

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
October 5, 2010
Meeting Minutes**

MEMBERS PRESENT: Roger Blanchette, Chairman
Stephen Cushing

MEMBERS ABSENT: Jonathan Henry, Clerk

ALSO PRESENT: Paul Dawson, Town Administrator
Carol Sanz
Eunice Manduca
Chris Reagle (Sentinel)
Ricky Pursley (Standard-Times)
Laura Pedulli (Wanderer)
Debra Paiva, secretary

The meeting was called to order at 7:02 p.m. in the Main Conference Room of the Marion Town House.

NOTE: A list of the materials reviewed at the meeting shall be attached to these minutes.

Approval of Meeting Minutes

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the minutes of the September 21, 2010 meeting. VOTE: 2-0-0

APPOINTMENT:

Sherry Bernier – Quelle Lane

At the request of Ms. Bernier's attorney, this appointment was rescheduled to October 19, 2010 at 7:15 p.m.

ACTION ITEMS

1. One-day, all-alcohol license for Marion Social Club, 10/17/10

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the one day, all alcohol license for the Marion Social Club, scheduled for October 17, 2010. VOTE: 2-0-0

2. Water Commitment - \$275.00

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the water commitment for \$275.00, dated September 27, 2010. VOTE: 2-0-0

3. Re-signing of water commitment - \$893.42, approved August 17, 2010

A vote was not required as the commitment was approved August 17.

4. Award bid for DPW carpentry van

Last month the DPW carpentry van stopped running and due to its advanced age a determination was made to replace it. An invitation to bid was issued and one bid was received from Glenn Davis, 5 Washburn Park Road. The proposed vehicle is a 2003 GMC Savannah G3500 with 46,359 miles. The purchase price in the bid was \$11,500 and negotiations resulted in an agreed upon price of \$10,950. The Board was requested to authorize a contract in the amount of \$10,950 for the purchase of the van.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the vehicle for the carpenter and DPW. VOTE: 2-0-0

5. Discussion regarding potential firefighter insurance

Mr. Dawson said the Board has been looking for ways to recognize the long term service of the members of the Marion Fire Department. Part-time, paid volunteer firefighters are not qualified to participate in the Plymouth County Retirement system and are not eligible for a pension upon retirement. Volunteer Firemen's Insurance Service (VFIS) is a firm that allows municipalities, subject to appropriation at Town Meeting, to make a contribution to the insurance fund which would offer a monthly benefit to retired firefighters. The amount of the payment would vary with the number of years of service. Mr. Dawson said the plan recognizes the longevity of the members of the Fire Department and provides an incentive to the younger members of the Fire Department to continue to provide the volunteer service. Mr. Dawson noted that in many communities the volunteerism has dwindled and the alternative is full time fire service requiring salaries, pensions, health benefits, vacation time, sick time, etc.

VFIS has met with the Board and provided information on how to implement the plan. Two proposals were reviewed; one allowing five years to pay into the plan and one allowing ten years.

Another decision for the Board is how many years of service the existing, long-term members will be credited; five years of credit and ten years of credit were also reviewed.

Mr. Blanchette recommended that the long term members be credited for ten years of service plus every additional year they continue to work rather than credited for five years. Mr. Dawson said nobody will get rich under this program but it is a true recognition of the years of service the firefighter provided. Mr. Blanchette said it made financial sense to choose the five year opportunity for the Town to pay into the plan.

Mr. Dawson said it won't be voted on until Town Meeting in the spring but now is the time to begin the process.

Moved by Mr. Cushing and seconded by Mr. Blanchette to move forward with Plan 4 as submitted by VFIS for the Marion Fire Department. VOTE: 2-0-0

6. Appointment of Daniel Burke to EMS

A letter from Emergency Medical Services Director Jeffrey Habicht dated September 28, 2010, was read into the record. Mr. Habicht recommended the permanent appointment of Daniel Burke to Marion Emergency Medical Services as an EMT Basic. Mr. Cushing said it was good to see a young Marion resident stepping forward to fill some of spaces in EMS.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the request to appoint Daniel Burke to EMS. VOTE: 2-0-0

7. Approve recommendation of Designer Selection Committee regarding Town House Existing Conditions Study

At the September 21 meeting the Board appointed a Designer Selection Committee to review the submittals to the Town House Existing Conditions Study RFQ. Mr. Dawson said eight submittals were received and the committee has reviewed and ranked them. Town Meeting appropriated \$19,000 in CPC funds for this project and that fact was made known in the RFQ. The committee unanimously agreed that the architectural firm of Durland & VanVoorhis was ranked the highest in the scoring. Mr. Dawson requested the

Board authorize him to recognize Durland & VanVoorhis as the highest ranking firm and to begin the process of contract negotiations in an amount not to exceed \$19,000.

Carol Sanz asked what the firm will do; she was told the first thing will be an existing conditions survey, which includes a structural, engineering, and mechanical survey of the entire building and a prioritized plan for the process of performing necessary repairs to the building. The second component will be a detailed plan for the replacement of the windows in the Town House. Mrs. Sanz asked if they will be changing the design of the building and was told no.

Moved by Mr. Cushing and seconded by Mr. Blanchette for Mr. Dawson to proceed with negotiations with Durland & VanVoorhis, not to exceed \$19,000. VOTE: 2-0-0

8. Sign warrant for State Election

The warrant for the upcoming State Election was reviewed. Mr. Dawson announced that the election will be Tuesday, November 2, at the VFW Post at 465 Mill Street. The polls will be open from 7:00 a.m. to 8:00 p.m.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the warrant for the State Election. VOTE: 2-0-0

Mr. Blanchette said the VFW location has received favorable feedback. Mrs. Sanz said she noticed it was difficult to see the entrance because there were so many people waving signs near the entrance. Mr. Dawson said after the September election the Town Clerk approached him and asked if the DPW could erect a directional sign on the other side of Route 6. The Town Clerk has also indicated that he would ask the police officers on duty that day to have the people move back.

9. Letter to Attorney Regnante (Marion Village Estates)

This letter was discussed and reviewed at the September 21 meeting; it had been agreed to vote on it tonight.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the letter and authorize Town Counsel to send it. VOTE: 2-0-0

Mr. Cushing noted that any problems this developer is having in obtaining the proper permitting is not the fault of this Board.

TOWN ADMINISTRATOR'S REPORT

1. 2015 Oversight Committee update

At the September 21 meeting the Board made appointments to the 2015 Oversight Committee; subsequent to that meeting Mr. Dawson was notified that due to health considerations Mr. Weinberg will be unable to serve. Mr. Blanchette said the Board had discussed at the September 21 meeting having a Selectman serve on that committee. Mr. Cushing voiced concern that the number of committee members could result in the occurrence of a tie vote. Mr. Blanchette suggested the vacancy be advertised and also that Mr. Cushing serve as ex officio member.

Moved by Mr. Blanchette and seconded by Mr. Cushing that Mr. Cushing be the Board's ex officio member of the 2015 Oversight Committee. VOTE: 2-0-0

The Chairman of the 2015 Oversight Committee has submitted to the Board a disclosure of an appearance of a conflict of interest; the disclosure was read into the record. Mr. Dawson explained that whereas an elected official would file a disclosure with the Town Clerk, a Board or Committee member is required to file with the appointing authority.

2. Discussion – Potential cell tower – Marion Social Club

The Board has previously discussed the possibility of the Town leasing a portion of the land at the Marion Social Club for the placement of a cell tower. While this would require a Special Permit from the ZBA, the Board would still have to issue an RFP for a company who pay the most favorable price for the lease. Mr. Dawson said as Chief Procurement Officer he should not be issuing an RFP on Town property without the approval of the Board. Mr. Blanchette asked if the bylaw required any cell tower in town to be placed on Town property. Mr. Dawson said State law does not allow municipalities to preclude cell towers; additionally, a zoning amendment approved at Town Meeting would allow towers in residential areas. Mr. Blanchette said if a cell tower is approved it should be placed on Town property to allow the Town to derive the income.

Moved by Mr. Cushing and seconded by Mr. Blanchette to allow the Town Administrator to pursue the cell tower. VOTE: 2-0-0

3. Discussion – Future of Fire Chief Study Committee

The Committee has met and made the recommendation relative to the Fire Chief. Mr. Dawson has met with Mr. Gaffe, the chairman, and they have discussed whether the committee should be dissolved or if there is additional work the Selectmen would like them to do. Mr. Cushing said one thing they should look at is the possibility of merging EMS and the Fire Department. Mr. Blanchette said the Chief is part time, with great savings, and the possibility exists for a Special Assistant to the Chief, a full-time staff person at the fire house who would be responsible for taking calls, doing inspections, maintaining equipment, etc. He said this would not create a terrible expense, and the committee might want to investigate this and make recommendations.

4. Discussion – Building Commissioner position

Mr. Dawson said he has reached out to neighboring communities to see if there was a chance to share a Building Inspector and there has been no interest shown. Mr. Marx has left and there currently is nobody in the Building Inspector position. Mr. Dawson said Scott Shippey is the backup Building Inspector but currently works for the Department of Public Works. Mr. Dawson requested that the Board, at the very least, appoint Mr. Shippey as the Building Commissioner on an interim basis and then discuss what direction will be taken in the future.

Mr. Blanchette said in the past there has been discussion whether the Building Commissioner position should be full- or part-time, and he continues to believe that it should be full-time.

Mr. Dawson explained that State law now requires that any person hired must hold, at a minimum, a current certification of Local Building Inspector. Once that certification is achieved, Building Commissioner certification is required. Mr. Shippey is a certified Local Building Inspector and has been working toward Building Commissioner certification. Mr. Blanchette said Mr. Shippey has been working for the Town for many years and it makes absolute sense to hire him. Mr. Dawson said he has had conversations with Mr. Henry relative to this and they had discussed whether Mr. Shippey could continue to work for the DPW on a part-time basis and act as a part-time Building Commissioner. Mr. Dawson said he did not believe that would do justice to either position.

It was agreed to appoint Mr. Shippey on an interim basis and then discuss this at the October 19 meeting, which would allow Mr. Henry to participate in the final decision.

Moved by Mr. Cushing and seconded by Mr. Blanchette to appoint Mr. Shippey as the Interim Building Commissioner. VOTE: 2-0-0

5. Fall Special Town Meeting

Mr. Dawson requested the Board open a warrant for a Special Town Meeting to be held on Monday, November 15, at 7:00 p.m. The Board will have a Special Meeting on Wednesday, October 13, at 6:45 p.m. to close the warrant.

Moved by Mr. Cushing and seconded by Mr. Blanchette to open the warrant for a Special Town Meeting to be held on Monday, November 15, 2010 at 7:00 p.m. VOTE: 2-0-0

6. Discussion – New Water Meters

New water meters will be distributed to all residences in Town; Mr. Dawson suggested, as part of the installation process, that the employees observe whether there are illegally connected sump pumps in the homes. He explained that the issue of inflow and infiltration is a huge problem and a huge project, and this seems to be the perfect time to begin the process of eradicating some of the illegal connections to the sewer system.

Mr. Dawson said stormwater is not supposed to discharge into the sewer system, and it puts a huge financial burden on the ratepayers of the town. Mr. Blanchette said the Town needs to investigate how residents who are currently pumping into the sewer system can instead pump into the storm drains, and the meter installation should not begin until this issue has been resolved.

After discussion, it was agreed that Mr. Dawson will contact CDM and see how quickly a solution can be found.

CORRESPONDENCE –

Town Treasurer – Notice of Tax Taking (dated 9/21/10)

Mr. Carreiro submitted to the Board notification describing the tax taking process for Fiscal Year 2010.

Memo to Town Boards regarding hiring of outside consultants using applicant funds (dated 9/20/10)

This was a copy of a memo Mr. Dawson has issued to the Planning Board, Zoning Board of Appeals, and Conservation Commission regarding the procurement process for hiring outside consultants using private applicants' funds.

Albin Johnson III – Appointment to 2015 Oversight Committee (dated 9/27/10)

Mr. Johnson has sent an email requesting appointment to the 2015 Oversight Committee. As the Board discussed previously, the vacancy will be advertised and Mr. Johnson's email will be included in the list of those who may reply to the advertisement.

Coalition for Buzzards Bay – Letter regarding amicus brief (dated 9/20/10)

A letter from the Coalition for Buzzards Bay was read into the record. The Coalition is requesting the Board sign onto an amicus brief being filed by Attorney Phil Beauregard.

Moved by Mr. Cushing and seconded by Mr. Blanchette to sign the statement supporting the Coalition for Buzzards Bay. VOTE: 2-0-0

Request for proclamation (dated 8/20/10)

The request was made by an organization named The Emily Fund; the organization is requesting that October be declared Domestic Violence Awareness Month.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the proclamation. VOTE: 2-0-0

Division of Marine Fisheries (dated 10/1/10)

The notice states that the status of the Weweantic River has been changed to "Open to Shellfishing".

Department of Housing & Community Development – Bay Watch Realty Trust
(dated 9/29/10)

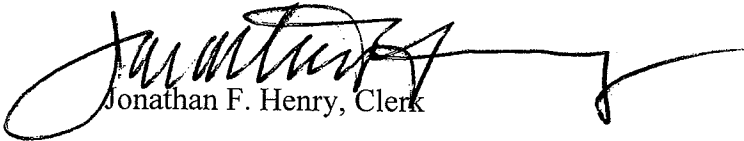
Application for Expedited Review of Determination of Substantial Change

Bay Watch Realty Trust has filed an appeal of the Zoning Board of Appeals' recent decision that the proposed changes in the project were a substantial change in the plan. As a result of the appeal there will be a conference of counsel on October 7 at 2:00 p.m.; Mr. Blanchette will be attending the conference.

The verbiage of the appeal was reviewed and discussed. The appeal makes allegations that the Town is trying to obstruct the applicant from receiving their building permits prior to January 1.

Moved by Mr. Cushing and seconded by Mr. Blanchette at 8:45 p.m. to adjourn. VOTE:
2-0-0

Respectfully submitted,



Jonathan F. Henry, Clerk

Date approved: 10/19/10

RECEIVED
TOWN CLERK OF MARION, MA
2010 OCT 20 A 8:14

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October 5, 2010**

DOCUMENTS REVIEWED AT MEETING

One day alcohol license – Marion Social Club, October 17, 2010
Water Commitment, dated September 27, 2010, for \$275.00
Water Commitment, approved August 17, 2010, for \$893.42
Memo from Mr. Dawson, dated October 5, 2010, regarding DPW carpentry van
Plan Specifications for Volunteer Firemen's Insurance Service (VFIS)
Letter from EMS Director Jeffrey Habicht, dated September 28, 2010, regarding
appointment of Daniel Burke
Memo from Mr. Dawson, dated October 5, 2010, regarding Town House Existing
Conditions Study
Warrant for State Election
Draft letter from Attorney Witten, dated September 19, 2010, to Attorney Regnante
Disclosure of appearance of conflict of interest, dated August 13, 2010, from Steven
Grima
Aerial photo showing proposed tower location at Marion Social Club
Memo from Mr. Dawson, dated October 5, 2010, regarding Special Town Meeting
Memo from Town Treasurer, dated September 21, 2010, regarding Notice of Tax Taking
Process
Memo from Mr. Dawson, dated September 20, 2010, regarding hiring of outside
consultants using applicant funds
Email from Albin Johnson III, dated September 27, 2010, regarding appointment to 2015
Oversight Committee
Letter from Coalition for Buzzards Bay, dated September 20, 2010, regarding amicus
brief
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Weweantic River
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29, 2010, regarding Bay Watch Realty Trust
Application for Expedited Review of Determination of Substantial Change, Bay Watch
Realty Trust