

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
November 6, 2007
Agenda**

SIGNING OF WARRANTS

APPROVAL OF MINUTES, October 16, 2007

APPOINTMENT: 7:05 p.m. Jeff Habicht, EMS Director

- ACTION ITEMS:
- a. One-day, special alcohol licenses—
Marion Social Club, 12/8, 12/13
Eastern Bank at the Music Hall, 12/5
Karla Burke at the Music Hall, 11/23
 - b. Common Victualler's license, The Lunch Box
 - c. Appointment at the request of Ray E. Pickles, Town Clerk,
Joseph B. Daly, Elections Warden
 - d. Signing of water/sewer liens

TOWN
ADMINISTRATOR:

Report—

1. Special Town Meeting follow up
2. EPA Administrative Order
3. Selectmen's annual party
4. Annual Town Report deadline
5. Request regarding Colonial Insurance Company
6. Violation hearing, November 20, Marion Country Package Store

Correspondence—

1. From Chief Miller re animal boarding
2. From Planning Board re request for comments, Subway
restaurant at 119 Wareham Street
3. From Planning Board re request for comments, Sippican Shop
change of hours
4. From Planning Board re demographic study
5. Shellfish opening notification

COMMITTEE UPDATE, if necessary

ANY OTHER MATTERS TO COME BEFORE THE BOARD

**MARION BOARD OF SELECTMEN
WATER/SEWER COMMISSIONERS
November 6, 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 he and Town Administrator Paul F. Dawson. Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Andrea Smith and Robert Slager of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Robert Wing, Eunice Manduca, Stephen M. Cushing, Emergency Medical Services Director Jeffrey Habicht, Town Counsel Jonathan Witten and Helene Craver, secretary.

Mr. Jeffrey moved the minutes of October 16, 2007; the motion was seconded and carried unanimously.

Mr. Henry moved one-day, special alcohol licenses for the Marion Social Club on December 8 and December 13, 2007, Eastern Bank at the Music Hall on December 5, 2007 and Karla Burke at the Music Hall November 23, 2007; the motion was seconded and carried unanimously.

Mr. Jeffrey moved a common victualler's license for The Lunch Box; the motion was seconded and carried unanimously.

Mr. Jeffrey moved the appointment of Joseph B. Daly, Elections Warden; the motion was seconded and carried unanimously.

At 7:15 p.m., the Board met with Mr. Habicht. Mr. Blanchette said that the reason the Board had invited Mr. Habicht to the meeting was because, at the previous meeting, Chief Guerzoni had made some comments which need to be clarified. Mr. Blanchette requested Mr. Habicht discuss the relationship between the Emergency Medical Services and Fire Department. Mr. Habicht responded that there haven't been any major problems between the two services; the EMS has extended training since the Fire Department began to have EMTs. Mr. Habicht said that he is unaware of any criticisms coming from the Fire Department. Mr. Blanchette said that he was referring to a situation whereby it was reported that the ambulance was not available to Fire Department EMTs. Mr. Habicht explained that there were two incidents this year and two in 2006 where there was no response to a call for Marion Emergency Medical Services, which equates to roughly one-third of one percent of the total number of calls. Mr. Habicht explained that this situation is the reason the department has a mutual aid agreement and protocol in place, which also includes a Fire Department response to medical calls. Mr. Henry said that it had been reported to him that firefighters were actively discouraged from using the ambulance. Mr. Henry said that, when there was no response from Emergency Medical Services, available firefighters could drive the ambulance, but they are prohibited from doing so and he has this in writing. Mr. Habicht said that the firefighters are prohibited from providing EMT-level care; the letter allows firefighters to assist on the ambulance, as long as there is at least one member of Marion EMS present. Mr. Habicht explained that the firefighters cannot offer a level of care above that of first responder, as they do not have a license to provide care

at the EMT level. Mr. Henry said that, what we are looking at is to somehow incorporate the firefighter/EMTs who are duly qualified, into Emergency Medical Services to permit them to assist when EMS is not available. Mr. Habicht reported that the firefighter/EMTs were invited to join the EMS, but the majority refused. Mr. Habicht cited training and budgetary difficulties with incorporating the firefighters. Mr. Habicht noted that, of the eleven firefighter/EMTs on the roster, the majority had reasons why they could not be a part of Emergency Medical Services (full schedule, moved, etc.). Mr. Habicht cited state mandates and the extensive training necessary to qualify for the Emergency Medical Services. Mr. Henry asked if people could be both firefighters and also belong to Emergency Medical Services? Mr. Habicht said that they absolutely could. Mr. Habicht noted that any Town employee who has a valid driver's license can drive the ambulance; he has asked firefighters to drive the ambulance a couple of times in the last six months, but the Fire Chief has refused.

Mr. Habicht explained that Emergency Medical Services set up a charitable fund in 1980, which is overseen by the Association. Mr. Habicht noted that there were some inaccuracies in newspaper reporting; the purpose of the Association was to provide help and enhance care the Marion Emergency Medical Services provides through donations made to the Association. Mr. Henry noted that the charitable organization was formed under 501(c)3, which the public needs to understand is not a Town fund and there needs to be some clarification. Mr. Jeffrey was concerned that a distinction wasn't being made that the charitable fund wasn't a Town fund. Mr. Witten explained the difference between the charitable fund and Town funds (basically, that donations to the Town were donations to the Board of Selectmen). Mr. Habicht explained that the Association does not solicit anything.

Mr. Jeffrey said that this is not an insurmountable issue; the Board should not make any decisions tonight. Mr. Jeffrey said that the situation needs to be studied in depth—the Board is here to help. Mr. Jeffrey suggested Mr. Habicht meet with Mr. Dawson, Mr. Blanchette and Chief Guerzoni to discuss the issues.

Mr. Henry stated that delivery of medical care is an instrument of the Town; the donated funds are part of that instrument as well, as the Town pays for the insurance, owns the equipment and runs the department. Mr. Henry said that he was told that the Association fund was “none of my business”—that is the wrong answer, as the Town relies on that fund for the purpose of running the service. Mr. Henry said that the information on the fund was not forthcoming. Mr. Habicht disagreed, stating that Mr. Henry was given the information. Mr. Henry said that there was a partial response; in order to gain an understanding of the cost of running the department, they need to know about the fund—there is a big credibility problem with the fund. Mr. Henry said that it was not necessary to solicit donations to operate the service; they need to change the way the ambulance is run to have insurance money be reimbursed to the Town. Mr. Henry said that the fund should be converted to have the same kinds of restrictions on investments required of Town funds.

Mr. Witten noted the need to determine whether the fund is an instrument of the Town—the ambulance is an instrument of the Town and this gray area has now gotten the attention of the press. Mr. Blanchette agreed with Mr. Witten and said that

the fund should not be kept secret. Mr. Habicht said that that is an issue for the Association; the records are public, not confidential, and are available for everybody.

Mr. Jeffrey again suggested a meeting among Mr. Dawson, Chief Guerzoni, Mr. Blanchette and Chief Guerzoni and said that there are some other issues here where Town Counsel's opinion will be needed. Mr. Jeffrey said that a 501(c)3 is a valid entity which can be set up and used for whatever the Association determines, but Town Counsel needs to be involved at some point. Mr. Witten noted that a 501(c)3 fund is very common and there is nothing wrong, but there are accounting and perception issues. Mr. Witten said that, in terms of investment, this fund is very different, as it is not under control of the Treasurer or Town Meeting. Mr. Witten said that this situation can be resolved without him, but he urged the Association to keep an "arm's length", independent from the organization through the Town Administrator. Mr. Witten said that the fund would be "a lot cleaner" if filtered through Mr. Dawson's office. Mr. Witten said that this is a solvable matter without his assistance.

Mrs. Sanz said that she wouldn't think that any donations she would make in lieu of flowers in memory of a deceased would be going to the Town of Marion; most people would assume the same. Mrs. Sanz said that the biggest misunderstanding most people have would be how to make out the check. Mr. Jeffrey said that this is the whole issue; it is an accounting issue and the Board wants to make sure people are clear about the destination of their donations. Mr. Dawson noted that he had researched this issue and was not sure people understood that their donations were going to a private group on behalf of the Emergency Medical Services.

Mr. Henry said that another issue which should be discussed is that if the Association were to be dissolved, whatever funds which did not accrue to the Town would go to another charitable fund. Mr. Henry noted that, since the Town was not a 501(c)3, this is a legal issue.

(Mr. Jeffrey left the meeting at 7:50 p.m.)

Mr. Dawson reported on the preparation for the November 5 Special Town Meeting.

Mr. Dawson reported that the Town had received an Administrative Order from the Environmental Protection Agency, which supersedes the previous one and requires that there be a reduction of copper in the plant's discharge. Mr. Dawson noted that this will require increased reporting and monitoring on the part of the Town. Mr. Dawson explained that the Administrative Order is in effect through 2010.

Mr. Dawson reported that he had met with a representative of the Colonial Insurance Company, which is requesting to offer, at no cost to the Town, supplemental life insurance to the Town's employees. It was agreed that this offer would be acceptable, conditional on notice to the employees that the Town neither sponsors nor recommends the insurance.

Mr. Dawson reported that he had been notified that there had been an alleged violation of the alcohol laws by the Marion Country Package Store (sale of alcohol to minors) and that a hearing would be scheduled.

Mr. Dawson reported that a public information meeting on the water/sewer rate study had been scheduled for November 19 at 7:00 p.m. at the Music Hall; a special meeting of the Board has been scheduled for November 13 to review the information.

Mr. Dawson explained that the Animal Control Officer, Susan Connor, will no longer be able to board stray animals at her property, as her homeowner's insurance prohibits this use. Mr. Dawson reported that Chief Miller has contacted the Animal Rescue League of Greater New Bedford to take over this function. It was agreed that Mr. Henry would check with other nearby towns to determine whether there is interest in handling animal boarding on a regional basis. It was also agreed that the Board would write a suitable letter of thanks to Mrs. Connor for her years of service to the Town.

Mr. Blanchette moved to adjourn at 8:17 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,

Date approved: 11/20/07


Jonathan F. Henry, Clerk