

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

June 18, 2013

MEMBERS PRESENT: Jonathan Dickerson, Chairman
Stephen Cushing
Jonathan Henry, Clerk

ALSO PRESENT: Paul Dawson, Town Administrator
Jon Gregory, Tata & Howard
Patrick O'Neale, Tata & Howard
Josepha Staton
Jackie Roderiques
Rob Zora, DPW
David Pierce
Fire Chief Joyce
Lt. Ryan Miller
Joan Hartnett-Barry (The Wanderer)
Matthew Bernat (Sippican Week)
Michael DeCicco (Standard Times)
Chris Reagle (Sentinel)
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Dickerson 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 will be attached to these minutes.

Approval of Meeting Minutes

Moved by Mr. Cushing and seconded by Mr. Henry to move the minutes of the June 4, 2013 meeting. VOTE: 3-0-0

APPOINTMENTS

Robert Zora, DPW, Patrick O'Neale, Jon Gregory (Tata & Howard) – Discussion regarding second water meter, permitting WATER WITHDRAWAL PERMIT UPDATE

Mr. O'Neale and Mr. Gregory submitted information dated June 18, 2013, entitled "Update on Water Management Act Permitting"; a copy will be attached to these minutes. The following issues were included in the discussion:

- Renewal of the Town's Water Withdrawal Permit
- State Water Management Act process
- Registered and permitted withdrawals
- Original 20 year permit (extended through 2015) and stipulations anticipated for the next 20 year permit
- Sustainable Water Management Initiative (SWMI)
- Future permit conditions (efficiency, use reduction, conservation, mitigation)
- Mattapoissett River District and Advisory Committee preparations for permit renewal period
- State rating of impacts on Mattapoissett River flow
- Aspects of SWMI

- Required mitigation should the baseline be exceeded

Mr. O’Neale cautioned that allowing additional water use in the form of a second water meter would likely drive consumption up because the State wants water use to go down. He advised that increased nonessential use won’t work in the new program.

- Water withdrawal volume allowed under the current permit and what is anticipated in the next permit
- Methods to get irrigation quality water from wastewater recharged back into the water table
- Desalinization
- Stream flow monitoring
- Non-metered/agricultural load on aquifer
- DEP attempts to control private water wells
- Maintaining a system that promotes water conservation
- Regionalization with sources outside of the Mattapoissett River Water District; entering into an interconnection agreement with Wareham

REQUESTS FOR SECOND WATER METER

Mr. Zora recommended that the Board wait until the withdrawal permit is issued before making a decision on a policy allowing second water meters for irrigation purposes. A spreadsheet showing low, medium, and high water users and what impact allowing second meters would have on water/sewer rates was reviewed. The discussion between Mr. Zora and the Board included the tiered rate/debt structure and the Town’s ISO rating. Mr. Henry requested cost information regarding desalinization vs. insertion of irrigation quality water back into the water table.

Moved by Mr. Dickerson and seconded by Mr. Cushing to delay any action for a second meter until the withdrawal permit is issued or a propitious time arrives if it should be before that.
VOTE: 3-0-0

Fire Chief Joyce – Discussion regarding draft EMS response plan

Chief Joyce and Lieutenant Miller met with the Board. A memo dated June 18, 2013 from Chief Joyce regarding ambulance staffing requirements was reviewed and discussed. The following issues were addressed:

- Ambulance staffing
- Annual Advanced Licensing Services (ALS) licensing process initiated by the Office of Emergency Medical Services (OEMS)
- Various changes needed to equipment, procedures, training requirements
- Primary operational issues - conditions of affiliation agreement with Southcoast Hospitals Group, inability to meet required staffing levels, particularly paramedics
- Individuals in the process of becoming licensed
- Status of ALS license (expired a year ago and operating on extensions)
- New rules requiring dispatch and response within one minute

The memo contained the following quotes:

“We are currently unable to either staff our ambulances on a consistent basis with the minimum number of paramedics and EMT’s or we are unable to do so within the response times promulgated by the State.”

“While expensive, OEMS has made it clear that unless we provide evidence of an ability to staff our ambulances appropriately, they will not renew our ALS license.”

The following options were discussed:

1. Do nothing, lose ALS license, provide BLS service;
2. Enter into a contract with a private service;
3. Have Fire/EMS provide round the clock coverage with part-time personnel.

Staffing expenses and estimated income/offsets related to option #3 were reviewed; a net expense of \$24,073 is predicted. Chief Joyce said emergency funding or approval of deficit spending is required to maintain staffed ambulances; deficit spending is not an option. Mr. Dawson said approval would be required from the Finance Committee and Town Meeting as well as discussions with the State licensing agency regarding another extension of the ALS license.

Moved by Mr. Henry and seconded by Mr. Cushing to accept the recommendations of the Fire Chief as outlined in this document subject to much more scrutiny and review by the Town Administrator, Finance Committee, and others concerned with the view toward bringing this to Fall Town Meeting to cover the deficit and to maintain the license at the ALS level. VOTE: 3-0-0

ACTION ITEMS

Water Abatement Request – 221A Wareham Street

This was continued from the June 4 meeting when the Board voted to abate the sewer portion of the bill by \$5912.70.

After discussion it was agreed that the only thing everyone was certain of was that the water passed through the meter.

Moved by Mr. Cushing and seconded by Mr. Henry to deny the request to abate the water portion of the bill. VOTE: 3-0-0

Water Abatement Request – 11 Pitcher Street

An abatement request application containing information from Mr. Zora and the property owner was reviewed and discussed. Review of the information revealed that the current bill is \$16.51 higher than the average of previous water bills for this address, all water and sewer accounts are billed at the same rate, and the Department of Public Works could not recommend an abatement of the bill.

Moved by Mr. Cushing and seconded by Mr. Dickerson to deny the request for a water abatement. VOTE: 3-0-0

Water Abatement Request – 382 Point Road

An abatement request application containing information from Mr. Zora and the property owner was reviewed and discussed.

Review of the information revealed that a substantial leak occurred in the water line leading to the garden. When the leak was detected by the AMR system the property owner was notified by

Water Department staff and the water was turned off, and the Department of Public Works could not recommend an abatement of the bill.

Moved by Mr. Henry and seconded by Mr. Cushing to accept the recommendation of the DPW Superintendent and not award an abatement. VOTE: 3-0-0

Water Abatement Request – 16 Wilson Road

An abatement request application containing information from Mr. Zora and the property owner was reviewed and discussed. Review of the information revealed the following:

- Data log reports show increased water consumption from December 12, 2012 until January 19, 2013, most likely caused by a substantial leak or water left running.
- Water consumption before and after that period of time was average.
- When the house was vacant for five days there was no water consumption at all.
- At the request of the property owner, the meter was tested for accuracy and found to be working properly.
- The Department of Public Works could not recommend an abatement of the bill.

Moved by Mr. Cushing and seconded by Mr. Henry to deny the request. VOTE: 3-0-0

Water Abatement Request – 929 Point Road

An abatement request application containing information from Mr. Zora and the property owner was reviewed and discussed. Review of the information revealed the following:

- The increased water flow was the result of a pipe that froze and burst.
- The water was not consciously used and did not enter the sewer system.
- The Department of Public Works recommended an abatement of the sewer portion of the bill in the amount of \$93.86.

Moved by Mr. Dickerson and seconded by Mr. Henry to grant an abatement of the sewer portion of the bill in the amount of \$93.86. VOTE: 3-0-0

Moved by Mr. Dickerson and seconded by Mr. Cushing to deny the request to abate the water portion of the bill. VOTE: 3-0-0

Discussion – Employee drug testing policy

The draft policy was tabled from the last meeting to allow additional time for review. Mr. Dawson and the Board discussed staff training, rehabilitation assistance, and discipline.

Moved by Mr. Dickerson and seconded by Mr. Cushing to adopt the Town of Marion Drug and Alcohol policy as presented, effective July 1, 2013. VOTE: 3-0-0

Water Commitment - \$1006.75 (6/10/13)

Moved by Mr. Cushing and seconded by Mr. Henry to move the commitment. VOTE: 3-0-0

Request to carry over vacation time – Tax Collector/Treasurer

Mr. Carreiro has submitted a request to carry over five vacation days, as allowed in his contract.

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

Reappointments to Boards and Committees

A list dated June 18, 2013 of Committee members seeking reappointment was reviewed.

Moved by Mr. Henry and seconded by Mr. Cushing to waive the reading of the reappointments list and move the contents therein. VOTE: 3-0-0

Award fireworks contract

The fireworks will be held Saturday, July 6. One bid was received; Mr. Dawson recommended that the Board award the contract in the amount of \$29,000 to Atlas Pyrovision Productions, Inc., out of Jaffrey, New Hampshire.

Moved by Mr. Henry and seconded by Mr. Cushing to move the recommendation. VOTE: 3-0-0

Authorize and sign NSTAR Customer Interconnection Acknowledgment Agreement

A recommended motion regarding the third party agreement between NSTAR and Town related to Future Generation Wind Power Purchase Agreement; the Town of Marion is the host community. The agreement has been reviewed and approved by Town Counsel.

The motion approving the agreement was read into the record. Moved by Mr. Henry and seconded by Mr. Cushing to approve the motion read into the record. VOTE: 3-0-0

Request regarding connection to catch basin – Saltonstall/Front Street

William and Katrina Saltonstall have been granted approval to pipe sump pump water and downspout water to the catch basin at the foot of Cottage Street. Due to the planned road, curbing, and sidewalk projects, the Saltonstalls are requesting approval to repave approximately 50' of sidewalk with asphalt.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the request by Mr. Saltonstall to connect into the catch basin and to restore the sidewalk utilizing asphalt to the specifications of the DPW Superintendent including execution of an indemnification agreement. VOTE: 2-1-0 (Mr. Henry opposed)

Disclosure of Appearance of Conflict of Interest Forms

Kenneth Litke of the Marion Pathways Committee has submitted a Disclosure of Appearance of Conflict of Interest Form; Mr. Dawson read and explained the information contained in the form into the record and a copy will be filed with the Town Clerk.

Moved by Mr. Henry and seconded by Mr. Cushing to accept the request of Mr. Litke. VOTE: 3-0-0

NOTE: Mr. Dickerson recused himself from the following item and left the room.

Mr. Dickerson is a special municipal employee by virtue of the fact that he is a Selectman. He indicates that prior to his election he had an implied contract with the town as Director of Recreation and this disclosure is clarification that he is a Special Municipal Employee.

Moved by Mr. Henry and seconded by Mr. Cushing to accept the Disclosure of Appearance of Conflict of Interest Form submitted by Mr. Dickerson. VOTE: 3-0-0

NOTE: Mr. Dickerson rejoined the meeting.

TOWN ADMINISTRATOR REPORT

Discussion – Appreciation Event

The Appreciation Events will be held July 11, noon – 2:00 p.m. for employees, 5:00 p.m. – 7:00 p.m. for committee members.

Update – Natural History Museum Repairs

The Board reviewed a recommendation from Mr. Dawson regarding routine change orders related to the ceiling repairs at the Natural History Museum.

Moved by Mr. Cushing and seconded by Mr. Henry to move the approval of the \$2800 request for project contingencies related to the Natural History Museum project and for the Town Administrator to approve change orders. VOTE: 3-0-0

Draft job description – Facilities Manager

A draft job description was distributed to the Board to review prior to the July 9 meeting.

Town Administrator vacation

Mr. Dawson will be out of the office from Friday, June 21, until Monday, July 8.

CORRESPONDENCE

Discussion of the correspondence was waived with the following exceptions:

#3 - Town Block Party street closure request

Moved by Mr. Henry and seconded by Mr. Cushing to move the block party request. VOTE: 3-0-0

#8 – First Congregational Church summer fair street closure request

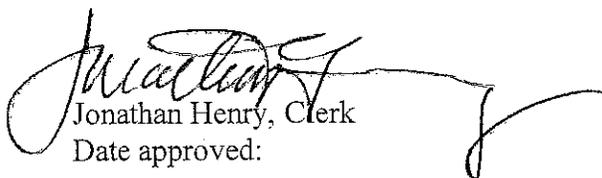
Moved by Mr. Cushing and seconded by Mr. Henry to move the request of the First Congregational Church for the Summer Fair to close Main Street between Front Street and School Street. VOTE: 3-0-0

#9 – Request from Tree/Parks Committee regarding removal of two trees and replanting of beds in front of Town Hall

This will be an action item at the next meeting.

The Board voted at approximately 9:58 p.m. to enter into Executive Session for strategy related to ongoing litigation. The Board will not be returning to regular session. A roll call vote was taken with all members voting aye.

Respectfully submitted,


Jonathan Henry, Clerk
Date approved:

RECEIVED
TOWN CLERK OF MARION, MA
2013 JUL 10 P 1:33

Marion Board of Selectmen
June 18, 2013
Update on Water Management Act Permitting

1. Water Management Act Regulations 310 CMR 36.00
 - Registered (1981 – 1985) and Permitted withdrawals
Registered – Wolf Island Road Well, Mary’s Pond Well, East Well, West Well, no individual pumping limits or conditions
Permitted – North Well, South Well, includes individual daily pumping limits and permit conditions
 - Original 20 year permit
Expired in 2011
2010 DCR demand projections for new permit are lower than previous
New permits will require conservation based on calendar schedule, drought trigger or stream flow trigger
2. Permit Extension Act 2010 & 2012
 - Permit is extended to 2015
3. Sustainable Water Management Initiative (SWMI)
 - Stream flow concerns
 - Baseline water consumption & offset mitigation requirements
 - Water suppliers do not agree with science behind program
4. MRV Advisory Committee environmental monitoring program (cost \$100,000)
 - Network of wells and stream gauges to monitor changes
 - Tracking pumping combined with water levels and stream flow to determine link
 - Developing baseline data to prepare drought management plan for MRV water supplies
5. Future permit conditions
 - Water efficiency 65/10
 - Reduction in non-essential water use
 - Stream flow triggers likely
 - Conservation- one day per week watering
 - Offset/Mitigation measures
6. District & Advisory Committee taking proactive approach preparing for permit renewal period
 - Unified conservation approach by MRV District communities
 - Evaluate Advisory Committee data and develop drought management plan and conservation triggers based on environmental factors
 - Develop and implement conservation by-laws based on DEP’s latest standards
7. Looking ahead
 - The State seeks to reduce or eliminate non-essential water use, especially if stream flows could be impacted
 - The State wants water rates which encourage conservation, especially for non-essential uses
 - The State seeks to reduce per-capita water consumption
 - Conservation efforts will decrease revenue leading to increased rates

Sustainable Water Management Initiative (SWMI) Framework
Draft Offset/Mitigation

If PWS water usage exceeds baseline volumes established by DCR Offset/Mitigation (O/M) steps are required. The final version of O/M requirements is not available until ongoing pilot program is complete.

Goal – Minimize existing impact to stream flow based on the un-impacted August median flow as established by DCR (USGS).

DEP Water Management – Stream flow limits were provided by DEP during preliminary meetings regarding permit renewals. Flows were to be measured at the USGS stream flow gauge in the lower Mattapoissett River Valley just north of the stone arch bridge north of Route 6. We do not know the basis of the values. The stream gauge they referenced has been out of service for a number of years.

Minimize Impacts

1. Optimization of existing sources
2. Alternative sources
3. Interconnections
4. Release from surface impoundments
5. Outdoor water use restrictions tied to stream flow
6. Implementation of reasonable conservation measures
7. NEWWA Best Management Practice Tool Box
8. Other measures that return water to the sub-basin and improve flow

Offsets/Mitigation

1. Demand Management (water banking, radio read metering, increase billing frequency)
2. Release flow from surface water impoundments
3. Wastewater – reduce I/I, wastewater recharge
4. Storm water – recharge, storm water utility, implement MS4 requirements
5. Adopt enterprise account, maintain fish ladders, remove dams

Concerns regarding SWMI Framework

1. Program is intended to be an integrated approach (water supply, wastewater, storm water) yet the burden falls on the PWS.
2. There is no science to show that specific O/M will provide any benefit to stream flow and fish population. Studies have shown that water withdrawals are not the primary cause of declining stream flow and fish populations.
3. Water restriction will reduce revenue and increase rates further compounding the PWS ability to raise funds for needed infrastructure improvements.
4. PWS must already meet Water Management Act water efficiency standards (65 gallons per capita and 10% unaccounted for water). SWMI requirement for O/M if ‘Baseline’ volumes are exceeded is over restrictive. ‘Baseline’ volume is based on an arbitrary standard time period usage.

Water Management Act Permit Renewal

Town	PWS ID No.	Watershed	Permit No.	Base Water Use (mgd)	Average Day Demand			Registered Volume	Permitted Volume	WMA Withdrawal Volume	DCR Projections (2030)		Increase / Decrease
					2010	2011	2012				65 rcpd & 10% UAW	Current rcpd & UAW	
Marion	4169000	Buzzards Bay	9P-4-24-169.1	0.61	0.504	0.54	0.56	0.18	0.74	0.59	0.65	Decrease	

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

DOCUMENTS REVIEWED AT MEETING – June 18, 2013

Meeting minutes – June 4, 2013

Tata & Howard update on Water Management Act permitting (6/18/13)

Memo from Chief Joyce regarding ambulance staffing requirements (6/18/13)

Draft policy - employee drug testing

Water Commitment – Final Readings – \$1006.75 (6/10/13)

Request to carry over vacation time – Tax Collector/Treasurer

Water abatement request – 11 Pitcher Street

Water abatement request – 382 Point Road

Water abatement request – 16 Wilson Road

Water Abatement Request – 929 Point Road

Water Abatement Request – 221A Wareham Street

Reappointments to Boards and Commissions

NSTAR Customer Interconnection Acknowledgment Agreement

Request regarding connection to catch basin – Saltonstall/Front Street

Disclosure of Appearance of Conflict of Interest form (K. Litke)

Disclosure of Appearance of Conflict of Interest form (J. Dickerson)

Draft job description – Facilities Manager

Town Administrator vacation

Invitation to Plymouth County Extension 4-H Expo

ZBA Notice of Decision – 4 Aucoot Avenue

Street closure request – Town Block Party

Email from Pamela Marean regarding historical records

Letter from Tom Magauran regarding water and sewer abatement policy

Email from Pamela Marean regarding approval of Natural History grant application

Letter from SRPEDD regarding Metropolitan Planning Organization (MPO)

Street closure request – First Congregational Church summer fair (July 27)

Email from Tree/Parks Committee regarding removal of two trees and replanting of beds in front of Town Hall