

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

August 4, 2009

Minutes

The meeting was called to order at 7:02 p.m. Present were Chairman Stephen M. Cushing, Board members Jonathan F. Henry and Roger F. Blanchette and Town Administrator Paul F. Dawson. Also present were Interim Fire Chief Thomas Joyce, Senior Center Study Committee members Ray E. Pickles and Hamish Gravem, Gretchen Gundstrom of *The Sentinel*, Anne O'Brien-Kakley of *The Wanderer*, Carol Sanz, Caz owner George Ferry, his attorney Theresa Gomes, three of his associates who did not sign in and Helene Craver, secretary.

Mr. Blanchette moved the minutes of July 7, 2009; the motion was seconded and carried, Mr. Henry abstaining.

Chief Joyce met with the Board and announced that there were four new firefighters who had completed their probationary period and basic training and were ready to become full members of the department: Ryan Burke, Eric Fichtenmayer, Burleigh King and David Shaw. Chief Joyce described each man's connections to Marion. Mr. Henry reminded Chief Joyce that he has the authority to appoint members of his department. Chief Joyce said that it was a simple courtesy to make the Board aware of what is happening in his department and seeks the Board's approval. Mr. Henry said that he didn't think it was necessary and sets a precedent. Mr. Blanchette said that he is pleased by the courtesy and that additional members are signing on to the department. Chief Joyce said that he is accepting applications and would like to have some of the younger members with their vitality complement the more experienced older members. Mr. Cushing asked if there were a specific number of positions. Mr. Henry said that they always aimed for more than they expected to need, as it was a volunteer department. Chief Joyce said that, during the day, the response was lower and they are fortunate to have members who work for the Department of Public Works and Tabor Academy. Chief Joyce said that he would be meeting with other area Fire Chiefs to see if they could assist one another. Mr. Henry said that it was very good news that the downward trend in the number of members seems to be reversing. Chief Joyce reported that he is having the officers become more involved in training; it is one of his goals to provide a good base so that the Board can go forward in whatever direction it decides for the future. Mrs. Sanz said that it was good information for the public to hear this very positive news—she was glad Chief Joyce came in and hopes he will do so again.

Mr. Pickles said that he has been concerned about Marion's privilege stickers—since they are displayed on the rear bumper, the personnel at the transfer station have a difficult time enforcing Marion-only people entering the transfer station. Mr. Pickles said that he would hope the Board would consider that the stickers be displayed on the front windshield next year. Mr. Blanchette expressed his hope that the registration numbers would still be entered on the stickers. Mr. Blanchette said that it annoys him that Rochester does not enter the registration numbers, while Marion does. Mr. Blanchette said that Rochester residents temporarily tape stickers on cars and park at

at Island Wharf. Mr. Pickles said that he has discussed this possible change with Chief Miller, who does not object. Mr. Dawson noted that, if the Board agrees to the change, the regulations will have to be changed, as well.

Mr. Pickles reported that 28% of Marion's population is over the age of 60, of which one-third leave for the southern states in the winter. Mr. Pickles said that the Senior Center Study Committee has concluded that the Town needs a senior center. Mr. Gravem said that Mr. Pickles suggested coming in to enlist the Town's support to have SRPEDD assist in a survey of those over the age of 50 to ascertain their thoughts regarding a center. Mr. Pickles said that he has discussed this with the Planning Board, who is not planning to use their SRPEDD hours, and the committee could combine the Planning Board's hours with the Selectmen's and use the time to create a questionnaire. Mr. Henry said that the bike path is on hold; other than that, they haven't any plans for their SRPEDD hours. Mr. Pickles said that they would need a letter authorizing the transfer of the hours.

Mr. Blanchette moved to donate the twenty hours of SRPEDD time to the Senior Center Study Committee; the motion was seconded and carried unanimously.

Mr. Blanchette moved to approve one-day alcohol licenses for the Marion Art Center for August 6, 7 and 9 and 13, 14 and 15; the motion was seconded and carried unanimously.

Mr. Blanchette moved to approve one-day alcohol licenses for VFW Post #2425 for the Town block party on August 29 and for a clam bake on August 9; the motion was seconded and carried unanimously.

Mr. Blanchette moved to approve a one-day alcohol license for the Marion Social Club for August 8; the motion was seconded and carried unanimously.

Mr. Blanchette moved to approve a street closure for a portion of Spring Street for a block party on August 29 (rain date August 30); the motion was seconded and carried unanimously.

Mr. Henry moved a final water reading commitment for \$1,074.31; the motion was seconded and carried unanimously.

Mr. Henry moved a final water reading commitment for \$203.54; the motion was seconded and carried unanimously.

Mr. Henry moved a final water reading commitment for \$3,654.17; the motion was seconded and carried unanimously.

Mr. Cushing noted that the Harbormaster has an opening for an Assistant and recommends Gary Buckminster, Jr., currently the Assistant Harbormaster in Wareham, to fill the position. Mr. Dawson noted that Wareham is facing some financial difficulties.

Mr. Blanchette moved the appointment of Gary Buckminster as Assistant to the Harbormaster/Shellfish Officer; the motion was seconded and carried unanimously.

Mr. Henry asked that a letter of thanks be prepared for signature for Earnest "Bud" Holland, who has moved to Tennessee.

Mr. Dawson noted that there is a list on the agenda of old equipment, books, etc. from Sippican School which needs to be disposed of, and requested that the Board declare the material surplus.

Mr. Blanchette moved to declare the list surplus property; the motion was seconded and carried unanimously.

Mrs. Xifaras requested the use of the Silvershell Beach parking lot for a function to be held August 16.

Mr. Blanchette moved to approve the request; the motion was seconded and carried unanimously.

Concerning the violations of the alcohol license held by The Caz, Mr. Dawson noted that Town Counsel has issued a report as the hearing officer, which recommends that the license be suspended for three days for each of the two violations, to be served concurrently, for a total three-day suspension. Mr. Dawson said that he has concluded that it was a well reasoned and accurate report and reminded the Board that it had voted to close the public hearing and no further testimony would be taken. Mr. Blanchette asked if it would be appropriate for Ms. Gomes, attorney for Caz owner Mr. Ferry, to speak at this time. Mr. Henry said that they should make a decision first.

Mr. Henry said that he has read the report and it is accurate as to the testimony taken and the recommendations appropriate. Mr. Cushing said that he was concerned about drinks being served so close to the closing time, which almost forces customers to "guzzle" their drinks. Mr. Cushing said that he was also concerned that fights started both inside and outside the bar and yet no one called the police for assistance; he agrees with Town Counsel's findings. Mr. Cushing said that it was incumbent upon the licensee to adhere to the requirements of the license. Mr. Blanchette said that we have heard much about family members helping Mr. Ferry, but, unless they receive W2 forms, they do not belong there. Mr. Blanchette said that he was concerned that they would have to be dealing with the same issues again in the future.

Mr. Dawson indicated that, if the Board agrees with the hearing officer's recommendations, they should vote to accept the report and institute two three-day suspensions for the violations to be served concurrently.

Mr. Henry moved to adopt the report of the hearing officer, Jonathan Witten, and his recommendation of two three-day suspensions to be served concurrently for the violations which occurred on April 26, 2009 and May 17, 2009; the motion was seconded and carried unanimously.

Mr. Dawson recommended that, based on the vote just taken, the suspensions be served Saturday, August 15, Sunday, August 16 and Monday, August 17, 2009, the license to be surrendered to the Marion Police Department at or before 8:00 a.m. on Saturday, August 15 and to be picked up at or after 8:00 a.m., Tuesday, August 18, 2009.

Mr. Blanchette moved Mr. Dawson's recommendation; the motion was seconded and carried unanimously.

(There were no comments made following the votes.)

Mr. Dawson said that they need to open discussions concerning the Fire Chief position and to begin the process of hiring a successor. Mr. Blanchette said that he thinks it is important to decide the criteria for a Fire Chief and the direction they will take regarding the Emergency Medical Services. Mr. Cushing agreed and noted that they have some time, as the Interim Chief has expressed no desire to leave right away and suggested they form a committee. Mr. Henry suggested that the committee be composed of one Selectman, the Town Administrator and one-to-three others; he has some ideas and he would be willing to be on the committee. Mr. Blanchette said that he would be happy nominate Mr. Henry for the committee. Mr. Cushing noted that the 2015 committee had expressed an interest. Mr. Henry suggested the committee be composed of one member of the 2015 committee, himself, a representative of the Fire Department, a representative from Emergency Medical Services and perhaps the Harbormaster. The Board agreed on this membership.

Mr. Dawson reported that the site is being cleared for the new police station and the next step is for hay bales and fencing to be placed on the property. Mr. Dawson reported that good communications have been set up with the contractor and Police Station Building Committee at a preconstruction meeting. Regarding change orders, Mr. Dawson suggested that the architect and project manager be authorized to have a \$25,000 contingency fund to accommodate change orders without waiting for the Board's approval. Mr. Dawson said that he would review the request before any funds are expended and they would first be approved by a member of the building committee, the architect and project manager. Mrs. Sanz said that this would expedite the process. Mr. Henry said that the project was under the appropriation and he didn't want to facilitate moving the costs upward. Mr. Henry said that they could designate one member of the Board to approve the change orders. Mr. Blanchette said that he didn't think the Board should be involved with all the small details of the construction. Mr. Dawson said that he would be advising the Board at every meeting of construction costs and change orders. Mr. Henry said that he was concerned about taxpayer perception that the Board was not involved and that costs are not being controlled, especially in light of the fact that they awarded the alternate bids for the storage area and communication center. Mr. Henry said that his concern was that the taxpayers would not see the savings they expect from the low bid on the project. Mr. Henry said that was why he is concerned about controlling change orders.

Mr. Blanchette moved to approve the change order process recommended by the Town Administrator; the motion was seconded and carried unanimously.

Mr. Dawson noted that the next scheduled meeting is for August 18, which he will be unable to attend. Mr. Dawson reported that, right now, there are no appointments or pressing matters, so there are several options: the Board could meet without him, schedule a different night or hold off and not meet unless it became necessary. It was agreed to schedule the meeting and cancel if it wasn't necessary.

Mr. Dawson reported that Rochester is trying to schedule a tri-town Selectmen's meeting to discuss the Old Rochester Regional School District's request to appoint one Selectman to represent the three towns on the search committee for a new school superintendent. Mr. Blanchette expressed concern that the three towns, which pay a goodly amount of money to the district, would only have one member to represent them—what is going on? Mr. Dawson said that the logic of the School Committee is that an elected Selectman would serve the same function. Mr. Blanchette disagreed; that is only one of nine. Mr. Dawson said that this is the decision of the School Committee. Mr. Henry said that to invite even one Selectman on the search committee is a big step. Mr. Blanchette said that he didn't agree at all—it should be one from each of the three towns. It was agreed that the date of the regular meeting (August 18) would be acceptable and the Board could hold its meeting the same night, if necessary.

Mr. Dawson reported that there was a fairly significant automobile accident involving the new ambulance and the insurance appraiser has viewed the vehicle and determined that there is no frame damage, so it can be repaired and should be back in service in two weeks. Mr. Cushing asked if the ambulance had been placed on a frame machine. Mr. Dawson said that the ambulance was being repaired by a specialist in emergency vehicles, so it should be as good as new, but he would check.

Mr. Dawson informed the Board that there was an electrical incident at the Town House yesterday involving the electrical service entering the building. Mr. Dawson reported that it exploded, knocking out power to the building, but no damage was done to the building itself. Mr. Dawson explained that NStar had installed a new service several weeks ago, but it had not yet been electrified; when it is, it will address the electrical concerns for some time to come.

Robert Nectow resigned from the Old Rochester Regional School Committee; John Russell offered to replace him. It was agreed to request the press to notify their readers that there was a vacancy, which would be filled until the next election and that a joint meeting would need to be scheduled to fill the position. Mr. Henry thanked Mr. Nectow for his dedicated service.

Mr. Henry moved to go into executive session at 8:45 p.m. for contract negotiations with non-union personnel and to discuss litigation and not to return to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Cushing, Henry and Blanchette voting aye.

Respectfully submitted,


Roger F. Blanchette, Clerk

Date signed: 9/1/09