

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

October 7, 2008

Minutes

The meeting was called to order at 7:00 p.m. Present were Board members Roger F. Blanchette, Stephen M. Cushing and Town Administrator Paul F. Dawson. (Chairman Jonathan F. Henry was absent.) Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Elizabeth Dunn, Helen G. Westergard, Eunice Manduca and Helene Craver, secretary.

Mr. Cushing moved the minutes of September 16, 2008; the motion was seconded and carried.

Mr. Cushing moved one-day, all-alcohol licenses for the Marion Social Club for October 19 and November 9, 2008; the motion was seconded and carried.

Mr. Dawson explained that the purchase and sale agreement for the 1.3-acre parcel needed for the expansion of Littleneck Village is ready for signature; the Hermitage Trust will accept the easement at a later date. Mr. Dawson explained that there were several restrictions in the agreement (age-restrictive housing, landscaping) and that the original plan for a chain link fence, but that had been changed to a split rail fence on the recommendation of the Natural Heritage people.

Mr. Cushing moved to sign the purchase and sale agreement for the 1.3-acre parcel of land from the Hermitage Trust; the motion was seconded and carried.

Mr. Dawson reported that the accounts had been established for the receipts from the ambulance billing program; the Medicare accounts should be operable within the next couple of months.

Mr. Dawson referred to a letter sent to the Board by Elizabeth Dunn, who complained about a Town tree on her neighbor's property at 54 Main Street, which, she claimed, is interfering with her sewage system and the growth of vegetation on her property. Mrs. Dunn requested that the Town remove the offending tree. Mr. Dawson reported that he and the Tree Warden had viewed the tree, which is healthy and in excess of 50'. Mr. Dawson explained that it is the Board's option to take no action or to schedule a hearing, but he and the Tree Warden cannot recommend that the tree be removed. Mr. Blanchette asked if it had been established that the tree was a Town tree. Mr. Dawson said that it was likely a Town tree; although it appears to be on private property, it is in a straight line with other shade trees and the private property may have encroached into the street layout over the years. Mr. Dawson explained that the Department of Public Works can take measurements to make this determination definite, if necessary. Mr. Blanchette said that he feels it may be advisable to hold a public hearing; seek the involvement of the Department of Public Works and neighborhood opinion. Mrs. Dunn said that she would rather not have a public hearing, as this would be "much ado about nothing" and she should send the Town a bill for the

damages. Mr. Cushing said that it was likely that the sewer pipes had developed cracks or gaps which allowed the roots to intrude. Mrs. Dunn said that the tree was very invasive and had destroyed other plantings. Mr. Dawson explained that the process would entail having the Tree Warden hold an advertised public hearing, but the decision to remove the tree would revert to the Board.

Mr. Blanchette asked Mrs. Dunn if she wished the Board to schedule a public hearing on the tree. Mrs. Dunn said that she would prefer to discuss the situation with her neighbors (on whose property the tree resides) before a meeting is scheduled. It was agreed that Mr. Dawson would await word from Mrs. Dunn; he noted that the Tree Warden is willing to work with us, but said that he could not recommend removing a healthy tree. Mrs. Dunn requested the Tree Warden trim the portion of the tree which overhangs her house.

Mr. Dawson said that a change order request would be submitted on the village loop project by the contractor to allow for more time because they had run into unexpected debris in the trench. Mr. Dawson said that the target date for finishing this phase of the project is December 19.

Mr. Dawson promised to present a full report on the water and sewer rates and status of the accounts at an upcoming meeting after the completion of the closing of the fiscal year.

Mr. Dawson reported on the status of a sewer backup on Arrowhead Lane last January, which had been the result of the improper installation of the sewer equipment by the contractor. Mr. Dawson explained that the Town had made an insurance claim, which had been denied, so the Town is now requesting reimbursement from the contractor, who is not being responsive. Mr. Dawson explained that the Town has now taken the claim one level up by involving Town Counsel in the effort.

The Board reviewed several pieces of correspondence.

Mrs. Westergard was concerned that the type of fence to be installed at Littleneck Village not be chain link. Mr. Dawson indicated that the decision would be made by the Natural Heritage and the Town; most likely, it will be a split rail-type fence.

Mr. Cushing moved to adjourn the meeting and enter executive session to discuss collective bargaining and litigation and not return to open session at 7:37 p.m.; the motion was seconded and carried, Messrs. Blanchette and Cushing voting aye.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date approved: