

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS**

February 6, 2007

Agenda

SIGNING OF WARRANTS, APPROVAL OF MINUTES of December 14, December 19, 2006,
January 2, executive session minutes of January 2 and January 16,
2007

APPOINTMENT: 7:05 p.m. Harbormaster Michael Cormier and Shellfish Officer
Isaac Perry re mooring fees and shellfish closures

DISCUSSION: Sewer extensions/connections

ACTION ITEMS:

1. Water and Sewer Commissioners vote on sewer connection for lot known as Map 5A, lot 78A
2. One-day wine/malt license, Marion Art Center, 2/9, 10, 11; VFW Post #2425, 2/25, VASE, Music Hall, 3/3/07 and Marion Social Club 3/11 and 4/15
3. Appointments, Paul Dawson, official functions
4. Appointment: Nicole Deblois as probationary EMT-Basic
5. Approval, Procedures for Filing of a Comprehensive Permit Appl'n
6. Vehicle Transfer Policy
7. Permission to erect motorcycle safety sign on Town property

TOWN ADMINISTRATOR:

1. Deadline for Articles, Annual Town Meeting
2. Change order requests—CN Corp.
3. 2010 Federal Census

CORRESPONDENCE:

- a. From Ray Pickles, Acting Clerk, re Annual Election
- b. Resignation from Joanne Daphnis, Open Space
- c. From Ken Litke re Marion Pathways Committee
- d. Music Hall Endowment Fund distribution
- e. Notice of annual herring meeting
- f. Upper Cape Cod increase in capital budget
- g. From Buzzards Bay Estuary Program and Representative Straus re grant, stormwater remediation
- h. From Dep't. of Housing/Comm. Dev. re subsidized housing inventory
- i. From MassHousing re Littleneck Village expansion contact
- j. From MassHousing re priority development fund
- k. From MassHousing re River View Landing 40B
- l. From Comcast re annual complaint form

COMMITTEE UPDATE, if necessary

ANY OTHER MATTERS TO COME BEFORE THE BOARD

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Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Andrew N. Jeffrey, Board members Jonathan F. Henry and Roger F. Blanchette and Town Administrator Paul F. Dawson. Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Brian Fraga of the *Standard-Times*, A. Lee Hayes, Jeffrey Oakes and Carol Sanz. Also present were Eivind Strand, Chairman, Marine Resources Commission, Michael Cormier, Harbormaster, Harbormaster clerk Barbara Mauro, Isaac Perry, Shellfish Officer, and Helene Craver, secretary.

Mr. Jeffrey requested a moment of silence for Kathleen Reis, who had served the Town for almost twenty-five years. Mr. Jeffrey listed the areas where Mrs. Reis had contributed and called her a friend to all of us and a major loss to the Town.

Mr. Blanchette moved the minutes of December 14, December 19, 2006 and January 2, 2007; the motion was seconded and carried unanimously.

Mr. Blanchette moved the executive session minutes of January 2 and January 16, 2007; the motion was seconded and carried unanimously.

The Board then met with Messrs. Strand, Cormier and Perry to discuss the mooring fees. Mr. Cormier reported that, at a regular meeting of the Marine Resources Commission, he had expressed concerns regarding the Town's current mooring fee schedule, whereby residents and non-residents are charged different fees. Mr. Cormier reported that the Department of Environmental Protection has ruled that this equates to a form of discrimination against the non-residents; therefore, he proposes to raise the fees to residents and lower the fees to non-residents to an equal amount for both groups. Mr. Blanchette said that the revised fee schedule would help the Town avoid lawsuits. Mr. Henry said that this makes sound fiscal sense. Mr. Henry wondered if there should be a public hearing on the proposed fee schedule, even though the additional fee for a Marion resident would only be \$10. Mr. Blanchette said that, speaking as a mooring and boat owner, he feels \$60 is a moderate amount to pay for a mooring—it is actually one of the least expensive in the area. Mr. Jeffrey said that they may be able to compromise and asked that anyone with comments contact the Selectmen and they will vote on the mooring fees at the next meeting. Mr. Henry complimented Mr. Cormier for the job he is doing as Harbormaster; Messrs. Blanchette and Jeffrey agreed.

Mr. Perry said that he would like to amend the shellfish regulations to assign approval of shellfish openings and closings to the Shellfish Officer, rather than the Board of Selectmen. Mr. Perry explained that this would allow him more flexibility and latitude in assisting the commercial shellfishermen with shellfish openings in different areas, which is a big issue at this time of year (because of icing conditions). Mr. Perry said that he didn't want to delay any shellfishermen from making a living while he waits for the Board to approve an opening. Mr. Jeffrey said that the Board would act on

the Shellfish Officer's advice at any rate and they would often act after the fact. Mr. Henry asked if there were any legal implications? Mr. Perry said, no, it is Town policy.

Mr. Blanchette moved to make the change on shellfish openings/closings as suggested by the Shellfish Officer; the motion was seconded and carried unanimously.

Mr. Dawson reminded the Board that they need to discuss how to handle requests for additional sewer connections. Mr. Jeffrey said that he thought it was clear when they met with the engineer and Town Counsel that the Town had fifty connections which could still be assigned. Mr. Jeffrey said that he felt the Town should delay any further connections for a period of time, as they don't really know the capacity of the plant. A delay, he said, would allow the Board to make better decisions based on more recent information, which they expect after the upcoming Summer season. Mr. Dawson pointed out that the Town doesn't have enough data to support further allocations and that the Town is still faced with the lawsuit on allocating space for the 40B development. Mr. Jeffrey said that people were aware that there were load issues, as well as volume—even if the Town were to ameliorate the inflow and infiltration issues, there is still the matter of plant capacity. Messrs. Blanchette and Henry agreed. Mr. Jeffrey suggested reviewing the issue on September 1.

Mr. Jeffrey moved to delay any additional sewer extensions or connections until September 1, 2007.

Mr. Henry noted that connections and extensions are not the same thing. Mr. Jeffrey observed that connections add to the load and expressed concern over the ongoing and uncertain outcome of the Bay Watch (40B development) lawsuit. Mr. Blanchette pointed out that they are discussing connections which have already been committed. Mr. Henry said that this would also include connections which are already tied to an existing system. Mr. Blanchette said that this should only apply to any new connections not yet applied for, not those which are already committed. Mr. Henry said that the Board has requests for connections on the table now—they have just approved connections for Harding Sails and Saltonstall Associates. Mr. Jeffrey suggested that they delay extensions which have not yet been approved. Mr. Blanchette said that all lots in the sewer extension area (about fifty) which are vacant land are still counted in the total. Mr. Dawson suggested that all applications for sewer received beginning tomorrow be counted as new applications.

Mr. Henry moved to delay any new extensions or connections received after February 7, 2007.

Mr. Hayes objected that the maximum load is so close to the capacity of the plant that he is hopeful the Board will delay any increases until the data is in from this coming Summer. Mr. Blanchette noted that all of the "along-the-way" connections had already been calculated in the total load. Mr. Jeffrey explained that Superintendent of Public Works, Robert. Zora, and the Town's engineers had attended the previous meeting and explained the current load. Mr. Hayes said that would include the existing load, including the expansion areas, but not including anything beyond the fifty

additional connections yet to be hooked up. Mr. Jeffrey said that these were lots which had not been built upon.

The motion was seconded and carried unanimously.

The Board reviewed a recommendation from the Building Commissioner that the Town allow a sewer stub to be connected to a vacant lot (Map 5A, lot 78A), which was overlooked during the sewer extension project.

Property known as Map 5A, lot 78A had inadvertently been omitted from the sewer extension project.

Mr. Blanchette moved that the Board of Selectmen for the Town of Marion in said County of Plymouth, acting under the authority given by General Laws Chapters 80 and 83 and all Acts in Amendment thereof, or addition thereto, and every other power and authority hereto enabling, vote to adopt the following order:

"ORDERED that betterments be and are hereby assessed for the improvements consisting of the construction of a main sewer and necessary appurtenances thereto in certain areas and streets situated in said Marion, as shown on the plans entitled:

"Plan Showing Location for Sewer Assessments (Dexter Area, Sheets 4-5, September 28, 2006, Scale 1"=80')", prepared by Earth Tech, Concord, Massachusetts. Said plans on file with the Plymouth County Registry of Deeds.

"The lot which will receive benefit of advantage, other than the general advantage to the community and beyond the general advantage to all real estate in said Town therefrom is the lot identified as Assessors' Map 5A, Lot 78A and now or formerly owned by Dexter Realty Trust and within the areas shown on the aforesaid plans. Copies of the plans to which reference is made herein are on file at the Department of Public Works' office, Marion, Massachusetts.

"We estimate that the assessments that will be assessed upon this lot of land within said area will be \$8,329.02 and reference is being hereby made to said plans for a more particular description thereof, but any inaccuracy in said plans for a more particular description thereof but any inaccuracy in said schedule shall not be held in any way to effect the validity of this Order or anything connected therewith or herein mentioned or referred to.

"The tax maps and lot numbers referred to above are on file in the office of the Town Assessors and the plans re on file in the office of the Department of Public Works."

The motion was seconded.

Mr. Dawson explained that this property was missed when the stubs were being installed and the betterment assessment does not include any construction costs, only the "public" costs for the neighborhood. Mr. Dawson explained that the property owner will be responsible for the costs of installation. Mr. Henry noted a correction in the fifth paragraph of the motion, which should read, "We estimate that the betterment...".

The motion carried unanimously.

Mr. Blanchette moved one-day special licenses for the Marion Art Center on February 9, 10, 11, VFW Post #2425 for February 25, VASE at the Music Hall on March 3 and the Marion Social Club for March 11 and April 15, 2007; the motion was seconded and carried unanimously.

The Board considered appointing Mr. Dawson as Chief Procurement Officer, Public Works Administrator, Fence Viewer and ADA Coordinator. Mr. Blanchette inquired as to the duties of a fence viewer. Mr. Dawson explained that the fence viewer is called in in cases of neighborhood disputes; if this isn't feasible, people are usually advised to have a property survey done—the position is mostly that of mediator and problem solver. Mr. Henry asked about the appointment of Public Works Administrator, even though the Superintendent of Public Works reports to the Town Administrator. Mr. Dawson agreed that he is comfortable in his role without being Public Works Administrator. Mr. Henry noted that this does not diminish the Town Administrator's authority. Mr. Blanchette remarked that the Public Works department runs so smoothly under Mr. Zora. Mr. Jeffrey suggested leaving the position unfilled at this time. Messrs. Henry and Blanchette agreed.

Mr. Henry moved to appoint Mr. Dawson Chief Procurement Officer, Fence Viewer and ADA Coordinator; the motion was seconded and carried unanimously.

Mr. Blanchette moved Nicole Dublois as EMT-Basic; the motion was seconded and carried unanimously.

Mr. Henry moved the draft Procedures for Filing of a Comprehensive Permit Application; the motion was seconded and carried unanimously.

Mr. Jeffrey explained that they had wanted to formalize the process by which a developer submits an application.

Mr. Henry moved the Vehicle Transfer Policy; the motion was seconded and carried unanimously.

Mr. Dawson reported that the Police Chief had received a request to erect a temporary sign on Town property to promote motorcycle safety awareness. Mr. Dawson explained that the Building Commissioner has agreed that the sign would comply with zoning by-laws and the Police Department has agreed to erect the sign on the south side of Route #6 near the Mattapoissett line.

Mr. Blanchette moved to approve the temporary motorcycle safety sign on Route #6; the motion was seconded and carried unanimously.

Mr. Dawson announced that March 1 would be the deadline for Articles for the Annual Town Meeting Warrant.

Mr. Dawson reported that CN Corp. had submitted three change orders on the Benson Brook Road water main project, one of which was denied, one approved and one with no action pending further negotiations. Mr. Dawson explained that the request for an extension of the contract time is March 26, but that loaming and seeding will need to be accomplished and he and the Water Committee recommend the contract time be extended to April 30.

Mr. Henry moved to extend the CN Corp. contract time to April 30, 2007; the motion was the motion was seconded and carried unanimously.

Mr. Dawson explained that the second change order is a request for increases in material costs, which had previously been denied, as the reason given (delay in contract signing) was the result of the contractor's objection to the original contract award.

Mr. Blanchette moved to deny the increase in material costs request; the motion was seconded and carried unanimously.

Mr. Dawson explained that the third request, for additional compensation for work related to an existing abandoned force main, concerns a discrepancy between the engineers' estimate of \$2,500-\$3,000 and CN Corp.'s claim of \$13,300. Mr. Dawson reported that all parties are meeting and negotiating on this claim and no further action is necessary at this time.

Mr. Dawson explained that most of the duties with a census fall to the Town Clerk, but, as this position is currently occupied by a part-time Acting Clerk and the requirements of the census are time sensitive, he suggests the Board appoint him on a temporary basis to fulfill this need.

Mr. Henry moved to appoint Mr. Dawson coordinator for this purpose; the motion was the motion was seconded and carried unanimously.

A memo from Ray E. Pickles, Acting Clerk, was received regarding a scheduling conflict with the current date for the Annual Town Election. It was agreed to take this matter under advisement and invite Mr. Pickles to speak with the Board.

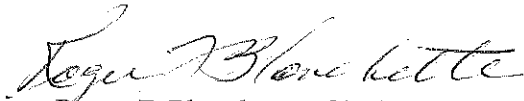
The Board received a resignation from Joanne Daphnis from the Open Space Acquisition Commission. Mr. Henry reported that the Open Space Acquisition Commission had met and discussed the opening and had received one application from Randy Parker, who has attended a few meetings. Mr. Henry asked the members' feelings about appointing Mr. Parker until the next election versus leaving the opening in place until the next election. After discussion, it was agreed that the Open Space Acquisition Commission would need to make a formal request of their wishes.

Mr. Jeffrey noted that Mr. Henry has brought up questions and concerns on the appointment process a number of times and that it should be addressed at the next meeting. Mr. Jeffrey noted that Mr. Dawson has formulated a policy, which the Board should review. Mr. Jeffrey said that he is trying to foster volunteerism and have the best people serve on Town government, while, at the same time, better control the reappointment process. Mr. Blanchette agreed.

Mr. Blanchette reported that he has heard that the members of VFW Post #2425 is concerned about the grant awarded by the Buzzards Bay Action Committee for stormwater remediation at Old Landing. Mr. Blanchette said that the concerns were that the park at Old Landing would be demolished, as Island Wharf was when the stormwater project was placed in that location. Mr. Blanchette expressed his concern that the Town would have to accept a design at Old Landing which would destroy the integrity of the memorial park.

Mr. Henry moved to adjourn at 8:07 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,


Roger F. Blanchette, Clerk

Date approved: 3/20/07