

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
October 19, 2010
Meeting Minutes**

MEMBERS PRESENT: Roger Blanchette, Chairman
Stephen Cushing
Jonathan Henry, Clerk

ALSO PRESENT: Paul Dawson, Town Administrator
Carol Sanz
Eunice Manduca
Robert Pellegrini
Manny Paiva
Chris Reagle (Sentinel)
Laura Pedulli (Wanderer)
Debra Paiva, secretary

The meeting was called to order at 7:05 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 October 5, 2010 meeting. VOTE: 2-0-1 (Mr. Henry abstained)

APPOINTMENTS:

Continued Public Hearing – Cumberland Farms

The applicant was represented by Attorney Robert Pellegrini and Planning Manager Manny Paiva. Attorney Pellegrini said the only proposal before the Board is an application to allow the replacement of existing underground fuel storage tanks. The three existing 8000 gallon single wall tanks are proposed to be removed and replaced with two 20,000 gallon tanks; the new tanks will be placed in a different location on the site.

Attorney Pellegrini told the Board this application is strictly limited to the new tanks and not part of the application recently denied by the Planning Board.

Mr. Cushing asked if diesel fuel will be sold and was told automotive diesel fuel will be offered. He asked if the Fire Chief has reviewed the application and was told he has approved the plan and license with the stipulation that if and when the building raze and rebuild is approved the gasoline fire suppression system will be tied into the local fire alarm system. Mr. Paiva said a letter indicating Fire Department approval was submitted to the Planning Board.

Mr. Dawson explained the three components associated with permitting underground fuel storage tanks:

1. License approval by Board of Selectmen. Once approved, the license is permanent and remains with the property unless amended to increase, decrease, or eliminate.
2. Annual inspection, testing, and permitting by the Fire Department.

3. Annual registration with the Town Clerk.

Mr. Henry questioned the point of having a permit to dramatically increase the storage when there are no compelling circumstances to do it. Mr. Paiva said he could not say when the tanks will be installed. Mr. Blanchette suggested continuing the public hearing until the applicant can provide an idea when the work will be done. Mr. Dawson explained the Board has a certain amount of time to issue a decision after the close of the public hearing; failure to provide a decision would result in a constructive grant. Mr. Blanchette asked when the project will be done. Attorney Pellegrini said the tank expansion was part of the bigger project but it would also serve a lot of practical purposes for the company (cutting number of deliveries, upgrade the site, etc.) Mr. Henry agreed that it was an upgrade but said he found it troubling that a construction time can't be pinned down. Attorney Pellegrini said the applicant has spent money on engineering, the statute behind the application is related to safety, and whether the tanks are installed tomorrow or in the future does not impact safety at all. Mr. Blanchette said the Board should not be granting an open-ended permit if the applicant can't indicate what year the project is planned to be done. Mr. Henry said he would expect some type of commitment from the company. Mr. Pellegrini said he has worked in the past to have entire sites permitted and then lack of funding caused the Board of Directors to decide not to construct the project. Mr. Cushing said that's a nature of the business to plan a project and then not follow through on the construction. Mr. Blanchette said his concern is that a permit could be granted and the applicant could hold it for ten years or more without doing anything with it. He suggested granting the permit with a condition stating that it would expire in five years if construction is not complete; Attorney Pellegrini said he could not agree to that condition. Mr. Blanchette said his main concern was that the applicant would tie this request to the expansion of the entire site. Mr. Henry said some of his concerns have been allayed after hearing Mr. Cushing's viewpoint that corporations plan things and then don't always follow through with the construction. He also noted Mr. Dawson's point that the applicant already has a permit.

Moved by Mr. Cushing and seconded by Mr. Henry to approve the amended permit.
VOTE: 2-1-0 (Mr. Blanchette opposed)

Sherry Bernier – Quelle Lane

At the request of Ms. Bernier's attorney, this appointment was rescheduled to November 2, 2010 at 7:05 p.m.

ACTION ITEMS

1. One-day, all-alcohol license for Marion Social Club, 10/30/10

Moved by Mr. Henry and seconded by Mr. Cushing to approve the one day, all alcohol license for the Marion Social Club, scheduled for October 30, 2010. VOTE: 3-0-0

2. One-day, wine & malt license for Always in Bloom, 10/28/10

Moved by Mr. Henry and seconded by Mr. Cushing to approve the one day, wine & malt license for Always in Bloom, scheduled for October 28, 2010. VOTE: 3-0-0

3. One-day, all-alcohol license for Marion Social Club, 11/06/10

Moved by Mr. Henry and seconded by Mr. Cushing to approve the one day, all alcohol license for the Marion Social Club, scheduled for November 6, 2010. VOTE: 3-0-0

4. Discussion – Building Inspector

Moved by Mr. Henry and seconded by Mr. Cushing to table the discussion. VOTE: 3-0-0

5. Approval of Housing Production Plan

A consultant was hired by the Marion Affordable Housing Trust to update the existing plan; the update has been reviewed by various Town Boards and Committees, approved by the Planning Board, and is now before the Selectmen for final approval.

Carol Sanz asked for a description of the plan; Mr. Blanchette explained the public hearing process followed for the update and presentation of the plan.

Moved by Mr. Henry and seconded by Mr. Cushing to approve the Housing Production Plan and also to authorize the Chairman to execute the letter to the Department of Housing and Community Development. VOTE: 3-0-0

6. Water Commitment - \$4809.33

Moved by Mr. Cushing and seconded by Mr. Henry to approve the water commitment for \$275.00, dated October 19, 2010. VOTE: 3-0-0

TOWN ADMINISTRATOR'S REPORT

1. Water Meter upgrades/CDM

The Town is in the process of upgrading water meters, which has led to discussions regarding homeowners illegally discharging storm water into the sewer system. At the October 5 meeting Mr. Dawson had been asked to develop a comprehensive policy to address the issue. In his discussions with CDM Mr. Dawson has been informed that the current sewer policy contains a prohibition against illegal connections to the sewer system and a mechanism to prevent the connections. The Board has acknowledged, however, that some areas of town have a very high water table and property owners need an alternative method of discharging the storm water. Mr. Dawson will be meeting tomorrow with Mr. Zora, Mr. Cooper, and CDM representatives to discuss the policy.

2. Holiday party

The holiday party will be held December 7.

3. Update – Converse Road water project

Mr. Dawson said a large number of calls have been received from people concerned about the conditions on Converse Road. A meeting was held with the engineers this morning and paving operations began today. The contractor has been informed that they will not be paid until a list of required work is completed. Compaction issues were briefly discussed.

4. Recreation Committee

The Recreation Department Director has informed Mr. Dawson that she will be retiring December 1.

5. Senior Work-Off Program

The Council of Aging has requested the wording of the senior work-off program be adjusted to allow individuals who own real estate in a life estate to participate in the program. Attorney Witten has reviewed and agreed to the amendment.

Moved by Mr. Cushing and seconded by Mr. Henry to approve the request to add the verbiage in the No. 3 category of the Marion Senior Work-Off Abatement Program subject to review by Town Counsel. VOTE: 3-0-0

6. Road Building Material and Cutback Asphalt Bids

A memo from DPW, dated October 15, 2010, was reviewed. Attached to the memo was information relative to the annual bids for road building material and cutback asphalt. Mr. Blanchette asked if the bids were for a specific project and was told they were for materials needed for the upcoming year.

Moved by Mr. Cushing and seconded by Mr. Henry to accept the bids for road building materials and cutback asphalt as presented. VOTE: 3-0-0

7. Meeting with Rochester Board of Health and Board of Selectmen

Mr. Dawson met with engineers this morning to discuss the recent discovery of perchlorate in the West Well, located in Rochester. Mr. Dawson recommended that the Board hold a Special Meeting and invite the members of the Rochester Board of Selectmen and Rochester Board of Health to share what information is available. After discussion it was agreed Mr. Dawson will work with the Rochester Town Administrator to schedule the meeting.

CORRESPONDENCE –

Plymouth County Commissioner's Office (dated 10/1/2110)

The Commissioner's Office is requesting notification of the Board's representative to the Advisory Board. Mr. Henry agreed to continue to act as representative.

Board of Health (dated 9/28/10)

The Board reviewed a copy of a letter from the Board of Health to a resident of County Road regarding a failed septic system.

Treasurer/Collector – Proposed Investment Policy (undated)

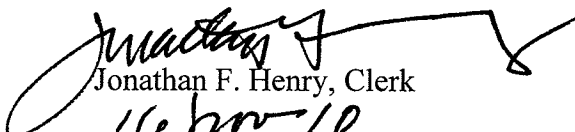
A draft policy was distributed to the Board for their review. Mr. Blanchette suggested the Town's bond counsel and financial advisor review the plan and provide a recommendation.

Washburn Trust

Mr. Blanchette has been informed by Mr. Winters that he is planning to continue with the Trust and will be seeking new members.

Moved by Mr. Cushing and seconded by Mr. Henry at 8:45 p.m. to adjourn. VOTE: 3-0-0

Respectfully submitted,


Jonathan F. Henry, Clerk
10/19/10
Date approved:

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
October 19, 2010**

DOCUMENTS REVIEWED AT MEETING

One day alcohol license – Marion Social Club, October 30, 2010
One day wine & malt license – Always in Bloom, October 28, 2010
One day alcohol license – Marion Social Club, November 6, 2010
Draft letter to DHCD, dated October 19, 2010, approving Housing Production Plan
Water Commitment, dated October 19, 2010, for \$4809.33
Memo from Council on Aging, dated October 14, 2010, regarding senior work-off
program
Letter from Board of Health, dated September 28, 2010, regarding 149 County Road
Proposed Investment Policy
Memo from R. Zora, dated October 15, 2010, regarding road building material and
cutback asphalt bids