chairman Fernandes-Abbott read what vacancies are open.

Selectman Sauvageau stated he received correspondence from the Recreation Commission re: an application they received in which they did not recommend this person to be on the Commission. He has read this applicant's application & experience & is dismayed as to why the Commission voted to reject this applicant. The Board is the appointing authority to this Commission & he feels the Board should interview this applicant & if he/she is still interested, the Board should appoint him/her despite the recommendation of the Commission. He feels the Board needs to be more involved w/ boards, committees, etc. He again requested this individual be interviewed by the Board & have the Board intercede especially in lieu of the new fields at Westfield & financial issues. Selectmen Pillsbury & Fernandes-Abbott agreed.

Selectman Eckstrom discussed the issue of an application submitted in September from a resident to be on the Board of Health & this applicant is being pushed off.

Selectman Eckstrom stated that she has not received the paperwork yet from the Community Preservation Commission, but should would like to have this paperwork done to appoint Debbie Pfnister as a representative of the Conservation Commission to the Community Preservation Commission. The ConCom has voted for her to be their representative. The term would be for two years. Brief discussion ensued.

Chairman Fernandes-Abbott stated Board members will need to go to Town Hall tomorrow to sign the paperwork which will allow Ms. Pfnister to be sworn in so she can vote at tomorrow night's meeting.

SELECTMEN/SEWER COMMISSIONERS MEETING 01/16/07 (CONT'D)

MOTION: Selectman Eckstrom moved the Board appoint Debbie Pfnister, as the Conservation Commission's representative on the Community Preservation Commission to a term to expire 6/30/09. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

- B. Selectman Potter stated that the search is on for people to serve on the Community Events Committee. Chairman Fernandes-Abbott stated that this committee hasn't been formally formed, but hopes this can be done after Town Meeting. Selectman Potter stated that people could still apply.

V. CONSENT AGENDA

- A. Authorization to sign bills, documents, etc.

MOTION: Selectman Eckstrom moved the Board approve application #10 from RJV Construction Corp. in the amount of \$74,247.84 re: the Briarwood Beach & Beaver Dame Estates sewer project. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

VI. LICENSES & PERMITS

- A. Application for a Common Victualler License from The Farmstand at Tihonet Village, LLC d/b/a Tihonet Village Market, 146 Tihonet Road, Wareham, under the provisions of MGL, c. 140.

Present before the Board: Kim Houdlette, Manager

Ms. Houdlette stated in 8/06 the market was opened on Tihonet Rd. She discussed what is offered. They are requesting this license to put a few tables indoors in the winter & would like to continue w/ the outside seating in the spring & summer.

Selectman Pillsbury stated she didn't see the paperwork from the Assessors office re: taxes paid. This should be gathered prior to submission of an application. Brief discussion ensued. Chairman Fernandes-Abbott stated there is a signature portion on the application. Selectman Pillsbury would like to see the form that was utilized prior due to the regulations/rules.

MOTION: Selectman Eckstrom moved to approve the application for a Common Victualler License from The Farmstand at Tihonet Village, LLC d/b/a Tihonet Village Market, 146 Tihonet Road, Wareham, under the provisions of MGL, c. 140 and contingent upon receipt of verification of taxes paid from the Collector's office. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

- B. Application for a Common Victualler License from House of Thai, LLC, 39 Depot Street, East Wareham, under the provisions of MGL, c. 140.

Present before the Board: Nong Detmonghohh, a representative

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The representative submitted menus to the Board. The restaurant is planning to open w/in two weeks & will be take-out food. The representative gave the hours of operation.

Discussion ensued re: the need for a certificate of insurance. The representative stated that they are awaiting a policy number. She added that there are some tables & chairs for seating, but it is primarily a take-out business.

MOTION: Selectman Eckstrom moved the Board approve the application for a Common Victualler License from House of Thai, LLC, 39 Depot Street, East Wareham, under the provisions of MGL, c. 140 pending receipt of a Worker's Compensation affidavit & verification of taxes paid by the Town Collector. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

VII. TOWN ADMINISTRATOR'S REPORT

1. Sewer Abatement Request – Accts. #736644 & #738196, 3132 & 3040 Cranberry Highway. Asked the Board to approve abating these accounts for first half FY07 in the amounts of \$2,349.00 for 9 EDU & \$1044.00 for 4 EDU respectively. A sight inspection of the first property conformed that five lots are empty & four are w/out water, gas or electricity, & the second property has two empty lots & two others w/out water, gas or electricity.

This was brought before the Board in the 1/2/07 report & a request was made for confirmation from the Water Dept. that water services was shut off to these lots. Since water is supplied to the park via one meter, water service cannot be disconnected. However, a memo from David Simmons indicates he personally walked the park & verified the status of these lots.

Selectman Eckstrom questioned if it is the Town's fault that these units are vacant & not rented out. The Town is still providing the capacity & the Town still has to allow this capacity for this park. The Administrator explained that a vacant lot lacks a unit & billing is based on per unit cost, but if there is a trailer there, it is still a unit. He understands abating for the vacant lot, but not an abandoned trailer. Discussion ensued.

Chairman Fernandes-Abbott stated there are numbers being given by parks being matched to what the Collector is collecting. The Administrator stated this is true. The issue is when trailers are removed or coming into parks. Discussion ensued. Selectman Eckstrom feels there should be a discussion of a policy relative to this matter. Selectman Pillsbury agreed. The Administrator stated this matter could be w/drawn from the report until he speaks to Town Counsel. The Board members concurred.

Selectman Sauvageau stated that when new areas are sewerred, vacant lots are assessed. The Administrator stated he would explore the consistency issue w/ Town Counsel & Mr. Ethier re: derelict units. Discussion ensued. The Board concurred to w/draw this issue for now.

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2. Sewer Abatement Request – Acct. #735392, 10 Thirteenth St. Asked the Board to approve abating this account for first 7 second half FY06 for \$261.00 respectively. This property was foreclosed on in FY04, but the WPCF was not notified that it was Town property.

MOTION: Selectman Eckstrom moved the Board abate account #735391, Map 1, Lot 344, 10 Thirteenth St., for first & second half FY06 sewer usage in the amounts of \$261.00 respectively for a total abatement of \$522.00. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

3. FY2007 Capital Charges, Town of Bourne. Asked the Board to approve the FY2007 Capital Charges to 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 WPCF. This will be the third installment of twenty.

MOTION: Selectman Eckstrom moved the Board approve the FY2007 Capital Charges to the Town of Bourne for its share of the capital costs associated w/ the WPCF upgrade in the amount of \$188,477.53 & to commit this amount to the Treasurer-Collector. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

4. Third Quarter Sewer Usage Bill – Town of Bourne. Asked the Board to approve the third quarter sewer bill for FY2007 for the Town of Bourne in the amount of \$24,606.87. This includes a credit from FY2006 of \$18,880.03.

MOTION: Selectman Eckstrom moved the Board approve the third quarter sewer bill for FY2007 for the Town of Bourne in the amount of \$24,606.87 & to commit this amount to the Town Treasurer-Collector. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

5. Second half FY2007 Sewer Usage Billing.

MOTION: Selectman Eckstrom moved to table this matter to later in the agenda. Selectman Sauvageau seconded.

VOTE: Unanimous (5-0-0)

VIII. TOWN BUSINESS

NOTE: The meeting proceeded w/ item C. CEDA FY07 Community Development Block Grant

Present before the Board: Marilyn Whalley, CEDA Director

Ms. Whalley explained that this is for the 2007 Block Grant, which is due on 2/16/07. She discussed this being a two-year process. Priorities to be included in the grant concern housing,

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transportation, education, literacy, services to youth at risk, & revitalization of villages in Town. She proceeded to discuss the proposed programs & projects in dept. (Attached as reference).

Selectman Sauvageau asked what the total amount represents. Ms. Whalley stated that no Town money is used & it represents all CEDA funding. Selectman Sauvageau asked how many staff CEDA has. Ms. Whalley stated there are herself, a grants' manager, a part time bookkeeper, a part time rehabilitation specialist, & a part time clerk. She added that she just hired a part time secretary for herself. She stated staff is paid entirely through these funds. Her salary is paid 1/3 to 1/2 by the economic development side.

Selectman Sauvageau asked re: the daycare program that will be moving out of the building on Cranberry Highway. He asked if this is Town property. Ms. Whalley stated CEDA owns the property & the daycare chose not to go along w/ the new lease agreement that was worked out. For 25 years the daycare paid nothing. When the lease agreement was proposed, it was based on per square feet value & was reduced 30% as a subsidy, thus the daycare was to pay \$1,500 p/month. They decided they would rather spend money on property they own. State & Federal monies subsidize these as well.

MOTION: Selectman Eckstrom moved the Board approve the 2007 CEDA Community Block Grant application as proposed. Selectman Potter seconded.

VOTE: (3-0-2)

Selectmen Pillsbury & Sauvageau abstained

D. Housing Partnership – Westfield.

Ms. Whalley stated the Housing Partnership would like some direction on the housing portion of the Westfield property. (Attached as reference).

Selectman Eckstrom feels the Housing Partnership should invite a FinCom representative & the Planning Board Chair to a meeting to discuss this matter due to concerns coming from both of these boards.

Ms. Whalley stated that the Housing Partnership might not have expressed the need at Town Meeting. There is a need for housing & a need for workforce housing. Another issue was the amount of 140 units. To go any smaller than this amount would involve Title V issues. There is a need to fund an amount everyone is comfortable with.

Selectman Sauvageau feels the FinCom & Planning Board need to attend a meeting. Ms. Whalley stated she will ask them, but she needs direction from the Board. Selectman Sauvageau stated the size of the project should be discussed w/ all relative parties. The question is if we move forward at a community level, but it doesn't need to bring this forward at next Town Meeting. This process needs to be followed through w/ the Further Study vote that was taken. The issue is to solve the housing need & the 40B issue. The Town needs to get back on track w/ this focus. He doesn't feel size of the project is an issue now.

Selectman Eckstrom feels the project should stay w/ the 140 units vs. 28 & there is a need to utilize the property as much as the Town can to prove the amount of affordable housing the Town needs & to get others involved.

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Chairman Fernandes-Abbot feels this issue wasn't weren't successful at Town Meeting because the Community Partnership didn't engage other committees & the community as a whole. The issue of need wasn't presented as most important.

Ms. Whalley stated that there is an unfinished grant. She needs to ask for an extension of this grant.

Chairman Fernandes-Abbott asked if the Housing Partnership would be preparing something for the 4/07 Town Meeting. Ms. Whalley stated there would be a need for another public hearing & abutters would need to be notified. Selectman Sauvageau feels this would be rushing the issue. Discussion ensued re: how to proceed. Selectman Pillsbury would like to see other pursuits Ms. Whalley has presented. She doesn't want to rush this matter either. Selectman Sauvageau stated there is Community Preservation Funds available for affordable housing. He agrees the process shouldn't be rushed. Other projects in the works will also help determine what the needs are. Ms. Whalley stated she would ask the agency to extend the grant to 10/07. She will ask the Planning Board to look at this matter as well.

Chairman Fernandes-Abbott spoke re: what the Governor is said re: affordable housing & that it may be raised to 25% vs. the existing 10%. Discussion ensued.

A. Vote Special Town Meeting Dates.

Chairman Fernandes-Abbott stated there are budget issues that need to be addressed for FY07, thus they need to be addressed on the Special Town Meeting Warrant. The Administrator explained that these FY07 issues couldn't be handled under the regular Annual Warrant. Selectman Eckstrom understands the Board can approve what goes on the Special Town Meeting Warrant. Brief discussion ensued re: this process.

Selectman Sauvageau feels a law may have been violated in the past re: this. Discussion ensued re: not having a Special Town Meeting Warrant be a "catch all" for last minute articles.

Discussion ensued re: posting times for the Special Town Meeting & the Annual Town Meeting. Selectman Sauvageau would rather the Special Town Meeting come at the conclusion of the Annual Town Meeting business. The Administrator stated the Board can determine when, but a date will need to be established w/ a time specific. Discussion ensued.

Selectman Pillsbury suggested sending notice to boards, committees, etc. that their issues will not be placed on the Special Town Meeting Warrant. The Administrator stated this could be done. The Board members concurred.

MOTION: Selectman Sauvageau moved the Board have the Chair instruct all boards, committees, commissions, & departments that their Warrant articles will be entertained on the Annual Town Meeting Warrant only. Selectman Eckstrom seconded.

VOTE: Unanimous (5-0-0)

Selectman Eckstrom read the Special Town Meeting dates into the record.

MOTION: Selectman Eckstrom moved the Board approve the Special Town Meeting dates as read into the record. Selectman Pillsbury seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 01/16/07 (CONT'D)

B. Annual Town Meeting Articles.

The Board members reviewed the articles to be placed on the Warrant to date.

Chairman Fernandes-Abbott discussed the insertion of the military leave article, namely for Mr. Lopes. She explained that as the law states, it doesn't allow a prior year debt to be paid. In the case of Mr. Lopes, he served two tours of duty, thus, Town Counsel suggested submitting a formal petition to pay for the first tour of duty. Selectman Sauvageau asked who submitted this article. Chairman Fernandes-Abbott stated she did. She explained that this is only a proposed article & she wants to do this because Wareham is the only community in the state that doesn't pay an employee differential in pay when an employee does a tour of duty. This differential pay issued passed the State in 2005 & many communities adopted it. This article only affects one employee in Town currently.

Selectman Eckstrom questioned how much money is needed. She feels this is a police contract negotiation issue. Chairman Fernandes-Abbott stated this article would cover any Town employee & she doesn't want to make it specific to police. Selectman Eckstrom again asked how much is needed & where it will come from. Chairman Fernandes-Abbott stated she doesn't know the cost right now. More information is needed as to what the governmental base salary is & what base salary would be in this instance. She estimates approx. \$30,000.

Selectman Sauvageau stated he would prefer this article be a petition article by citizens. He doesn't feel this is an issue of patriotism, but an issue of money the Town doesn't have. He feels the amount will be more than \$30,000 due to time and a half. Mr. Lopes was in the National Guard, not the army. He asked if the Town is responsible for this. He understands the intent, but this person volunteered, thus it was a voluntary decision. The Town is flat broke. He would rather this article come from citizens, not from the Board. He feels this article should be postponed to sometime in the future. Chairman Fernandes-Abbott feels Selectman Sauvageau's opinion is grave to not have the Board take charge of this. She spoke re: the surviving spouse issue at the past Town Meeting. It finally passed because it was a humanity issue & the right thing to do. She doesn't feel this current issue is any different. Selectman Sauvageau disagreed. He discussed the circumstances surrounding the surviving spouse issue vs. this issue. Lengthy discussion ensued.

Selectman Sauvageau argued that the Board should be leading the charge on the fiscal well being of the community. He feels this issue is an employment question. Chairman Fernandes-Abbott feels this will be a no-brainer at Town Meeting whether it is a Board or petition article. She understands the fiscal issues of the Town, but it is an issue where amends should be made to make it work. She has spoken to Mr. Heaney re: this matter & that the money needs to come from somewhere.

Selectman Potter understands both sides. He understands the Board taking the charge on this, but he doesn't have an answer as to where the money will come from. He would like an answer from the FinCom so the Board can understand better. Chairman Fernandes-Abbott stated an answer from the FinCom would be needed regardless of who sponsors the article.

Discussion ensued re: the article relative to the easement for Verizon & NSTAR for the Oak Grove School. Selectman Potter stated he had suggested asking Verizon if the lines could be placed underground since they were in current negotiations w/ them. The line on Town property could be underground, but the line that has to reach the other side of the street cannot, thus would add a great expense. The Town needs to give Verizon the OK to move forward w/ the underground

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issue if it chooses. Chairman Fernandes-Abbott clarified that Verizon will put the underground lines from the pole to the building, but the issue is the overhead lines going across Onset Ave.

Selectman Potter stated due to electrical codes, Verizon & NSTAR can't be on the same pole, thus, there will be two poles on the property. He recommended the Board telling the utility companies to move forward as planned.

Discussion ensued re: the revolving fund article relative to the school daycare program.

Discussion ensued re: the Maple Springs Road issue. Chairman Fernandes-Abbott stated relative to this issue is that Town Meeting voted to abandon this portion of the road being discussed. With this present article, the small strip of Maple Springs Road will be garnered to Mr. Cornish w/ some consideration. She discussed the inaccuracy of the release deed.

The Administrator stated the release deed is not part of the article. Mr. Cornish's attorney is working w/ Town Counsel on a new description.

Selectman Sauvageau asked what the purpose of this article is. The Administrator explained that when the Town abandons a public way, it is supposed to belong to the abutting property owners w/ a line drawn down the middle. Mr. Cornish owns properties on both sides of the road, but he is willing to re-draw his boundary, incorporate this among his, & give remuneration & pay property taxes. He described the small strip Mr. Cornish will obtain. Discussion ensued.

The Administrator stated Town Counsel is working on language. Selectman Sauvageau hopes the Town is not paying for this legal work. The Administrator stated Mr. Cornish would be. He stated the Assessors office has estimated how much this strip is worth, but they are waiting for Mr. Cornish to make an offer. The new article will be on the Town Meeting Warrant w/ the new release date & description. He discussed the review of the land of low value. Selectman Sauvageau clarified that this land in question is not available to the public.

E. Discussion: Board of Sewer Commissioners.

Chairman Fernandes-Abbott asked for a discussion on having a separate Board of Sewer Commissioners. Town Counsel has made recommendations/suggestions if the Board wants to go this route. If approved, this wouldn't happen until 2009 because of the time it would take for a Charter change, annual election, etc. She has received e-mail from Selectman Eckstrom who is not in favor of this at this time. She has heard in passing from other Selectmen that this may be something to look at. The Sewer Dept. & WPCF issues take up a lot of the Board's time. She would be in favor of having a separate Sewer Board to put in the time needed for sewer issues.

Selectman Sauvageau stated if the Board entertains this matter for discussion, it would have to be a Charter change. He feels a discussion on this needs to be held at the level of a Charter change & the Charter Review Committee should discuss this matter. He stated this would be a substantial change in the form of government. He doesn't feel this should be done because the government shouldn't be further fractionalized. He is concerned w/ a separate committee coming before the Board all the time to discuss all sewer issues that are discussed now. Further, this separate board wouldn't be able to handle bonding issues, only the Board can.

Selectman Sauvageau understands the challenges dealing w/ sewer issues, but that is what the Board does. He doesn't feel the Board should relinquish this duty. He feels the Board should do more of it. He doesn't see the benefit of another entity taking over this responsibility.

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MOTION: Selectman Pillsbury moved to go beyond the hour of 10:00 P.M. to discuss the sewer commitment only. Selectman Eckstrom seconded.

VOTE: Unanimous (5-0-0)

Selectman Pillsbury stated the Charter change time is coming closer & feels this issue should be presented to the Charter Review Committee in 2009.

Selectman Eckstrom would like in the future if Chairman Fernandes-Abbott comes before the Board w/ ideas such as this before going to Town Counsel, not after the fact. She feels there is a need to recognize money being spent. Selectman Sauvageau feels other boards, committees, etc. that utilizes Town Counsel should be aware of this matter. The legal budget has already been spent. More will be spent vs. what has been budgeted. There is a need to be wise w/ decisions & weight what goes before Town Counsel. He would like departments, boards, committees, etc. to be notified of the legal budget issue & for them to be careful as to contacting Town Counsel. Discussion ensued.

Chairman Fernandes-Abbott discussed open hours with town counsel has every month that is effective for boards, committees, etc. The Administrator stated it has been effective. He noted that this is a rare year relative to legal fees due to litigation. Chairman Fernandes-Abbott stated that the open hours are done once p/month. Discussion ensued re: if these open hours should be suspended for now. The Administrator stated he could discontinue this service after 1/19/07 until further notice. The Board members concurred to have the Chair draft a letter to departments, boards, committees, etc. stating that Town Counsel open hours are suspended for now & to take care when contacting Town Counsel.

Selectman Eckstrom feels the proper channels are not being followed re: contacting Town Counsel. The Board concurred. Selectman Sauvageau suggested attaching the policy to the letter relative to contacting Town Counsel.

Chairman Fernandes-Abbott expressed concern re: land use attorneys being paid through the legal fee budget. Land use attorneys were supposed to be paid through developers, engineers, etc. She doesn't know if billing of this type is being done & being kept track of. The Administrator stated that this hasn't been done well. Meetings have been held to set up a better system for this. Some reimbursement may be obtained. The Planning Board has had issues w/ enforcement of two subdivision plans & the ability to charge back. The policy is in place, but not being followed.

Selectman Sauvageau stated the Board is not informed re: special counsel bills. The Administrator stated usually it is paid through a special account. Brief discussion ensued re: exceptions to this.

Chairman Fernandes-Abbott stated she would like a more actual reflection of what the legal costs are, for example legal fees that are reimbursed should not be counted as a deficit to the budget. Discussion ensued.

Selectman Sauvageau stated the Town needs to make sure it isn't receiving money in the general fund that is not be credited back to the line item it is supposed to.

IX. SEWER BUSINESS

- A. Vote Sewer Commitment.
- B. Discussion: Sewer Assessment.

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Chairman Fernandes-Abbott stated that the commitment must go out the week of 2/1/07. Town Counsel has advised the Board that they need to vote separate commitments & they can't vote one commitment & send out bills in different intervals. She asked if the Board could vote two commitments for two separate dates & mail together. The Administrator stated it would have to be committed separately, but feels they can be mailed together.

Chairman Fernandes-Abbott stated the first commitment would go out on 2/1/07 & payable 3/1/07 & the second commitment would go out 4/1/07 & payable 5/1/07. The Administrator stated Town Counsel has recommended two separate mailings for the two separate commitments. Chairman Fernandes-Abbott stated that the cost of mailing sewer bills is \$2,500. Discussion ensued.

Chairman Fernandes-Abbott stated the total second half bill would include the \$401 supplemental charge. Discussion was held re: lessening this impact of the additional charge. She discussed options that were brought forward. The Administrator stated that equal commitments could be sent. Chairman Fernandes-Abbott agreed w/ this. Selectman Eckstrom stated she is in favor of the option of \$261 for the first bill & \$140 for the supplemental. Selectman Potter agreed. The Administrator stated if this is going to be done, there is a need to vote the first & second commitment. Selectman Sauvageau stated he wasn't par to these discussions & he is against an increase & will vote against it.

MOTION: Selectman Eckstrom moved the Board commit the billing of the second half FY07 sewer usage billing \$261 due 3/1/07 and commit \$2,914,00.37 to the Treasurer/Collector. Selectman Potter seconded.

VOTE: (4-1-0)
Selectman Sauvageau opposed

MOTION: Selectman Eckstrom moved the Board commit a supplemental billing for the whole FY07 year in the amount of \$410 due 5/1/07 & to commit \$1,074,823.80 to the Treasurer/Collector. Selectman Potter seconded.

VOTE: (4-1-0)
Selectman Sauvageau opposed

X. ADJOURNMENT

MOTION: Selectman Potter moved to adjourn the regular meeting & enter into Executive Session for the purpose of discussing litigation. Selectman Eckstrom seconded.

POLLED VOTE: **Selectman Pillsbury – Yes**
 Selectman Potter – Yes
 Selectman Fernandes-Abbott – Yes
 Selectman Eckstrom – Yes
 Selectman Sauvageau – Yes

VOTE: Unanimous (5-0-0)

Chairman Fernandes-Abbott stated the Board would not be coming back into open session.

Respectfully submitted,
Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on September 11, 2007.

SELECTMEN/SEWER COMMISSIONERS MEETING 01/16/07 (CONT'D)

Attest: ***Brenda Eckstrom***, Clerk

WAREHAM BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date copy sent to Town Clerk's Office: September 12, 2007