

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
May 1, 2007  
Agenda**

SIGNING OF WARRANTS

APPROVAL OF MINUTES of March 20, April 5, 2007

APPOINTMENT:               7:15 p.m.    Lighthouse Liquors hearing

ACTION ITEMS:               1. Front Street parking south of Route #6  
                                  2. Annual Town Meeting outline  
                                  3. Water/Sewer Rate Study proposal  
                                  4. Memorial bench at Point Road Playground  
                                  5. Tree Planting Committee appointment, Katrina Saltonstall  
                                  6. EMT-Paramedic probationary appointment, Mark B. Oien  
                                  7. Memorial Day Committee appointments, Rodney Hunt,  
                                  Belmiro Barros, Joseph Zora, Ernest Halunen, John Robarge,  
                                  Gardner McWilliams, Joseph Napoli, Ronald Barros, Robert  
                                  Demeo, Jere Hill and Christopher Byron  
                                  8. One-day alcohol licenses—  
                                  a. VFW Post #2425, 5/12/07  
                                  b. Sippican Tennis Club, 6/15, 7/14, 7/28, 8/10, 8/12, 9/7/07  
                                  c. Lockheed Martin fishing tournament 6/5/07

TOWN  
ADMINISTRATOR:             1. Web page  
                                  2. Various insurance issues

CORRESPONDENCE:           a. From Representative Straus re local aid  
                                  b. From SEMASS re waste disposal  
                                  c. From Plymouth Co. Mosquito Control re spraying program  
                                  d. From Thomas Figueiredo re flooding on property

REQUEST EXECUTIVE SESSION for the purpose of discussing litigation

ANY OTHER MATTERS TO COME BEFORE THE BOARD

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

**May 1, 2007**

**Minutes**

The meeting was called to order at 7:00 p.m. Present were Chairman Andrew N. Jeffrey, Board members Jonathan F. Henry and Roger F. Blanchette and Town Administrator Paul F. Dawson. Also present were Lee Craver, Stephen M. Cushing, Carol Sanz, Eunice Manduca, Daniel Mahoney, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Dennis Paulding (co-owner of Lighthouse Liquors), Police Chief Lincoln W. Miller, Detective/Sergeant Craig Parker, Town Counsel Jon Witten and Helene Craver, secretary.

**Mr. Henry moved** the minutes of March 20 and April 5, 2007; the motion was seconded and carried unanimously.

Mr. Dawson reported on the progress of the Town's web page, which he called seriously outdated. Mr. Dawson announced that the Town has contracted with Virtual Town Hall, a firm on the State's bid list, to construct a new web page which will provide good information to the residents at a relatively inexpensive cost. Mr. Jeffrey suggested that, when the web page is completed, it first be shown to the Board.

Mr. Dawson reported that the Music Hall endowment fund had been reimbursed \$8,537.72 by the insurance company towards the replacement value of the boiler, which had failed.

Mr. Dawson reported that theft and vandalism had occurred at Sippican School over the school vacation week; reimbursement from the insurance company should be forthcoming.

**Mr. Henry moved** one-day, all-alcohol licenses for the VFW Post #2425 for May 12, Sippican Tennis Club for June 15, July 14, July 28, August 10, August 12 and September 9 and for Lockheed Martin for June 5, 2007; the motion was seconded and carried unanimously.

**Mr. Henry moved** the appointments to the Memorial Day Committee of Rodney Hunt, Belmiro Barros, Joseph Zora, Ernest Halunen, John Robarge, Gardner McWilliams, Joseph Napoli, Ronald Barros, Robert Demeo, Jere Hill and Christopher Byron; the motion was seconded and carried unanimously.

**Mr. Blanchette moved** Mark B. Oien EMT-Paramedic (probationary appointment); the motion was seconded and carried unanimously.

**Mr. Blanchette moved** Katrina Saltonstall to the Tree Planting Committee; the motion was seconded and carried unanimously.

Mr. Dawson explained that a resident, Joshua Garcia, recently died in a motorcycle accident and his friends wished to memorialize him with the installation of a bench at the Point Road playground. Mr. Dawson explained that no Town funds would be used in the project.

**Mr. Blanchette moved** to grant permission to install a bench at the Point Road playground; the motion was seconded and carried unanimously.

**Mr. Blanchette moved** to open the Lighthouse Liquor legal hearing and to appoint Jonathan Witten hearing officer; the motion was seconded and carried unanimously.

Mr. Witten noted that the hearing concerned Chapter 138, section 23 of the General Laws regarding the alleged sale of alcohol to someone underaged. Mr. Witten summarized the order of proceedings. Detective/Sergeant Parker testified that he was on duty on March 31 at 7:30 p.m. when he drove by Lighthouse Liquors and observed a vehicle familiar to him at Lighthouse Liquors. Detective Parker stated that he observed a young man coming out of the store carrying a suitcase-type package of beer, followed him and had him pull over, when he discovered the beer under blankets in the back of the car. Detective Parker said that he verified that the vehicle operator was underage, confiscated the beer and returned to Lighthouse Liquors. Detective Parker said that he confronted the owner and asked him about the beer sale and was told that the young man had been coming in over the last couple of months to buy beer. Detective Parker said that he told the owner that he would have to write a report and submit it to the Police Chief. Chief Miller explained that his department had tried to be proactive regarding sales of alcohol to minors and had distributed training videos to all the package stores to prevent this occurrence. Chief Miller noted that this was a first offense and recommended the Board issue a severe letter of reprimand to the owners and that any subsequent violations be dealt with more harshly.

Mr. Paulding said that he had nothing to present.

Mr. Witten said that it was the Board's prerogative to continue the hearing, close the hearing, render a decision or ask questions. Mr. Jeffrey said that this is a very serious offense, but he believes Mr. Paulding understands this. Mr. Jeffrey said that, because it is a first offense, the penalty doesn't have to be unduly punitive, but, if it should happen again, it will be handled appropriately; he feels the Board should accept Chief Miller's recommendation. Messrs. Henry and Blanchette agreed. The hearing was closed.

**Mr. Blanchette moved** to follow the Chief's recommendations and issue a letter of reprimand to Lighthouse Liquors; the motion was seconded and carried unanimously.

Mr. Dawson noted that the Board has talked a great deal about a water/sewer rate study proposal over the last month or so and he has had meetings with the water engineers, who have offered a scope of services which, from his perspective, is a very comprehensive proposal, which he recommends the Board approve. Mr. Blanchette asked if anyone other than the engineers have input? Mr. Dawson said that, following

the completion of the study, the engineers will provide the Board with a series of possible recommendations in the Fall. Mr. Dawson said that, at that point, the Board could schedule a meeting for comments. Mr. Jeffrey noted that, at the meetings with the engineers, the questions and concerns of the residents had been presented to also take into consideration. Mr. Blanchette said that he had two items which he would very much like the engineers to pursue and he feels comfortable with this. Mr. Henry stated that he likes Patrick O'Neale, the Tata & Howard engineer who will be conducting the study, and has a lot of confidence that Mr. O'Neale will perform a good study.

**Mr. Henry moved** to accept the proposal for a study of the water and sewer rates from Tata & Howard; the motion was seconded and carried unanimously.

Regarding a complaint about parking on Front Street on the southeast side of Route #6, Chief Miller noted that the building had been through a change of use review with the Planning Board and the Police Department's safety officer had checked the parking situation. Chief Miller recommended "No Parking Here to Corner" signed be installed from the 300 block of Front Street to the intersection with Route #6. Mr. Blanchette said that he has inspected the situation and suggested an additional sign near the new shop, "No Parking on Pavement", to allow parking only on the gravel section in front. Chief Miller said that he felt an additional sign was unnecessary, because if a vehicle were impeding the flow of traffic, it can be removed.

**Mr. Blanchette moved** to accept Chief Miller's recommendations; the motion was seconded and carried unanimously.

The Board then discussed several Warrant Articles, including #20, limiting the number of committees on which one person can serve. Mr. Witten said that he has reviewed it and the question he raised was the effect it might have on Selectmen serving on the Housing Trust; it is a political, not legal matter. Mr. Blanchette said that, at the last meeting, this Article was one which he kept returning to—he is not happy with this Article, because it ties the Selectmen's hands and creates limits.

**Mr. Blanchette moved** to recommend the Board move to indefinitely postpone this Article on Town Meeting floor.

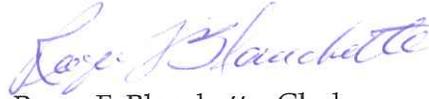
Mr. Henry said that it has long been his contention that, when the same person is appointed to two regulatory boards, there is an inherent conflict of interest and should be avoided. Mr. Blanchette said that he has a tendency to agree, but his feeling is that if they have this situation, it is up to the appointing Board not to appoint that person, if there is a conflict—the appointing process is up to the Board. Mr. Blanchette requested the list of upcoming reappointments to give the Board ample opportunity to determine these situations. Mr. Jeffrey said that he agrees with Mr. Blanchette; it is up to the Board to step up and make the tough decisions. Mr. Henry said that this Article would remove a cloud on the appointment process and takes the guesswork and personalities out of the process.

The motion was seconded and carried, Messrs. Jeffrey and Blanchette voting aye, Mr. Henry opposed.

Mr. Jeffrey announced the need to go into executive session to discuss litigation and contract negotiations and that the Board would not be reconvening in open session following the executive session.

**Mr. Blanchette moved** to go into executive session at 8:02 p.m. for the purpose of discussing litigation and contract negotiations with non-union personnel; the motion was seconded and carried unanimously, Messrs. Jeffrey, Henry and Blanchette voting aye.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 6/5/07