

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

June 1, 2010

Minutes

The meeting was called to order at 7:00 p.m. Present were Board members Roger F. Blanchette, Stephen M. Cushing and Jonathan F. Henry and Town Administrator Paul F. Dawson. Also present were Lee Craver, Anne O'Brien-Kakley of *The Wanderer*, Carol Sanz, Julia Deane Crowley, Harbormaster Michael H. Cormier, Shellfish Officer Isaac Perry, members of the Open Space Acquisition Commission James R. Gurney, Joseph Keogh and John Rockwell, members of the Marine Resources Commission Scott Cowell, Peter Borsari and Vincent Malkoski, developer John Ludes and his engineer, David Davignon, representatives of The First Congregational Church Fred Danhauser, William Saltonstall and Interim Pastor Charles Newberry, Job's Cove neighbors Francis Fish-Will, George Moffat, Mae Barrett, Kenneth and Beverly Hanson and Robert B. Jones, Susan Nichols, Sherman Briggs and others who may not have signed in and Helene Craver, secretary.

The first item of business was the reorganization of the Board.

Mr. Henry moved to nominate Mr. Blanchette as Chairman; the motion was seconded and carried unanimously.

Mr. Henry moved to nominate Mr. Cushing as Vice Chairman; the motion was seconded and carried unanimously.

Mr. Henry moved to nominate Mr. Blanchette as Chairman of the Water and Sewer Commissioners; the motion was seconded and carried unanimously.

Mr. Cushing moved to nominate Mr. Henry as Clerk; the motion was seconded and carried unanimously.

Mr. Cushing moved to nominate Mr. Blanchette as Parking Clerk; the motion was seconded and carried unanimously.

Mr. Henry moved to nominate Mr. Blanchette as representative to the Buzzards Bay Action Committee; the motion was seconded.

Mr. Blanchette moved to nominate Michael Cormier and Paul F. Dawson as alternates to the Buzzards Bay Action Committee.

Mr. Henry moved to amend his motion to nominate Mr. Blanchette as representative to the Buzzards Bay Action Committee with Mr. Dawson and Mr. Cormier as alternates; the motion was seconded and carried unanimously.

Mr. Blanchette moved to nominate Mr. Cushing to the Music Hall Advisory Committee; the motion was seconded and carried unanimously.

Mr. Henry moved to nominate Mr. Cushing to the Police Station Building Committee; the motion was seconded and carried unanimously.

Mr. Blanchette moved to nominate Mr. Henry to the Plymouth County Advisory Committee; the motion was seconded and carried unanimously.

Mr. Cushing moved to nominate Mr. Henry as SRPEDD representative; the motion was seconded and carried unanimously.

Mr. Blanchette moved to nominate Mr. Henry as JTPG representative, with Mr. Zora as alternate; the motion was seconded and carried unanimously.

Mr. Blanchette moved to nominate Mr. Cushing as clerical union liaison; the motion was seconded and carried unanimously.

Mr. Cushing moved to nominate Mr. Blanchette as DPW union liaison; the motion was seconded and carried unanimously.

Mr. Cushing moved to nominate Mr. Henry as police union liaison; the motion was seconded and carried unanimously.

Mr. Blanchette moved to nominate Mr. Cushing as CMW landfill representative; the motion was seconded and carried unanimously.

Mr. Henry moved to nominate Mr. Blanchette as school committee liaison; the motion was seconded and carried unanimously.

The Board then met with Messrs. Ludes and Davignon. Mr. Ludes said that, as they had left it at the last Selectmen's meeting, he met with representatives from the Open Space Acquisition Commission to investigate public access to the shore on his property off Converse Road. Mr. Ludes said that they had visited the southern property line for the access. Mr. Rockwell said that he and Randy Parker, another member of the Open Space Acquisition Commission, had discussed several options and that Mr. Keogh had walked both the southerly and northerly property lines. Mr. Rockwell said that the northerly line involved stream and wetlands crossings and was not a good spot for shellfishing. Mr. Rockwell said that the southerly access crosses both freshwater and saltwater marshes and would need an elevated walkway, a path constructed and that there was no good place to park. Mr. Rockwell said that the Open Space Acquisition Commission was not interested. Mr. Rockwell offered to write a report on their conclusions.

Mr. Davignon reported that the existing homes are connected to the sewer and the other lots are being offered for sale – it is important to know where we stand on the remaining requested sewer connections. Mr. Blanchette said that the stubs should have been made available when the sewer line went down the road; the Town should have forced the owners to connect at that time; he does not know how this came about, but it is his opinion that Mr. Ludes should have the connections. Mr. Blanchette said that this is not right and the Town was guilty of shortsightedness. Mr. Blanchette said that Mr. Ludes had fulfilled his part by offering the access; now the Town should give

him the stubs and be done with it. Mr. Henry said that he agreed with Mr. Blanchette; Mr. Ludes has tried, the Lands Trust has tried and the Open Space Acquisition Commission has tried to see if they could serve the public benefit, but this access is not useable to the public. Mr. Henry said that it is not Mr. Ludes' fault that the sewer stubs were not put in; the Town should grant the connections that should have been put in in the first place. It was agreed that there should be admittance fee, in the interests of fairness, which would be \$10,000, plus the construction costs.

Mr. Dawson reminded the Board that, for the last several years, the Town has spent an untold number of hours and legal fees to preserve and protect the capacity of the sewer plant and the Town has been engaged in a legal battle and made numerous representations to the court that they would strictly adhere to the sewer policy which is in place. Mr. Dawson said that, before the Board makes a final determination, it would be wise to get an opinion from Town Counsel on whether this violates the Town's representations. Mr. Blanchette said that those three stubs should have been issued in any event. Mr. Dawson said that they should determine whether or not the connection can be granted under the policy absent the public benefit; he will try to find out from the files what happened and why, but the Board should go slowly here. It was agreed that they would hope to have the Open Space report and Town Counsel opinion for the next meeting before proceeding. Mr. Ludes said that the Town already has a public benefit because he is not building 22-36 condominiums on the property; the Planning Board turned the proposals down and the developers withdrew their bids on the property, but others could have followed with similar plans. Mr. Ludes said that his proposal is only asking for three more sewer stubs and the Town benefits by not having the condominium development. Mr. Davignon recalled that, last year, the Board approved all of the requests for sewer stubs, subject to the public benefit and Mr. Ludes made a good faith effort. Mr. Blanchette said that the conditions have not been met and that approval is not valid any longer. More discussion followed in this manner, resulting in no immediate resolution.

Mr. Cushing moved the minutes of April 27, May 4 and May 17, 2010; the motion was seconded and carried unanimously.

Mr. Dawson explained that the Annual Town Meeting had given the Board the authority to approve the easements to Nstar and Verizon for the new police station and Littleneck Village.

Mr. Henry moved the easements to Nstar and Verizon for the new police station (550 Mill Street) and Littleneck Village (330 Wareham Street); the motion was seconded and carried unanimously.

Mr. Dawson explained that, following the public hearing on four poles for Verizon on Converse Road, the plans had been amended to approve two poles, which now need approval.

Mr. Henry moved to approve poles 2/14S and 2/74S; the motion was seconded and carried unanimously.

Mr. Blanchette said that they had previously discussed the possibility of placing a moratorium on any new applications for aquaculture grants for a period of three years to make a determination of whether or not the three applications already approved are successful or have untoward results. Mr. Cushing said that they have only given approval to one at this point – the other two have yet to go through the process for licensing and may not be back before the Board for another year or two. Mr. Blanchette said that, in the meantime, the Board could face requests for another three or five or more and they aren't qualified to make this determination. Mr. Henry suggested a shorter term for a moratorium. Mr. Blanchette objected that they need more time to get a better view on how this is working out. Mr. Blanchette said that he personally doesn't feel qualified to make these determinations. Mr. Cushing agreed, but said that the Board has people they can rely upon to assist them making determinations as to the correct placement.

Mr. Dawson noted that, within the last couple of weeks, representatives of the Marine Resources Commission had attended a meeting with the Planning Board to discuss aquaculture and it might be helpful if they could report on that meeting. Mr. Malkoski said that Town Counsel was also present at the meeting, who explained that the authority to manage the harbor rests with the Harbormaster and Shellfish Officer, which authority comes from the State. Mr. Malkoski said that the licensing process works and that aquaculture is an approved water-dependent use. Mr. Malkoski said that the benefits to the Town are improved water quality and the spat. Mr. Malkoski said that the Planning Board felt that things seemed to be going okay with the existing process. Mr. Blanchette expressed his concern with making a bad decision and requested the Commission to map the waters, as he is uneasy that another twelve requests for licenses will suddenly crop up. Mr. Malkoski said that they could provide this information. Mr. Henry asked if a moratorium is necessary. Mr. Malkoski said he didn't believe anything would be gained from a moratorium, as the Commission can provide answers. Mr. Henry said that the process has been in place since the 90s and the Harbormaster and Shellfish Officer are in control of the situation; he can't think of a reason for a moratorium. Mr. Cushing agreed with Mr. Henry.

Ms. Barrett objected that no one has mentioned the abutters to an aquaculture grant. Mr. Blanchette said that the applicant for Job's Cove had shifted the position of the grant to avoid a hardship, but his is very concerned for the abutters, who have rights. Mr. Malkoski said that everyone has equal rights to the use of the waters and this is taken into consideration with the navigational review. Mr. Malkoski said that accommodations were made by the Bryants and that the fee structure is set by the Commonwealth, not the Town. Mr. Blanchette expressed his confidence in the Marine Resources Commission.

Mr. Dawson explained that a resident's son will be married at 90 Point Road in an area which is designated, "No Parking" and has requested permission to park vehicles in the area for a brief period of time on June 12.

Mr. Cushing moved the request; the motion was seconded and carried unanimously.

Mr. Henry moved the permanent EMT status of Michael J. Still; the motion was seconded and carried unanimously.

Mr. Blanchette noted that there are now two openings on the Marion Affordable Housing Trust and they should consider filling them both, with one effective July 1 and the other immediately.

Mr. Cushing moved to appoint Sharon Matzek for the current opening; the motion was seconded and carried unanimously.

Mr. Henry moved to appoint Nicholas Grace to the opening commencing July 1; the motion was seconded and carried unanimously.

Mr. Dawson said that they had received an abatement request from the homeowner at 659 Front Street, as there was a suspected leak from the plate on the bottom of the meter. Mr. Dawson explained that it is the homeowner's responsibility to report a leaking meter, so there was no basis for granting an abatement. Mr. Henry said that the meter was defective and could have been caused by sediment; there is too much conjecture here. More discussion followed; it was decided to obtain the water usage over the last four years and come to some conclusion.

Mr. Henry moved a one-day, all-alcohol license for the Marion Social Club for July 11; the motion was seconded and carried unanimously.

Mr. Cushing moved water/sewer commitments for new service for \$275.20, final readings for \$3,567.48 and semi-annual billing for \$1,468,153.02; the motion was seconded and carried unanimously.

Mr. Cushing moved credit memoranda for incorrect reading for \$187.21, for incorrect account number for \$25.00 and for incorrect billing for sewer fee for \$209.25; the motion was seconded and carried unanimously.

Mr. Dawson reported that the police station construction is on schedule and that there will be a comprehensive walk through early next week. Mr. Dawson said that he hopes for occupancy prior to August 1. Mr. Henry asked about the stone wall in front of the building. Mr. Dawson said that it was being addressed; the Committee will be making a recommendation.

Concerning the dispute over The First Congregational Church's water bill, Mr. Dawson reported that there had been a meeting with the irrigation company and no leaks were found. Mr. Dawson said that there may have been some issues with the toilet facilities and the recommendation of the Water Department, absent any new information, is not to abate the bill. Mr. Danhauser requested the sewer portion of the \$21,000 bill be abated. Mr. Danhauser said that they are addressing the irrigation cycle and usage and the problem had to have been in the irrigation system, for which no sewerage treatment was used. Mr. Henry suggested the Church investigate a separate water service for the irrigation system. Mr. Blanchette agreed with crediting the sewer portion of the bill. Mr. Dawson reported that the irrigation company had removed the ability to anyone to override the system.

Mr. Henry moved to abate the sewer portion of the bill in the amount of \$6,721.07; the motion was seconded and carried unanimously.

Mr. Dawson suggested a new committee, the Capital Improvements Planning Committee, be appointed to set priorities, help in budgeting for Town buildings and the infrastructure of the Town. Messrs. Henry and Blanchette requested a study and planning for the Town House irrespective of the committee. Mr. Blanchette asked Mr. Dawson to write a charge for the new committee.

Mr. Henry moved to create the committee; the motion was seconded and carried unanimously.


Mr. Blanchette said that he felt the Memorial Day parade was one of the finest he has attended. Mr. Blanchette said that, at the Music Hall ceremony and Old Landing, he spoke with members of VFW Post #2425, who are very concerned about their ability to continue, as many of them are becoming elderly. Mr. Blanchette said that the members would like to urge new members to get involved and contact them by calling Helene Craver, who will put them in touch with the right person.

The Board noted the resignation of Hod Kenney from the Conservation Commission and the resignation of Dorothy Burrill from the Marion Affordable Housing Trust.

Mr. Henry moved to go into executive session to discuss the purchase of real property and contract negotiations with non-union personnel at 9:25 p.m. and not to return to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Blanchette, Cushing and Henry voting aye.

Respectfully submitted,

Date voted: 6/15/10


Jonathan F. Henry, Clerk