

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

July 13, 2010

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Roger F. Blanchette, Board members Stephen M. Cushing and Jonathan F. Henry and Town Administrator Paul F. Dawson. Also present were Lee Craver, Eunice Manduca, Elizabeth Taber Library Trustees Eric Strand and Asha Wallace, Anne O'Brien-Kakley of *The Wanderer*, Eleanor Gural, Francis Reardon, Shelley Keith, Ralph and Ann Iannuzzi, Ray E. Pickles, John Ludes, Carol Sanz and Helene Craver, secretary.

Mr. Cushing moved the minutes of June 15, 2010; the motion was seconded and carried unanimously.

Mr. Strand met with the Board and reported that the Elizabeth Taber Library Building Committee had a meeting with members of the Council on Aging Senior Center Study Committee and discovered that they had mutual needs and areas of common interest. Mr. Strand said that it occurred to them that there were probably other entities which could be included, such as the Town House. Mr. Strand noted that a campus approach might be considered for computer rooms, library, meeting rooms and parking areas within the Town-owned buildings; specifically for the Town House, Council on Aging senior center and Elizabeth Taber Library. Mr. Blanchette noted that the Board is about to create a new committee to address the future needs for the Town and this is something it could study.

Mr. Blanchette suggested investigating replacing the lighting in the conference room to help control the temperature.

Mr. Ludes met with the Board and reported that he had met with the Town Administrator and Town Counsel and they had worked toward a solution to his dilemma. Mr. Dawson recalled their previous discussions concerning the public benefit aspect of the sewer policy and Mr. Ludes made a proposal that seemed to fit, with Town Council agreeing. Mr. Dawson said that the suggestion was to reduce the number of lots from seven to six and to give the Town a deed restriction that no future sub-division would be allowed. Mr. Dawson said that the current lot which contains two structures would remain as is with two houses. Mr. Blanchette noted that all of the structures will be rehabilitated. Mr. Ludes said that one of the structures may become a summer house and he may come back for permission to repair it.

Mr. Reardon objected that he fails to see the public benefit from the proposal. Mr. Blanchette said that one of the original proposals was for thirty units on the property. Mr. Reardon said that people may propose many things, but that doesn't mean it will happen—he can see a benefit to the developer, but not to the public. Mr. Blanchette said that a proposal had been made to work with the Sippican Lands Trust to gain access to the water on one of the lots, but that the Sippican Lands Trust had subsequently backed away from the arrangement, causing this difficulty. Mr. Blanchette

said that he personally would have granted the additional three stubs which had been requested. Mr. Blanchette said that Mr. Ludes had made all his plans based on the agreement, which, unfortunately, did not go forward. Mr. Blanchette listed several areas in which Mr. Ludes had been a benefactor to the Town in the past. Mr. Reardon pointed out that there is no access to the water beyond Silvershell Beach all the way to the point in that area. Mr. Reardon suggested that some sort of easement be retained by the Town so that, possibly in the future, the public access might be arranged over the wetlands. Mr. Reardon said that the Town is getting no return for the sewer connections. Mr. Blanchette said that the public benefit does not have to be relative to the property. Mr. Reardon said that the public benefit does not apply to Mr. Ludes being a "nice guy in the past" and that the Board is "messing with" its policy. Mr. Reardon said that the Board is basing the public benefit of Mr. Ludes' "good deeds in life" and not on the property. Mr. Blanchette said that the public benefit is defined on "what we decide it is going to be". More discussion followed. Ms. Gural agreed with Mr. Reardon and said that the public has a right to be confused about what happened to the conservation portion of the land. Mr. Dawson said that a conservation restriction was not being offered as a gift—it was intended to be a sale to the Sippican Lands Trust. Mrs. Sanz said that the Sippican Lands Trust found out that the price of the conservation portion was to be \$400,000. Mr. Dawson said that the public benefit was not defined in the policy. Mrs. Sanz said that that is the problem—it is unfair and arbitrary and not in the best interests of the Town. Mr. Henry said that Mr. Ludes had given him a note, which states that Mr. Ludes has already donated five acres of estuary along Route #6. Mr. Henry said that this offsets the fact that we didn't get the Converse Road land. Mr. Dawson said that he understands that people want the benefit to be public access to the water, but it doesn't necessarily have to be that benefit. Mr. Briggs said that these lots all meet Title V. Mr. Reardon said that one of the lots is 95% wetlands with a brook going through it—he is very skeptical that it was ever a buildable lot.

Mr. Henry moved that, pursuant to the Town of Marion Water and Sewer Commissioners' Policy for Reallocated Nominal Wastewater Flow, effective May 6, 2009, the Water and Sewer Commissioners approve the application of John Ludes for three new sewer connections along Converse Road, as shown on the plan of land prepared for John Ludes by Thompson Farland dated March 26, 2010, scale "' = 80', specifically for Lots D, E and F, as shown on said plan; the motion was seconded and carried unanimously.

The Board then met with Mr. Pickles, Mrs. Keith and Dr. and Mrs. Iannuzzi concerning the Silvershell Beach stormwater treatment project and the vegetation growing in and upon it. Mr. Pickles said that he is asking permission to approach the Conservation Commission to remove some of the vegetation that has grown up. Mr. Pickles said that he has spoken with two former Selectmen who were on the Board when the project was constructed and both recall that the plans called for wetlands species which were indigenous and not the non-native vegetation which has been allowed to grow and structurally weakens the dike. Mr. Pickles said that the twelve locust trees on the western and southern dikes are causing most of the problems. Mr. Blanchette said that, when this discussion took place three years ago, the Board approved Mr. Pickles' approaching the Conservation Commission. Mr. Pickles said that the Conservation Commission got together with the Tree Warden and the result was

that two small trees at the edge of Silvershell Beach were removed, but not a single locust tree.

Mr. Henry moved to engage the Tree Warden to adjudicate this matter and for permission for Mr. Pickles to go to the Conservation Commission.

Mr. Dawson said that the Superintendent of Public Works meets with the Conservation Commission and walks the area; the land is owned by the Board of Selectmen, but covered under the Wetlands Protection Act, so that State law offsets the agreement—the Conservation Commission has control. Mr. Pickles said that phragmites and bittersweet shouldn't be growing on the banks. Mr. Dawson suggested that Mr. Pickles go to the Conservation Commission and work this out; the Department of Public Works does the maintenance the Conservation Commission authorizes.

Mr. Henry so amended his motion; the motion was seconded and carried unanimously.

Mr. Blanchette suggested that, if the neighbors do not get satisfaction, they should make an appointment to meet with the Board again.

Mr. Cushing moved a one-day, all-alcohol license for the Marion Social Club for July 31; the motion was seconded and carried unanimously.

Mr. Cushing moved a one-day, wine and malt license for VFW Post #2425 for August 28; the motion was seconded and carried unanimously.

Mr. Cushing moved one-day, wine and malt licenses for the Marion Art Center for July 30 and 31 and August 6, 7 and 8; the motion was seconded and carried unanimously.

Mr. Dawson explained that, with the opening of the new police station and its holding cells, it was required to appoint a Keeper of the Lockup and recommended Chief Miller be appointed.

Mr. Cushing moved to appoint Chief Miller Keeper of the Lockup; the motion was seconded and carried unanimously.

Mr. Cushing moved a water/sewer commitment in the amount of \$1,563.20; the motion was seconded and carried unanimously.

Mr. Cushing moved credit memos for 659 Front Street in the amount of \$596.30 and for the 1st Congregational Church in the amount of \$6,721.07; the motion was seconded and carried unanimously.

The Board considered the vacancy for an alternate member on the Conservation Commission. Mr. Blanchette suggested postponing the decision until the next meeting. Mr. Dawson commented that the Commission was eager to fill the vacancy. Mr. Blanchette noted that one of the applicants, a former member, has had a job change and was now available for service. Mr. Blanchette noted that another

applicant was a current member of the Planning Board and it was the Board's feeling that the same person should not sit on more than one regulatory board at a time. Mr. Briggs, who serves on both the Planning Board and Conservation Commission, said that he had never found it to be a problem, if you use the regulations as a guide.

Mr. Henry moved Bruce Hebbel as an alternate member of the Conservation Commission; the motion was seconded and carried unanimously.

Mr. Cushing moved to close Main Street to vehicular traffic for the 1st Congregational Church annual fair on July 31; the motion was seconded and carried unanimously.

Mr. Cushing moved to close Spring Street to vehicular traffic for a Town Party on August 28; the motion was seconded and carried unanimously.

Regarding the annual reappointments, Mr. Blanchette said that only one committee, 2015 Oversight Committee, had not responded to a letter requesting the Chairman's recommendations. Mr. Briggs said that there was some concern regarding a few members not attending the meetings. Mr. Blanchette said that they would not address this committee tonight.

Mr. Henry moved the list, with the exception of the 2015 Oversight Committee; the motion was seconded and carried unanimously.

(The reappointment list is attached and made a part of these minutes by reference.)

Mr. Henry moved to authorize the Town Administrator to use the signature stamps on the appointment slips; the motion was seconded and carried unanimously.

Mr. Dawson reported on the police station dedication, which had taken place on July 10. Mr. Dawson reported that the dedication was very well attended and, sadly, that a principal of the contractor, Richard Freitas of BC Construction, had died suddenly and unexpectedly the day before the dedication.

Mr. Dawson announced that he will be distributing information on the changes in the Open Meeting Law to all members of boards and committees and will be holding an information seminar shortly.

Mr. Dawson requested the Board's opinion on a request from the 5th reunion committee for the 2005 ORR graduating class to use Silvershell Beach on August 27, along with a wine and malt license for the same. It was agreed that recommendations would be sought from the Police Chief.

Mr. Dawson noted that he has an application from Baywatch Realty Trust for a sewer system extension, which is the first step toward attempting to gain sewer capacity for their new facility. Mr. Dawson reported that Town Counsel had drafted a motion for this application.

Mr. Henry moved that the Water and Sewer Commissioners vote to authorize the Town Administrator to execute the "Application for Permit for Sewer System Extension, Connection or Industrial Wastewater, BRP WP 55, 71, 74" for Baywatch Realty Trust, as applied for by Baywatch Realty Trust, for their property on Front Street, Marion, Massachusetts, subject to the following understandings and conditions:

1. This authorization permitting the execution of the above-noted form does not endorse as correct any of the statements contained in the above-noted application prepared by Baywatch Realty Trust, including, but not limited to, claims of compliance with the Massachusetts Environmental Policy Act;
2. This authorization permitting the execution of the above-noted form is contingent upon ensuring that the Massachusetts Department of Environmental Protection's and United States Environmental Protection Agency's approval of said requested sewer system extension, if such approval is granted, will not subject the Town to a violation of the Administrative Consent Order (ACOP-SE-01-1104-SEP) entered into between the Town and the Commonwealth of Massachusetts; and
3. This authorization permitting the execution of the above-noted form is contingent upon the contents of this motion, if adopted, being transmitted to the Massachusetts Department of Environmental Protection, with a copy to the United States Environmental Protection Agency, in the form of a letter from the Town Administrator on behalf of the Water and Sewer Commissioners.

The motion was seconded and carried unanimously.

Mr. Dawson reported that he had been notified that Tower Resource Management, Inc. was interested in the possibility of erecting a communications tower on the Marion Social Club property. Mr. Dawson said that this will open a number of areas to be explored, such as zoning and procurement. Mr. Dawson requested permission to go forward with this proposal. The Board agreed.

Mr. Dawson announced that, Amanda Stone, Public Health Nurse, has recently resigned her position. It was agreed that a letter of thanks would be drafted for the Board's signature.

The Board reviewed a memo from the Harbormaster regarding the approximately half-dozen rocks near the floats at Silvershell Beach and his recommendation to either ban diving from the floats altogether or to remove the floats entirely, to lessen liability to the Town. Mr. Henry suggested removing some of the rocks. Mr. Dawson will investigate this solution.

The Board read correspondence from Marc Sylvia regarding lifting outside watering restrictions for vegetable gardens. Mr. Dawson advised the Board that, in the

past, these exemptions had been handled on a case-by-case basis, which seems to work well.

Mr. Dawson informed the Board that the reason water restrictions had not been voted annually for the last five years was that, in 2005, that Board had decided to continue the practice indefinitely, unless something changed with the water distribution system. Mr. Dawson said that he can foresee a time when the State will require all the cities and towns to have mandatory summer water restrictions and Marion has been acting in a responsible way.

Regarding a water/sewer abatement request for 160 Converse Road, Mr. Dawson explained that the house had been vacant (except for eight days during the billing cycle) and that the house had a meter which had stopped. Mr. Dawson said that the Water Department estimated the minimum billing, rather than at 219 cubic feet.

Mr. Henry moved the abatement request for 160 Converse Road; the motion was seconded and carried unanimously.

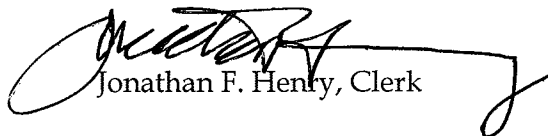
The Board discussed the creation of the Capital Improvement Planning Committee. Mrs. Sanz noted that it was her impression that this committee would look at the condition of existing Town-owned buildings.

The Board reviewed a letter from Catherine Brown of 58 Main Street concerning a sewer backup at her home on June 19 and the Town's response. Mr. Dawson said that the Town did have a policy and there was a proper response, once it was determined that the difficulty was due to a sewer backup and not "water problems", as was first reported by the homeowner. Mr. Dawson said that it was ultimately discovered that the cause of the problem was a crushed sewer pipe.

Mr. Henry moved to adjourn at 9:28 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,

Date approved: 8/10/10


Jonathan F. Henry, Clerk

Attachment

2010 Reappointments

Alternative Energy Study Committee

Robert D. Fisher	June 30, 2011
Norman A. Hills	June 30, 2011
Eunice C. Manduca	June 30, 2011
David K. Pierce	June 30, 2011
William A. Saltonstall, Jr.	June 30, 2011

Americans with Disabilities Act Coordinator

Paul F. Dawson	June 30, 2011
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Bird Island Lighthouse Restoration Committee

Michael H. Cormier	June 30, 2011
Sherman F. Briggs, Jr.	June 30, 2011
Joseph P. Keogh	June 30, 2011
Douglas Watson	June 30, 2011

Building Department

Richard W. Marx, Building Commissioner/Inspector of Buildings/ Zoning Enforcement Officer	June 30, 2011
Scott C. Shippey, Alternate Building Inspector	June 30, 2011
Randy A. Caswell, Inspector of Wires	June 30, 2011
Mark D. Farrell, Alternate Inspector of Wires	June 30, 2011
Paul Maloney, Interim Plumbing & Gas Inspector	June 30, 2011
Steven E. Gibbs, Alternate Plumbing & Gas Inspector	June 30, 2011

Buzzards Bay Action Committee (Marion's representative)

Roger F. Blanchette	June 30, 2011
Paul F. Dawson, alternate	June 30, 2011
Michael H. Cormier, alternate	June 30, 2011

Carver/Marion/Wareham Regional Refuse Disposal District

Stephen M. Cushing	June 30, 2011
Albert W. Richards	June 30, 2012

Cemetery Commissioner

<i>Opening</i>	June 30, 2013
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Chief Procurement Officer

Paul F. Dawson	June 30, 2011
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Community Preservation Committee

Loretta B. Schaefer (Historical)	June 30, 2011
Margherita B. Baldwin (Parks)	June 30, 2011

Randy L. Parker (Open Space)	June 30, 2011
<i>Opening (Housing)</i>	<i>June 30, 2011</i>
Norman A. Hills (Conservation)	June 30, 2011
<i>Opening (Planning)</i>	<i>June 30, 2011</i>
John Rockwell (Open Space)	June 30, 2011
Conservation	
Norman A. Hills	June 30, 2013
Jeffrey W. Oakes, Associate	June 30, 2013
Council on Aging	
Benjamin D. Cushing	June 30, 2013
Emergency Management	
W. Dale Jones	June 30, 2011
Fence Viewers	
Carolyn M. Eames	June 30, 2011
Albert W. Richards	June 30, 2011
Paul F. Dawson	June 30, 2011
Fire Chief Study Committee	
Michael H. Cormier	June 30, 2011
Mark H. Gaffey	June 30, 2011
Jeffrey A. Habicht	June 30, 2011
Jonathan F. Henry	June 30, 2011
Andrew N. Jeffrey	June 30, 2011
Thomas A. Joyce	June 30, 2011
Lincoln W. Miller	June 30, 2011
Fireworks Committee	
Christopher Collings	June 30, 2011
John W. Beck	June 30, 2011
Eric R. Coble	June 30, 2011
Robert L. Dolan	June 30, 2011
Thomas P. Owens	June 30, 2011
Anthony M. Ucci	June 30, 2011
<i>Three openings</i>	
Fourth of July Parade Committee	
Robert Alves	June 30, 2011
Ronald J. Barros	June 30, 2011
Robert P. Demeo	June 30, 2011
Rodney P. Hunt	June 30, 2011
John J. Robarge	June 30, 2011

William D. Titcomb	June 30, 2011
Joseph P. Zora	June 30, 2011
Robert Zora	June 30, 2011
 Assistants to the Harbormaster/Shellfish Officer	
Scott C. Cowell	June 30, 2011
Kyle C. Letendre	June 30, 2011
Michael Paoella	June 30, 2011
John A. Potito	June 30, 2011
Christopher W. Washburn	June 30, 2011
Peter A. Borsari, Reserve	June 30, 2011
Vincent J. Malkoski, Jr., Reserve	June 30, 2011
Chester S. Smith, Reserve	June 30, 2011
 Herring Inspectors	
James R. Gurney	June 30, 2011
Carolyn M. Eames, Assistant	June 30, 2011
 Wharfingers	
Kenneth O. Clark, Jr.	June 30, 2011
Eunice C. Manduca	June 30, 2011
 Historical Commission	
Loretta B. Schaefer	June 30, 2013
 Marine Resources Commission	
Scott C. Cowell	June 30, 2013
Vincent J. Malkoski, Jr.	June 30, 2013
 Marion Affordable Housing Trust	
Roger F. Blanchette	June 30, 2011
Stephen M. Cushing	June 30, 2011
James T. Grady	June 30, 2011
Jonathan F. Henry	June 30, 2011
Ora Mae Torres	June 30, 2011
 Marion Cultural Council	
Juanita B. Howland	June 30, 2013
Lisa M. Baltz	June 30, 2011
Caroline Deborah Bush	June 30, 2013
Margaret B. Howland	June 30, 2012
Kyle W. Riseley	June 30, 2013
Nancy E. Rolli	June 30, 2013
Allyn A. Streeter	June 30, 2013

Marion Pathways Committee

Kenneth S. Litke	June 30, 2011
John Rockwell	June 30, 2011
Joan A. Hartnett-Barry	June 30, 2011
Diane Y. Bondi-Pickles	June 30, 2011
Joseph P. Keogh	June 30, 2011
Jeffrey W. Oakes	June 30, 2011
Jonathan F. Henry, <i>ex officio</i>	June 30, 2011

Marion Scholarship Education Fund Committee

Debra M. Blanchette	June 30, 2011
Jane K. McCarthy	June 30, 2011
Lora A. Sharpe	June 30, 2011
Douglas White	June 30, 2011
<i>Opening</i>	

No Response—Marion 2015 Oversight Committee

Sherman E. Briggs, Jr.	June 30, 2011
Christopher B. Bryant	June 30, 2011
Steven J. Grima	June 30, 2011
A. Lee Hayes	June 30, 2011
Andrew N. Jeffrey	June 30, 2011
Thomas R. Magauran	June 30, 2011
Alan I. Minard	June 30, 2011
Joseph F. Napoli	June 30, 2011
Sidney J. Weinberg, Jr.	June 30, 2011

Mattapoisett River Valley Water District

Donald J. Torres	June 30, 2013
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Mattapoisett River Valley Water Supply Protection
Advisory Committee

David K. Pierce	June 30, 2011
Robert C. Zora	June 30, 2011

Memorial Day Committee

Belmiro J. Barros, Jr.	June 30, 2013
Robert Zora	June 30, 2013

Music Hall Advisory Committee

Sheila Powers Converse	June 30, 2013
Stephen M. Cushing	June 30, 2013
Christina K. Hingston	June 30, 2013

Oil Spill Coordinators

Michael H. Cormier	June 30, 2011
Thomas Joyce	June 30, 2011

Parking Clerk

Roger F. Blanchette	June 30, 2011
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Parks/Tree Committee

Margherita B. Baldwin	June 30, 2011
Christina M. Bascom	June 30, 2012
Katrina J. Saltonstall	June 30, 2013
Margot D. Stone	June 30, 2011
Joyce C. West	June 30, 2012

Personnel Advisory Committee

James B. Barron	June 30, 2011
Roger F. Blanchette	June 30, 2011
Stephen M. Cushing	June 30, 2011
Hamish C. Gravem	June 30, 2011
Karen C. Kevelson	June 30, 2011
Jonathan F. Henry	June 30, 2011
Alan I. Minard	June 30, 2011
Lee Vulgaris	June 30, 2011

Constables

Lincoln W. Miller	June 30, 2011
Russell F. Tinkham, Jr.	June 30, 2011

Police Station Building Committee

Stephen M. Cushing	September 1, 2010
W. Dale Jones	September 1, 2010
Robert R. Dion	September 1, 2010
Lincoln W. Miller	September 1, 2010
William W. Saltonstall	September 1, 2010

Recreation Committee

William R. Washburn	June 30, 2013
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Registrars of Voters

Joseph R. Daly, Elections Warden	June 30, 2011
Michael A. Botelho, Assistant Elections Warden	June 30, 2011

Senior Center Study Committee

Mary J. Gallini	June 30, 2011
Eunice C. Manduca	June 30, 2011

Joseph F. Napoli	June 30, 2011
Lucy P. Napoli	June 30, 2011
Ray E. Pickles	June 30, 2011
David B. Titus	June 30, 2011
Tabitha L. Tripp	June 30, 2011
Susan J. Schwager, Alternate	June 30, 2011
Ora Mae Torres, Alternate	June 30, 2011
Sippican School Major Maintenance Committee	
Wayne E. Mattson	June 30, 2013
Evelyn J. Rivet	June 30, 2013
SRPEDD	
Jonathan F. Henry	June 30, 2011
<i>One member, Planning Board</i>	June 30, 2011
JTPG—	
Jonathan F. Henry/Robert C. Zora	June 30, 2011
Tri-Town River Committee	
James R. Gurney	June 30, 2011
Randy L. Parker	June 30, 2011
Veterans' Agent/Grave Officer	
William D. Titcomb	June 30, 2011
Water Committee	
David K. Pierce	June 30, 2011
Paul F. Dawson	June 30, 2011
W. Dale Jones	June 30, 2011
Thomas A. Joyce	June 30, 2011
Donald J. Torres	June 30, 2011
Robert C. Zora	June 30, 2011
Water/Sewer Rate Review Team	
Rebecca L. Carvalho	June 30, 2011
Paul F. Dawson	June 30, 2011
Judith M. Mooney	June 30, 2011
Robert C. Zora	June 30, 2011