

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
MEETING MINUTES  
October 15, 2013**

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

**ALSO PRESENT:** Paul Dawson, Town Administrator  
Pamela Marean  
Nicholas Carnazza  
Ken Steen  
Jon Witten  
Jennifer Francis  
Carol Sanz  
Mike DeCicco  
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. in the Town House conference room. 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 - October 1, 2013**

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

**APPOINTMENTS**

**7:05 p.m. – Grant writer Pamela Marean**

Ms. Marean was present to provide the Board with updated information regarding the GIS software grant opportunity. During the discussion the following issues were addressed:

- Software currently used by Mattapoisett and Marion (AppGeo)
- Information requested under this grant (water, sewer, storm water maps)
- Staff required to update maps for the three towns
- Meeting with DPW next week to discuss how to justify the cost

The Board agreed that Mrs. Marean should move forward with the grant request.

Mr. Dickerson told Mrs. Marean that the MMA website has announced that \$4.3 million will be available for heating and cooling systems located in municipal buildings.

**ACTION ITEMS**

**Discussion – Holiday schedule**

Moved by Mr. Cushing and seconded by Mr. Henry to approve the holiday schedule as presented. VOTE: 3-0-0

**Discussion – Selectmen’s holiday party**

This year’s holiday party will be held on December 3.

**Water/sewer commitment - \$1473.43, final readings (10/03/13)**

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

**Water/sewer commitment - \$1406.48, miscellaneous sewer (10/03/13)**

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

**Discussion - Aquaculture application – Nicholas Carnazza**

Mr. Carnazza was present for this discussion. The Board reviewed and discussed Mr. Carnazza's application for an aquaculture license. Mr. Dawson explained that this is the first step in a process that includes the initial review by the Selectmen, a public hearing phase, review and permitting by other local and State agencies, and then final approval from the Selectmen. The Harbormaster and Shellfish Officer have requested that GPS coordinates showing the site boundaries be included in the application. It was agreed, and Mr. Carnazza was made aware, that the Board would authorize a public hearing but would not schedule the hearing until the applicant has provided that information to the Harbormaster.

Moved by Mr. Cushing and seconded by Mr. Henry to move the application to a public hearing. VOTE: 3-0-0

**Assign Special Town Meeting articles**

The Special Town Meeting articles were assigned. Articles S1, S2, and S3 will be presented by a Community Preservation Committee member. Articles S4, S5, and S10 will be presented by Mr. Dickerson, Articles S6, S7, and S11 will be presented by Mr. Cushing, and Articles S8 and S9 will be presented by Mr. Henry.

**Department of Defense Firefighting Program Cooperative Agreement  
Federal Excess Personal Property Cooperative Agreement**

Mr. Dawson explained that the agreements, if signed by the Selectmen, allow the Fire Chief to apply for and receive surplus property from federal agencies.

Moved by Mr. Henry and seconded by Mr. Cushing to authorize the Chairman to execute the agreements. VOTE: 3-0-0

**Technical assistance opportunity for downtown revitalization projects**

It was agreed that Mrs. Marean will be asked to more pursue more specific information.

**Conservation Restriction (12 acres of land located off Front Street)**

Mr. Steen was present for the discussion, which was relative to the 2011 Special Town Meeting vote to use Community Preservation Act funds for the purchase of a 12 acre parcel of land located off Front Street. Mr. Dawson said it has been the preference of the Board that the Town would own the fee interest of the land and the Sippican Lands Trust (SLT) would hold a conservation restriction. Mr. Steen said there is a written agreement between the developer, three abutters (neighbors), some concerned citizens, and the SLT that obligates the developer to convey the land to the SLT; once the land has been conveyed the neighbors will convey to the Town a strip of land that will connect the bike path to Spring Street. The following concerns were voiced by the Selectmen and Mr. Dawson:

- The Selectmen were under the assumption that there was an agreement that the property would be under the control of the Town.
- The Selectmen were not involved in the negotiations of the private agreement.
- Different agreements were being made without the knowledge of the Board.

- The Special Town Meeting article referred to acquisition because that was the direction the Selectmen wanted to follow.
- The conveyance of the bike path parcel was subject to restrictions that would be onerous to the Town, including the granting of a utility easement.
- Once the funds have been released there is no guarantee that the strip of land will be conveyed to the Town.
- Once the funds have been released and the strip of land is conveyed the restrictions might be something the Town can't agree to.
- The Selectmen and Mr. Dawson have never seen the signed agreement.

Mr. Steen said he had enforcement ability of the agreement and he had every expectation that the abutters would fulfill their obligations under the agreement and convey the parcel to the Town.

Attorney Witten said that article allows the Board to accept the fee interest or lesser (conservation restriction), whichever is in the best interest of the Town of Marion. He said whichever direction will be followed should be provided to the SLT attorney and himself.

Mr. Steen said he had enforcement ability of the agreement and he had every expectation that the abutters would fulfill their obligations under the agreement and convey the parcel to the Town. He offered to provide Mr. Dawson with a copy of the signed agreement.

After discussion it was agreed that the Board would not pursue further action tonight. Mr. Witten will contact Attorney Regnante and request an extension, and a meeting will be scheduled with representatives of the involved parties (Town, SLT, developer) in attendance.

## **TOWN ADMINISTRATOR REPORT**

### **Update – Facilities Manager**

The subcommittee has narrowed the list of applicants down to four finalists. The Selectmen will meet tomorrow night to interview the finalists.

### **Update – Natural History Museum**

Mr. Dawson announced that the work at the Natural History Museum has been completed; some fixtures are being refurbished.

### **Update – Village Area Capital Improvements Project**

Mr. Dawson told the Board that the project continues to be delayed by the Massworks Infrastructure Program.

### **Update – Private Ambulance Service IFB**

A pre-bid conference was held on October 10; the bids are due on October 22. The results will be used to help make a more informed decision at Town Meeting

### **Unpaid Utility Bill Lien List**

The water department has submitted for signature an unpaid utility bill lien list.

Moved by Mr. Cushing and seconded by Mr. Henry to authorize the Chairman to execute the utility bill lien list. VOTE: 3-0-0

**CORRESPONDENCE**

The following correspondence items were discussed:

#8 – Letter of invitation to Town of Wareham Veterans Day Parade and Ceremony

#9 – Letter from Marion Art Center regarding Halloween Parade

Moved by Mr. Cushing and seconded by Mr. Henry to approve the request of the Marion Art Center regarding the Halloween Parade as presented. VOTE: 3-0-0

Mr. Dickerson announced that a fundraiser dinner will be held November 2 at the Benjamin Cushing VFW Post #2425. Funds raised will be used to repave the post’s parking lot.

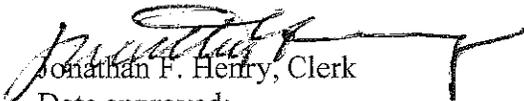
Mr. Henry offered condolences to the family of Lucia Davis, who recently passed away.

**Letter from Jennifer Francis regarding proposed Solar Bylaw**

Mrs. Davis was present on behalf of the Energy Management Committee to provide an update on the status of the proposed Solar Bylaw.

Moved by Mr. Henry and seconded by Mr. Cushing at 8:27 p.m. to enter into Executive Session for ongoing litigation. At the conclusion of the Executive Session the Board will not be entering back into Regular Session. A roll call vote was taken with all members voting yes.

Respectfully submitted,

  
Jonathan F. Henry, Clerk

Date approved:

*6 Nov 13*

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TOWN CLERK OF MARION, MA  
2013 NOV -6 A 10:47

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

**DOCUMENTS REVIEWED AT MEETING – October 15, 2013**

Meeting minutes – October 1, 2013

Water/Sewer commitment – Final Readings, \$1473.43 (10/03/13)

Water/Sewer commitment – Miscellaneous Sewer, \$1406.48 (10/03/13)

Discuss Aquaculture application – Nicholas Carnazza

Department of Defense Firefighting Program Cooperative Agreement

Federal Excess Personal Property Cooperative Agreement

Email from Pamela Marean regarding technical assistance opportunity for downtown revitalization projects

Proposed motion for Conservation Restriction (12 acres of land located off Front Street)

Letter from Marion Business Community Association regarding Christmas Stroll

Letter from Sherman Briggs offering excavating services

Request for proclamation – United Nations Day 2013

ZBA request for comments – 60 Converse Road

Copy of letter to United States Senate and House of Representatives leadership regarding issues related to National Flood Insurance Reform Act Program

Letter from United Way of Greater New Bedford regarding recent food drive

Letter from Division of Marine Fisheries regarding Weweantic River shellfishing status

Letter of invitation to Town of Wareham Veterans Day Parade and Ceremony

Letter from Marion Art Center regarding Halloween Parade

Letter regarding Division of Marine Fisheries search for lease space

Nomination form – 2014 Tree Warden of the Year

Invitation to Plymouth County Development Council Annual Meeting

Email from Verizon regarding upcoming programming changes

Letter from Energy Management Committee regarding proposed solar bylaw

Letter from Plymouth District Attorney regarding upcoming conferences