

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

**October 20, 2009**

**Minutes**

The meeting was called to order at 7:00 p.m. Present were Chairman Stephen M. Cushing, Board members Roger F. Blanchette and Jonathan F. Henry and Town Administrator Paul F. Dawson. Also present were Gretchen Grundstrom of *The Sentinel*, Adam Silva of *The Wanderer*, Carol Sanz, Police Chief Lincoln W. Miller, Todd Zell and Steven Nye of The Wave, Fireworks Committee Chairman Christopher Collings and others who may not have signed in.

**Mr. Blanchette moved** the minutes of October 5, 2009; the motion was seconded and carried, Mr. Henry abstaining.

Mr. Dawson noted that, at the September 15 meeting, the Selectmen declared the old Harbormaster's Whaler surplus property, which was then put out to bid. Mr. Dawson said that four bids were received, the highest bid from William Washburn for \$2,010. and recommended the Board award the bid.

**Mr. Blanchette moved** to award the bid for the surplus boat to William Washburn for \$2,010; the motion was seconded and carried unanimously.

Mr. Dawson noted that there were two State contracts for signature—one for restoration of the Grassi bog and the other for Open Space preservation of Holmes Woods—and recommended the Board authorize the Chairman to sign.

**Mr. Henry moved** to authorize the Chairman to sign the contracts; the motion was seconded and carried unanimously.

(At 7:05 p.m., Mr. Henry recused himself from The Wave deliberations and left the room.)

The hearing on The Wave alleged liquor license violations was opened; Mr. Dawson noted that the Board had received a letter dated October 14 from Mr. Zell and quoted it for the record.

"First, we must offer our apology for not being properly prepared for the October 6, 2009 appearance in front of the Board. However, a preliminary investigation led us to believe the incident occurred on a different date than the August 30, 2009, date that appeared on the notice. The police report provided at the last meeting and our interviews with the proper employees who were on duty on August 30, 2009, led us to believe that a minor infraction did occur on August 30, 2009. In order to save the Board any further time and expense, we hereby admit to a minor violation on August 30, 2009. We have instituted new policies with our staff to ensure there will be no further infractions. We sincerely hope that the Board will consider our unblemished record from the inception of new ownership, approximately 2-1/2 years ago, and take that into consideration when deciding what penalties, if any, to impose on the Wave Restaurant, Inc.

"Thank you for your time and attention to this matter.

"Sincerely, The Wave Restaurant, Inc., By its President /s/Todd Zell,  
President"

Mr. Cushing asked if the owners of the business would be introducing new evidence. No new evidence was presented.

**Mr. Blanchette moved** to close the hearing; the motion was seconded and carried.

**Mr. Blanchette moved** to take the matter under advisement and to make a decision at a future date; the motion was seconded and carried.

(Mr. Henry returned to the room.)

Mr. Dawson indicated that recent changes to the conflict-of-interest laws require that all municipal employees take part in an educational program, which will be monitored through the Town Clerk's office. Mr. Dawson said that the changes mandate designating a senior-level employee to be the liaison between the State Ethics Commission and the Town.

**Mr. Blanchette moved** that Paul F. Dawson, Town Administrator, be the State Ethics Commission liaison; the motion was seconded and carried unanimously.

The Board then met with Mr. Collings, who reported that, for a number of years, the Fireworks Committee has had to work harder and harder each year. Mr. Collings said that it has become more difficult to raise the second half of the costs of the event (the public safety portion). Mr. Collings said that he is hearing that \$55,000 is too much money for the event. Mr. Collings said that, at a recent meeting, Mr. Cushing had said that Fairhaven and New Bedford did not have the same security issues, so Mr. Collings called them and was told that they have far greater crowds than Marion and did close off streets by the hurricane barrier during their events. Mr. Collings said that New Bedford handles security with twenty police officers and Fairhaven with eight-to-ten officers. Mr. Collings said that there is a balance of \$1,200 from last year, which would be sufficient to cover one mailing. Mr. Collings said that the committee feels that raising the public safety costs is just too much and that the Town should take on that expense. Mr. Cushing asked what the cost was to cover the public safety aspect. Mr. Collings said that, this year, it was 30% of the budget, or approximately \$12,000. Mr. Cushing said that, Fairhaven and New Bedford aside, what we need here is what we need here. Mr. Collings said that they can't get to those numbers by knocking on doors. Mr. Cushing said that the labor costs are a "continuously moving target", as they don't stay constant. Mr. Collings said that there is stability in the fireworks vendors, as they are in open competition with the municipalities. Mr. Cushing asked if Mr. Collings wishes to go before the voters for assistance. Mr. Cushing said that it concerns the survivability of the fireworks, as you have to have a committee to do the work. Mr. Cushing thanked Mr. Collings for the hard work the committee has put into the effort.

Mr. Henry said that he would have no problem putting the matter before Town Meeting.

Mr. Dawson said that another factor in the fireworks is the scheduling of the event with the cooperation of the neighboring communities, who cannot always be relied upon to work together or who sometimes suddenly change their plans. Mr. Collings said that there is concern for public safety and there should be, but it is a Town event and it should be the Town's responsibility to take care of that. Mr. Collings said that this would make it less difficult to raise the money; the short-term goal is to raise enough to sign the contracts with the vendors 30-to-40 days before the event.

Mr. Dawson recalled his first year here as Town Administrator, when the fireworks went out to bid and he was being asked to sign a contract for which the Town did not have the money. Mr. Dawson said that he added a clause that, if the Town could not raise sufficient funds, the Town could cancel the event seven days before the event without consequence. Mr. Dawson said that the problem becomes more complicated, as Town Meeting would not even act until May, 2010 and they won't even have the money to make the initial deposits. Mr. Dawson said that fireworks in 2010 would be unlikely, at best. Mr. Dawson said that a further complication is that the fireworks occur in the 2011 fiscal year. Mr. Collings said that the vendors understand this anomaly of the public finance structure and they are used to "getting to the edge" and carrying on.

Mr. Blanchette complained that, this year, the fireworks were set off 22 minutes before the scheduled time, just in time to have the fog roll in and obscure the show. Mr. Blanchette said he had just learned that the time the fireworks went off was not under the control of the Fireworks Committee. Mr. Blanchette suggested the Town have more control over the timing of the event. Mr. Dawson said that it was his understanding that, once the fireworks are uncrated, the Fire Department has control over the public safety, but he doesn't know who made the final decision. Mr. Dawson said that the State Fire Marshall's office, Homeland Security and the Coast Guard are all involved in control over the fireworks, but the Fire Chief is ultimately in charge.

Mr. Blanchette suggested the Town go on with the fundraising for the fireworks itself and go to the Town Meeting for the public safety costs. Mr. Dawson noted that, for the first time, the EMS will charge for its services, bringing the total cost closer to \$13,000. Mr. Collings expressed his confidence that, if the Town will cover the public safety costs, his committee will be able to raise all the money necessary for the fireworks display.

Chief Miller explained the reasoning behind the hiring of outside personnel to cover the necessary territory during the fireworks. He noted that they cannot depend upon neighboring police departments for assistance, so they rely upon the Sheriff's department. Chief Miller also explained the difficulty in coordinating having neighboring events on the same night, which would help with the size of the crowd—it is difficult to predict.

It was the consensus of the Board to proceed with an Article on the Annual Town Meeting and let the voters decide. Mr. Collings said that his committee will keep in touch with the Board.

Mr. Dawson reported that the police station construction project continues to move ahead with no change orders as yet. Mr. Dawson said that there will, at some point, be a change order relating to the rocks and extra fill, but that is still being negotiated. Mr. Henry asked what role the Police Station Building Committee currently has. Mr. Dawson said that it insures that the project is going along according to plan and that it is advisory.

Mr. Dawson reported that the Town will close on the land next week which Town Meeting had approved, which will allow the construction of the Littleneck Village expansion to go forward. Mr. Dawson said that they are waiting on a decision regarding funding for the project and are hopeful to have a decision in a few days.

Mr. Dawson reported that there had been such an overwhelming response to the Board of Health's first flu clinic, that they had exhausted their supply of vaccine and had to cancel the second clinic.

The Board received a request from David Titus, 36 South Street, to tie into the Town's stormwater drainage system for the same reasons as the request from 38 South Street. Mr. Dawson updated the Board on the first request and said that the Town is waiting to hear from the homeowner regarding the specifics of conditions under which the connection could be made.

**Mr. Blanchette moved** to allow 36 South Street to tie in with the same parameters.

Mr. Henry asked for written recommendations from the Department of Public Works. Mr. Henry also was concerned about plans being recorded on an as-built plan and a tracer on the structure.

The motion was seconded and amended, with Mr. Henry adding subject to the conditions and recommendations from the Superintendent of Public Works; the motion carried unanimously.

**Mr. Blanchette moved** to adjourn the meeting at 8:13 p.m. and go into executive session to discuss contract negotiations with non-union personnel 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 approved: 11/3/09

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

**October 26, 2009**

**Minutes**

The meeting was called to order at 4:17 p.m. Present were Chairman Stephen M. Cushing, Board member Roger F. Blanchette, Town Administrator Paul F. Dawson and Helene Craver, secretary.

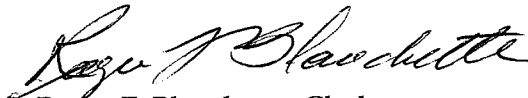
**Mr. Blanchette moved** to sign a common victualler's license for the House of Thai at 374 Front Street, pending the successful completion of inspections by the building department and Board of Health.

Mr. Dawson noted that there remains an issue with a gas fitting on the propane tank. Mr. Cushing said that the recommendation was that a shut-off valve be installed on the older equipment. Mr. Cushing said that the gas inspection was scheduled for tomorrow.

The motion was seconded and carried.

**Mr. Blanchette moved** to adjourn at 4:23 p.m.; the motion was seconded and carried.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 11/3/09