

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
March 6, 2007
Agenda**

SIGNING OF WARRANTS

APPROVAL OF MINUTES, February 6, February 20, 2007

APPOINTMENT: 7:05 p.m. Joseph Napoli, ambulance fund drive

ACTION ITEMS:

1. One-day alcohol licenses—Beverly Yacht Club 3/30, Music Hall 5/26/07
2. Tabor Academy request to close Front Street for commencement
3. Collateral Pledge of License, Wave Restaurant
4. Marion-to-Bermuda trophy

TOWN ADMINISTRATOR:

1. Sewer connection, Old Rochester Regional School District
2. Water/sewer rates and public hearing, March 20
3. Town Meeting Articles update

CORRESPONDENCE:

1. Proposed conservation restriction to Sippican Lands Trust
2. From J. Mooney, Town Accountant, re mileage rate
3. From Mattapoisett River Valley District re subdivision of land in Rochester
4. From Inspector General re Paul Dawson, Certified Public Purchasing Official
5. Invitation, Coalition for Buzzards Bay reception, 3/22

COMMITTEE UPDATE, if necessary

REQUEST EXECUTIVE SESSION, litigation negotiations

ANY OTHER MATTERS TO COME BEFORE THE BOARD

**MARION BOARD OF SELECTMEN
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March 6, 2007

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Andrew N. Jeffrey and Board member Roger F. Blanchette and Town Administrator Paul F. Dawson. (Board members Jonathan F. Henry was not present for the meeting.) Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Ruth Thompson of *The Sentinel*, Andrea Smith of the *Tri-Town Observer*, Stephen M. Cushing, Joseph F. and Lucy P. Napoli, Carol Sanz, Eunice Manduca and David K. Pierce and Donald Torres of the Water Committee and Helene Craver, secretary.

Mr. Jeffrey requested a moment of silence in acknowledgement of the death of Janice Mendes. Mr. Jeffrey listed her civic responsibilities over the last twenty years, especially her contributions to the Conservation Commission.

Mr. Napoli met with the Board to report on the process and progress of the ambulance fund drive. Mr. Napoli reported that the VFW Post #2425 had sent out over 2,500 letters in mid-December requesting contributions toward a new ambulance and their response rate was 14%, for a total thus far of \$58,235. Mr. Napoli explained that they had neglected to inform potential contributors that they may pledge a certain sum over a period of time, in addition to an outright gift. Mr. Jeffrey suggested leaving information at the Town House for people who wanted to pledge to the fund drive so the Post would have a better idea of the total on an ongoing basis. Mr. Napoli noted that the amount in hand is about one-third the total amount needed for the new ambulance.

Mr. Napoli raised his concerns and those of other veterans about a possible stormwater remediation project for Old Landing. Mr. Napoli reported that Mr. Dawson had assured the veterans that the final decision rests with the Board and that the veterans memorial park at Old Landing will not be disturbed, as was the area of Island Wharf, when a stormwater remediation project was constructed there. Mr. Jeffrey said that he is not aware that the Board is doing anything in that area. Mr. Blanchette reported that he was at a meeting when the grant was announced for \$15K to design a stormwater runoff plan for the Old Landing area; the grant was applied for by someone else in another organization. Mr. Blanchette said that this doesn't mean that the Board would necessarily accept the design. Mr. Jeffrey assured Mr. Napoli that any action would have to come through the Board, as the area is Town property. Mrs. Sanz said that she doesn't want the same thing that happened at Island Wharf to happen at Old Landing. Mrs. Sanz said that she was concerned that there would be a rush to complete the project, or the Town would lose the grant money. Mrs. Sanz expressed her concern that the only pollution sites being addressed are Town parks, when the pollution is coming from many other sources at other locations. Mrs. Sanz also wished to know whether the project at Island Wharf is effectively treating the stormwater runoff. Mr. Jeffrey noted that he has been trying since he was first elected as Selectman to delay action on any item the first time it is presented, especially with grant deadlines. Mr.

Blanchette said that he would accept the grant money and see what kind of design is developed—it may not be intrusive and could be acceptable to the Board. Mr. Blanchette said that if the plan requires movement of the monuments, he would reject it. Mrs. Sanz asked if a study had been done to support the need of a project? Mr. Jeffrey explained that the Town is obligated to treat the runoff under new laws—this was not the Town's initiative. Mr. Jeffrey said that he agrees with Mr. Blanchette; wait for the plan and see what it contains. Mr. Dawson said that he had had a discussion with John Rockwell about this project, which was applied for by individuals outside Town government, to study stormwater remediation in the Old Landing area. Mr. Dawson said that three sites are involved for study—Old Landing, the parcel next to Knowlton House (Tabor) and a parcel next to Burr Brothers. Mr. Dawson said that it was his understanding that any plan would have to come before the Board for approval and that no one is interested in pursuing an option that would be unacceptable to the Town. Mr. Jeffrey expressed his abhorrence of grants coming before the Board at the "eleventh hour" and having to make an immediate decision—this has happened time and time and again. Mr. Jeffrey said that he would be extremely disappointed and vocal if this comes before the Board at the last moment.

Mr. Blanchette moved to approve a one-day alcohol license for the Beverly Yacht Club on March 30, 2007; the motion was seconded and carried.

Mr. Blanchette moved to approve a one-day alcohol license for the Music Hall on May 26, 2007; the motion was seconded and carried.

The Board reviewed an application for Collateral Pledge of License from The Wave Restaurant. Mr. Jeffrey explained that this is normal procedure.

Mr. Blanchette moved to approve the application; the motion was seconded and carried.

Mr. Blanchette moved to sponsor the Marion-Bermuda trophy; the motion was seconded and carried.

Mr. Dawson reported on a request from the Town of Mattapoisett's Water and Sewer Department that Marion contribute to the estimated \$150,000 for pavement milling and overlay work which the State Highway Department is demanding as a result of the sewer hookup to the regional school district. Mr. Dawson reported that Mass. Highway is refusing the Town of Mattapoisett any more water and sewer connections on Route #6 until the matter is resolved to their satisfaction. Mr. Dawson explained that Mattapoisett is requesting Marion and Rochester support an Article at the Annual Town Meeting to pay for the roadway repairs. Mr. Dawson said that Rochester has responded and he recommends Marion so the same—it is the responsibility of the district and not the individual towns to settle this predicament. Mr. Jeffrey noted that, in the opinion of engineer and others, the roadway repairs were indeed done to the State's specifications; however, the State does not agree. Mr. Jeffrey stated that he would discuss this situation with the Superintendent of Schools himself.

Mr. Dawson said, by way of introduction to the necessity of raising water and sewer rates, that he has the dubious distinction of having to bring this news to the Board so early in his employment as Town Administrator. Mr. Dawson explained that, since the day he arrived, he has been in discussions with the Finance Committee and Water Committee and there is no doubt that there will be a shortfall in the current fiscal year in both water and sewer. Mr. Dawson explained that the recommendation is to change the current billing structure in water and add another tier, similar to sewer rates. Mr. Dawson summarized that the recommendation is for a 70% increase in the water rates and a 70% increase in the sewer rate with a 30% increase in the basic sewer rate immediately. Mr. Dawson noted that water rates have not increased since 1992—if a reasonable 5.5% increase had been in place on an annual basis, it would equal the rates he is recommending now. Mr. Dawson cited the varied and ongoing major capital projects the Town has undertaken and several incorrect assumptions, as reasons for the increases. Mr. Dawson estimated that the average household would pay an additional \$504.14 annually. It was agreed that a public hearing would be held on March 20 to present the rate increases for comment. Mr. Jeffrey said that members of the Finance Committee, Department of Public Works and others would be available at the March 20 hearing.

Mr. Dawson presented a draft list of possible Articles for the Annual Town Meeting Warrant. Mrs. Sanz noted that the police station was back on the list of Articles. Mr. Jeffrey said that this does not necessarily mean it will be on the Warrant—they will discuss this at the next meeting.

Mr. Blanchette moved to go into executive session at 7:47 p.m. to discuss litigation and will not be meeting in open session following the executive session; the motion was seconded and carried, Messrs. Jeffrey and Blanchette voting aye.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date: 3/20/07

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March 6, 2007

Executive Session Minutes

The executive session was called to order at 7:48 p.m. Present were Chairman Andrew N. Jeffrey and Board member Roger F. Blanchette and Town Administrator Paul F. Dawson. (Board member Jonathan F. Henry was not present for this meeting.)

The subject of the meeting was correspondence received by the law offices of Kopelman and Paige regarding ongoing litigation—specifically, Gene Haarala, et al versus the Town of Marion. This case stems from allegations that three Marion police officers violated Mr. Haarala's rights when they took him into custody on June 18, 2005. Mr. Dawson related to the Board that this case is scheduled to go to mediation before a Magistrate Judge of the U. S. District Court on March 13, 2007. The attorney representing the Town is requesting that an individual with authority to settle on behalf of the Town be present at that mediation session. A brief discussion followed.

Mr. Blanchette moved that Mr. Dawson be authorized to represent the Town and to authorize a settlement on behalf of the Town; the motion was seconded and carried, Messrs. Jeffrey and Blanchette voting aye.

Mr. Blanchette moved to adjourn the executive session at 7:55 p.m.; the motion was seconded and carried, Messrs. Jeffrey and Blanchette voting aye.

Respectfully submitted,


Roger F. Blanchette, Clerk

Date: 3/20/07