

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
MEETING MINUTES  
May 2, 2017**

**MEMBERS PRESENT:** Jonathan Dickerson, Chairman  
Stephen Cushing  
Stephen Gonsalves

**ALSO PRESENT:** Todd Zell  
Erin Zell  
Carol Ditata  
Gabe Ditata  
Christine Winters  
Mike DeCicco, Standard Times  
Andrea Ray, Sippican Week  
Jean Perry, Wanderer  
Paul Dawson, Town Administrator  
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.

Mr. Dickerson announced the recent passing of Anne Washburn and offered condolences to her family.

**APPROVAL OF MEETING MINUTES –  
April 18, 2017**

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

**February 2, 2016 Executive Session**

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

**March 1, 2016 Executive Session**

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

**ACTION ITEMS**

**Request for appointment to Council on Aging – Constance Pierce**

The request for appointment and also comments submitted by Council on Aging Director Heather Sylvia were reviewed. In her comments, Ms. Sylvia indicated that the Council on Aging voted on April 19, 2017 to recommend that Ms. Pierce be appointed as an Associate Member.

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

**Request for appointment to Council on Aging – Joseph Napoli**

The request for appointment and also comments submitted by Council on Aging Director Heather Sylvia were reviewed. In her comments, Ms. Sylvia indicated that the Council on Aging voted on April

19, 2017 to recommend that Mr. Napoli be appointed to fill the vacancy that will be effective on June 30, 2017.

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

## **APPOINTMENT**

### **7:05 p.m. Public Hearing – Brew Fish – Request to amend Entertainment License**

The public hearing notice was read into the record. The request is to amend an existing Entertainment license to allow entertainment on the patio. Owners Todd and Erin Zell were present; Mr. Zell explained that the outside entertainment would be limited to one to two acoustical instruments and performers. Mr. Cushing asked what measures had been taken to limit the sound from leaving the area; Mr. Zell explained that the tent and awnings absorb sound, the entertainment would be played away from the street, the area is fully enclosed by a fence, and trees would be added.

Carol Ditata, 385 Front Street, voiced concern for the level of noise from the music. Mr. Zell explained that they have been cutting back on the amount of loud band music and adding more acoustical entertainment. If a band is playing, it will remain inside and the doors will be closed.

It was agreed that the entertainment on the patio would be limited to one to two acoustical instruments, Thursday 5:00 p.m. – 9:30 p.m., Friday 5:00 p.m. – 11:00 p.m., Saturday 12:00 noon – 11:00 p.m., Sunday 12:00 noon – 9:30 p.m.

Comments from Building Commissioner Scott Shippey were reviewed and discussed; Mr. Shippey recommended that the selectmen request the applicant to ensure that the maximum occupancy for the deck area, which is 75 people, not be exceeded.

Fire Chief Brian Jackvony has submitted comments indicating that he has no issue with the request.

Mr. Dawson verified that outside and inside entertainment would not occur at the same.

Audience members had no further questions or comments.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to close the public hearing. VOTE: 3-0-0

Moved by Mr. Cushing and seconded by Mr. Gonsalves to approve the request of Todd Zell for outside entertainment on the days and hours discussed. VOTE: 3-0-0

## **ACTION ITEMS**

### **Water abatement request – 169 Marion Road, Rochester**

An application requesting abatement of the water bill for property located at 169 Marion Road, Rochester and recommendations made by DPW Superintendent Rob Zora were reviewed and discussed. Review of the information revealed the following:

- A leak occurred at the property.
- Section 2.3 of the Marion Department of Public Works Water Division Rules & Regulations states that all water that passes through a meter will be billed to the property owner.
- The Department of Public Works could not recommend an abatement of the bill.

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

### **Water abatement request – 600 New Bedford Road, Rochester**

An application requesting abatement of the water bill for property located at 600 New Bedford Road, Rochester and recommendations made by DPW Superintendent Rob Zora were reviewed and discussed. Review of the information revealed the following:

- A leak occurred under the crawl space.
- Section 2.3 of the Marion Department of Public Works Water Division Rules & Regulations states that all water that passes through a meter will be billed to the property owner.

- The Department of Public Works could not recommend an abatement of the bill.

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

**One day alcohol license – Tri-County Music Association Pops Concert at Tabor Academy 1:00 p.m. – 5:00 p.m. (06/10/17)**

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

**One day alcohol license – Marion Social Club – Memorial Service 12:00 noon – 4:00 p.m. (05/07/17)**

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

### **TOWN ADMINISTRATOR REPORT**

#### **Discussion regarding possible corridor study of Route 6**

The Master Plan transportation subcommittee been working with SRPEDD and considering a corridor study of Route 6 from the Wareham town line to the Mattapoisett town line to examine issues including traffic calming, ADA compliance issues on the sidewalk, and a bike lane. SRPEDD is willing to perform the study at no cost to the Town; the only action required by the Town is a letter requesting that the study be done. Mr. Dickerson stated that at the recent Tri-Town Selectmen meeting the Town Administrator for the Town of Mattapoisett suggested that the Marion and Mattapoisett Planning Boards work together to resolve some the issues with Route 6.

Moved by Mr. Cushing and seconded by Mr. Gonsalves to send the letter to SRPEDD. VOTE: 3-0-0

#### **Update on improvements at Benjamin D. Cushing Community Center**

Mr. Dawson described the amount of work done at the Community Center and praised the efforts of the Facilities Department, Recreation Department, Plymouth County Sheriff's Community Service Team, and numerous volunteers and donors.

#### **Discussion regarding Board of Selectmen summer meeting schedule**

The summer meetings will be held at the police station in the conference room. The following summer meeting schedule was approved: Tuesday, July 11, Tuesday, August 1, Tuesday, August 15.


#### **NOT ON AGENDA**

Mr. Dickerson announced that 13 days remained to raise funds for fireworks.

Mr. Dickerson and Mr. Gonsalves thanked Mr. Cushing for all of his efforts over the past nine years.

Moved by Mr. Cushing and seconded by Mr. Gonsalves at 7:50 p.m. to adjourn. VOTE: 3-0-0

Respectfully submitted,

  
Stephen C. Gonsalves, Clerk  
Date approved: May 16, 2017

2017 MAY 17 A 8 33  
TOWN CLERK OF MARION, MA  
RECEIVED

**MARION BOARD OF SELECTMEN**  
**DOCUMENTS REVIEWED AT MEETING – May 2, 2017**

Meeting minutes: April 18, 2017, February 2, 2016 Executive Session, March 1, 2016 Executive Session

Public Hearing materials – Brewfish request to amend Entertainment license

Request for appointment to Council on Aging – Constance Pierce

Request for appointment to Council on Aging – Joseph Napoli

Water abatement request – 169 Marion Road, Rochester

Water abatement request – 600 New Bedford Road, Rochester

One day alcohol license – Tri-County Music Association Pops Concert at Tabor Academy 1:00 p.m. – 5:00 p.m. (06/10/17)

One day alcohol license – Marion Social Club – Memorial Service 12:00 noon – 4:00 p.m. (05/07/17)

Letter to SRPEDD requesting corridor study of Route 6

Memo from Mr. Dawson regarding Board of Selectmen summer meeting schedule

Tabor Academy request to close portions of Front Street for May 29 Commencement

Letter from Kate & Ryan Hill, Silvershell Inn, regarding purchase of privilege stickers

Letter from USDA regarding Annual Wetland Reserve Monitoring Notice

Letter from Conservation Commission, Tree Committee, and Sippican Lands Trust requesting landfill quarantine area for invasive species

Letter from Historical Commission regarding Civil War Monument at Music Hall

Resignation from Marion Cultural Council – Kirk Smith

Notification of Chapter 91 Waterways License Application – 41 East Avenue

Letter from FEMA regarding floodplain map

**OTHER BOARDS**

Memo from Town of Carver regarding reorganization of Board of Selectmen