

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
September 20, 2011
Meeting Minutes**

MEMBERS PRESENT: Jonathan Henry, Chairman
Roger Blanchette
Stephen Cushing, Clerk

ALSO PRESENT: Paul Dawson, Town Administrator
Eunice Manduca
Carol Sanz
Chris Reagle (Sentinel)
Matt Camara (Sippican Week)
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Henry announced that the meeting would be televised, video recorded by ORCTV, and audio recorded by Town of Marion staff. A list of the materials reviewed at the meeting shall be attached to these minutes.

Approval of Meeting Minutes

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the minutes of the August 25, 2011 meeting. VOTE: 3-0-0

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the minutes of the September 6, 2011 meeting. VOTE: 3-0-0

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the minutes of the September 9, 2011 meeting. VOTE: 3-0-0

ACTION ITEMS

Water Commitment - \$190 (9/2/11)

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

Recommendation regarding expenditure of \$10,000 for Music Hall cellar restoration plan

A volunteer architect has assessed the issues in the building and made some preliminary suggestions. In order to determine the best course of action it will be necessary to hire an architect for an amount not to exceed \$10,000. The Music Hall Advisory Committee recommends that the funds be taken from the Music Hall Endowment Fund.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the expenditure of up to \$10,000 for the plan for the Music Hall cellar restoration. VOTE: 3-0-0

One day wine & malt license – Gleason Family YMCA - Wine tasting at the Music Hall, 6:00 p.m. – 9:00 p.m. (10/14/11)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

One day all alcohol license – Marion Social Club – Reception, 2:00 p.m. – 10:00 p.m. (10/1/11)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

Appointment – Memorial Day Parade Committee, Fourth of July Parade Committee

A letter dated August 22, 2011 from Rodney Hunt of VFW Post #2425 was read into the record. Mr. Hunt is requesting that the committees be downsized to three members (Rodney Hunt, Anthony Arruda, and Ronald Barros).

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

Discussion – Kevin O’Gara, request regarding sewer fees

Mr. O’Gara was not present for this discussion. Mr. Dawson told the Board similar requests have been made in the past and were handled administratively. Individuals who made the request in the past were told payment of the fees were required prior to the issuance of the building permit and occupancy permit; honoring the request tonight would establish a precedent. Under State law there is a mechanism by which the Treasurer/Collector can enter into a payment agreement for real estate taxes but there is no provision in the law that allows for a water & sewer agreement. At the last meeting Mr. O’Gara indicated that he had \$5000 to apply to the \$10,000 fee. Mr. Dawson said if the Board voted to allow a payment agreement for the balance Mr. O’Gara would be sent a bill for the full amount, he would pay the \$5000, leaving an outstanding balance of \$5000, he would have 30 days to pay the bill and then a statutorily set interest rate of 14% would be applied to the unpaid balance. Mr. Dawson said this process was explained to Mr. O’Gara and he decided against it approximately one and a half years ago when he approached the Treasurer/Collector to discuss establishing a payment plan. The DPW, Treasurer/Collector, and Mr. Dawson have discussed this request and they recommend against formalizing any kind of agreement with Mr. O’Gara. If he chooses to not pay a bill it will be subject to a 14% interest rate and ultimately a lien will be placed against his real estate property taxes. Mr. Dawson explained that under normal procedures the Building Permit never would have been issued had the fees not been paid; however, in this case the permit was issued and construction went forward. Monthly billing for water and sewer use was discussed.

Moved by Mr. Blanchette and seconded by Mr. Cushing to deny the request. VOTE: 2-0-1 (Mr. Henry abstained)

Discussion – Public meeting regarding FEMA Base Flood Elevation determination

It was agreed to address this item during the Town Administrator’s report.

Discussion – Request for appointment to Capital Improvements Planning Committee – Jerry Ferrari

Moved by Mr. Blanchette and seconded by Mr. Cushing to appoint Jerry Ferrari to the Capital Improvements Planning Committee. VOTE: 3-0-0

Discussion – NSTAR pole hearing application process

NSTAR is considering submitting correspondence via email and is seeking the opinion of the Board.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the email submission process. VOTE: 3-0-0

Discussion – Adoption of Statewide Public Safety Mutual Aid Law

Mr. Cushing noted that the Town participates in mutual aid agreements with local towns and towns that are miles away and said this makes sense.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the acceptance of Chapter 40, Section 4J and Section 4K, and also that the Chairman be authorized to sign. VOTE: 3-0-0

Common Victualler License – Jill Houck, Flour Girls Baking Company

Mr. Blanchette asked why a permit is required from the Town of Marion if the business is located in Mattapoisett. Mr. Dawson explained that the cooking is done in Mattapoisett but the food will be sold from a mobile food truck at various locations in Marion. Mr. Blanchette asked if a victualler's license is required in each town the business operates in and was told yes.

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the common victualler's license for Flour Girls Baking Company. VOTE: 3-0-0

TOWN ADMINISTRATOR'S REPORT

Special Town Meeting

Special Town Meeting will be October 25. Mr. Dawson said it appears that the majority of the articles will be centered on the Community Preservation Committee's FY11 application process. There may be some other articles and Mr. Dawson is getting the details for those; a special meeting of the Board may be required to close the warrant.

CIPC update

The CIPC toured Town Hall last week to see the current conditions of the building and what needs to be addressed. Mr. Blanchette commended the CIPC for their efforts.

FEMA flood plain map update

At the last meeting the Board discussed the proposed FEMA base flood elevations and new flood maps and agreed to schedule an informational meeting. Mr. Dawson contacted FEMA Community Outreach Officer David Mendelsohn and they are working on setting a meeting date.

Disclosure of Appearance of Conflict of Interest

The disclosure, submitted late this afternoon by Norman Hills of the Conservation Commission and Community Preservation Committee, was read into the record. The CPC has received an application from the Sippican Lands Trust relative to the Baywatch property, and Mr. Hills, who owns land in close proximity to the property, will be participating in the vote on the application.

CORRESPONDENCE:

The reading of the correspondence into the record was waived with the following exceptions.

Letter from J. Deane Somerville commending Harbormaster staff (9/3/11)

Letter from Pat Kelleher commending Harbormaster staff (9/6/11)

Email from ORCTV announcing PSA Shoot Days (9/6/11)

ORCTV will be holding Public Service Announcement shoot days on October 3 and October 4.

Letter from EPA regarding NPDES reapplication (9/8/11)

The letter acknowledges receipt of a complete application.

Marion Recreation Department 2011 Summer Review (9/12/11)

Mr. Henry said he recently attended an Executive Session of the Planning Board and commended Chairman Ryder for running a well-organized meeting. Mr. Blanchette asked if he and Mr. Cushing could be provided the details of the meeting during tonight's Executive Session.

Street closure request 11/13/11 – Holmes Street – Soap Box Derby (9/14/11)

Boy Scout Troop #32 is requesting permission to close Holmes Street on November 13 from 10:00 a.m. – 2:00 p.m. for the Soap Box Derby.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the closure of Holmes Street from 10:00 a.m. – 2:00 p.m. on November 13. VOTE: 3-0-0

Memo from Fire Chief regarding appointment to Fire Department (9/15/11)

Joshua Fardy was appointed to the Fire Department September 5, 2011.

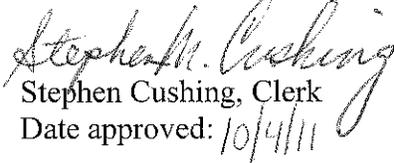
Fire Station fire

Mr. Dawson told the Board there was a fire Sunday evening at the fire station. A faulty electrical light ignited the shingles and the fire spread into the eaves of the building. A passerby reported the fire and the quick response resulted in minor damage to the building. Mr. Dawson said the job was well done all around by fire, police, and EMS. While responding to the fire Chief Joyce was involved in a motor vehicle accident on Route 6 in Wareham. The driver of the other vehicle received minor injuries and Chief Joyce was not injured; the vehicle had extensive front end damage but can be repaired. Mr. Dawson received the accident report today from the Wareham Police Department and the driver of the other vehicle was cited. While at the scene of the accident Chief

Joyce requested mutual aid; the towns of Mattapoisett, Wareham, and Rochester responded.

Moved by Mr. Cushing and seconded by Mr. Blanchette to go into Executive Session for the purposes of strategy related to collective bargaining and for currently ongoing litigation settlement. The Board will not return to regular session after the Executive Session. A roll call vote was taken, with all members voting aye.

Respectfully submitted,


Stephen Cushing, Clerk
Date approved: 10/4/11

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DOCUMENTS REVIEWED AT MEETING

Water commitment - \$190 (9/2/11)
Letter from Kevin O’Gara regarding sewer tie-in fee (8/30/11)
Memo from Music Hall Advisory Committee regarding Music Hall Endowment Fund (8/26/11)
One day wine & malt license – Gleason Family YMCA – Wine Tasting at Music Hall (10/14/11)
One day all alcohol license – Marion Social Club – Reception (10/1/11)
Letter from VFW Post #2425 regarding Memorial Day parade and Fourth of July parade committees (8/22/11)
Letter from Kevin O’Gara regarding sewer tie-in fee (8/30/11)
Letter from FEMA regarding Base of Flood Elevation determination notification (8/18/11)
Email from J. Ferrari regarding appointment to CIPC (8/17/11)
Letter from NSTAR Electric regarding pole hearing application process (8/19/11)
Letter from MEMA regarding adoption of Statewide Public Safety Mutual Aid Law (8/17/11)
Common Victualler License Application – Jill Houck, Flour Girls Baking Co.
Disclosure of appearance of conflict of interest
Letter from Verizon regarding recent strike (8/31/11)
Letter from J. Deane Somerville commending Habormaster staff (9/3/11)
Letter from Pat Kelleher commending Harbormaster staff (9/6/11)
Email from ORCTV announcing 10/3 and 10/4 PSA Shoot Days (9/6/11)
ORCTV Fall 2011 Newsletter
Letter from EPA regarding NPDES reapplication (9/8/11)
Marion Recreation Department 2011 Summer Review (9/12/11)
Letter from Planning Board Chairman regarding FEMA Base Flood Elevation Determination (9/14/11)
Notice of ZBA decision regarding Tabor Academy (9/1/11)
Street closure request 11/13/11– Holmes Street – Soap Box Derby (9/14/11)
Memo from Fire Chief regarding appointment to Fire Department (9/15/11)
Memo from DHCD regarding SHI update (9/2/11)
Capital Improvement Planning Committee meeting minutes (8/18/11)
Conservation Commission meeting agenda (9/14/11)
Upper Cape Cod Regional Technical School District Committee meeting minutes (7/14/11)
Upper Cape Cod Regional Technical School District Committee meeting minutes (7/21/11)
Planning Board meeting agenda (9/19/11)
Capital Improvement Planning Committee meeting minutes (9/1/11)