

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
May 1, 2012**

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

**ALSO PRESENT:** Paul Dawson, Town Administrator  
Jody Dickerson  
Jeff Oakes  
Joe Keogh  
Elizabeth Brainard  
John Rockwell  
Mike DeCicco (Standard Times)  
Jennifer Heshion (Sippican Week)  
Chris Reagle (Sentinel)  
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Henry announced that the meeting would be televised, video recorded by ORCTV, and audio recorded by Town of Marion staff. A list of the materials reviewed at the meeting shall be attached to these minutes.

**Approval of Meeting Minutes**

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the minutes of the April 17, 2012 meeting. VOTE: 3-0-0

**APPOINTMENTS**

**MOSAC, Bike Path Committee**

The following committee members were present for this discussion:

Jeff Oakes - MOSAC, Bike Path Committee  
Elizabeth Brainard – MOSAC  
John Rockwell – MOSAC, Bike Path Committee  
Joe Keogh – MOSAC

Mr. Oakes told the Board that Bay Watch has come to an agreement with the owner of a parcel of land critical to the bike path; the parcel is located behind the Wave Restaurant and connects two portions of the bike path. Mr. Rockwell said Special Town Meeting vote authorized the Selectmen \$300,000 to purchase a conservation restriction behind the Bay Watch project if it was in the best interest of the Town. Mr. Oakes noted that the draft Comprehensive Permit contains no mention of the bike path; Mr. Henry said that's because it's a private settlement.

Mr. Oakes said the agreement contains a number of conditions that are problematic. The main concern is the clause that requiring completion of the pathway within five years; he expressed doubt that it would be completed in that time.

Mr. Henry said the first phase of the global agreement has been signed off on by the abutters and Bay Watch; Mr. Dawson said he has been told that but has not been

provided a copy. He explained that the Town is not a party to that agreement but will be provided a copy if the Selectmen move forward with the conservation restriction purchase.

Mr. Dawson said a motion was made at the October, 2011 Special Town Meeting for the expenditure of CPC funds. Within that motion was a reference authorizing the Board of Selectmen to enter into discussions with the parties to accept the land outlined in the article (parcels C&E on site plan submitted at that time and no others.) Mr. Blanchette said the selectmen were to negotiate with the developers and as far as he is concerned that has not happened. Mr. Rockwell said when the developer asks for the \$300,000 MOSAC and the Bike Path Committee can come back before the Selectmen.

Mr. Dawson suggested the Board send a letter to the ZBA asking that the Comprehensive Permit contain a condition extending the five year provision to a longer period of time. He said the easement would be perpetual if the bike path is completed in five years but the requirement would be null and void if it is not.

Mr. Blanchette said the Board should send a note to the ZBA relative to the conditions contained in the agreement; Mr. Henry said he attended a ZBA meeting and the focus was on engineering, not the bike path. He said the bike path conditions are within the scope of the Selectmen, not the ZBA.

## **ACTION ITEMS**

### **Memorial Day Parade route request**

The Memorial Day Parade Committee has requested permission to allow the parade to end at Old Landing Memorial Park.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

### **Feast of St. Anthony street closure request**

The Feast of St. Anthony Committee has requested the use of the Point Road playground and the partial closing of Point Road on June 10 from 1:00 p.m. – 6:00 p.m.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

### **Assignment of Annual Town Meeting articles**

The articles were assigned as indicated below:

Articles 1-3 – Mr. Henry

Articles 4-6 – Mr. Blanchette

Articles 7-9 – Mr. Cushing

Articles 10-12 – Mr. Henry

Articles 13-15 – Mr. Blanchette

Articles 16-18 – Mr. Cushing

Articles 19-21 – Mr. Henry

Articles 22, 24, 26 – Mr. Blanchette

Articles 27-29 – Mr. Cushing

Articles 30-32 – Mr. Henry

Articles 33, 34, 37 – Mr. Blanchette

Articles 38-40 – Mr. Cushing

Article 41-43 – Mr. Henry

Article 23 will be presented by a member of the Community Preservation Committee.

Article 25 will be presented by Mr. Pierce.

Articles 35 & 36 will be presented by one of the citizens proposing the articles.

**Approve and sign Police Lieutenant's contract**

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

**Declare surplus property**

The Council on Aging is in possession of various metals and has submitted a request that they be declared surplus scrap metal.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve and also to authorize the Town Administrator to accept the best deal on the surplus property. VOTE: 3-0-0

**Discuss request for one day alcohol license for Sippican Lands Trust, Silvershell Beach**

The request was held over from the last meeting; Article IX of the bylaws prohibits the consumption of alcohol on any beach owned by the Town of Marion. Mr. Blanchette said the Board could not knowingly break the law and suggested that residents interested in changing the bylaw submit a petition for the Fall Town Meeting. He recommended that this request and any similar requests received in the future be denied unless the bylaw is amended.

Moved by Mr. Cushing and seconded by Mr. Blanchette to deny the request. VOTE: 3-0-0

**One day all alcohol license – VFW #2425 – Graduation Party – 1:00 p.m. – 7:00 p.m. (5/12/12)**

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

**Proclamation – National Arbor Day**

The proclamation was read into the record.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the Marion Arbor Day proclamation. VOTE: 3-0-0

**TOWN ADMINISTRATOR**

**Town House sewer line break**

Last Wednesday a sewer line between the Town House and the library broke and was temporarily repaired. It was the second break in that section of the line in less than a year; Mr. Zora has been asked to price the complete replacement of the line. Mr. Henry recommended that the possibility of Town House renovations be considered when pricing the work.

**Discussion regarding Cumberland Farms project field change**

The original site plan approval included a requirement for Cumberland Farms to install ADA compliant sidewalk aprons at the Front Street driveway. The Town's upcoming repairs to Front Street and its sidewalks will change the elevations; if Cumberland Farms were to comply at this time the new aprons will have to be torn out during the future road repairs. After discussion between the Town and applicant, it was agreed that Cumberland

Farms will not do the sidewalk aprons and in exchange will replace 50'-70' of 10" pipe with 12" pipe. The written agreement has been reviewed and approved by the Building Commissioner, DPW Superintendent, Cumberland Farms, Planning Board Chairman, and Town Counsel.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the contract. VOTE: 3-0-0

#### **Town Meeting update**

The warrants have been printed and were mailed last Friday. VOTE: 3-0-0

#### **CORRESPONDENCE**

The following correspondence items were briefly discussed:

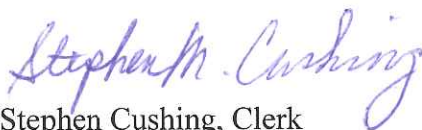
#4 – Letter from Lunenburg Selectmen regarding Lunenburg ZBA vs. Housing Appeals Committee

#8 – Memo from Chief Miller regarding FEMA reimbursement – Chief Miller's memo regarding receipt of reimbursement (\$81,804.94) for expenses related to Tropical Storm Irene was read into the record. Chief Miller thanked Mrs. Mooney for her assistance; Mr. Dawson said the federal reimbursement process is cumbersome and noted the job well done by Chief Miller and Mrs. Mooney.

#### **EXECUTIVE SESSION**

Moved by Mr. Cushing and seconded by Mr. Blanchette at 8:07 p.m. to enter into Executive Session for strategy related to ongoing litigation and to discuss competitively sensitive information related to the procurement of electric power after which the Board will not be returning to regular session. A roll call vote was taken with all members voting aye.

Respectfully submitted,



Stephen Cushing, Clerk

Date approved: 5/15/12

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

**May 1, 2012**

**DOCUMENTS REVIEWED AT MEETING**

Meeting minutes – April 17, 2012

Letter from Rodney Hunt regarding Memorial Day Parade and Observances (4/3/12)

Letter from Feast of St. Anthony Committee requesting use of Point Road Playground

Request for declaration of surplus property - Council on Aging (4/18/12)

Request for one day alcohol license for Sippican Lands Trust, Silvershell Beach

One day all alcohol license – VFW #2425 – Graduation Party - 1:00 p.m. - 7:00 p.m.

(5/12/12)

ZBA request for comments – 12 Hartley Lane (4/13/12)

Letter from Verizon regarding Form 500 (4/15/12)

Memo from DEP Drinking Water Program Director regarding 2012 outdoor water use restrictions (4/18/12)

Letter from Town of Lunenburg Selectmen regarding Lunenburg ZBA vs. Housing Appeals Committee (4/19/12)

Notice of Decision of ZBA – 56 Allen Street (4/18/12)

Copies of 2 letters from Building Commissioner regarding 82 Dexter Road (4/20/12)

Memo from Chief Miller regarding resignation of Special Police Officer Matthew Howarth (4/24/12)

Memo from Chief Miller regarding FEMA reimbursement (4/27/12)

Letter from Boston Society of Civil Engineers announcing results of statewide competition (4/26/12)