

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

**August 2, 2011
Meeting Minutes**

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

ALSO PRESENT: Paul Dawson, Town Administrator
W. Dale Jones
Robert Zora
Carol Sanz
Eunice Manduca
Anne Kakley (Wanderer)
Chris Reagle (Sentinel)
Eric Fox (Sippican Week)
Mike Ciccio (Standard Times)
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. This meeting was held at the Police Station.

NOTE: A list of the materials reviewed at the meeting shall be attached to these minutes.

Approval of Meeting Minutes

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the meeting minutes of July 19, 2011. VOTE: 3-0-0

APPOINTMENTS

Sherman Briggs - Discussion regarding fire hydrants

Mr. Briggs was not present for this discussion; his concern is for the number of broken hydrants that have been left unrepaired over the years. DPW Superintendent Robert Zora was present for this discussion. Mr. Henry said Mr. Zora had previously explained to the Board that the individual shutoffs are so old they are no longer working, and to shut them off would require closing down the entire main for several hours. Mr. Zora was asked to come up with a plan to locate and replace or replace the broken hydrants. The funds (\$25,000) were appropriated at Town Meeting. Mr. Henry pointed out that in conjunction with the work done on the water main over the last several years a number of hydrants have been replaced and the maintenance schedule includes turning on and off the shutoff switches (referred to as exercising the valve).

Mr. Zora told the Board the funds became available on July 1 and the new hydrants have been ordered. He said three hydrants on Delano Road and two on Point Road will be changed over to different mains, requiring work by an outside company. A hydrant on lower Holmes Street will be replaced by DPW staff. A hydrant on Route 105 in Rochester will have to be abandoned and replaced.

Mr. Zora said the work will be done over the next four months. Mr. Henry asked if Mr. Zora has worked with the Fire Chief on the new locations and was told yes. Mr. Zora was asked to submit a written report, repair schedule, and update to the Board.

Mr. Henry suggested establishing an independent, elected Board of Water and Sewer Commissioners. Mr. Blanchette said the current system is perfect for Marion and should not be changed. Mr. Cushing said unless he is shown the system is broken he thinks it's working well. Mr. Zora said one reason it works so well is the water subcommittee to do a lot of legwork, and there used to be a sewer subcommittee when the treatment plant was being upgraded.

Mr. Henry said Mr. Zora could discuss with Mr. Dawson how the report would be formulated and the Board wanted to be apprised on a continuous basis until the job is done and then periodically thereafter.

Mr. Henry asked if the entire sewer system is being examined by camera and was told yes. Mr. Zora said the drainage system will also be examined by camera.

At the July 19 meeting a request was made to connect a sump pump at 81 Water Street to the stormwater drainage system. Subsequent to the meeting a letter was received from the Conservation Commission advising that any oil system in the dwelling should be contained in a structure to prevent an oil spill into the sump pump and then into the drainage system. Mr. Dawson said it was agreed at the July 19 meeting that Mr. Church, the homeowner's representative, would submit a plan to Mr. Dawson to forward for CDM to review but a plan has not been received. Mr. Dawson agreed to forward to CDM the correspondence from the Conservation Commission once the plan has been submitted.

TOWN ADMINISTRATOR'S REPORT

Perchlorate Issue

At the last meeting Mr. Dawson provided results from the additional monitoring well testing. The results included some high numbers, the most significant one at the entrance to Gifford Park in Rochester. Mr. Zora and representatives from Tata & Howard met with DEP; as a result of the testing information the DEP will be considering that location a point source. This has triggered a reporting requirement by the Town of Rochester as the property owner and they will have to enter into a remediation agreement. The Town of Rochester has agreed to work with Tata & Howard to develop the next step in a remediation plan. Mr. Zora said one step in the remediation plan is for the Town of Rochester to take soil samples from the ball field; the samples were taken immediately and there were no problems. Regional Sanitarian Karen Walega has sent letters to the residents of Mary's Pond Road regarding sampling those wells. Mr. Dawson said there were four or five private wells on Mary's Pond Road that might be in the path of what might be a plume.

Mr. Cushing asked if there was any idea of what might be causing the higher reading in that location and was told it points back to fireworks.

Nate Canto, J&W Realty Trust – Signing of Regulatory Agreement – Marion Marketplace, 119 Wareham Street

Mr. Dawson explained that Mr. Canto had a Regulatory Agreement that had been worked out between the developer and DHCD. After discussion with Town Counsel, the only

concern is a technical issue with the signatory page. A draft copy of the Agreement was signed and notarized by the developer prior to the changes being made. Attorney Witten has reviewed the Agreement and the only problem is the notarization, which is for a document that has been changed. Mr. Dawson said it was signed by an out of state notary, notaries are witnessing that the person whose signature appears on the document actually signed it, and this document is different. The developer said he has been told by DHCD that he can substitute the notarization page with the new document and submit it; Mr. Dawson said that is illegal and defeats the purpose of notarizing a document. Mr. Dawson said he did not have a problem with the Board approving the document tonight but the advice of Town Counsel is for the Board not to sign it until there is a new signature and fresh notarization. Mr. Canto, nephew of the developer, is the property manager. He told the Board that construction is nearly complete and the Regulatory Agreement is the final step of the process.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the Regulatory Agreement and authorize the signature once it's all straightened out. VOTE: 3-0-0

ACTION ITEMS:

Exercise right of first refusal – Map 21, Lot 17, County Road (Zimmer property)

The Board was presented this information at the last meeting and agreed to provide it to other Boards, most particularly the Marion Open Space Acquisition Commission. The MOSAC has been provided a copy and there appears to be no interest in the property.

Moved by Mr. Blanchette and seconded by Mr. Cushing to decline the Town's right of first refusal in the right to sell. VOTE: 3-0-0

One day, all alcohol license – VFW #2425 – Annual Clambake, August 14, 2011, 12:00 noon – 5:00 p.m.

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

Abatement Request – Harry DeSilva – 929 Point Road

Mr. Dawson said a pipe froze during the winter and the leak was not detected until a furnace technician discovered it while servicing the system. It had been leaking for some time. The request is for an abatement of the water bill because of the unusually high consumption. The Water Department has reviewed the account and determined that its average six month consumption is 471 cubic feet; the consumption during this billing cycle rose to 3000 cubic feet. In the past, the Board has made the property owner responsible for paying for water that passed through the meter but abated the sewer charges if it's proven that the water did not enter the sewer. The charges associated with the sewer portion of the overage have been calculated to be \$156.13.

Moved by Mr. Blanchette and seconded by Mr. Cushing to give to Mr. DeSilva an abatement in the amount of \$156.13 to cover the sewer part of the overage. VOTE: 3-0-0

Reappointments – Emergency Management Director, Veteran's Agent, Assistant Harbormasters, Registrars, CMW Regional Refuse Disposal District Assistant Harbormasters

Moved by Mr. Blanchette and seconded by Mr. Cushing to reappoint Carl Dias and Paul Hyde as Assistant Harbormasters. VOTE: 3-0-0

CMW Regional Refuse Disposal District

Moved by Mr. Blanchette and seconded by Mr. Cushing to reappoint Albert Richards to the CMW Regional Refuse Disposal District. VOTE: 3-0-0

Mr. Cushing asked if Mr. Richards submitted an application and was told Mr. Richards sent in a letter stating he wished to be reappointed.

Emergency Management Director

Mr. Jones was present for this discussion. Mr. Blanchette said there has been some discussion suggesting that the Chief of Police or Fire Chief should be the Emergency Management Director. Mr. Jones said he has held the position for some time now and would like to continue to serve.

Mr. Henry voiced concern for reversal of roles; Mr. Jones said he did not believe there was a problem. Mr. Dawson said he noted during the emergency planning for Hurricane Earl that the Board of Health has a Medical Reserve Corps (MRC) and a protocol for shelter operations. He said there was clearly tension, mixed messages, and confusion between the Emergency Management Director and the Board of Health over who would manage the shelters, and however the Emergency Management Director position gets resolved this is an area that needs to be addressed (exactly whose role is it to run the shelters and how is it going to be taken care of.) Mr. Blanchette agreed that there were clearly some problems with the shelters (when and if they were going to be opened.) Mr. Jones explained that the MRC was a surprise to him and he was not sure they were up to what would be needed in a shelter operation. Mr. Henry said he questioned why an independent person is required when the Town already has people who are in the emergency management business every day (Fire Chief, Police Chief, Harbormaster.) Mr. Jones said State law requires an emergency management director but not a Police Chief. Mr. Blanchette asked if it's required to have a person other than the Police Chief and was told no.

Mr. Dawson said the Board of Health and MRC are sponsoring a class on emergency shelter operations. Mr. Jones said he has been through that training program twice and described the other training programs he has attended.

Moved by Mr. Blanchette and seconded by Mr. Cushing to take this under advisement. VOTE: 3-0-0

Mr. Jones asked if he still is the Acting Emergency Management Director and was told yes.

Veteran's Agent

Mr. Blanchette said Mr. Titcomb has been the Veteran's Agent for many years. Mr. Dawson said another application was received through the reappointment process.

Moved by Mr. Blanchette and seconded by Mr. Cushing to reappoint William Titcomb as Veteran's Agent. VOTE: 3-0-0

Registrars of Voters

Moved by Mr. Blanchette and seconded by Mr. Cushing to reappoint Ray Pickles and Linda Schleussler as Registrars of Voters. VOTE: 3-0-0

Committee Vacancies

The committee vacancies were advertised and letters of interest were received for Bird Island Lighthouse Restoration Committee (Wendy Carreau), Marion Energy Management Committee (Jennifer Francis, Steve Kokkins, Kit Sawitsky), and the Marion Cultural Council is requesting the reappointment of Susan Schwager and Susan Rolli.

Mr. Blanchette said the ad should continue to run, the openings should be filled with the people expressing interest in serving, and the Town should look to get new people to serve as volunteers.

Bird Island Lighthouse Restoration Committee

Moved by Mr. Blanchette and seconded by Mr. Cushing to appoint Wendy Carreau to the Bird Island Lighthouse Restoration Committee. VOTE: 3-0-0

Marion Energy Management Committee

Mr. Dawson noted that Mr. Sawitsky specifically stated in his email that while he was interested in serving on the committee he would not want to be appointed in the place of a qualified resident.

Moved by Mr. Blanchette and seconded by Mr. Cushing to appoint Jennifer Francis and Steve Kokkins to the Marion Energy Management Committee. VOTE: 3-0-0

Mr. Cushing said he did not know Mr. Kokkins but did serve on a committee with Ms. Francis and she is a very knowledgeable person. Mr. Blanchette said Mr. Kokkins is very knowledgeable and qualified as well. Mr. Pierce asked if Alf Carroll, a previous member of the committee, had submitted a letter of interest and was told no.

Mr. Dawson said the list of committee vacancies would be adjusted to reflect the new appointments and readvertised.

Marion Cultural Council

Moved by Mr. Cushing and seconded by Mr. Blanchette to appoint Susan Schwager and Nancy Rolli to the Marion Cultural Council. VOTE: 3-0-0

One day wine & malt license – New Bedford Community Rowing at Tabor Academy Fireman Center – Oyster & Wine Tasting Fundraiser (August 12, 2011, 6:00 p.m. – 9:00 p.m.)

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

Water Commitment - \$1533.75 (7/25/11)

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

Water Commitment - \$3760.75 (7/25/11)

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

Discuss engineering firm for peer review of Tabor Field

This item was placed on the agenda at the request of Mr. Henry; it has been indicated to him that Tabor Academy would be interested in supporting a peer review of the field project. Mr. Henry noted that Camp, Dresser, McKee (CDM) is an experienced engineering firm in artificial turf/crumb rubber fields and subject to mutual agreement between Tabor Academy and the Board, CDM could perform the peer review.

Mr. Dawson cautioned the Board against making statements that should be discussed in Executive Session.

Mr. Henry said his objective is to avoid litigation and now there seems to be a willingness to proceed with the value engineering. Mr. Blanchette said it's something the Board has an obligation to do, it won't cost the Town any money, and CDM has been the Town's consulting firm for many years. Mr. Cushing said the Board needed some peace of mind that due diligence was done on their part.

Mr. Dawson noted that there was no formal offer at this time and even if there was it would need to be specific as to what would be reviewed. It was agreed that Attorney Witten would be asked to speak with their attorney and find out if there is such an offer and what it would look like.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the policy to see if we can receive payment for CDM. VOTE: 3-0-0

Prior to the vote being taken Mr. Cushing said the Board would need to revisit this to see what the cost would be.

Request to use Silvershell Beach parking lot August 7, 2011, 2:00 p.m. – 6:00 p.m.

The request was made by Ann Iannuzzi of Shellheap Road. Mrs. Iannuzzi is having a function at her home on August 7 and has made arrangements with her neighbors to use their driveways but anticipates that there might be an overflow of approximately ten vehicles. The request is that the Board grant permission for the guests to use Silvershell Beach parking lot on August 7 from 2:00 p.m. to 6:00 p.m. Mr. Dawson has discussed this request with the Recreation Director and Chief Miller and neither has objected. The attendants of the gate will be notified of this request.

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

TOWN ADMINISTRATOR'S REPORT

Update of Town Hall project

The parking lot drainage project is underway; the plan is to install new catch basins and run a pipe out from the parking lot area into the Main Street storm drain system. The drain will handle the runoff from the roof leaders and the surface drain that will be installed around the perimeter of the building. A temporary ramp has been installed at the front of the building and a temporary handicapped parking space has been designated in front of Town Hall. Completion of the project is expected in two or three weeks.

Code Red alert test

The Plymouth County Sheriff's Department has hired a private firm to conduct a test of the Code Red (reverse 911) System. The system will be tested on August 5; residents and businesses will be receiving telephone calls indicating that it is a test of the Code Red Alert System. Mr. Dawson said it will be a test, information regarding the test is posted on the Town website, and all questions should be directed to the Plymouth County Sheriff's Department (508-830-6324).

CORRESPONDENCE:

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

Copy of hearing notice from ABCC regarding Spirits, Inc. (7/11/11)

The correspondence was related to a sting operation conducted by ABCC; no Town agency was involved. The allegation is that on Wednesday, June 1, at 6:55 p.m. alcohol was sold to a minor. Mr. Henry asked if a Town official should be present and was told no. Mr. Dawson explained that the Town will be notified of whatever action is taken.

Letter from Coalition for Buzzards Bay regarding Wastewater Treatment Plant lagoons (7/15/11)

Mr. Blanchette said after receiving the first letter from the Coalition the Town's engineering firm composed a letter refuting nearly all of the allegations made regarding the lagoons. He said the July 15 letter acknowledges the Coalition received the Town's letter but beyond that it's like they never read it. CDM is in the process of putting together a firm response, from an engineering point of view, to each of the Coalition's allegations. Mr. Blanchette said there is nothing to discuss with the Coalition until such time as the Board gets their letter finalized for mailing. He said he found it incredible that the Coalition ignored everything in the Town's letter. The Board agreed that the Coalition will be notified that the Board sees no reason to meet with them until CDM's report is complete.

Copy of letter to ZBA from Attorney Bouton regarding Little Neck Village (7/19/11)

Representatives from E.A. Fish have been invited to meet with the Affordable Housing Trust to discuss their concerns regarding the proposed amendment to the Comprehensive Permit.

ADDITIONAL ITEMS

Request from Tabor Academy for the closure of Front Street

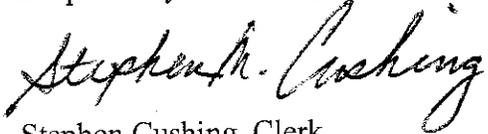
The request is for the closure of Front Street on September 6 to complete the drainage work associated with Tabor fields. This will be placed on the August 16 meeting agenda as an action item. Representatives from Tabor Academy will be invited to attend the meeting.

Silvershell Beach attendance record for month of July

Mr. Blanchette praised the Recreation director for the report and said the Town of Marion should be receiving more funds from the Town of Rochester to help defray the costs associated with Silvershell Beach. Mr. Dawson said discussions with the Town of Rochester are underway.

Moved by Mr. Cushing and seconded by Mr. Blanchette at 8:40 p.m. to adjourn.

Respectfully submitted,



Stephen Cushing, Clerk
Date approved: 8/16/11

RECEIVED
TOWN CLERK OF MARION, MA
AUG 17 A 9:02

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
August 2, 2011**

DOCUMENTS REVIEWED AT MEETING

Copy of Affordable Housing Regulatory Agreement – 119 Wareham Street
Letter from Attorney Robert Moore regarding Map 21, Lot 17 County Road (Zimmer property) (6/15/11)
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Letter from Coalition for Buzzards Bay regarding Wastewater Treatment Plant lagoons (7/15/11)
Copy of letter to ZBA from Attorney Bouton regarding Little Neck Village (7/19/11)
Memo from ConCom Chairman regarding Tabor Filed discussion at July 27 ConCom meeting (7/20/11)
Letter from Plymouth County Sheriff's Department regarding Plymouth Bristol Emergency Alert System August 3 test call (7/27/11)
Letter from national Grid regarding natural gas pipeline safety (undated)
Copy of letter from Building Commissioner to Tabor Academy regarding issuance of fines (7/29/11)
Letter from Rodney Hunt (VFW Post #2425) providing update of Memorial Day Committee and Fourth of July Committee (undated)
Memo from Conservation Commission regarding 81 Water Street sump pump discharge to Town drainage system (7/29/11)
Memo from Conservation Commission regarding July 12, 2011 Selectmen meeting (7/29/11)
Email from David Pierce regarding requests for Selectmen action (7/14/11)

**AGENDAS & MEETING MINUTES RECEIVED FROM OTHER BOARDS &
COMMISSIONS**

Planning Board Meeting Agenda (7/25/11)
Conservation Commission Meeting Agenda (7/27/11)
Upper Cape Regional Technical School District Committee Meeting Minutes (6/9/11)