

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
September 18, 2007
Agenda**

SIGNING OF WARRANTS

APPROVAL OF MINUTES, September 4, 2007

APPOINTMENTS: 7:15 p.m. Public hearing, Sippican Café alcohol license
 7:30 p.m. Wind Power Study Committee

ACTION ITEMS: 1. Ryder Lane traffic
 2. Ladder truck inspection
 3. One-day license, Marion Social Club, 9/29/07
 4. Contract for Village Loop project, Robert B. Our Co., Inc.

TOWN
ADMINISTRATOR: 1. Fire Department report
 2. Building Commissioner, Treasurer/Collector contracts

CORRESPONDENCE: a. From Superintendent Cooper re reduction of assessment and
 request for allocation of funds
 b. From Island Associates re Planting Island causeway
 c. From Conservation Commission re fence and fill on Town
 property
 d. Proposed pressure wash system, Barden's Board Yard
 e. From Town of Walpole re 40B legislation and MCAH

COMMITTEE UPDATE, if necessary

ANY OTHER MATTERS TO COME BEFORE THE BOARD

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
September 18, 2007
Minutes**

The meeting was called to order at 7:03 p.m. Present were Chairman Roger F. Blanchette, Board member Andrew N. Jeffrey and Town Administrator Paul F. Dawson. (Selectman Jonathan F. Henry was absent from this meeting.) Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Police Chief Lincoln W. Miller, Fire Chief Richard J. Guerzoni, Stephen M. Cushing, , David K. Pierce, Carol Sanz, Eunice Manduca and Albin R. Johnson, III. Also present were Sippican Café owner Joseph Monger and interested neighbors Manuel Costa, Robert and Winifred Sylvia, James and Susan Donaldson, Catherine A. Johansen, Donna F. Murphy, Marshall Sadeck, Timothy Wallace, others who may not have signed in and Helene Craver, secretary.

Mr. Jeffrey moved the minutes of September 4, 2007; the motion was seconded and carried.

Mr. Pierce of the Wind Power Study Committee met with the Board to discuss matters having to do with the committee. Mr. Jeffrey noted that Mr. Pierce had requested a name change to be more encompassing and stressed that the Board wished to be keep apprised of any actions the committee might be considering. Mr. Pierce explained that the committee's charge covers wind power only, but, along the way, the members have become aware of other areas of interest, such as other alternative energy sources and energy conservation, which would add to the scope of the committee. Mr. Blanchette suggested renaming the committee the Alternative Energy Study Committee, to which Mr. Pierce agreed.

Mr. Jeffrey moved to rename the Wind Power Study Committee the Alternative Energy Study Committee; the motion was seconded and carried.

Mr. Jeffrey observed that it wouldn't be necessary for the committee to report to the Board every month—they should work with the Town Administrator. Mr. Pierce reported that an important meeting of the area wind power committees will be held on September 24, represented by the various committees and area Selectmen. Mr. Jeffrey again suggested Mr. Pierce work with the Town Administrator on any proposed action.

Mr. Pierce asked if the Board had discussed the question of conservation restrictions; Mr. Blanchette said that they had not. Mr. Pierce informed the Board that certain conservation restrictions preclude the use of some property for use as alternative energy sites. Mr. Jeffrey said that this request is a small part of the total picture which the Board must consider. Mr. Blanchette thanked Mr. Pierce for bringing this to the Board's attention and promised that the Board would be aware of this aspect of open space.

Mr. Blanchette opened the public hearing on the application for an all-alcohol restaurant license for Sippican Café, 167-169 Spring Street. Mr. Monger, owner, noted that the restaurant has been in Town for fifty-five years and has served lunch and dinner for the past five years with a "bring-your-own-bottle" policy in place during that time. Mr. Monger said that he would like to serve alcohol and get the revenue from the sales; he has an extensive background in the restaurant business and in serving alcohol. Mr. Monger said that he would like to make this a successful business. Mr. Sylvia, an abutter, presented a petition against the granting of the license signed by his neighbors and noted that the restaurant had been primarily a breakfast and lunch establishment until five years ago; a full alcohol licensed restaurant doesn't "fit into" a residential neighborhood. Mr. Sylvia said that he is very concerned for the character of the neighborhood and the safety of the children. Mr. Monger asked what the difference to the neighborhood is between the current BYOB and a licensed business; people now come in with their own liquor, beer and wine. Mr. Monger said that he now has the liability and that a well-run establishment depends upon a responsible owner and not the license. Mr. Monger said that he has added many improvements to the property and that there will not be late nights or loud music, as there is no entertainment license for the restaurant.

To clarify, Mr. Jeffrey asked if the restaurant would remain the same and not turn into a bar. Mr. Monger said that it would remain the same, except that there would have to be an area to serve the alcohol, which he plans as a small bar with eight seats. Mr. Monger explained that he had received approval from the Planning Board to extend into the former flower shop area, where he plans to situate the bar with additional tables. Mr. Monger explained that he would expand his parking area onto Mr. Sweeney's property next door and at the back of the restaurant. Mr. Donaldson expressed concern that the license would carry with the establishment, not the current owner—how do we guarantee that the property won't change hands and turn it into a bar with loud music and people outside smoking? Mr. Blanchette explained that, when a licensed premises changes hands, the new owners have to come before the Selectmen during the process for the transfer of the license.

Mr. Monger objected to comparisons of his restaurant with The Wave, explaining that his restaurant is completely different and citing his extensive experience with serving alcohol. Mr. Monger asked the neighbors to not assume his establishment will be similar to The Wave. Others objected to a "bar" in the neighborhood and a licensed restaurant affecting property values in the area. Mr. Monger pointed out that the previous owner sold the restaurant because it wasn't making money—hence, the BYOB policy wasn't working and cited the presence of two other nearby restaurants which have closed.

Complaints and concerns regarding noise, hours of operation and future sale of the restaurant were repeated. Mr. Blanchette asked Mr. Monger to respond to the questions regarding the hours of operations. Mr. Monger estimated that he would request to remain open until 11:00 p.m. or midnight some days with earlier closing on others. Mr. Dawson explained that the State controls a licensed restaurant's hours and that service may not be denied between 11:00 a.m. and 11:00 p.m. Mr. Monger noted

that customers waiting for service requiring the need to remain open until 11:00 p.m. would mean that his establishment is successful, but he anticipates closing earlier.

Complaints about quality of life, adverse affects on the neighborhood, safety of its citizens and noise continued. Mr. Monger explained that staff training will control and forestall any serving of inebriated patrons.

Mr. Jeffrey indicated that it would not be fair to the applicant or anyone else to make a decision at this meeting and suggested the Board take the matter under advisement and close the hearing at this time. Mr. Silvia objected that no one could predict one "positive" aspect the license would bring to the neighborhood. Mr. Monger said that it would be a thriving business. The same complaints continued, with comparisons to other licensed premises. Mr. Monger pointed out that he is not requesting an entertainment license. Mr. Blanchette noted that the Board has not had time to consider all the aspects of this request and announced that the hearing would be continued for two weeks.

Chief Miller reported to the Board regarding the suggestion that Ryder's Lane be made a one-way street. Chief Miller reported that two-way traffic has always been allowed and there are no reports of traffic accidents on the street. Chief Miller indicated that he travels the road on an almost-daily basis and that people are very courteous about yielding the right of way. Chief Miller expressed concern that, should the street be changed to one-way traffic, it could impede emergency response time for public safety vehicles. A discussion followed regarding the overgrown shrubs and other vegetation at the intersection with Front Street. It was agreed that the road layout would be checked and, if necessary, the homeowners or the Department of Public Works would trim back the vegetation.

The Board then met with Chief Guerzoni to discuss the purchase of a used Fire Department ladder truck. Chief Guerzoni indicated that he had given two quotations for inspection of the truck to Mr. Dawson and that his recommendation is that Greenwood Emergency Vehicles be chosen, as he is familiar with the company and they do the repair work on the current vehicles. Mr. Blanchette asked if there was a bid on the inspection process. Mr. Dawson referred to his memo, which outlined the bids received and recommended Greenwood (not to exceed \$2,500), also, as the low bidder. Mr. Dawson declared that he had received a telephone call today from Mr. Henry, who asked him to convey to the Board his request to delay action until he returns. Mr. Dawson also explained that time is of the essence in this process and he would like to get the ladder truck into Marion as soon as possible. Both Messrs. Blanchette and Jeffrey agreed that Greenwood's proposal was sufficient. Chief Guerzoni said that they were very responsive.

Mr. Jeffrey moved to hire Greenwood Emergency Vehicles to inspect the ladder truck at Brindlee Mountain Fire; the motion was seconded and carried.

Mr. Dawson informed the Board that they have the commissioned Marion Fire Department Study; Mr. Jeffrey had been appointed to represent the Board for the Study and he and Mr. Jeffrey had met to discuss the recommendations. Mr. Dawson

explained that Chief Guerzoni had been asked to prioritize his staffing needs and they were now ready to begin the implementation of the study recommendations. Mr. Dawson noted that the first step to implementation was to create a part-time position to cover station #1 seven days a week, or 58 hours a week, to handle permits and other duties on the weekend. Mr. Dawson explained that the second item was a stipend program for the night shift, with the plan beginning with two people at \$25.00 per night, guaranteeing a night response. Mr. Dawson gave an example where a smoke alarm was sounding and a full response was not needed. Mr. Dawson explained that this is just the beginning of a program to guarantee a Fire Department response at all times. Chief Guerzoni outlined many areas where a trained response was needed and noted that training opportunities are usually given during the day. Chief Guerzoni said that they would utilize funding from the regular Fire Department payroll. A brief discussion followed regarding Fire Department dispatch services. Chief Guerzoni explained that dispatcher duties will be filled during business hours and that they will continue to rely upon the Police Department for other hours. Mr. Blanchette asked why the Police Department couldn't cover for the daytime, as well? Chief Guerzoni explained that the dispatcher is responsible for the office, along with dispatching; this is a clerical person who doubles as dispatcher. Chief Guerzoni explained that the Fire Department has received a cut in its payroll budget, which could result in a negative reflection by the ISO. Mr. Dawson explained that the recommendations would result in seven-day-a-week coverage, which the Fire Department does not currently have. Discussion followed regarding an employee who is currently working in the office; Chief Guerzoni explained that his salary is being covered by the firefighter salary line item. It was ascertained by the actual increase would not be an actual part-time position, as the Department already has been using an employee for some of the shift coverage—an increase from 40 hours per week to 46. Mr. Jeffrey stressed the need to be sure the actual increase is accurate. Mr. Dawson indicated that this is the intent—to create a full-time position, with different people working the hours. Mr. Jeffrey suggested taking this recommendation under advisement, as he would like to have Mr. Henry present for the discussion and vote before placing the Article on the Special Town Meeting Warrant. Mr. Dawson explained that preliminary discussions with Dr. Kemp of the Finance Committee have resulted in his understanding the need to move forward. It was agreed that this item will be placed on the agenda for the next meeting.

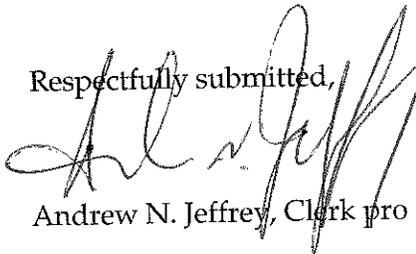
Mr. Blanchette announced that the Board has voted to appoint Richard W. Marx as the new Building Commissioner, effective September 24, which is the same day Gary Carreiro will begin work as the Town's new Treasurer/Collector. Mr. Blanchette noted that, although Mr. Marx is not certified as a Building Commissioner, he has eighteen months in which to obtain certification. Mr. Jeffrey said that the Board is very pleased with the two new appointments; both new employees made it clear that their first obligation is to the public and the Board expects them to adhere to this philosophy.

The Board discussed the agenda form and some confusion as to whether or not certain items required Board action. Mr. Jeffrey suggested that only items for general information be listed under "Correspondence". It was agreed that the majority of items under this category be listed under the Town Administrator's report, as he has the background information on most of these items.

Chief Miller reported on a recent incident involving an escaped fugitive and his Department's use of "reverse" 911, which allows the Department to telephone most households to play a recorded message. Chief Miller explained that this was a commercial program, which allows certain authorized officials to notify Marion households of an emergency. Chief Miller explained that people with unlisted telephone numbers will not receive notification, unless they contact the Department and have their number added to the list. Chief Miller informed the Board that people with the call blocking feature also do not receive notification. Chief Miller reported that the members of the Department had been trained on the use of the equipment, consisting of sixteen hours of training per officer. Mr. Blanchette said that he had received many compliments about the calling system. Mr. Dawson reported that the entire Department had worked through the night toward the eventual capture of the individual and that congratulations were in order. Chief Miller credited not only his Department, but also the Mattapoissett Police Department, Massachusetts State Police and Parole Officers with the combined effort.

Mr. Jeffrey moved to adjourn at 9:17 p.m.; the motion was seconded and carried.

Respectfully submitted,



Andrew N. Jeffrey, Clerk pro tem

Date approved: 10/2/07

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October 2, 2007
Agenda**

SIGNING OF WARRANTS

APPROVAL OF MINUTES, September 18, 2007

APPOINTMENT: 7:15 p.m. Sippican Café, continuation of hearing

ACTION ITEMS:

1. Fire Department study
2. Contract award—Music Hall north wall
3. One-day, all-alcohol license, Social Club, 10/13 & 10/14/07;
VFW Post #2425, 10/6/07

TOWN
ADMINISTRATOR:

Report—

1. Ryder's Lane vegetation
2. Fire truck status
3. Special Town Meeting Warrant Articles
4. Maintenance on Planting Island Road causeway
5. Update, delinquent tax accounts

Correspondence—

- a. Lawsuit settlement, Verizon New England
- b. ORR reduction of assessment and request for allocation of funds
- c. From VFW Post #2425 re Veterans' Day program
- d. From Dork Sahagian re Marion Harbormaster and assistants
- e. Information on Mass. Municipal Association annual meeting

COMMITTEE UPDATE, if necessary

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