

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

March 17, 2009

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Jonathan F. Henry, Board members Roger F. Blanchette and Stephen M. Cushing and Town Administrator Paul F. Dawson. Also present were Lee Craver, Andrea Smith of the *Tri-Town Observer*, Ricky Pursley of *The Wanderer*, officials from NSTAR, Paul Sellers, arborist, Mike Wall, Senior Engineer and Dennis Galvam, Community Relations Manager. Also present were Tree Warden Timothy Crowley, Julia Deane Crowley, Peter and Christina Winters, Carol Sanz, Margherita B. Baldwin, Eunice Manduca, Jennifer Clark and Helene Craver, secretary.

Mr. Cushing moved the minutes of March 3, 2009; the motion was seconded and carried unanimously.

Mr. Blanchette moved to allow the use of Silvershell Beach for an Easter sunrise service on Sunday, April 12, 2009; the motion was seconded and carried unanimously.

The Board then met with officials from NSTAR to discuss tree removal and pruning along Point Road. Mr. Sellers provided a presentation, which showed diseased trees and those in danger of shedding limbs or other damage during a storm, interrupting electrical service to the area. Mr. Sellers explained that the NSTAR's proposed project was part of a tree maintenance program and that a formal hearing would be scheduled prior to commencement of the program. Mr. Sellers said that 227 trees had been identified within the road layout and that 131 of those, mainly oak and white pine, had been labeled "hazard/risk" trees under the program. Mr. Sellers said that they were attempting to send letters to all the homeowners affected and a final review would be held with the Tree Warden and appropriate Town boards. Mr. Sellers said that, if a property owner is against a tree's removal, they won't take it down. Mr. Sellers said that the target area is 12' above wires, 8' on each side and 8' below to provide clearance. Mr. Sellers stressed the fact that the tree removal would be totally at NSTAR's expense. Mr. Blanchette suggested that new trees be planted when trees are removed. Mr. Sellers said that that program was usually associated with new construction and the company is making an investment just by removing the trees. However, he said, they may replant where there is a visible void when the removal process takes place, which they will discuss with the Tree Warden. Mr. Sellers noted that the Tree Warden and Town have control over any trees anywhere along the process. Mr. Blanchette expressed his confidence in Mr. Crowley and his decisions regarding the trees.

Mr. Crowley said that he had walked Point Road with Mr. Sellers and looked at the trees; he had also contacted the Fire Department and asked which roads might need some tree trimming, such as Rogers Drive to Piney Point Road. Mr. Crowley said that he had also talked to some suppliers and determined that he could purchase bare-

root tree material, 100 trees for \$2,500, which the Town could plant themselves; if this could be considered, it would be appreciated.

Mrs. Baldwin said that she had looked at the trees on Point Road and the trees which had been marked for removal are mostly white pine and scrub oak. Mrs. Baldwin asked about the company's tree-trimming methods around wires, which are unsightly and unhealthy for the tree. Mr. Sellers said that many of the trees are "volunteer" trees, which have grown up over the years around the wires, necessitating the trimming. Mrs. Baldwin thanked the officials for their assistance.

Mrs. Winters said that they are one of the property owners with a "targeted" tree and she called NSTAR to get information, which conflicts with the information they have gotten here tonight. Mr. Sellers said that the number of trees is initially very high, until they pare it down and the total number isn't known until they get to the hearing stage of the process.

Mrs. Crowley said that NSTAR had a chance to bury the lines when the sewer went through, but chose not to and she wonders whether this is absolutely necessary and what Mr. Sellers' education is. Mr. Sellers explained that he is a certified arborist. Mrs. Crowley requested NSTAR contact the residents, instead of property owners, as many of the properties are held in trust.

Mr. Wall described the investment made by NSTAR in a new substation and the wires half way down Point Road when the Mecke subdivision was built.

Mr. Cushing moved to approve the SouthCoast Pathways Challenge bike ride from Rochester to Marion on April 26 from 9:00 a.m. to 1:00 p.m. to be sponsored by the Friends of the Bike Path; the motion was seconded and carried unanimously.

Mr. Dawson noted that the Commonwealth recently passed a law which requires each Town to designate a person to be responsible for issuing permits for trenches and most communities have chosen to designate the Building Commissioner. Mr. Dawson said that Robert Zora and Richard Marx would be collaborating on this matter, but Mr. Marx would be the person who is responsible and charge a fee of \$50 for the paperwork and time.

Mr. Blanchette moved to appoint the Building Commissioner, Richard Marx, to be the trench inspector and issue the permits.

Mr. Henry asked if the fee had already been decided, because other similar permits were \$30 and, until the other fees were discussed and determined, he would like it to be the same. Mr. Blanchette indicated that all other communities are charging \$50. Mr. Henry pointed out that, when we start the I&I program, this will affect homeowners, not commercial businesses.

Mr. Blanchette amended his motion to change the fee to \$30; the motion was seconded and carried unanimously.

Mr. Blanchette moved a water bill commitment in the amount of \$5,236.74; the motion was seconded and carried unanimously.

Mr. Dawson said that he would like to get permission from the Board to waive the permit fees for the new police station for the bidding documents.

Mr. Cushing moved to waive the fees for the construction of the police station; the motion was seconded and carried unanimously.

Mr. Blanchette noted that the Board has discussed the possibility of hiring a grant writer, who would be paid by commission. Mr. Blanchette said that this subject had been discussed at the Tri-Town Selectmen's meeting, but the other two towns were cool to the idea, so he would like to proceed with a Selectmen's committee of two to investigate Marion's hiring of a grant writer. Mr. Blanchette said that this would have to be placed as a line item in the Selectmen's budget and the monies would be returned when/if they received a grant. Mr. Cushing agreed with the concept; Mr. Henry said that there are grant writers looking for work, who would be hired as a part-time person without benefits, paid by the administrative fees already contained in the grants. It was agreed to place the matter on the Town Meeting Warrant.

Mr. Blanchette moved to pursue the idea; the motion was seconded and carried unanimously.

Mr. Henry noted that an opinion came today from Town Counsel on the question of sewer connections to the former Wisner property. Mr. Henry asked the members of the Board to study the opinion so they could make a decision at the April 7 meeting.

Mr. Dawson said that he had received two notifications under Chapter 61B on forestry land—land of low value, which serves as open space. Mr. Dawson said that when the land comes out of that designation, the Town has the right of first refusal. Mr. Dawson explained that one piece of land was the Hermitage Trust land to be used for Littleneck Village and the other is on Point Road belonging to the Kittansett Club. Mr. Dawson said that he would solicit comments from the Planning Board, Conservation Commission and Board of Assessors with the goal of a recommendation at the next meeting.

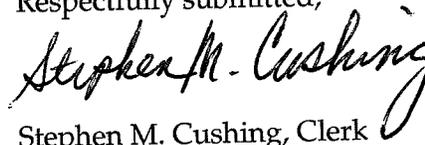
Mr. Blanchette noted that this was "Sunshine Week", which promotes open meetings and freedom of information in government; our Town publishes agenda, minutes and budgets on its web site. Mr. Blanchette said that the Planning Board and Selectmen televise all their meetings, as do the Conservation Commission and Zoning Board of Appeals, on occasion. Mr. Blanchette continued that the group which controls the largest percentage of the taxpayers' money, the School Committee, does not televise their meetings—he would like this Board to place an Article on the Annual Town Meeting Warrant to suggest that the Marion School Committee televise their meetings and he offered the use of the conference room for this purpose. Mr. Dawson observed that the School Committee is an elected body and he doesn't know if Town Meeting could bind them; a non-binding resolution could be presented. Mr. Cushing agreed with

the idea, because of the large portion of the budget involved. Mr. Henry said that there was nothing wrong with the idea.

Mr. Blanchette moved to place an Article on the Town Meeting Warrant; the motion was seconded and carried unanimously.

Mr. Blanchette moved to go into executive session at 8:25 p.m. to discuss strategy and negotiations with non-union personnel and litigation and not to return to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Henry, Blanchette and Cushing voting aye.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date approved: 4/7/09