

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

**August 17, 2010**

**Minutes**

The meeting was called to order at 7:03 p.m. Present were Chairman Roger F. Blanchette, Board members Stephen M. Cushing and Jonathan F. Henry and Paul F. Dawson, Town Administrator. Also present were Lee Craver, Police Chief Lincoln W. Miller, Animal Control Officer Susan Connor, Anne O'Brien-Kakley of *The Wanderer*, Town Clerk Ray E. Pickles, Superintendent of Public Works Robert C. Zora, Eunice Manduca, Carol Sanz, Barry Maffini of Verizon, Helene Craver, secretary, and dog owner Louis Lucio and neighbors from the Job's Cove neighborhood, who did not sign in.

**Mr. Cushing moved** the minutes of August 10, 2010; the motion was seconded and carried unanimously.

The Board met with Mr. Pickles, who recommends changing the polling location from the Music Hall to the VFW Post #2425. Mr. Pickles said that the Post would charge the Town \$250.00 for the three days it takes to set up, vote and break down to cover the cost of lighting, heat and janitorial services. Mr. Pickles said that there would be an additional cost to send out notices to registered voters. Mr. Pickles said that his informal poll did not produce a single person who said that the polling place should not be moved. Mr. Pickles noted that the Music Hall presents a safety issue, with the darkness, crossing a street, stairs and the fact that people do not want to use the elevator. Mr. Henry asked how many police officers would be needed. Mr. Pickles said that one would be inside, one outside. Chief Miller said that the second one outside would not be needed at the VFW Post. Mr. Cushing asked about traffic control entering and exiting on Route #6 – wouldn't they need an officer there? Chief Miller said that the volume isn't generally heavy at the polls, except for early in the morning and again about 5:00 p.m. or so. Chief Miller said that there is good visibility both ways. Mr. Dawson asked if the VFW would allow the Town to leave the building set up until Monday following a Friday election, or if the Town would have to pay overtime to have DPW employees come in on a Saturday. Mr. Zora said he didn't think it would be a problem to wait until Monday, but, if it were rented for a Saturday, they could go in on Saturday. Mr. Henry said that, even if they change the polling place, something needs to be done about the lighting at the Music Hall. Mr. Blanchette agreed. Mr. Pickles assured the Board that the VFW facility was fully handicapped accessible.

**Mr. Cushing moved** to accept the request from the Town Clerk to move the polling place to the VFW Post #2425 on Route #6; the motion was seconded and carried unanimously.

Mr. Maffini represented Verizon at the hearing to install Fios equipment on Water Street. Mr. Maffini said that there will be a 1,156' trench for the conduit and equipment. Mr. Maffini said that he did have an inquiry from one of the abutters, who was concerned about the granite which they installed at the end of their driveway and

the issue has been resolved. Mr. Zora confirmed that the granite was in the Town road layout. It was agreed that Verizon will work with Mr. Zora to minimize the disturbance of the roadway.

**Mr. Henry** moved the project as presented, subject to the approval of the Superintendent of Public Works; the motion was seconded and carried unanimously.

The Board opened the dog hearing at 7:22 p.m. Several neighbors were present, but the dog owner (Louis Lucio) was not present until approximately 7:35 p.m. Chief Miller noted that there were thirteen calls complaining about the barking dog between May 13 and August 1. Chief Miller stated that the dog was not vicious, but barked continuously when left alone. Mrs. Connor reported that she has been to the residence on numerous occasions because of numerous complaints. Mrs. Connor said that the dog is a beagle, which has an annoying and persistent bark. Mrs. Connor explained that she has contacted the adult children of the dog owner, who promised to take care of the problem, but did not. Mrs. Connor said that the problem is becoming increasingly worse and this is not the first year she has been called to the same address for the same problem. Mrs. Connor said that she has been unable to contact anyone there at times, because they refuse to come to the door and turn the telephone off. Mrs. Connor said that it would be helpful to have some sort of tool beyond visiting a violator's home and having a Selectmen's hearing – perhaps they should consider a barking ordinance with fines for non compliance. Mr. Dawson said that this would be similar to those non-criminal violations which were granted to the Harbormaster, which would be the next logical step.

At this point, Mr. Lucio was present and stated that he is out fishing for weeks at a time. Mr. Lucio said that he has a bark collar for the dog, but doesn't like to put it on the dog. Mr. Lucio stated that the dog doesn't bark as much when he is home with him. Mr. Cushing noted that the complaints come when no one is home. Mr. Blanchette said that, all this time with all these complaints and Mr. Lucio hasn't done a thing to mitigate the problem. Mr. Lucio said that his dog doesn't like the bark collar. Mr. Blanchette strongly urged Mr. Lucio to consider his neighbors' concerns and observed how difficult it was for people to have to call the police to complain – the problem must be dealt with. Mr. Lucio said that he would be moving within the next four months and that he will keep the dog quiet, because he doesn't want to lose the dog, which he loves.

Mr. Blanchette recalled a neighbor who had a barking dog and the efforts which were made to silence the dog. Mr. Blanchette said that it took several collars before one was found to work, which they left on the dog for four weeks. Mr. Blanchette said that, at the end of that time, they took the collar off and the dog didn't bark anymore. Mr. Lucio promised to keep the dog quiet. Mr. Blanchette said that Mr. Lucio has run out of options – they will continue the hearing until September 21; if the neighbors are still upset, the Board will take action. Mr. Blanchette said that, if there are no complaints between now and September 21, no one will have to come to the hearing. One of Mr. Lucio's neighbors recounted that this is not occasional barking – sometimes the dog will bark continuously from 7:00 p.m. through 3:00 a.m. The neighbor said that

this has been going on for years and it is a quality-of-life issue. Several other neighbors voiced their complaints. One of them said that he had researched how other towns handled this problem and presented the Board with copies of the information. Mrs. Connor said that the bark collars are not meant to be left on for long period of time, as they abrade the dog's skin and cause medical problems, in addition to the original problem. Mrs. Connor said that the dog needs more attention when Mr. Lucio is not home. Mr. Lucio said that he would have his daughter take the dog when he is not home.

The first action item on the agenda was initiated by Mr. Blanchette and was to repeal the vote taken by a previous Board of Selectmen to forego setting the rules regarding the annual watering ban. Mr. Blanchette said that it was his feeling that the current Water and Sewer Commissioners should be taking on this task on an annual basis and not leave it to someone else. Mr. Blanchette said that the situation has changed over the years, because of the increased pumping capacity, pipe capacity and other improvements made to the water system. Mr. Zora said that this was voted a number of years ago and we have a by-law in place. Mr. Zora said that it was agreed to leave the current water restrictions in place until after all of the improvements are in effect, which are not yet complete. Mr. Zora said that water restrictions are an educational process so that people are not watering at inappropriate times, placing a stress on the system. Mr. Zora noted that the current guidelines give everyone ample time to take care of their gardens and lawns. Mr. Zora said that, with the current drought and the restrictions in place, there is still adequate water for fire protection, even though one of the wells went down and a pump had to be replaced.

Mr. Zora reported that Fairhaven and Mattapoisett are considering water restrictions; what the previous Board had done was correct in not changing the restrictions, because the improvements are not complete. Mr. Zora said that lifting the restrictions would compromise fire protection. Mr. Blanchette objected that Mattapoisett doesn't have restrictions – their restrictions are voluntary. Mr. Blanchette said that Marion's water restriction hours are unsatisfactory. Mr. Zora disagreed. Mr. Blanchette said that Mattapoisett has a larger population and that they are part of the same water system and we should come up with some new ideas. Mr. Blanchette said no Board from five years ago should dictate what is happening today. Mr. Zora said that he had a meeting with the Water and Sewer Superintendent from Mattapoisett several weeks ago and he was expressing his concern because they were losing ground with the water towers because they have no restrictions. Mr. Zora said that Fairhaven is having the same problems. Mr. Zora asked if we were willing to give up fire protection for a green lawn. Mr. Blanchette said that, a year and a half ago, he said that the restrictions need to be revisited; he believes our watering times are too restrictive. Mr. Zora said that the Town has a system which has worked for a number of years and they work with the Police Department to enforce the water restrictions.

Mr. Blanchette was adamant that the rules and regulations be revisited because the current ones are "lousy". Mr. Zora said that you either have rules or you don't. Mr. Dawson stressed that it was important to maintain a schedule, because people become confused and find it hard to follow a schedule which changes. Mr. Blanchette said that he wants to have a discussion about the water restrictions next

spring to adopt a plan and decide what we can do better for the Town of Marion because a lot of people aren't happy. Mr. Dawson said that, over the next couple of months, he and Mr. Zora would work on other options. Mr. Blanchette said that the reasons we put in the restrictions in the past are no longer relevant. Mr. Zora said that, even with the improvements, the program is not complete and it takes time for the tanks to fill so as to not jeopardize fire protection. Mr. Zora said that it is important to keep the flow even, to space out the use of water. Mr. Zora said that it took a long time to get to where we are and it is our responsibility to make sure we manage the system correctly.

**Mr. Henry moved** to have the water restriction discussion on an annual basis.

Mr. Henry said that the system has worked well. Mr. Henry said that, during his thirty-five years on the Fire Department, he concurs with having the water system "fire driven" – people were not concerned as long as something came out of the tap, until the house burned down on Beach Street because we didn't have the water supply to fight the fire. Mr. Henry expressed his concern to build drafting basins for Kittansett and Planting Island, which are unrated on the ISO list because of no fire protection and do not have dedicated access to the water.

The motion was seconded and carried unanimously.

Mr. Henry expressed concern over unrepaired fire hydrants, especially on Delano Road. Mr. Zora said that two are on the old line and can't be just shut down and need tap sleeves and valves. Mr. Zora said that there is adequate coverage down there. Mr. Henry said that having hydrants out of service causes the Fire Department to have to change techniques when fighting fires. Mr. Zora said that he hoped to get to it when the water project is finished in October. Mr. Henry asked that the repairs be expedited.

Mr. Zora reported on the various sites and stages of the projects now occurring on Converse Road, Pleasant and Main Streets. Mr. Zora promised that the roads would be passable for the winter.

Mr. Blanchette said that it has been brought to his attention that the Town has a conflicting policy about alcohol at Silvershell Beach, where the Town does not allow the consumption of alcohol at the beach, but makes an exception for the Sippican Lands Trust annual clam bake. Mr. Cushing asked about the Town's liability in that case. Mr. Dawson said that there was always the issue of liability with Town-owned property. Mr. Blanchette suggested the Board consider formulating a policy in the near future. Mr. Cushing suggested a short-term moratorium on alcohol at Silvershell Beach until a policy is developed. Mr. Dawson noted that there may be by-laws to consider, along with the policy.

Mr. Henry said that they had interviewed two people in house to replace Mrs. Craver before advertising outside and were pleased to have found two qualified people. Mr. Blanchette said that both people were fully adequate for the job. Mr. Cushing said that they can't go wrong and it is a tough decision.

**Mr. Henry moved** to appoint Debra Paiva Selectmen's secretary; 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. Cushing moved** to appoint Julia Crowley to the Parks/Tree Committee; the motion was seconded and carried unanimously.

**Mr. Henry moved** to sign the Warrant for the September 14 Massachusetts Primary Election; the motion was seconded and carried unanimously.

**Mr. Cushing moved** to sign a general services contract with CDM; the motion was seconded and carried unanimously.

**Mr. Henry moved** a final water reading commitment in the amount of \$893.42; the motion was seconded and carried unanimously.

Mr. Dawson reported that he had researched the question of whether the Town's retirees were enrolled in the Town's group insurance plan. Mr. Dawson explained that the Town had not adopted section 18, but had joined in the Gateway Health Group, which had. Mr. Dawson said that retirees previous to joining Gateway had the option of staying with group insurance, but subsequent retirees did not. Mr. Henry wished to know how many retirees were still on the group insurance.

Mr. Dawson reported that there had been a breach of security at the Town House and that he is working with the Treasurer/Collector and Finance Director to solve the problem. Mr. Dawson said that he would inform the Board when the plan has been formulated.

Mr. Dawson reported that Town Counsel had completed his comments on the Marion Village Estates seeking exemption from MEPA review and that they had received a copy of a letter Representative Straus had written to the State supporting the Town's position that MEPA review was imperative.

Mr. Dawson noted that the Town had received a preliminary report from the engineers reviewing the lagoons at the wastewater treatment plant and there is some suspicion that there may be a connection between the lagoons and the nitrogen loading in Hammett's Cove. Mr. Dawson said that his and Mr. Zora's and Mr. Cooper's reaction was doubtful of the very preliminary results.

**Mr. Cushing moved** to adjourn at 9:20 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,

  
Jonathan F. Henry, Clerk

Date approved: 9/7/10