

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
MEETING MINUTES  
August 5, 2014**

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

**ALSO PRESENT:** Paul Dawson, Town Administrator  
Shawn Syde, CDM Smith  
Chad Kersch, CDM Smith  
Rob Zora, DPW Superintendent  
Frank Cooper, Wastewater Division Superintendent  
Scott Shippey, Building Commissioner  
Kate Ross  
Paul Lopes (Wanderer)  
Mike DeCicco (Standard Times)  
Matthew Bernet (Sippican Week)  
Other members of the audience who were not signed in

The meeting was called to order at 7:00 p.m. at the police station. Mr. Henry announced that the meeting would be 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 – July 15, 2014**

Moved by Mr. Dickerson and seconded by Mr. Cushing to move the minutes of the July 15, 2014 meeting. VOTE: 3-0-0

**APPOINTMENT**

**7:05 p.m. – Rob Zora, Frank Cooper, Shawn Syde – Discussion regarding sewer regulations**

Mr. Zora and Mr. Cooper were present with CDM Smith representative Shawn Syde and Chad Kersch to discuss updates to the Town's sewer regulations. Mr. Syde told the Board that the proposed regulations will allow the Town to meet EPA compliance requirements, properly use the system, and identify uses (food, industrial, residential) within the system; they also will allow the Town to remain in compliance with the existing Administration Order issued for copper discharges.

The 12 articles that are proposed to be added to the regulations will:

- Provide the Town with measures to inspect food service and industrial facilities that are adding to the system.
- Define types of systems
- Include forms that establishments will submit annually
- Address FOG (fats, oil, or grease)
- Provide information related to storm drains and addresses
- Include industrial waste surveys and forms/applications
- Include an updated fee section
- Include construction standards

- Provide information related to grinder pumps

Previously Mr. Syde had received questions from the Selectmen and he provided the following information tonight:

- Notification – Current food service and industrial users will be notified of the updated regulations by an official mailing from the Water & Sewer Commissioners. They will be required to complete and return a survey; once the completed survey is returned an onsite inspection will be done. Inspections will then be done on an annual basis.
- Street opening permits, backfilling requirements – Language regarding street opening permits will be added, and language regarding requirements for flowable fill will be added.
- Definition of an agent acting on behalf of the Water & Sewer Commissioners – The agent will not be specified; this will allow the Commissioners to designate specific agents as they see appropriate.
- Trench inspections – Mr. Syde explained the laws regarding the design of trenches and said the inspections are typically done by an onsite engineer
- Connection of drains from private sources (sump pumps, roof leaders) into the Town's stormwater drainage system – Under the proposed regulations homeowners would be required to submit an application and indemnification form.
- Garbage disposals – Garbage disposal units are not prohibited.
- Grinder pumps – Mr. Syde explained the addition of and deletion of language regarding warranty and ownership of grinder pumps.
- Permit fees – Mr. Syde explained how the fees were developed and said they can be increased or decreased once the surveys and inspections are done.

NOTE: The following agenda item was taken out of order while Mr. Syde was present to answer any questions.

#### **TOWN ADMINISTRATOR REPORT**

##### **Update – Roadway Improvement Project**

Phase 1A of the roadway improvement plan is currently under construction – during the construction process it was learned that a number of residences are unknowingly tied into the stormwater collection system. CDM Smith has been asked to provide a list of the addresses and the estimated of the cost of the additional construction. Once the estimated cost is provided communication between the homeowners and the Town will be required to determine how to pay for the additional cost. Mr. Cushing asked if those connections were discovered during the preconstruction inspections and was told there were a number of properties where they could not have been discovered until the construction was underway.

When the Board returned to the review of the proposed sewer regulations, there was a discussion regarding whether to vote tonight or hold a meeting in the future for public comment.

Moved by Mr. Dickerson and seconded by Mr. Cushing to adopt the sewer use regulations as presented along with the corrections discussed this evening. VOTE: 3-0-0

##### **7:30 p.m. – Marion Pathways Committee – Update**

NOTE: Mr. Henry abstained from voting on this proposal.

Committee members Jeff Oakes, John Rockwell, and Kirk Coykendall were present to provide an update of the bike path project notification form. They have been authorized to proceed with the

project initiation form and that process requires public outreach meetings and documentation of town wide support for the project prior to submission of the project initiation form. Committee members have been approaching the managers of the land on which the bike path is proposed to run; the parcels of land are managed by the Marion Open Space Acquisition Commission and the Board of Selectmen (including the Board of Selectmen on behalf of the Recreation Committee). Mr. Oakes met with Mr. Dickerson last week to determine how the bike path could be incorporated through Washburn Park. It will be limited to Town property and will not be on land managed by the Washburn Park Trust. The committee will be including in the project initiation form a letter of authorization from the selectmen or a vote of approval that the path is suitable for the parcels and the selectmen support its location within the parcels. Mr. Dickerson said the project would benefit everyone involved (recreation programs, baseball, bike path), it would not interfere with any Washburn Park facilities, and he did not anticipate an expansion of the park's facilities. He said the layout is very good and his only concern is whether the parking might be too close to the pond. Mr. Rockwell said there would not be a problem and there is plenty of room for parking there. Mr. Cushing said it was a good idea and long-awaited.

Moved by Mr. Cushing and seconded by Mr. Dickerson to accept the proposal as presented by the Pathways Committee. VOTE: 2-0-1 (Mr. Henry abstained)

## **ACTION ITEMS**

### **Reappointments**

The following committee members are requesting reappointment: Tri-Town River Committee – Randy Parker, Marion Fireworks Committee – Jonathan Dickerson, Donna Hemphill, Patricia Kelleher, Rachelle Erickson.

Moved by Mr. Dickerson and seconded by Mr. Cushing to move the reappointments. VOTE: 3-0-0

### **New appointments**

A list of individuals requesting appointment to various committees was reviewed and discussed; Mr. Henry waived the reading of the names into the record. Mr. Dawson called to the Board's attention to the notes on the list, particularly that one of the committee chairmen has requested that an appointment to his committee be delayed to the next meeting of the Board, and also that some of the committees do not have vacancies.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve subject to consideration at the bottom of the list as mentioned by the Town Administrator. VOTE: 3-0-0

### **State Primary Warrant**

The State Primary Election will be at the Benjamin Cushing VFW Post #2425, 465 Mill Street, on Tuesday, September 9, from 7:00 a.m. – 8:00 p.m.

Moved by Mr. Dickerson and seconded by Mr. Cushing to approve the warrant. VOTE: 3-0-0

### **Water Abatement Request – 40 Dexter Road**

An application for an abatement of water charges was reviewed and discussed. Review of the information revealed the following:

- Subsequent to a neighbor noticing water leaking from under the house, Water Department staff shut the water off at the street.
- The house was vacant when the leak occurred.
- The water was not consciously used and did not enter the municipal sewer system.

- Mr. Zora recommended the granting of an abatement of the sewer charges, resulting in an abatement of \$1373.42.

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

**One day all alcohol license – Marion Social Club, Jack & Jill shower 6:00 p.m. – 11:00 p.m. (08/23/14)**

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

**One day all alcohol license – VFW #2425, Annual Clambake 12:00 noon – 5:00 p.m. (08/10/14)**

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

**One day all alcohol license – VFW #2425, Family Reunion 12:00 noon – 10:00 p.m. (08/16/14)**

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

**One day wine & malt license – VFW #2425, Town Party/Block Dance 4:00 p.m. – 9:45 p.m. (08/23/14)**

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

**Water Commitment - \$382.02, Final Water Readings (06/25/14)**

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

**Water Commitment - \$194.85, Final Water Readings (06/30/14)**

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

**Water Commitment - \$1045, New Service & FRMA Sewer (06/15/14)**

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

**Water Commitment - \$18,049.78, Final Readings & Misc. Billing (07/15/14)**

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

**Review and approve Fiscal Year 2014 Audit Engagement Letter**

The annual audit engagement letter was reviewed and discussed. The fee is not to exceed \$25,000.

Moved by Mr. Dickerson and seconded by Mr. Cushing that the Chairman be authorized to sign on behalf of the Town. VOTE: 3-0-0

**Water Commitment - \$700, New Service (07/25/14)**

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

**Water Commitment - \$680.09, Final Readings (07/25/14)**

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

**Contract Award – Lawrence Lynch Corp. – River Road, Point Road, Spring Street, Pleasant Street project**

In early spring bids were requested for roadway improvements and none were received. Subsequent to that it was determined that additional drainage work is required on River Road and the request for bids was reissued. Two bids were received; the low bid was for \$436,481 and it includes Alternates

1, 2, and 3. All due diligence has been done and Mr. Dawson recommended that the contract be awarded to Lawrence Lynch Corp. in an amount not to exceed \$436,481. The project is funded through Chapter 90 funds.

Moved by Mr. Cushing and seconded by Mr. Dickerson to award the contract to Lawrence Lynch Corp. VOTE: 3-0-0

**Application for Common Victualler License – Kate’s Simple Eats, 148 Front Street**

Applicant Kate Ross was present; she will be serving soups, salads, sandwiches, and takeout food.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the license contingent upon the applicant receiving all Board of Health permits. VOTE: 3-0-0

**Discussion regarding 974 Point Road, 1013 Point Road**

Building Commissioner Scott Shippey was present for this conversation and described the efforts made to locate an individual willing to assume responsibility for the structures located at 974 Point Road and 1013 Point Road. He has spoken with Attorney Witten and would like to have the properties inspected by the Board of Survey under the same process used recently for a similar situation. A temporary restraining order is required for the Board of Survey to enter and inspect the properties. If the structures are determined to be unsafe the Town can arrange for them to be demolished and then place a lien on the properties to recover the expenses.

Moved Mr. Cushing and seconded by Mr. Dickerson to authorize Town Counsel to seek a Temporary Restraining Order for the purposes of being able to allow the Board of Survey to enter the properties. VOTE: 3-0-0

**Request to connect sump pump located at 1018 Point Road to Town storm drain system**

**NOTE:** Prior to the discussion Mr. Henry recused himself and left the room.

The Board reviewed a request submitted by Carl Gomes to connect the sump pump discharge from his property located at 1018 Point Road to the Town’s storm drain system; the sump pump currently is connected to the Town sewer system. Information from Rob Zora and contractor Robert Fournier was reviewed as well. Mr. Zora indicated in his memo that he did not see a problem with the storm drain connection provided that all necessary paperwork is provided. Mr. Zora also indicated that removing the connection from the sewer system would benefit the Town and the homeowner. Mr. Gomes will be responsible for all related construction costs and will be required to complete an indemnification agreement. It was agreed that approval would be contingent upon receipt of an indemnification agreement and with the understanding that the property owner will be responsible for all related construction costs.

Moved by Mr. Cushing and seconded by Mr. Dickerson to approve the application submitted by Carl Gomes pursuant to meeting all requirements. VOTE: 2-0-0

**NOTE:** After the vote was taken Mr. Henry reentered the room and joined the meeting.

**TOWN ADMINISTRATOR REPORT**

**Committee/Employee Appreciation Event**

The events will be held Wednesday, August 20. The employee event will be during the noontime hour and the committee event will be that evening.

### **Landfill Solar Array Update**

Yesterday (August 4) was the deadline to submit proposals. Two proposals were received and the evaluation committee will be meeting tomorrow.

### **Update – Special Legislation Issues**

The special legislation related to out of district water bills was approved and signed by the governor – a draft taking form was submitted to the Plymouth County Registry of Deeds; the form has been approved and the collection process can now begin.

### **Charge to Town House Building Committee**

At the last meeting the selectmen discussed the charge to the Town House Building Committee and indicated that they wanted to limit the focus to the Town House itself. At that time Mr. Cushing recalled a previous discussion between the selectmen and the Town House Advisory Committee with the selectmen agreeing to present four options to Town Meeting. The fourth option was for a campus-style approach by physically connecting the library with the Town House and sharing the space with other Town operations such as the library and Council on Aging. Research revealed that in April, 2013 the Board did agree to present four options to Town Meeting. Mr. Dawson submitted for the Board's consideration tonight a proposed charge to the Town House Building Committee that included the fourth option.

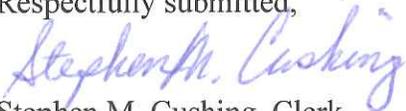
Moved by Mr. Cushing and seconded by Mr. Dickerson to move the charge to the Town House Building Committee as presented. VOTE: 3-0-0

### **CORRESPONDENCE**

Reading of the correspondence into the record was waived.

Moved by Mr. Cushing and seconded by Mr. Dickerson at 8:55 p.m. to enter into executive session for strategy related to collective bargaining. The Board will not be entering back into regular session. A roll call vote was taken with all members voting aye.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date approved: August 19, 2014

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
DOCUMENTS REVIEWED AT MEETING – August 5, 2014**

Meeting minutes –July 15, 2014

Draft sewer regulations

Reappointments list

New appointments list

State Primary Warrant

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Request to connect sump pump located at 1018 Point Road to Town storm drain system

Charge to Town House Building Committee

ZBA request for comments – 4 Cove Street

Letter from DMF regarding status of shellfish beds (07/04/14)

Letter from DMF regarding status of shellfish beds (07/05/14)

Letter from DMF regarding status of shellfish beds (07/08/14)

Copy of letter from Building Commissioner regarding 140 Wareham Street

Letter from Comcast regarding IBEW Local 2322

YMCA Sippican Learning Center sprinkler use request

Email from Wendy Carreau indicating that she will not be seeking reappointment to the Conservation Commission

Copy of memo from David Pierce regarding distribution of applications pertaining to energy projects

Letter from FEMA regarding Flood Insurance Rate Map (07/10/14)

ZBA notice of decision – 208-210 Spring Street (Brewfish)

ZBA request for comments – 76 Pleasant Street

Water abatement request – 355 Delano Road

Email from MMA regarding Legislature Formal Sessions

**OTHER BOARDS**

Meeting Minutes – Upper Cape Cod Regional Technical School District Committee (06/12/14)