

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
November 17, 2009
Minutes**

The meeting was called to order at 7:00 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 Lee Craver, Gretchen Grundstrom of *The Sentinel*, Adam Silva of *The Wanderer*, Eunice Manduca, Carol Sanz, Treasurer/Collector Gary Carreiro, Assessors Bradford Eames and Catherine Gibbs, Associate Assessor Patricia DeCosta, Alex Kenney of the House of Thai and Helene Craver, secretary.

Mr. Cushing announced the death of Stephen Shiraka, facilities director for the Old Rochester Regional School District. A moment of silence was held.

Mr. Blanchette moved the minutes of November 3, 2009; the motion was seconded and carried unanimously.

The Board then met with members of the Board of Assessors and the Associate Assessor. Mr. Eames distributed a chart detailing the difference between a single tax rate and the results of a shift to a 50% residential/commercial rate on residential and commercial properties. Mr. Eames said that the Board of Assessors recommends the Town adopt a factor of one single tax rate for all classes of property because the Town's residential properties comprise 92% of the total value. Mr. Eames said that the Assessors anticipate a tax rate of \$8.55 per thousand value of property for the next fiscal year.

Mr. Henry moved to adopt a factor of one single tax rate for fiscal year 2010; the motion was seconded and carried unanimously.

Mr. Henry thanked the Board of Assessors for their work.

The Board then met with Mr. Carreiro regarding the borrowing of \$1,020,000 for the I&I project. Mr. Carreiro said that they were very pleased with the 0.37% interest rate.

Mr. Blanchette moved the following: I, the Clerk of the Board of Selectmen of the Town of Marion, Massachusetts, certify that, at a meeting of the Board held November 17, 2009, of which meeting all members of the Board were duly notified and, at which a quorum was present, the following vote was passed, all of which appears upon the official record of the Board in my custody:

VOTED: (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$1,485,913 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 22, 2002 (Article 10), which

authorized a total borrowing of \$10,400,000 for construction of sewers and other water pollution control facilities (the "Project");

- (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$1,485,913;
- (3) That each Bond or Note shall be issued as a single registered security and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined
- (4) That the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds or Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) That all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
- (6) That the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the Town at least 48 hours, including Saturdays but not Sundays, and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G. L., c. 29, s. 23B, as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

The motion was seconded and carried unanimously.

Mrs. Sanz asked if she was correct—that the tax rate for this year is \$8.55, compared to \$7.57 for last year. Mr. Henry said that this is offset by lower valuations. Mr. Dawson explained that the tax rate is based upon last year's levy, plus any new growth and an additional 2-½%. Mr. Dawson said that Town Meeting votes the new total, which is the amount that is collected. Mr. Dawson explained that the Board of Assessors continuously reevaluate the property, as the tax is based on the full and fair valuation of properties.

The Board then met with Mr. Kenney, who explained that he is general manager of the House of Thai, 374 Front Street, and is seeking permission to allow the restaurant to invite patrons to bring in their own beer and wine. Mr. Kenney said that his patrons were mainly more mature, who wished to bring in wine to have with their dinner. Mr. Kenney said that the restaurant only contains nine tables with nineteen seats. Mr. Cushing asked if Mr. Kenney understood the ramifications of allowing people to bring in alcohol. Mr. Kenney said that they will carry insurance and their waitresses have experience. Mr. Cushing asked if Mr. Kenney had intentions of requesting an alcohol license in the future. Mr. Kenney said that, if they do, it will only be for a wine and malt license, but they would like to start with this. Mr. Blanchette spoke in favor of granting permission.

Mr. Blanchette moved to approve a bring-your-own policy for the House of Thai; the motion was seconded.

Mr. Dawson asked what the hours of operation are for the restaurant. Mr. Dawson explained that licensed establishments have hours of operation set by their alcohol licenses. It was suggested that Mr. Kenney check with his insurance carrier regarding providing glasses, uncorking wine, etc.

The motion carried, Mr. Henry abstaining.

Mr. Blanchette moved the appointment of Johnathan Silvia as an Alternate member, Zoning Board of Appeals; the motion was seconded.

Mr. Henry said that he was impressed with Mr. Silvia, who is a young person and may not have the maturity of a long-time resident to handle the complexities of the Zoning Board of Appeals. Mr. Henry expressed his apprehension that Mr. Silvia, still being a student, may not have the life experience to contribute to the Zoning Board of Appeals at that level. Mr. Henry said that it was his inclination to re-advertise and hope that someone who is older and more experienced would apply. Mr. Blanchette noted that he had been on the Zoning Board of Appeals for eight or nine years and some Alternate members never came to a meeting, while others came to every meeting, became involved and learned. Mr. Blanchette said that it was his feeling that you don't get wings without an opportunity to do some flying and just because someone is young, they shouldn't be denied the opportunity. Mr. Henry said that you need life experience. Mr. Blanchette said that this young man can go to war and vote—but can't be an Alternate member of the Zoning Board of Appeals? Mr. Blanchette said that there has to be a beginning and there aren't that many times when a young person wants to become involved and we should "leap on it" to encourage other young people. Mr. Henry thanked Mr. Blanchette for stating his opinion, but stated that he is not changing his. Mr.

Cushing said that, when he was on the Zoning Board of Appeals, he began knowing nothing, but he learned. Mr. Cushing said that it was good to see young people volunteering and agreed with Mr. Blanchette.

The motion was carried, Mr. Henry voting nay.

The Board signed the Alcoholic Beverages Control Commission renewal applications.

Mr. Henry read the following from the warrant for the primary election into the record:

"In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Special State Primaries to vote at the Marion Music Hall, 164 Front Street on Tuesday, the eighth of December, 2009, from 7:00 a.m. to 8:00 p.m. for the following purpose: To cast their votes in the Special State Primaries for the candidates of political parties for the following office: Senator in Congress for the Commonwealth."

Mr. Henry moved to approve the warrant as read into the record; the motion was seconded and carried unanimously.

Mr. Blanchette moved a water commitment in the amount of \$25.00; the motion was seconded and carried unanimously.

Mr. Blanchette moved a water commitment in the amount of \$570.00; the motion was seconded and carried unanimously.

The Board noted a request from the Marion Art Center for one-day wine and malt licenses for November 13, 14 and 15 and November 19, 20 and 21, which request had been received on November 9. Mr. Henry recalled that similar late requests had been received previously from the Marion Art Center, causing the Selectmen to hold special meetings to approve the requests. Mr. Henry said that the Marion Art Center should be requesting their permits in a timely manner. Mr. Blanchette noted that the Marion Art Center had already served alcohol without a permit and that they should be sent a letter of reprimand; Mr. Henry agreed. Mr. Blanchette said that the Art Center should be put on notice; they knew months in advance that they would be producing this play and that they would need the licenses. Mr. Cushing agreed that this situation cannot continue. Mr. Henry said that the Board should sign the letter; Mr. Blanchette said that the letter should be addressed to the Marion Art Center's Board of Trustees.

Mr. Blanchette moved a one-day wine and malt license for the Marion Art Center for November 19, 20 and 21; the motion was seconded and carried unanimously.

Thank-you letters to Hilary Sadeck and Sally O'Leary, who resigned their positions, were read and signed.

Mr. Dawson reported that, during the I&I project, certain amounts of inconvenience are unavoidable, and a chart has been produced which outlines the time frame for the construction to help people know when different areas will be affected. Mr. Dawson explained that the Front Street area will experience the deepest and most difficult digging. Mr. Dawson said that the schedule will be periodically updated to reflect any changes.

Mr. Dawson reported that the foundation for the new police station is being completed and the wall units will be going up within the next week or two. Mr. Dawson said that they expect to see a roof on the building before the end of December.

Mr. Dawson reported that Nstar will be pruning trees in the Route #6, Converse Road and village areas and that individual homeowners who have trees needing pruning will be contacted for permission first. Mr. Cushing requested better communication from the Tree Warden to the Board when such pruning is scheduled.

Mr. Dawson said that people may have noticed the landscaping on the Town House grounds, which was done by the Tree Planting Committee with donated, not public, funds.

Mrs. Sanz asked whether a decision had been made on the sign to be erected in front of the Town House. Mr. Dawson said that they are still getting prices. Mrs. Manduca suggested discussing this project with the faculty of the Upper Cape Cod Vocational Technical School.

Mr. Henry said that he had worked with Jonathan Philbrook on the Fire Department and as an EMT and that he is a great guy with a wonderful family, who had contributed to the community for many years. Mr. Henry also praised Kevin Paulson for his calm, professional manner in difficult situations. Mr. Henry, noting that Roland Hebert of SRPEDD is retiring, cited Mr. Hebert's long dedicated service and expertise in the transportation area.

Mr. Blanchette moved to adjourn at 8:38 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 1/5/10