

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
MEETING MINUTES
December 20, 2016**

MEMBERS PRESENT: Jonathan Dickerson, Chairman
Stephen Cushing
Stephen Gonsalves

ALSO PRESENT: Paul Dawson, Town Administrator
Isaac Perry, Harbormaster
Adam Murphy, Shellfish Officer
Chris Bryant
Ben Bryant
Nat Bryant
Robert Raymond
Robert Lane
Alan Minard
Patricia McArdle
Diane Cosman
Warren Washburn
Jim Kiehl
Tanner Harding, Sippican Week
Jean Perry, Wanderer
Mike DeCicco, Standard Times
Debra Paiva, secretary
Others who did not sign in

The meeting was called to order at 7:00 p.m. in the Town House conference room. Mr. Dickerson announced that the meeting would be video recorded and televised by ORCTV and audio recorded by Town of Marion staff.

Approval of meeting minutes – November 15, 2016, December 6, 2016, June 5, 2012 Executive Session, July 10, 2012 Executive Session, August 21, 2012 Executive Session, September 4, 2012 Executive Session, September 18, 2012 Executive Session, October 2, 2012 Executive Session, November 6, 2012 Executive Session, November 20, 2012 Executive Session, December 3, 2012 Executive Session, January 22, 2103 Executive Session
Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the minutes. VOTE: 3-0-0

APPOINTMENT

7:05 p.m. – Public Hearing – Complaint regarding dog owned by Greg Silva

The public hearing notice was read into the record. Mr. Silva had previously requested that the public hearing be continued to allow his attorney to be present.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to continue the public hearing to January 3, 2017. VOTE: 3-0-0

ACTION ITEMS

2017 licenses

The list of licenses to be renewed for 2017 was reviewed and briefly discussed. Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the list of 2017 license renewals with the caveat that all paperwork be completed. VOTE: 3-0-0

Request for appointment to Marion Cultural Council – Janet Faler
Request for appointment to Marion Cultural Council – Ken Lawton

Applications for appointment and comments from the committee chairman were reviewed and briefly discussed.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to appoint Janet Faler and Ken Lawton to the Marion Cultural Council. VOTE: 3-0-0

APPOINTMENT

7:10 p.m. – Patricia McArdle - Discussion regarding proposed article for 2017 Annual Town Meeting

Attorney McArdle was present with Bill Curley, representative of property owner Hamblin Homes, to discuss a proposed zoning amendment. The property consists of four lots located off Spring Street and currently is zoned General Business and Limited Industrial. The proposed amendment would change the property zoning to Residential E and would allow the construction of 28 townhouse style condos. Availability of sewer was briefly discussed; Mr. Cushing voiced concern that construction would require an extension of the sewer system.

Robert Lane, 158 Point Road, Planning Board Chairman, said the Planning Board voted last night to initiate a zoning change that would require a special permit for the construction of any residential development.

Mr. Dawson explained that should the selectmen vote tonight to authorize the insertion of the article into the Annual Town Meeting warrant the proposal would be referred to the Planning Board for a public hearing to be held prior to Town Meeting.

Moved by Mr. Gonsalves and seconded by Mr. Cushing to move forward and authorize the insertion of the article into the Annual Town Meeting warrant. VOTE: 3-0-0

ACTION ITEMS

Request to transfer aquaculture license from Catherine Brodeur to Shea Doonan

Ms. Brodeur and Mr. Doonan were present to discuss this request. Ms. Brodeur currently holds an aquaculture license for a site off Ram Island and is requesting authorization to transfer it over to Mr. Doonan. Mr. Cushing noted that Mr. Doonan has requested an aquaculture license for a different site and asked if he will be withdrawing that request; Mr. Doonan told him no. Ms. Brodeur told the selectmen that the entire half acre site is utilized.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to transfer the aquaculture license to Shea Doonan from Catherine Brodeur. VOTE: 3-0-0

Harbormaster request to increase transient mooring fees

Harbormaster Isaac Perry was present and explained his request to increase the transient mooring fee from \$200 to \$400.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the request of the Harbormaster to increase transient mooring fees. VOTE: 3-0-0

Sewer connection application – fifth bedroom – 460 Front Street

Property owners Ryan and Kate Hill were present with Attorney Richard Schaefer. The property is a bed and breakfast and the request is to increase the sewer capacity from four bedrooms to

five bedrooms. Approval of the request would not result in an expansion of the sewer system as the property has an existing connection. The application has been reviewed by the DPW Superintendent Rob Zora and also the Wastewater Division Superintendent Frank Cooper; both have made favorable recommendations.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to accept the recommendation of the Department of Public Works Superintendent. VOTE: 3-0-0

Request for 3 year extension of existing aquaculture license – Scott Cowell

Mr. Cowell was present; his request was reviewed and briefly discussed.

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

Tree City USA application

Moved by Mr. Cushing and seconded by Mr. Gonsalves to authorize the chairman to sign the Tree City USA application for the year 2017 on behalf of the board. VOTE: 3-0-0

One day all alcohol license – Marion Social Club – retirement party 1:00 p.m. – 5:00 p.m. (1/8/17)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the license. VOTE: 3-0-0

One day all alcohol license – Marion Social Club – spaghetti dinner 6:00 p.m. – 10:00 p.m. (1/14/17)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the license. VOTE: 3-0-0

Request to declare surplus property – 2000 Ford E-350 ambulance (A-2)

The Fire Chief's request was reviewed and briefly discussed; the 2000 ambulance has become surplus after the acquisition of the new ambulance.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the request. VOTE: 3-0-0

Water/Sewer commitment – final readings & FRMA - \$566.83 (12/14/16)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the commitment. VOTE: 3-0-0

Water/Sewer commitment – new service - \$350 (12/14/16)

Moved by Mr. Cushing and seconded by Mr. Gonsalves to move the commitment. VOTE: 3-0-0

APPOINTMENTS

7:30 p.m. – Public Hearing – Aquaculture permit application – Chris Bryant

The public hearing notice was read into the record. Applicants Chris Bryant, Ben Bryant, and Nat Bryant all were present for the public hearing; Ben Bryant spoke on behalf of Chris Bryant. The request is for a half acre grant south of Meadow Island; the brothers currently hold a half acre grant on Job's Cove. A different site applied for last year was found to have eel grass. The issues addressed during Mr. Bryant's presentation included Town of Marion aquaculture regulations, Chapter 91 regulations, comments received regarding the application, location of the proposed site, an application filed previously by Shea Doonan, historic right of commercial use of waterways, and the visual impact of project (floating bags, four markers),

Mr. Bryant requested that the selectmen approve the requested site and also a site located 100' south and southwest in the event that Division of Marine Fisheries recommended moving the project further away from the navigation channel.

Mr. Cushing said that he has visited the site and moving it might be beneficial. He noted that the selectmen needed to find a balance between commercial needs and resident needs.

Mr. Gonsalves said he would like to see the site moved; he noted that he is not opposed to aquaculture but wants the feedback of the residents as well. Chris Bryant explained that selectmen approval to move forward was needed before the Division of Marine Fisheries inspected the sites.

Public Comment

Diane Cosman, 19 West Avenue, asked questions and made comments regarding M.G. L. Chapter 130 section 57, Chapter 91, difficulty navigating the area, plans for future expansion, statements made in the application, and statements made by Mr. Bryant's during Shea Doonan's public hearing. Mr. Bryant responded that Mr. Doonan's request was for a different site.

William Berry, 48 East Avenue, voiced concern for navigability. He noted that said recreational navigation has been protected in the state for a long time and needs to be protected further.

Jeff Holmes, 73 West Avenue, made comments and asked questions about the sandbar at the end of the island, oyster gardens allowed in Rhode Island, revenues collected for aquaculture permits, and property paid by residents of Planting Island.

Jim Kiehl reminded the selectmen that an online petition with approximately 113 signatures had been submitted; Mr. Bryant noted that many of the signatures were not made by Marion residents. Ms. Cosman explained that many of the homes are owned by trusts and members

Scott Scarpato, 11 Richardson Road, 71 West Avenue, and 68 West Avenue, made comments and asked questions about fees, taxes, navigability, the shifting sandbar, the taking of public land to benefit one at the expense of others, recreation, supporting local businesses

Mrs. Cosman stated for the record that the Planting Island Association voted to send a letter of opposition to the project.

Hudson Plumb, 27 West Avenue, voiced concern for navigation and recommended that the selectmen view a photograph of the site at low tide.

When responding to concerns voiced by the abutters, Ben Bryant discussed moving the site south to resolve the navigation issue, aquaculture's right to public waters, public good, and site size required to operate a business.

Mr. Gonsalves explained that he was not comfortable with the location of the project.

Mr. Dickerson expressed concern for navigation.

Ben Bryant asked if the members of the Planting Island Association would be willing to meet with him and work on some of the issues with the application; the selectmen agreed to continue the public hearing to allow additional time for the parties to work on the issues.

Nat Bryant explained in detail how the site was laid out giving consideration to navigation.

William Washburn said the best option is for the applicant and residents to determine the best location for aquaculture.

Ms. Cosman asked about the MGL requirement that aquaculture applications be reviewed within 60 days of submittal; Mr. Perry explained the law.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to continue the public hearing to January 17, 2017 at 7:05 p.m. VOTE: 3-0-0

7:45 p.m. – Alan Minard, Rob Lane – Discussion regarding Town House options

Mr. Minard and Mr. Lane were present as private citizens to discuss an idea for the Town House options. They proposed that the selectmen form an independent committee to consider a campus style center that would include the senior/community/recreation building and also a newly constructed Town House. Mr. Minard and Mr. Lane requested that \$25,000 of CPC funds previously approved for the Town House Building Committee be used for the independent

committee to hire a consulting engineer to develop an elevation and floor plan and provide a cost estimate.

After a discussion whether the CPC funds could be used for this purpose it was agreed that Mr. Dawson would get an opinion from Town Counsel for review at the January 3 meeting. Mr. Minard and Mr. Lane were asked to submit an outline of the recommended duties for the committee and Mr. Dickerson requested that individuals wishing to serve on the committee submit letters requesting appointment.

8:00 p.m. – Marion Council on Aging (COA) – Discussion regarding designation of VFW building

Joanne Mahoney, COA chair, and Heather Sylvia, COA Director, were present for this discussion. Mrs. Mahoney requested that the selectmen designate the VFW building as a senior/community center. Mr. Dickerson pointed out that the VFW requested that the building be used as a senior/community/recreation center and asked if that was the vision of Mrs. Mahoney. Mrs. Mahoney said the primary use of the building should be as a senior center Monday through Friday, 8:00 a.m. to 4:00 p.m., and available as a community and recreation center outside of those hours. Mr. Dickerson asked if the center would be available for elections and was told yes. When Ms. Sylva was asked how she envisioned the use of the building she indicated that she agreed with Mrs. Mahoney's request.

Moved by Mr. Dickerson and seconded by Mr. Gonsalves to designate the former VFW building located at 465 Mill Street as the Benjamin D. Cushing Senior/Community/Recreation Center. VOTE: 3-0-0

Subsequent to the vote being taken Mr. Minard said there might be funds available in the budget to upgrade the bathrooms and do some of the other work necessary to meet code prior to requesting the remaining funds at the Annual Town Meeting. Mr. Dickerson told Mrs. Mahoney that the Friends of the Marion Recreation Department would be happy to meet with her and discuss additional fundraising.

ACTION ITEMS

Discussion – Memo from Finance Director regarding non-contracted personnel

NOTE: Mr. Dickerson recused himself from this discussion and left the room.

Mrs. Mooney was present for this discussion. The request is for the selectmen to authorize increases up to and not to exceed 2% for non-contracted, non-Union personnel. Mrs. Mooney explained that approval of the request would help with budget planning and the increases would be limited to FY18.

Moved by Mr. Gonsalves and seconded by Mr. Cushing to authorize an increase of 2% in Fiscal Year 2018 for the non-contracted personnel. VOTE: 2-0-0

NOTE: After the vote was taken Mr. Dickerson joined the meeting.

Approve & execute contract – CDM Smith – Master Services Agreement

Approve & execute contract – CDM Smith – MS4 Agreement

Approve & execute contract – CDM Smith – CMOM

Approve & execute contract – CDM Smith – Spring Street Agreement

A memo from Mr. Dawson, describing each contract, was reviewed and discussed.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the four CDM Smith contracts and also to authorize the Town Administrator to sign them. VOTE: 3-0-0

Certification of unpaid water lien accounts

Moved by Mr. Cushing and seconded by Mr. Gonsalves to authorize the Board of Selectmen to sign the certification. VOTE: 3-0-0

Proclamation – Al’s Yankee Clipper Barber Shop

A statement proclaiming January 8 Al’s Yankee Clipper Barber Shop Day was read into to the record.

Moved by Mr. Gonsalves and seconded by Mr. Cushing to sign the proclamation. VOTE: 3-0-0

TOWN ADMINISTRATOR REPORT

Surplus property bids

A memo from Mr. Dawson regarding the results of the recent invitation to bid for surplus vehicles and motors was reviewed and discussed. Mr. Dawson recommended that the bids be awarded as listed below:

That Item #1 – 2008 Ford Crown Victoria – VIN 2FAFP71V68X179298 be awarded to Murphy’s Auto Salvage, West Wareham, for \$597.50

That Item #2 – 2005 Ford Crown Victoria – VIN 2FAFP71W05X133650 be awarded to Murphy’s Auto Salvage, West Wareham, for \$369.50

That Item #3 – 2008 Ford Crown Victoria – VIN 2FAFP71V08X147687 be awarded to Murphy’s Auto Salvage, West Wareham, for \$429.50

That Item #4 – Two (2) 2006 Mercury Verado Outboard motors be awarded to Murphy’s Auto Salvage, West Wareham, for \$1769

Mr. Dawson also recommended that the selectmen reject all bids for the 1993 ambulance as it would be in the best interest of the Town; prior to the bid opening he was informed that the motor could be used to replace the recently failed motor of the Town’s bucket truck. The cost for a refurbished motor is \$5200 and the highest bid for the ambulance was \$1051.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the awards of Items #1, #2, #3, and #4, and to reject the bids for #5. VOTE: 3-0-0

Update – NPDES permit discussions & issues

A letter dated December 9, 2016 indicating that the Environmental Protection Agency (EPA) will move forward with the issuance of the NPDES permit was reviewed and discussed. Mr. Dawson told the selectmen that he has been in contact with Representative Keating’s office and has requested assistance in working with the EPA.

Discussion – Designation of special labor counsel

Mr. Dawson requested the appointment of Attorney Philip Collins of Collins, Loughran & Peloquin to act as Special Labor Counsel in a complicated personnel matter. The hourly rate of \$215 will be all inclusive.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to appoint Attorney Philip Collins as Special Labor Counsel in this matter. VOTE: 3-0-0

Mr. Dawson recommended that the Executive Session included on the meeting agenda be postponed to a future meeting.

Moved by Mr. Dickerson and seconded by Mr. Gonsalves at 10:02 p.m. to adjourn. VOTE: 3-0-0

Respectfully submitted,



Stephen C. Gonsalves, Clerk
Date approved: February 7, 2017

02-08-10R1:-23

MARION BOARD OF SELECTMEN
DOCUMENTS REVIEWED AT MEETING – December 20, 2016

MEETING MINUTES – November 15, 2016, December 6, 2016, June 5, 2012 Executive Session, July 10, 2012 Executive Session, August 21, 2012 Executive Session, September 4, 2012 Executive Session, September 18, 2012 Executive Session, October 2, 2012 Executive Session, November 6, 2012 Executive Session, November 20, 2012 Executive Session, December 3, 2012 Executive Session, January 22, 2013 Executive Session

Legal ad - Complaint regarding dog owned by Gregory Silva

Correspondence submitted by Patricia McArdle regarding proposed article for 2017 Annual Town Meeting

Aquaculture permit application – Chris Bryant

7:45 p.m. Alan Minard, Rob Lane – Discussion regarding Town House options

Marion Council on Aging request regarding designation of VFW building

List of 2017 licenses

Request for appointment to Marion Cultural Council – Janet Faler

Request for appointment to Marion Cultural Council – Ken Lawton

Request to transfer aquaculture license – Catherine Brodeur

Harbormaster request to increase transient mooring fees

Sewer connection application – fifth bedroom – 460 Front Street

Request for 3 year extension of existing aquaculture license – Scott Cowell

Tree City USA application

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Memo from Finance Director regarding noncontracted personnel

Memo from Town Administrator regarding:

CDM Smith contract - Master Services Agreement

CDM Smith contract - MS4 Agreement

CDM Smith contract - CMOM

CDM Smith contract – Spring Street Agreement

List - unpaid water lien accounts

Proclamation – Al's Yankee Clipper Barber Shop (1/8/17)

Memo regarding surplus property bids

Letter from EPA, dated 12/9/16 regarding NPDES permit

Memo regarding designation of special labor counsel

Request for appointment to Marion Cultural Council – Lisa Baltz

Letter from Comcast regarding programming changes

Letter from MassDOT regarding review of posted speed limit

ZBA decision – 460 Front Street

Resignation from Marion Cultural Council – Susan Schwager

Letter from MMA regarding Annual Report

OTHER BOARDS

Upper Cape Cod Regional School District Committee – 11/10/16 meeting minutes