

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

September 1, 2009

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Stephen M. Cushing, Board members Jonathan F. Henry and Roger F. Blanchette and Town Administrator Paul F. Dawson. Also present were Lee Craver, Gretchen Gunderstrom of *The Sentinel*, Eunice Manduca, Anne O'Brien-Kakley of *The Wanderer*, Joseph and Lucy Napoli and Helene Craver, secretary.

Mr. Blanchette moved the minutes of August 4, 2009; the motion was seconded and carried unanimously.

Mr. Henry moved a new services commitment for \$1,075.00; the motion was seconded and carried unanimously.

Mr. Henry moved a final water reading commitment for \$1,107.50; the motion was seconded and carried unanimously.

Mr. Dawson recalled that, when moving the "Captain's Cottage" from the Littleneck Village property went out to bid, there were no responses. Mr. Dawson requested the Board to authorize him to sign an agreement with Mass. Housing for the removal of the building. Mr. Dawson reported that the required photographic documentation of the property had been accomplished and that the Captain's Cottage would be removed.

Mr. Henry moved to authorize the Town Administrator to sign the documentation; the motion was seconded and carried unanimously.

Mr. Dawson explained that the Music Hall coordinator had not received an increase in salary since 2005, while those in administrative services had received annual raises and that the Music Hall Advisory Committee recommended a 5% increase at this time. Mr. Dawson reminded the Board that this salary is paid for through the Music Hall trust fund, not by taxpayer dollars.

Mr. Blanchette moved the salary increase; the motion was seconded and carried unanimously.

Mr. Blanchette noted that, since this Music Hall coordinator (and the previous one) took over, everything has run smoothly and there are no problems; they have done a good job.

Mr. Blanchette read thank-you notes into the record for Earnest W. "Bud" Holland (former Assistant to the Harbormaster/Shellfish Officer and to Robert A. Nectow, former Old Rochester Regional School District Committee member.

"Dear Bud:

"It has come to our attention that you have retired from our harbor crew, where you faithfully served for the last nine years.

"You have left large shoes to fill. Harbormaster Cormier called you, 'the perfect employee'—dedicated, reliable, always a gentleman and a calming influence.

"Thank you for making many positive contributions to our Town. We hope you enjoy your retirement and your new home."

"Dear Mr. Nectow:

"We reviewed your letter of resignation from the Old Rochester Regional School District School Committee at our last meeting.

"We appreciate the commitment you have made to the District since 2004 and understand that other obligations have made it difficult for you to continue. The dedication and responsibility you have displayed over your term of service are exemplary.

"A sincere 'thank you' to you and your family for allowing us to have the resources of your time and talent over these past five years."

Mr. Henry moved a one-day, all-alcohol license for VFW Post #2425 for September 12, 2009; the motion was seconded and carried unanimously.

Mr. Blanchette moved a one-day, all-alcohol license for the Marion Social Club for September 26, 2009; the motion was seconded and carried unanimously.

Mr. Dawson announced that the Marion School Committee will be holding its meetings in the Town House so they can be televised, possibly beginning this month. Mr. Dawson described the rearrangements which had been made necessary to accommodate the School Committee (the Conservation Commission and Open Space Acquisition Commission have changed their schedules).

Mr. Dawson informed the Board that the State procurement law requires the Town to have a policy in place for Designer Selection Procedures and referred to the draft in the agenda packet for the Selectmen's review prior to a vote at the next meeting.

Mr. Dawson reported that construction at the new police station site has begun, with the clearance of trees and rocks. Mr. Dawson reported that the foundation has been dug, with concrete pouring expected tomorrow, so the project is moving along very well. Mr. Dawson noted that there have been many visitors to the site, creating a problem for the construction crew and owner's project manager. Mr. Dawson requested that anyone who wishes to visit the site to make arrangements through either Chief Miller or himself to coordinate visiting times.

Mr. Dawson reported that they are trying a different method to resolve overdue Rochester water accounts, because the Town of Marion cannot lien out-of-Town property. Mr. Henry asked if they had pursued small claims court. Mr. Dawson said that he would need authorization for Town Counsel to pursue small claims court, as it is our only option to protect our interest. Mr. Blanchette recalled that, a while ago, we had discussed billing the Town of Rochester and letting the Town of Rochester lien the outstanding accounts. Mr. Dawson said that they had investigated this action and found that, because it is a Town of Marion bill, Rochester cannot lien for it.

Mr. Blanchette moved to proceed with small claims court; the motion was seconded and carried unanimously.

The Board noted a letter of resignation from June Robbins as alternative member of the Zoning Board of Appeals, effective immediately. Mr. Blanchette said that he had served on the Zoning Board of Appeals with Mrs. Robbins, and she was level headed, had good insight and attended all the meetings; Mr. Cushing said that he had also served with her and she was a valuable asset to the committee. The Board requested a thank-you letter be prepared and to advertise for a replacement member.

Mr. Dawson explained that a letter had been received from Angela Reid, who was visiting Marion and Silvershell Beach, where an incident took place involving her son. Mr. Dawson reported that the son had hit his head on a submerged rock, which was some distance from the swimming platform. Mr. Dawson said that the incident has raised issues as to whether the rocks should be marked, additional training for the lifeguards on how best to handle a head injury, etc. Mr. Dawson said that the Harbormaster had located the rocks and the nearest one to the platform is 40' away. Mr. Dawson reported on a meeting he had had with the Recreation Committee Director, Susanne Kotowski, to discuss procedures and that the Harbormaster has marked the rocks. Mr. Dawson explained that the swim float has always stated, "No Diving at Low Tide". Mr. Dawson said that the injured person should not have been allowed to swim back to shore unaided; the Recreation Committee Director has instructed all the life guards to assist the injured party and contact 911 to have the ambulance respond in the future. Mr. Dawson said that the Recreation Committee and Emergency Medical Services will set up a training session. Mr. Dawson said that they were using this unfortunate incident as a learning tool to insure that it isn't repeated.

Mr. Cushing asked if there are written procedures for the life guards. Mr. Dawson said that procedures are gone over when they are hired. Mr. Cushing suggested a handbook be developed. Questions were asked concerning moving the swim floats and removing the rocks; Mr. Henry said that the life guard response was the weakness—there is a lack of training and proper response which needs to be addressed.

Mr. Napoli said that the incident happened to his grandson and he takes exception to any representation that the response was adequate; the lifeguard asked him if he wanted to swim to shore while he was bleeding from the head and the senior lifeguard said that they had panicked. Mr. Napoli said that no one called 911. Mr. Napoli said that he had spoken with Mrs. Kotowski and asked her if there was a protocol for accidents and if the life guards were professionally trained and that she had no answer. Mr. Napoli said that the same accident happened to his son, daughter and

others who hit the same rock and he doubts it is 40' away from the swim float. Mr. Napoli said that the Town should act to prevent a tragedy from happening and he would appreciate a follow up to his daughter's suggestions. Mr. Cushing said that there may be a lack of professional training. Mr. Henry asked how old Mr. Napoli's grandson is. Mr. Napoli said that he is a large 18-year-old, who is himself a life guard and swims and dives for his school.

Mr. Dawson apologized if he offended Mr. Napoli and said that the Harbormaster had measured the rocks and this would be an opportunity to study the policies and procedures at the beach. Mr. Blanchette raised the question of another rock being out there. It was agreed that having a diver and the Corps of Engineers look at the situation was worth pursuing.

Mr. Dawson noted that there had been a water leak at a home at 27 Cottage Street, whose owner requested an abatement on the water/sewer bill because of the length of time it took the owner to have the leak corrected. The Department of Public Works recommended denial of the abatement.

Mr. Henry moved to accept the recommendations of the Department of Public Works and deny the abatement request; the motion was seconded and carried unanimously.

Mr. Dawson explained that David Pierce of the Water Committee had requested permission to invite a representative of Rochester to the Water Committee meetings which involved long-range planning.

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

The Southeastern Mass. Commuter Rail Task Force requested a representative from the Town; Mr. Henry suggested the Planning Board consider appointing Jay Ryder to this committee. Mr. Napoli said that Mr. Ryder has already been appointed. Mr. Dawson asked if Mr. Ryder had agreed.

Mr. Blanchette moved to appoint Jay Ryder to be the Town's representative to the Southeastern Mass. Commuter Rail Task Force; the motion was seconded and carried unanimously.

Mr. Blanchette moved to go into executive session to discuss litigation at 8:02 p.m. and not to return to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Cushing, Henry and Blanchette voting aye.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date approved: 9/15/09