

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
MEETING MINUTES  
October 7, 2014**

**MEMBERS PRESENT:** Jonathan Dickerson  
Stephen Cushing

**MEMBERS ABSENT:** Jonathan Henry, Chairman

**ALSO PRESENT:** Paul Dawson, Town Administrator  
Jeff Oakes  
Kirk Coykendall  
Mike DeCicco (Standard Times)  
Chris Reagle (Sentinel)  
Jean Perry (Wanderer)  
Matthew Bernat (Sippican Week)  
Debra Paiva, secretary

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 televised, video recorded by ORCTV, and audio recorded by Town of Marion staff. A list of the materials reviewed at the meeting will be attached to these minutes.

**Approval of Meeting Minutes – September 16, 2014**

Moved by Mr. Cushing and seconded by Mr. Dickerson to move the minutes as written. VOTE: 2-0-0

**APPOINTMENTS**

**7:05 p.m. – Marion Pathways Committee**

Committee members Jeff Oakes and Kirk Coykendall were present to discuss the upcoming submission of the Project Initiation Form (PIF) for Phase 1 of the multi-use pathway. The PIF is the next step for the committee to solicit State and Federal funding. Mr. Oakes described the components of the PIF and asked that the selectmen provide a cover letter indicating support for the project. The Mass DOT Project Review Committee are meeting on November 6 and request that applications be submitted three weeks prior to the meeting. Mr. Dawson said that Town Counsel will be supplying some slight changes to the language referring to the easement. He said the letter will be ready by October 16 and suggested that one of the selectmen review and sign it at that time. Mr. Dickerson thanked the Pathways Committee members for their efforts over many years.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the submission of the PIN and also to authorize Mr. Dickerson to sign the letter as the acting chairman. VOTE: 2-0-0

**ACTION ITEMS**

**Request for appointment to Marion Cultural Council**

An application for appointment to the Marion Cultural Council, submitted by Cynthia Callow Trinidad, was reviewed and discussed. The Council Chair recommends Ms. Trinidad's appointment.

Moved by Mr. Cushing and seconded by Mr. Dickerson to appoint Cynthia Callow Trinidad to the Marion Cultural Council. VOTE: 2-0-0

**Request for appointments to the Fireworks Committee**

The Committee's co-Chair has submitted a request that Phyllis Giberti, Lisa MacLean, and Shawn Sweet be appointed to the Fireworks Committee.

Moved by Mr. Dickerson and seconded by Mr. Cushing to move the appointments. VOTE: 2-0-0

Mr. Dickerson said the 2015 fireworks are planned to be held on July 4 (rain date of July 5) and encouraged viewers to send donations.

**Request for water/sewer abatement – 355 Delano Road**

An application for an abatement of sewer charges was reviewed and discussed. Review of the information revealed:

- The high water consumption was the result of a massive leak during a previous billing cycle.
- The home was unoccupied during the billing period.
- When Water Department staff notified the property owner of a high meter reading a neighbor checked the property and saw that the basement was flooded.
- The flood in the basement was most likely caused by a pipe that froze and burst.
- When the leak was discovered in March, 2014 a water consumption report was not provided as the meter was in the basement and under water.
- On May 6, 2014 Water Department staff was able to obtain a meter reading.
- The water was not consciously used and did not enter the municipal sewer system.
- The Department of Public Works recommended the granting of an abatement of the sewer charges of \$5175.33.

Moved by Mr. Dickerson and seconded by Mr. Cushing that the Board approve the sewer abatement in the amount of \$5175.33. VOTE: 2-0-0

**Authorize the Town Administrator to execute the FY 2015 On-Call Consulting Agreement with CDM Smith (value not to exceed \$30,000 with a source of funds from the DPW budget)**

Mr. Dawson explained that this is an annual contract/retainer and will be paid for with funds that have already been approved for the DPW budget.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the FY2015 On-Call Consulting Agreement with CDM Smith and also to authorize the Town Administrator to execute the agreement. VOTE: 2-0-0

**Authorize the Town Administrator to execute the Phase I contract for the DPW Garage Master Plan with CDM Smith as authorized by Town Meeting vote (contract value is \$46,500)**

Mr. Dawson said the ATM authorized funds for a feasibility study related to the DPW Garage Master Plan. The contract value is not to exceed \$46,500.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the contract for the DPW Garage Master Plan with CDM Smith and also to authorize the Town Administrator to execute the agreement. VOTE: 2-0-0

**Water Commitment – New Service - \$900 (09/19/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**One day all alcohol license – VFW #2425 – St. Vincent de Paul Society Spaghetti Dinner & Social, 5:00 p.m. – 9:00 p.m. (10/11/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**One day all alcohol license – Gleason Family YMCA Winetasting at the Music Hall, 6:00 p.m. – 9:00 p.m. (10/17/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**One day all alcohol license – VFW #2425 – Birthday Party, 1:00 p.m. – 5:00 p.m. (10/18/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**Award contract – surplus boat motor**

The Board recently declared as surplus property one boat motor. An invitation to bid was issued and two bids (\$2567 and \$2800) were received. Mr. Dawson recommended that the Board award the sale of the boat motor to Extreme Marine Services for the price of \$2800.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the sale of the surplus boat motor to Extreme Marine Services. VOTE: 2-0-0

**Request to extend Sunday hours – Top of the Hill Package Store**

The ABCC recently voted to allow package stores to extend their Sunday hours to open at 10:00 a.m., effective October 23, 2014. The owners of the stores are required to inform the Local Licensing Authority that they will be extending the hours. Mr. Cushing asked if there have been any complaints about the business and was told no.

Moved by Mr. Dickerson and seconded by Mr. Cushing to approve the extended Sunday hours. VOTE: 2-0-0

**Sign warrant – November 4, 2014 State Election**

Moved by Mr. Dickerson and seconded by Mr. Cushing to sign the warrant for the State election on Tuesday, November 4, 2014 from 7:00 a.m. to 8:00 p.m. to elect officials. VOTE: 2-0-0

**Credit memorandum – 53 Marion Road, Rochester - \$1532.14 (9/15/14)**

Moved by Mr. Dickerson and seconded by Mr. Cushing to approve. VOTE: 2-0-0

**Credit memorandum – 587 Front Street - \$170.54 (9/15/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**Water Commitment – Final Readings - \$456.01 (10/01/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**Water Commitment – FRMA & misc. bill - \$845.79 (10/01/14)**

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve. VOTE: 2-0-0

**Acceptance of gift – Lot 44, Indian Cove**

Annual Town Meeting had previously approved the acceptance of the gift (Lot 44, Indian Cove); the final step is for the selectmen to formally accept the land.

Moved by Mr. Cushing and seconded by Mr. Dickerson that the Board of Selectmen pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 8C, and Chapter 187 of the Acts of 1998, and Article 33 of the May 12, 2014 Town Meeting, approve the gift from DAVID E. NILSON and HOLLY M. NILSON, Trustees of the VILLAGE WAY REALTY TRUST, u/d/t dated February 25, 2000, and filed with the Registered Land Division in the Norfolk County Registry of Deeds as Document No. 853646 and noted on Certificate of Title No. 157003, of I7IB Great Neck Road, Wareham, MA 02571 to the Marion Open Space Acquisition Commission, to be held and managed as conservation lands the following vacant parcel of land in Marion, Massachusetts, more fully described as follows:

Parcel 44A as shown on Approval Not Required Plan of Land, Known as Lot 44 on Assessor's Map 18, Situated on Holly Pond Road in the Town of Marion, County of Plymouth, MA Prepared for Village Way Realty Trust, dated November 27, 2012, and filed with the Plymouth County Registry of Deeds, Plan Book 58, Page 85.

Said premises are conveyed subject to and with the benefit of all rights, covenants, easements, rights of way, restrictions and reservations now inuring to the benefit of said premises insofar are still in force and effect.

Said premises are to be conveyed to the Open Space Acquisition Commission of the Town of Marion to be managed and controlled by the Open Space Acquisition Commission as permanently protected open space under Article 97 of the Constitution of the Commonwealth.

VOTE: 2-0-0

**Water abatement request – 9 Shellheap Road**

An application for an abatement of sewer charges was reviewed and discussed. Review of the information revealed:

- There was a large jump in water consumption between July 4 and July 17.
- A copy of the water usage report was included with the water bill.
- The property owner is not aware of any leaks or anything left running at the property.
- The meters used to measure consumption are positive displacement and cannot move without water running through them.
- The Department of Public Works recommended that the request be denied.

Moved by Mr. Cushing and seconded by Mr. Dickerson to deny the request. VOTE: 2-0-0

**Water abatement request – 6 Jenney Lane**

An application for an abatement of sewer charges was reviewed and discussed. Review of the information revealed the following:

- The increase in water consumption was caused by a defective irrigation valve which has since been repaired.
- The water was not consciously used and did not enter the municipal sewer system.

- The Department of Public Works recommended the granting of an abatement of the sewer charges of \$1,189.98.

Moved by Mr. Cushing and seconded by Mr. Dickerson to grant an abatement of the sewer charges of \$1,189.98. VOTE: 2-0-0

#### **Water abatement request – 14 Water Street**

After review of the application and discussion regarding the amount of the total bill it was agreed to table the request until the next meeting.

#### **Water abatement request – 468 Delano Road**

An application for an abatement of sewer charges was reviewed and discussed. Review of the information revealed the following:

- The irrigation system at the property was damaged during a construction project in the yard.
- When Water Department staff notified the property owner of a possible leak he explained that the irrigation system had been damaged and subsequently repaired.
- On August 8, 2014 Water Department staff went to the property and ran a consumption report.
- The water was not consciously used and did not enter the municipal sewer system.
- The Department of Public Works recommended the granting of an abatement of the sewer charges of \$780.21.

Moved by Mr. Cushing and seconded by Mr. Dickerson to grant an abatement of the sewer charges of \$780.21. VOTE: 2-0-0

#### **Water abatement request – 28 Pawkechatt Way**

An application for an abatement of sewer charges was reviewed and discussed. Review of the information revealed the following:

- An outdoor hose used to irrigate a newly seeded area of the property was accidentally left running from August 24 to August 28.
- The water use during that period of time is documented on a consumption report.
- The water was not consciously used and did not enter the municipal sewer system.
- The Department of Public Works recommended the granting of an abatement of the sewer charges of \$609.35.

Moved by Mr. Cushing and seconded by Mr. Dickerson to grant an abatement of the sewer charges of \$609.35. VOTE: 2-0-0

### **TOWN ADMINISTRATOR REPORT**

#### **Discussion regarding Veteran Services Officer position**

Mr. Dawson requested that the Board authorize him to continue exploring the possibility of sharing regional veterans' services with the towns of Mattapoisett and Rochester. He will be meeting with the Veterans Services Officer and his assistant tomorrow. The Selectmen agreed that it was an opportunity that should be explored further.

#### **Update – EMS Affiliation Agreement**

Mr. Dawson said this has been at a standstill for issues most notably related to insurance. A new agreement has been drafted and is under the review of Southcoast Hospitals Group.

**Update – Landfill Solar Array**

Mr. Dawson told the Board that contract negotiations are ongoing, the meetings have been cordial, and the subcommittee working on the negotiations should be commended for their efforts.

**Sprague’s Cove Enforcement Order**

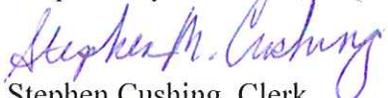
An enforcement order issued by the Conservation Commission and a letter from the Army Corps of Engineers regarding the placement of rocks at Silvershell Beach were reviewed and discussed. The rocks were placed by the DPW for erosion control purposes but will need to be moved approximately one foot to remain in compliance with a permit issued by the Army Corps of Engineers. The filing of a Notice of Intent with the Conservation Commission will be required as well.

**OTHER BUSINESS**

Mr. Cushing was recently asked by a resident what use of the beach was allowed during the hours that it was closed. Mr. Dickerson said Town bylaw prohibits any use of the beach when it’s closed.

Moved by Mr. Dickerson and seconded by Mr. Cushing at 8:00 p.m. to adjourn and enter into Executive Session for strategy related to contract negotiations with non-Union personnel and also to conduct strategy related to collective bargaining. The Board will not return into open session. A roll call vote was taken with both members voting aye.

Respectfully submitted,



Stephen Cushing, Clerk

Date approved: October 21, 2014

RECEIVED  
TOWN CLERK OF MARION, MA  
2014 OCT 22 A 8:33

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
DOCUMENTS REVIEWED AT MEETING – October 7, 2014**

Meeting minutes – September 16, 2014  
Marion Pathway's Committee Project Initiation Form  
Request for appointment to Marion Cultural Council  
Request for appointment to Fireworks Committee  
Water abatement request – 355 Delano Road  
CDM-Smith FY2015 On-Call Consulting Agreement  
CDM-Smith contract - Phase 1 DPW Garage Master Plan  
Water commitment – \$900 - New Service (9/19/14)  
One day alcohol license – VFW #2425 – St. Vincent de Paul Society Spaghetti Dinner & Social, 5:00 p.m. – 9:00 p.m. (10/11/14)  
One day alcohol license – Gleason Family YMCA Winetasting at the Music Hall, 6:00 p.m. – 9:00 p.m. (10/17/14)  
One day alcohol license – VFW #2425 – Birthday Party, 1:00 p.m. – 5:00 p.m. (10/18/14)  
Award contract – surplus boat motor  
Request to extend Sunday hours – Top of the Hill Package Store  
Sign warrant – November 4, 2014 State Election  
Credit memorandum – 53 Marion Road, Rochester - \$1532.14 (9/15/14)  
Credit memorandum – 587 Front Street - \$170.54 (9/15/14)  
Water commitment - \$456.01 – Final Readings (10/01/14)  
Water commitment - \$845.79 – FRMA & misc. bill (10/01/14)  
Acceptance of gift – Lot 44, Indian Cove  
Water abatement request – 9 Shellheap Road  
Water abatement request – 6 Jenney Lane  
Water abatement request – 14 Water Street  
Water abatement request – 468 Delano Road  
Water abatement request – 28 Pawkechatt Way  
Sprague's Cove Enforcement Order

**CORRESPONDENCE**

Copy of letter to Planning Board from Sippican Historical Society regarding Captain Hadley House  
Letter from Comcast regarding cable television renewal license  
Letter from the League of Women Voters of Hingham regarding a report about Plymouth County  
Request from Marion Art Center regarding 2014 Halloween Parade  
Letter from Heather Burke regarding proposed CVS  
Email announcing MMA Fall Conference for Selectmen  
Email from ABCC regarding renewal process for club licenses  
Email from Energy Management Committee chairman regarding SRPEDD Electricity Aggregation Opportunity  
Invitation to Town of Wareham Veterans Day Parade and Ceremony  
Letter from Comcast announcing upcoming closure of 149 Wareham Street Service Center  
ZBA decision regarding Lot 17, County Road  
Notification of Public Hearing – 62 Marion Road, Mattapoisett (How on Earth)  
Letter from DMF regarding Lower River (10/01/14)  
Letter from United Way of Greater New Bedford regarding community food drive collection bin  
Letter from United Way of Greater New Bedford requesting approval to place signage at Town House