

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

**October 2, 2007**

**Minutes**

The meeting was called to order at 7:00 p.m. Present were Chairman Roger F. Blanchette, Board members Andrew N. Jeffrey and Jonathan F. Henry and Town Administrator Paul F. Dawson. Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Donald Cuddy of the *Standard-Times*, owners of the Sippican Café Joe and Lynn Monger, Manuel Costa, Helen Westergard, Stephen M. Cushing, Carol Sanz, Albin R. Johnson, III Johnson, III, Robert and Wini Sylvia, Eunice Manduca, Paul S. Kohout, Susan Donaldson, Fire Chief Richard J. Guerzoni, others who may not have signed in and Helene Craver, secretary.

Mr. Jeffrey moved the minutes of September 18, 2007; the motion was seconded and carried, Mr. Henry abstaining.

Mr. Dawson announced that a lawsuit which had been handled by the Town's insurance carrier (third-party complaint) had been settled.

Mr. Dawson explained that the Old Rochester Regional School District had received more funding than projected from Chapter 70 and that the District School Committee has voted to support a request to use the excess to establish a capital improvement line item in the budget. Mr. Dawson noted that this decision rests with the Board and the Finance Committee. Mr. Blanchette said that it was his opinion that the excess funding should be returned to the Town's general fund; Messrs. Henry and Jeffrey agreed. Mr. Dawson noted that there is a budget process by which line items can be established.

Mr. Henry observed that there is a special needs increase request from the Old Rochester Regional School District. Mr. Dawson indicated that they haven't gotten all the figures, but it appears that three children with special needs have moved into the community, which will affect the special needs portion of the budget.

Mr. Dawson announced that the delinquent tax lists will shortly be advertised under a program began by Mr. Marx and continued by Mr. Carreiro.

Referring to a request for maintenance on the Planting Island causeway submitted at the September 18 meeting, Mr. Dawson reported that the Department of Public Works has accomplished most, if not all, of the requested maintenance.

Mr. Dawson reported that Mr. Zora has sent letters to the appropriate residents of Ryder's Lane, requesting them to cut back their vegetation to improve visibility; the residents will have two weeks to respond.

Mr. Dawson reported that an independent review of the Fire Department proposed ladder truck will be completed and that he is hopeful the Town can take delivery of the truck by the end of the month. Mr. Henry hoped that, in the future, when

controversial subjects are discussed at a Selectmen's meeting when a Selectman is absent, a vote would be delayed to afford the member an opportunity to be present. (Mr. Henry had objected to the awarding of the contract to Greenwood Motors and was absent at the meeting at which the contract was awarded.) Mr. Blanchette explained that the Board was aware of the tight time frame with which they were working on the procurement of the ladder truck, but it did not occur to him that he might have called a special meeting to discuss this issue. Mr. Blanchette said that he takes full responsibility for this situation and apologized to Mr. Henry.

The continuation of the public hearing on the application for an all-alcohol restaurant license for Sippican Café commenced at 7:15 p.m. Mr. Blanchette opened the hearing to public comment, requesting that remarks be limited to those germane to the subject and not repeat statements from September 18. Mr. Kohout asked if all the agreements for the license were in place. Mr. Blanchette noted that the Planning Board has issued a permit with conditions related to the expansion into the former flower shop, which does not pertain to this hearing; however, he feels that all the conditions issued by the Planning Board should be met. Mr. Blanchette emphasized that the conditions should be met before the expansion. Mr. Jeffrey felt this was not pertinent to this hearing.

Mr. Monger's hours of business were briefly discussed. Mr. Monger said that, occasionally, there are people waiting to be seated at 9:00 p.m. and he would serve them, but his hours for dinner are basically 5:00-9:00 p.m.

Mr. Kohout raised the question of patron parking, and claimed that customers were parking on and blocking the dirt path, which is a safety issue. Mr. Monger responded that this was addressed at the Planning Board meeting, when the Planning Board requested he use additional parking at the lot next to the restaurant. Mr. Monger explained that he is currently using fifteen spaces there, which he would have to duplicate if the other property is developed. Mr. Monger said that he monitors Spring Street parking every day and he would like to eliminate any Spring Street parking. There was a brief discussion concerning "No Parking" signs; Mr. Monger said that he has made up some signs, but is not sure he will be allowed to erect them. Mr. Blanchette advised Mr. Monger that the signs must be made by the Department of Public Works on the recommendation of the Police Chief.

Mrs. Westergard read a letter in support of the restaurant and the license application.

Mrs. Sylvia repeated her concerns for the neighborhood and its character if the license is granted and requested the Board deny the application.

Mr. Blanchette closed the hearing to public comment.

Mr. Henry noted that he had read the minutes of the September 18 hearing and that he is sensitive to the needs of the neighborhood—which is zoned for commercial business. Mr. Henry said that this is a difficult situation, but there is no valid comparison between the Sippican Café and The Wave. Mr. Henry recalled when Harriet's Restaurant first applied for an alcohol license and that the process took years,

because of the objections, mostly from the churches. Mr. Henry recalled that, eventually, the license was granted and there were absolutely no problems—all the difficulties which were forecast didn't occur. Mr. Henry said that granting a license to Sippican Café would create a far better situation than now exists. Mr. Henry noted that the alcohol business is probably the most regulated industry in the country. Mr. Henry said that he felt the Board should grant the license.

Mr. Jeffrey agreed with much of what Mr. Henry said and complimented Mr. Monger on the way he has presented himself at the hearing and with his attempts to work with the neighbors. Mr. Jeffrey said that he believes Mr. Monger is of good character and cares about the neighborhood and the Town. Mr. Jeffrey noted that this is not a change of use for the building, as there has been a "brown bag" policy in place and he doesn't see any justification for denying the license.

Mr. Blanchette reminded those present that the alcohol licenses expire every year and asked the neighbors to alert the Board should any problems occur.

**Mr. Jeffrey moved** to approve the all-alcohol restaurant license for Sippican Café; the motion was seconded and carried unanimously.

Returning to the subject of the Fire Department study, Mr. Jeffrey attempted to clarify the position of a person working at Station #1, who was presently funded through the budget but had been requested as a separate funded position. Chief Guerzoni explained that, normally, he is asking for one person, but there will be times (such as vehicle repair) when two will be needed. Mr. Jeffrey asked how the need for two people is currently handled. Chief Guerzoni said that it might be mentioned at a drill and a volunteer would be requested. Mr. Dawson explained that the position was now being funded through other means; the request is to dedicate funding for the position.

Mr. Blanchette noted that Chief Guerzoni repeatedly cites the need for two people when a vehicle is taken for repair—how often does this occur? Chief Guerzoni said that vehicle repair and hose testing would require an additional person on an as-needed basis, but he is only requesting funding for one position. Mr. Blanchette pointed out that, in the fiscal year ending June 30, 2007, the person working at Station #1 earned \$26,410; this is an unauthorized situation funded by surplus money. Chief Guerzoni explained that this payroll item had been made up from other items in his budget. Chief Guerzoni explained that the need had evolved and been filled and now he is trying to formalize the position. Chief Guerzoni listed the duties of the new position in part as maintenance of the apparatus and equipment, updating, fire drills, fire alarm testing, non-emergency services, attending training classes and seminars, field work and preplanning, filling in at the desk and being able to respond to emergency calls. Chief Guerzoni said that the goal would be to have the person EMT rated and be a driver/operator. Mr. Jeffrey asked if the new position would replace the current practice of using various members to fill in, resulting in a total increase of \$5,000. Chief Guerzoni said that he would agree that the amount would not exceed \$5,000.

Mr. Henry said that he would like to bring this request before the Personnel Committee and that a new position should go before Town Meeting, as has been past

practice. Mr. Henry said that filling a new position from the current budget doesn't "sit well" with the Townspeople. Chief Guerzoni said that he was comfortable bringing his request before Town Meeting.

Mr. Henry noted that the fire study recommended that the Fire Department and Emergency Medical Services be consolidated, which is not a popular idea with some people. Mr. Henry cited Lakeville as a Town which has a combined fire/EMS and which bills for ambulance services, which, in turn, pays for the staff and equipment. Mr. Henry said that you don't have to have calls to which there is no response to have a problem and, if the ambulance does not go out, the Board has to look at that. Mr. Henry said that he would like to get some sense of how people feel about billing for ambulance services before the November Special Town Meeting; he also is unsure how it would work under the present structure with EMS as a separate department. Chief Guerzoni said that the Fire Department remains available to render assistance—but not on a daily basis. Chief Guerzoni said that the Fire Department has assisted several times a year. Mr. Henry said that he hears calls for mutual aid on a fairly routine basis—why doesn't the person working in the Fire Department respond in the ambulance? Chief Guerzoni said that the Fire Department doesn't have the ability to take the EMS ambulance somewhere without permission; they have a separate squad truck with which they respond. Mr. Henry said that this point out the need to take a look at the departments and turn it into a system that responds at all times.

Mr. Blanchette suggested looking into Mattapoissett's system, whereby the police, as an already full-time entity, also respond to ambulance calls. Chief Guerzoni said that, at one time, Marion's police responded to ambulance calls, but it was draining the police resources. Chief Guerzoni said that the police covered this area until a civilian force could be formed as a separate entity. Mr. Henry recalled that the Town was in a non-compliant situation when all towns were required to deliver EMS services and the police were given this responsibility by default, until the Town could form a separate service. Mr. Henry said that it is no secret that he would like to have this department looked at and this is an opportune time. Mr. Jeffrey said that, as a first step, they begin the changes outlined in the Fire Department study and develop an overall strategy. Mr. Jeffrey said that they were not ready to make structural changes now. Mr. Jeffrey noted that not being able to respond to ambulance calls defeats one of the reasons to have another person at the station.

Mr. Dawson reported that there had been a bid opening for the repair work on the Music Hall north wall, to which there were fifteen requests for information and seven bids. Mr. Dawson recommended the Board accept the low bidder, JJS of Webster, Mass. at \$24,500.

**Mr. Jeffrey moved Mr. Dawson's recommendation.**

Mr. Henry said that he would be unhappy if the repair work doesn't match the rest of the building. Mr. Dawson explained that the specifications call for pointing which matches the rest of the structure.

The motion was seconded and carried unanimously.

**Mr. Jeffrey moved** to approve all-alcohol licenses for the Marion Social Club for October 13 and 14, 2007 and for VFW Post #2425 for October 6, 2007; the motion was seconded and carried unanimously.

Mr. Dawson informed the Board that the deadline for Warrant Articles for the Special Town Meeting has passed and that no petition Articles had been submitted. Mr. Dawson reported that several departmental requests were received and that the Warrant will be drawn up for the next Selectmen's meeting.

Mr. Dawson reported that the Coalition for Buzzards Bay will be holding a meeting in the Music Hall at 6:30 p.m. on October 11 to discuss oil spill response plans for Buzzards Bay and that the Board has been requested to attend.

Mr. Blanchette recalled that, at the previous meeting, there had been a discussion of the possibility of having a petition Article for the Warrant for a recall provision and that this should probably be on the Warrant. Mr. Blanchette said that the Town does not have a provision for recall of elected officials and there should be some mechanism for recall for justifiable reasons. Mr. Jeffrey said that he remembered the Article and suggested it be presented at an Annual Town Meeting, not a Special. Mr. Henry agreed that this issue should be presented to the Annual Town Meeting; Mr. Blanchette agreed.

Mr. Blanchette announced that the Board should plan on holding a public informational meeting after the Special Town Meeting to discuss water/sewer and rates.

**Mr. Henry moved** to adjourn at 8:37 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,

Date approved: 10/18/07

  
Jonathan F. Henry