

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

June 19, 2007

Agenda

SIGNING OF WARRANTS, APPROVAL OF MINUTES

APPOINTMENTS: 7:10 p.m. Reg Foster re fireworks
7:20 p.m. The Wave hearing (alter premises, outside patio)

ACTION ITEMS:

- 1-day, all-alcohol licenses:
 - a. Marion Art Center, 7/27, 7/28, 7/29, 8/3, 8/4 & 8/5/07
 - b. Marion Social Club, 7/8, 7/14 & 8/4/07
 - c. VFW Post #2425, 7/7, 7/21/07
 - d. Sippican Tennis Club, 9/9/07
2. The Wave ABCC new Form 43, pledge of stock
3. Request for street closure, Water Street, 7/14/07
4. Signing of Upper Cape Cod Regional bond
5. Select a color for the Benson Brook water tank
6. Water/sewer abatement requests
7. Town of Walpole request, 40B legislation
8. Bill Moore appreciation letter

TOWN

ADMINISTRATOR:

1. "Village Loop" informational meeting
2. Finalize Treasurer/Collector job description
3. Discussion regarding Building Commissioner job description
4. Tri-Town Selectmen's Meeting, June 28th, Mattapoisett
5. Appointments/Reappointments

CORRESPONDENCE:

1. From Board of Assessors re reorganization
2. From Ray E. Pickles, Town Clerk, re Registrars of Voters
3. From VFW Post #2425 re Fourth of July parade
4. From Patricia Zimmer re right of first refusal, property on County Road
5. From Committee for Feast of St. Anthony
6. From Executive Office for Administration and Finance re RFP, leased space
7. From Tata & Howard re request to provide services
8. From Mayor Lang re Channel 9 news (Comcast) meeting
9. From Division of Marine Fisheries re shellfish closure

COMMITTEE UPDATE, if necessary

REQUEST EXECUTIVE SESSION to discuss litigation, strategy for bargaining with non-union personnel and to consider the purchase, exchange, lease or value of real property

ANY OTHER MATTERS TO COME BEFORE THE BOARD

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Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Roger F. Blanchette, Board member Jonathan F. Henry and Town Administrator Paul F. Dawson. (Selectman Andrew N. Jeffrey joined the meeting at 7:35 p.m.) Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Fireworks Committee Chairman Reginald Foster, Police Chief Lincoln W. Miller, Fire Chief Richard J. Guerzoni, The Wave Restaurant partner Bradford Silva, Stephen M. Cushing and Helene Craver, secretary.

Mr. Henry noted that, during the night, nine firefighters were killed fighting a fire in the Carolinas and, if the building had been sprinklered, there would only be clean up to do, instead of funerals. Mr. Henry indicated that it is expensive, time consuming and inconvenient to install sprinklers, but everyone should support their fire departments in requiring this be done.

Mr. Foster reported on the event readiness for the fireworks display, which is scheduled for July 3 at 9:15 p.m. (rain date July 5). Mr. Foster explained that the committee had raised approximately \$30,000 towards the \$40,000 total expenses of the event, but donations are continuing to be received. Mr. Foster listed the various appeal mechanisms and expressed confidence that they would reach their goal. Mr. Foster said that the only unforeseen glitch this year was that the date Marion had chosen for the fireworks to coincide with the Onset display (to depress the crowd level) was of no consequence, as Onset had canceled their event, due to lack of funds. Mr. Foster said that this would result in larger-than-usual crowds. Mr. Blanchette expressed confidence that the additional monies would be raised; Mr. Foster agreed with this conclusion. Mr. Henry asked when the public safety paychecks would be due and it was explained that they were due the week following the event. Mr. Dawson said that he had expressed his concerns with Mr. Foster and was assured that the money would come in; he would encourage everyone to make donations—sooner, rather than later.

Chief Miller discussed the expected large crowd, the time it would take to clear out everyone following the fireworks and the subsequent related expenses. Chief Miller hoped that, next year, the Town could better coordinate its fireworks with those of another area community to avoid large crowds. Chief Guerzoni explained his department's connection and coordination with the Fire Marshall's office and the inspection team.

The Board then convened the public hearing on the request to alter premises for The Wave Restaurant (outdoor seating). Mr. Silva represented the applicant and noted that their plan had been approved by the Planning Board as to the landscaping, plantings and seating and that they would like to move forward with their plans. Mr. Blanchette noted that the Planning Board had issued a list of conditions—could the restaurant's management live with those? Mr. Silva said that they could, as the request

was only for seasonal use and did not increase the actual available restaurant seating. Mr. Henry asked if the restaurant's entertainment license would be used to allow outside entertainment? Mr. Silva said that, at this time, they have no plans for entertainment outside. Mr. Henry asked if this included music coming from outside speakers? Mr. Silva said that they may have soft music at lunch and dinner. Mr. Henry indicated that it was his feeling that any entertainment should be restricted to inside the building, as he can see a problem being created by even soft music outside. Mr. Silva agreed to keep the music inside the building. Mr. Dawson asked if there was a direct line of sight between the bartender and all of the outside tables? Mr. Silva said that there was and assured Mr. Dawson that all tables could be viewed by the bartender. Mr. Silva noted that there would be no changes to the interior of the restaurant. Mr. Blanchette asked if the rest rooms were still in the same condition he recalled. Mr. Silva admitted that the rest rooms were not in the best condition, but they were at the "top of our list" for improvements. Chief Guerzoni said that he has no comments on the outside patio.

(At this point, Mr. Jeffrey arrived and was advised on the status of the hearing.)

Mr. Henry moved to approve the request to alter the premises, subject to the conditions of the Planning Board and the changes that were made on the existing plan, that there be no outside speakers and also subject to the Fire Chief's approval; the motion was seconded and carried unanimously.

Mr. Henry moved to approve a one-day alcohol license for the Marion Art Center on July 27, 28, 29 and August 3, 4, and 5, 2007; the motion was seconded and carried unanimously.

Mr. Henry moved to approve one-day alcohol licenses for the Marion Social Club on July 8, 14 and August 4, 2007; the motion was seconded and carried unanimously.

Mr. Henry moved to approve one-day alcohol licenses for VFW Post #2425 for July 7 and 21, 2007; the motion was seconded and carried unanimously.

Mr. Henry moved to approve a one-day alcohol license for the Sippican Tennis Club for September 9, 2007; the motion was seconded and carried unanimously.

The Board reviewed a request from the Howard family of Water Street to block off a portion of the street to vehicular traffic during their daughter's wedding on July 14. Chief Miller concurred with the request, as long as the road was not blocked to emergency vehicles.

Mr. Henry moved permission to block off a portion of Water Street on July 14, subject to the Chief's conditions; the motion was seconded and carried unanimously.

Mr. Dawson explained that the Board needs to approve a color for the new Benson Brook water tank; the Water Committee has unanimously recommended "Winter Mist".

Mr. Jeffrey moved to accept the Water Committee's recommendation without looking at any of the color samples.

Mr. Blanchette recalled that the Zoning Board of Appeals had chosen a sky blue for the transmission tower, and the tower isn't noticeable most of the time, but most tanks seems to be "Winter Mist"; will they paint "Town of Marion" on the tower? Chief Guerzoni said that painting the Town's name is not in the budget.

The motion was seconded and carried unanimously.

Regarding the request for abatements of water/sewer bills, Mr. Blanchette said that he had studied them all and, in every case, the problem was caused by the customer and the Department of Public Works recommended all abatement requests be denied. Mr. Henry asked if the Town had a payment plan for payment of bills? Mr. Dawson said that payment plans can be arranged so the property doesn't have to carry a lien for nonpayment of a water/sewer bill.

Mr. Henry moved to accept the Department of Public Works' recommendations on all six requests; the motion was seconded and carried unanimously.

The Town of Walpole had requested the Board's support for their proposed 40B legislation. Mr. Jeffrey was concerned that Marion's attorney, who had been working on 40B projects, concurs with the request. Mr. Jeffrey expressed his concern that some developers seem to be acquiring more than the allowed 10% profit on projects. Mr. Jeffrey noted that most towns are not "against 40Bs per se", but feel unfairly targeted when the rules are not followed. The other members agreed.

Mr. Henry moved to forward Walpole's request to Town Counsel; the motion was seconded and carried unanimously.

It was agreed that the "Village Loop" informational meeting would be held on August 21 at the Music Hall, with the Selectmen's meeting to be held at 7:00 p.m. and the public meeting at 7:30 p.m.

The Board reviewed the proposed Treasurer/Collector job description. Mr. Dawson said that the only issue was the educational requirement, which should be discussed and voted upon by the Board—the Personnel Committee had changed "Bachelor's degree, as well as three-to-five years' experience" to "Bachelor's degree, OR three-to-five years' experience" at the behest of Mr. Blanchette. Mr. Blanchette said that he was the only Selectman at that meeting, where the educational requirements were discussed at length and he feels that people should be allowed to apply who do not have a college degree but possess sufficient experience to do the job. Mr. Blanchette said that to deny someone to apply was denying them their constitutional rights. Mr. Henry noted that they had "gone out on a limb" to change the Treasurer/Collector's position from elected to appointed by promising to professionalize the position with some kind

of educational credentials. Mr. Blanchette said that a certified Treasurer/ Collector was sufficient. The discussion and disagreement continued for some time.

Mr. Jeffrey moved to approve the job description for the Treasurer/Collector as outlined and presented to us (with the Bachelor's degree requirement); the motion was seconded and carried, Mr. Blanchette voting no.

In connection with the proposed Building Commissioner's job description, Mr. Henry wondered if the job could be reduced to a part-time position as it was in past years? Mr. Jeffrey said that he has mixed feelings about this question and has asked Mr. Dawson to look into this. Mr. Jeffrey recalled that the former Building Commissioner, William Moore, had left once because of the part-time nature of the position; he needs more information before coming to a decision; Mr. Henry agreed. Mr. Dawson said that he suspects that any savings in salary would be more than offset by the other inspectors needing to fill in. Mr. Dawson requested the Board keep in mind the possibility of other 40B projects in the near future. Mr. Dawson wondered if a part-time Building Commissioner would go through the training necessary to become certified and suggested he get opinions from the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Assessors and Board of Health.

Mr. Dawson noted that the Board needs to approve the fireworks as a Town function to get insurance coverage; he believes Mr. Foster is confident the Town will be able to raise the remaining needed funds before the event.

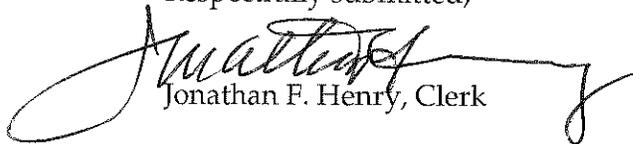
Mr. Henry moved to approve the fireworks as a Town function; the motion was seconded and carried unanimously.

There was a brief discussion concerning the new studio for ORRCTV. Mr. Foster explained that this would be an agenda item for the Tri-Town Selectmen's meeting.

Mr. Dawson reported on the progress of the appointment/reappointment process. Mr. Dawson reminded the Board that this is the first year under the new policy and should be considered a transition year, as there has been some confusion. Mr. Dawson explained that he and Mrs. Craver will be contacting the Chairmen to complete the process in time for the next meeting. Mr. Dawson promised that the process will begin earlier next year and he suggested he meet with all the committee chairmen early in the year.

Mr. Jeffrey moved to go into executive session and not return to open session at 8:42 p.m. to discuss litigation strategy for bargaining with non-union personnel and to consider the purchase, exchange, lease or value of real property; the motion was seconded and carried unanimously, Messrs. Blanchette, Jeffrey and Henry voting aye.

Respectfully submitted,


Jonathan F. Henry, Clerk

Date approved: 7/24/07