

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

September 15, 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*, Marion School Committee member Joseph A. Scott and Old Rochester Regional School Committee member (Marion's representative) Paula D. Meere, candidate for Old Rochester Regional School Committee John J. Russell, Sippican Historical Society representative Judith Rosbe, Carol Sanz and Helene Craver, secretary.

Mr. Blanchette moved the minutes of September 1, 2009; the motion was seconded and carried unanimously.

Mr. Dawson distributed photos of the new Harbormaster's work boat, which had just been delivered and was being outfitted. Mr. Dawson said that the boat will serve the Harbormaster well and had already been used successfully at Bird Island.

Mr. Dawson indicated that the old squad car which the Board had declared surplus equipment had been put out to bid and one response had been received from Autotronics of Frenchville, Maine, for \$1,000.

Mr. Henry moved to accept the bid, as recommended by the Town Administrator; the motion was seconded and carried unanimously.

Mr. Dawson said that the old 1990 Boston Whaler work boat that the new boat had replaced, along with its motor and trailer, should be declared surplus equipment so that it can be disposed of.

Mr. Blanchette moved to declare the 1990 work boat, motor and trailer surplus property; the motion was seconded and carried unanimously.

Because of the resignation of Robert Nectow from the Old Rochester Regional School Committee, the Board met with Ms. Meere and Mr. Scott to interview Dr. Russell to fill the opening until the next election. Mr. Dawson read a letter from Jane K. McCarthy, Chairman of the Marion School Committee:

"I apologize for not being able to attend tonight's Board of Selectmen's meeting. I am on the Superintendent Search Committee and we are conducting interviews tonight.

"I am writing in support of Dr. John Russell to fill the position on the ORR District School Committee, vacated by Bob Nectow, effective September 30, 2009"

"Dr. Russell has served on both the Marion and ORR District Committee since 2001, and was a huge asset to both. As the former head of the Physics Department at UMass-Dartmouth, he 'brings to the table' a command of data/technology, an understanding of where high school students need to be upon graduation, a sensitivity to town budget issues and a sincere desire to contribute his time and experience to our public schools. Dr. Russell was our 'numbers man' whenever we needed to analyze MCAS results, salary scale comparisons or any other data-driven issues. He also understood Massachusetts School Law and school curriculum.

"If voted onto the District School Committee tonight, the transition will be seamless for Dr. Russell. And with a new superintendent expected to arrive later this year, I believe that consistency would be helpful.

"Thank you for your consideration."

Mr. Cushing asked Dr. Russell if he planned to finish out the term. Dr. Russell said that he would "hit the ground running".

Mr. Blanchette moved to nominate John Russell to replace Robert Nectow on the ORR District School Committee; the motion was seconded and carried unanimously, Mr. Scott, Ms. Meere and the Selectmen voting aye.

The Board then met with Mrs. Rosbe regarding the replacement of the bandshell at Island Wharf. Mrs. Rosbe said that she had brought with her a drawing of the building, as designed by Saltonstall Architects that the Historical Society had approved it as to design. Mrs. Rosbe explained that, each year, the Historical Society dedicates the proceeds of the antique show to some project to benefit the Town and, this year, it was a new bandshell. Mrs. Rosbe summarized the history of the first and subsequent bandshells and noted that the present one has not been maintained. Mrs. Rosbe reported that the Historical Commission had raised \$40,000 and spent some of the money on the design for the new bandshell, which, after investigation, would cost \$100,000-\$150,000 to build. Mrs. Rosbe explained that she was informed that anything the Town did had to go through the procurement process, but they have already paid for the design and have found that the necessary plans and specifications would cost another \$12,000-\$14,000. Mr. Blanchette suggested that the Town may accept the work done by Saltonstall Associates as a gift, with the rest of how the project could proceed would be up to Town Counsel and Mr. Dawson. Mr. Dawson suggested that the best course of action to take tonight would be to take this matter under advisement and plan to meet with Town Counsel and Mr. Saltonstall to plan how to proceed. Mrs. Rosbe described how canvas would be attached to the new bandshell with grommets and removed at the end of the evening. Mr. Blanchette noted that the present bandshell has a storage area, but this design doesn't seem to. Mrs. Rosbe said that they thought they could get a Home Depot storage shed and place it on wheels. It was agreed that more research and discussion needs to take place.

Mr. Blanchette moved to adopt the Designer Selection Procedures, as submitted; the motion was seconded and carried unanimously.

Mr. Dawson explained that these procedures covered the use of architects and engineers for public construction.

Mr. Dawson reported that the owners of a house and small guest cottage located at 38 South Street have requested permission to tie into the Town's stormwater drainage system because of drainage issues. Mr. Dawson explained that the owners had constructed a dry well and had been using a sump pump in an attempt to deal with the groundwater, but this arrangement was insufficient to handle the flow. Mr. Dawson said that having a private homeowner tie into the stormwater system raises potential liability issues. Mr. Dawson said that both Town Counsel and Robert C. Zora, Superintendent of Public Works, had made recommendations; however, the first step would be for the homeowner to get an insurance policy to cover any unforeseen problem. Mr. Dawson said that it would be advantageous to get approval in advance to facilitate working out the details. Mr. Blanchette was concerned about the insurance policy lapsing every year. Mr. Dawson said that the Town would require the Town to be named on the policy. Mr. Blanchette asked if something could be done with the Registry of Deeds. Mr. Henry said that it would be difficult to have the Town named as an additional insured and suggested some sort of easement instead. Mr. Dawson noted that an easement would require a Town Meeting vote. Mr. Henry wondered why this should be any different than a sewer tie in, which is done by simple permit. After further discussion, it was agreed to continue the discussion at the next meeting.

Mr. Blanchette moved to accept the stormwater tie in, subject to all the provisions in the event that they are able to get insurance put into place and to revisit the discussion at the next meeting; the motion was seconded and carried unanimously.

Mr. Henry moved to proclaim October 24 United Nations Day; the motion was seconded and carried unanimously.

Mr. Blanchette moved the following letter to June Robbins, who has resigned from the Zoning Board of Appeals:

"Dear June:

"At our last meeting held September 1st, we received your letter of resignation as Alternate to the Zoning Board of Appeals.

"Two of us have served with you on the Board of Appeals. We know that you have been a valuable asset, going back to 1999. You have been conscientious in your attendance at meetings and displayed insight in your opinions. Your contributions to the Board will be missed.

"We hope that you will find another opportunity to assist the Town in some capacity. Thank you for serving Marion so well over the past ten years."

Mr. Blanchette moved a special one-day, all-alcohol license for the Music Hall on November 6, 2009; the motion was seconded and carried unanimously.

Mr. Blanchette moved a final reading water commitment for \$1,960.61; the motion was seconded and carried unanimously.

Mr. Dawson reported that the I&I construction schedule had been hand delivered to affected residents and posted on the Town's web site. Mr. Dawson said that, when we know in advance about potential disruptions in power, people will be notified. Mr. Dawson said that Mr. Zora and the project engineer will be in at the next meeting to update the Board and answer questions.

Regarding the police station construction, Mr. Dawson reported that the construction company had hit much rock, initiating disputes and discussions, leading to a closer meeting of the minds. Mr. Dawson reported that no change orders have yet appeared. Mr. Dawson said that test borings were taken on the site and given to the contractor, but large rocks were found much closer to the building site than the test borings had indicated.

Mr. Dawson noted that the Town is proceeding with the process of hiring a permanent Fire Chief and, to that end, the Board had requested a committee be formed and he had included a memo on the agenda outline the present composition of the committee, along with a recommended charge to the committee. Mr. Blanchette suggested adding the Police Chief to the committee; Mr. Henry suggested adding an at-large member. It was agreed that the appointment of the committee would wait for responses to an ad for an at-large member.

Mr. Dawson reported that the ambulance repairs are nearly complete and the ambulance is expected to be back in service by the end of the week.

Mr. Dawson referred the Board to a police report of alleged violations of alcohol regulations at The Wave. Mr. Dawson said that a public hearing would be scheduled and the owners notified.

The Board referred to a memo from Treasurer/Collector regarding the tax-taking process. It was emphasized that delinquent taxpayers would have every opportunity to make an appointment with the Treasurer/Collector to make arrangements for payment.

A letter was received from Frank and Nancy Cerkovitz, who reside on Crossneck Road (part public, part private road. The Cerkovitz residence is at #155, the private section). The Cerkovitz's were complaining about the Town's removal of a tree which was blocking the road and the fact that the Town does not plow or maintain the road itself. Mr. Dawson indicated that it was in the interests of public safety that the tree was removed. Mr. Dawson said that the Town wouldn't maintain, repair or plow the private way, as the Town doesn't own it. Mr. Cushing said that, using logic, if there were 3' of snow and an ambulance call, the Town would plow to answer the call. Mr. Dawson said that, in that case, the Town would plow—the Town will do what it needs to do to protect the residents.

Mr. Blanchette asked about the possibility of a Special Town Meeting this year. Mr. Dawson said that the Board has nothing so far, neither does the Planning

Board and they have no petitions. Mr. Blanchette said that he is neither a Dunkin' Donuts nor Uncle Jon's customer, but he has been thinking about the drive-up window which Dunkin's Donuts will be allowed to have—Uncle Jon's missed an opportunity to have a drive-up window by one day and it doesn't seem fair to him. Mr. Blanchette said he doesn't know what they can do except go before Town Meeting to change the law to allow Uncle Jon's to have the drive-up window. Mr. Dawson said that, when Dunkin' Donuts appealed the Zoning Board of Appeals decision, their application with the drive-up window remained active while the case went through the court system prior to the Town changing the by-laws which disallowed drive-up windows. Mr. Dawson noted that the Town cannot allow "spot zoning" to allow Uncle Jon's to have a drive-up window and no one else. Mr. Dawson noted that Uncle Jon's had the opportunity to request a drive-up window before the Town Meeting vote and up to the time the Attorney General's office approved the Town Meeting by-law changes.

Mr. Dawson reported that he has been investigating replacing the sign outside the Town House and has found it difficult to get a consensus from the Board as to the type of new sign. Mr. Dawson asked the Board's opinion of the new sign at Washburn Park. Mr. Blanchette suggested a sign similar to the one in front of St. Gabriel's church. Mr. Henry said he didn't want to see one similar to the Washburn Park sign (dark green with gold lettering).

Mr. Blanchette moved to adjourn at 8:39 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 10/6/09