

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

May 6, 2008

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, Stephen M. Cushing, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Chief Lincoln Miller and candidate for police officer Anthony DiCarlo, Paul St. Don, Arnold Briggs, Carol Sanz, Stephen M. Cushing, Finance Committee Chairman Richard A. Kemp, Eunice Manduca, Tata & Howard representative Jonathan Gregory, Superintendent of Public Works Robert C. Zora and Helene Craver, secretary.

Mr. Jeffrey moved the minutes of March 18 and April 1, 2008; the motion was seconded and carried unanimously.

Chief Miller introduced Mr. DiCarlo and requested the Board appoint him to a one-year provisional term as a police officer. Chief Miller summarized Mr. DiCarlo's background and education and said that he meets all the requirements of the position. Chief Miller explained that Mr. DiCarlo was replacing the open position left when Sergeant Savery retired.

Mr. Henry moved to accept the recommendation of the Chief of Police to hire Anthony DiCarlo as a police officer for a probationary period ending May 11, 2009, effective immediately; the motion was seconded and carried unanimously.

Messrs. Zora and Gregory met with the Board to discuss the village loop project. Mr. Gregory reported that the contractor has requested an extension of the road work past Memorial Day during June to hook up additional water services before ending work until the autumn. Mr. Zora said that he didn't feel this schedule would present any problems, as it would only involve a small area with a small crew. Mr. Zora said that he had cleared this plan with Chief Miller, but hadn't yet discussed it with the boatyards—however, the project could be stopped at any time if the equipment were to interrupt any activity. Mr. Henry reminded Mr. Zora that they had promised the businesses in the village that they wouldn't disrupt them during the busy season. Mr. Zora said that they wouldn't be working on Front Street. All three members of the Board agreed to this plan.

Next on the agenda were two requests for abatements of water bills. Mr. Dawson explained that the first, from Holly Fern of 891 Point Road, dates back to a year ago. Ms. Fern's letter explained that she had made significant recent changes to her water usage, including the discontinuance of irrigation. The Department of Public

Works cited the fact that the water had passed through the meter and recommended denial of the abatement request.

Mr. Jeffrey moved to accept the recommendation of the Department of Public Works and deny the abatement request; the motion was seconded and carried unanimously.

The second abatement request was from Douglas and Elizabeth Leatham of 22 Riverview Lane, who contend that air was back fed into the water system from an irrigation system in River's Edge, which caused their meter to register water which had not passed through the meter. The recommendation from the Department of Public Works was to deny the request, based upon the fact that an employee had answered the Leatham's call, had flushed the hydrant, had not charged the Leathams for the employee's time or water flushed to waste for a supposed problem which was not caused by the Town and for which no cause was found. (The Leathams also requested the Town reimburse them for the plumber, whom they called when the incident occurred.) Mr. Zora said that it was a mystery to him how a problem with a neighbor's irrigation system could have caused a backflow problem at the Leathams.

Mr. Henry moved to accept the recommendation of the Department of Public Works to deny the abatement request with the understanding that, if there is a systemic problem uncovered, they will take another look at it; the motion was seconded and carried unanimously.

Mr. Dawson explained that the Board needs to sign a letter of support to be filed with Mass. Highway as part of a preliminary bike path plan.

Mr. Jeffrey moved to sign the letter of support; the motion was seconded and carried unanimously.

Mr. Dawson reported that he has had a request from Michael Murphy of the Bristol Plymouth Company, who has been engaged to make repairs to the Moore's septic system on Ram Island. Mr. Dawson explained that Mr. Murphy will need to use Silvershell Beach as a staging area to use a helicopter to transport material from the beach to the island, requiring temporary fencing and fire details at the beach for one day next week, dependent upon the weather. Mr. Dawson said that there will be a fire detail; Chief Miller explained that he did not require a police detail for the operation. Mr. Blanchette said that he was concerned about bystander safety; Mr. Zora said that he would recommend that at least one police officer be present on the beach to contain the curiosity factor; Mr. Blanchette agreed. Mr. Jeffrey was concerned with the helicopter's refueling and possible spillage. Mr. Zora said that the helicopter personnel are very experienced and are used in cranberry bogs all the time—they have the proper permits and licenses.

Mr. Henry moved permission to use Silvershell Beach for the operation, subject to the restrictions placed by the department heads; the motion was seconded and carried unanimously.

The proposed hours for the transfer station were discussed. Mr. Dawson reported that, despite his requests and reminders, he had not had a response from Carver to the proposal to open the transfer station on Sunday and Monday, as they were reluctant to discuss any changes. Mr. Blanchette said that they should discuss a policy on the Town-owned dumpsters to prevent people from using them; in order to prevent people from using the dumpsters, they need to have the transfer station open. Mr. Jeffrey didn't feel it was necessary to open both Sunday and Monday; four additional hours on Sunday afternoon would be sufficient. Mr. Jeffrey said that he saw no need to spend \$10,000 to open the transfer two additional days—four hours on Sunday at a minimal cost would help those who can't get to the transfer station any other day. Mr. Zora agreed and suggested readjusting the hours to retain a forty-hour week. Mr. Zora noted that the more people who use the transfer station, the fewer stops his employees will have to make for trash collection. Mr. Jeffrey said that this would be the perfect solution. Mr. Dawson said that the conversations he had had with Mr. Pickles were to the effect that the other towns in the district would not be supportive of a change in hours in Marion.

Mr. Jeffrey moved to open negotiations with Messrs. Pickles, Zora and Dawson to change the transfer station hours.

Mr. Henry reminded Mr. Jeffrey that the District controls the hours.

Mr. Jeffrey moved to negotiate with Mr. Pickles to open on Sundays with a forty-hour week; the motion was seconded and carried unanimously.

Mr. Blanchette noted that the Board had discussed the possibility of removing one of the dumpsters and fencing at Island Wharf and placing locks on all other Town dumpsters, with signs advising people that improper disposal of rubbish would subject them to fines. Mr. Blanchette said that, also discussed was the elimination of commercial trash pickup; his feeling is that, in most other towns, commercial establishments pay for their trash pickup and the Town should charge them a commercial fee. Mr. Henry disagreed, stating that the Town had spent quite a bit of money at Island Wharf and the removal of the fence would be unsightly. Mr. Blanchette said that he had talked to the Harbormaster, who would love to see the fence removed, as he had seen people place trash behind the fence, such as a dozen cans of paint or a TV set or two. Mr. Blanchette said that signs should go up and the Police Department and Harbormaster should enforce the regulations. Mr. Jeffrey said that this was his question—who will enforce the rules? Mr. Dawson reminded the Board that the Town has a provision for non-criminal violations, which allows for fines. Mr. Zora said that the Department of Public Works empties the dumpsters every Monday, Wednesday and Friday, but the trash containers fill up quickly during the summer, and it's not all because of boaters. Mr. Blanchette asked if the Police Department could enforce signs

that stated that household trash and contractor debris not be allowed in the dumpsters? Chief Miller suggested a by-law which spells out the regulations, but it is still a matter of catching someone in the act. Mr. Blanchette asked Chief Miller's opinion of locking the dumpsters. Chief Miller said that the trash would end up on the ground and that signs will not deter some people. Mr. Henry said that locking the dumpsters will create more work and a bigger problem; Chief Miller agreed. Mr. Jeffrey suggested a compromise of locking the dumpsters at night at a trial solution. It was agreed that, if a few violations were issued, word would begin to get around.

Mr. Henry suggested that the Town "get out of the dumpster business completely", as far as commercial pick up is concerned. Mr. Henry suggested that the Town not be in competition with commercial trash haulers in this matter. Mr. Zora suggested the Town only empty Town-owned dumpsters. Mr. Henry suggested that the Town cease pick up as of July 1.

Mr. Henry moved to eliminate picking up commercial trash dumpsters effective July 1 and to notify all the people involved; the motion was seconded and carried unanimously.

Mr. Dawson asked if the companies could continue to set out up to six barrels of trash? Mr. Jeffrey said that the Town would not pick up trash from commercial businesses.

Mr. Henry moved to amend his motion to cease picking up commercial trash period, curbside or otherwise; the motion was seconded and carried unanimously.

Mr. Henry stated that he understands the Finance Committee rationale for recommending a \$25.00 privilege sticker fee be instituted, but he recommends it begin at \$5.00 per sticker and then increase to \$10.00. Mr. Jeffrey noted that \$25.00 does sound like a lot of money and suggested starting with \$10.00. Dr. Kemp noted that the Finance Committee recommended each beach sticker cost \$25.00, as they were estimating a \$20,000 income for the fiscal year to assist with the shortfall. Dr. Kemp listed other areas where income has decreased, such as motor vehicle excise taxes, and expressed his concerns about the budget. It was agreed that there should be one sticker for all applications (beach, parking, transfer station). Mr. Dawson reported that he had received a number of e-mails and most people are willing to pay a fee and suggest \$25.00 for residents and \$50.00 for a guest pass. Mr. Dawson said that people understand the need to try to recoup some of the costs which have been escalating for years. Mr. Henry said that Elizabeth Dunn of the Board of Health had suggested discounts for the second or third car as incentive for people to buy more than one sticker. Mr. Jeffrey pointed out that this could cause administrative problems and suggested one reasonable fee (\$10.00).

Mr. Jeffrey moved to charge \$10.00 for one sticker to cover all purposes, effective July 1, 2008.

Mr. Blanchette reminded the Board that they had not discussed non-resident stickers. Chief Miller asked if they shouldn't consider issuing stickers on a calendar year, beginning January 1, 2009. Messrs. Blanchette and Kemp recommended keeping the effective fee to commence July 1; those who got their stickers before then would get them for free.

The motion was seconded and carried unanimously.

Mr. Blanchette noted that the charge for guest stickers is currently \$25.00.

Mr. Jeffrey moved to charge \$35.00 for guest stickers; the motion was seconded and carried unanimously.

Because of Mr. Dawson's schedule, it was agreed to change the meeting schedule for June to the second and fourth Tuesdays.

Mr. Dawson reported that the number for the Annual Town Meeting Article for the police station would be \$3.8 million, which is an increase over the last time, even though there is a reduction in the building's square footage. Mr. Dawson noted that the Town of Harwich recently went out to bid on a similar police station, which came in very close to \$1 million under the projected budget. Mr. Dawson reported that the Finance Committee is sending out a letter which explains the history and financial impact. Mr. Blanchette read the letter into the record:

"The voters in the Town of Marion will once again be asked to support the funding for a new police station. Previous proposals passed by voice vote at the Town Meeting only to be defeated by very narrow margins at the voting booth. The last vote, two years ago, ended in a tie, which defeated the override. We believe that now is the time to approve a new police station in Marion.

"After careful consideration, and with revised plans and cost estimates, the Marion Police Building Committee has decided to place the issue on the Town Warrant for the May Town Meeting. In the new plans the Committee has reduced the building size 2,000 square feet by eliminating the community/training room and restructuring storage and locker facilities. This new station is adequate to meet Marion's needs and has adopted a modular approach to facilitate expansion at some point in the future. The revised cost estimate however, is \$3.8 million, or \$400,000 more than what the proposed 10,180 square foot building would have cost in 2006.

"The present police station has serious space limitations, is overcrowded with equipment necessary for police activities and has inadequate space for evidence storage. In addition, the building has structural deficiencies and lacks the expansion space necessary to provide for basic needs such as prisoner segregation. These problems make the present facility fall short of the minimum state requirements and are likely to cause the station to be condemned.

"Why should Marion tackle this problem in times of economic stress? First, bond interest rates are currently favorable for long-term projects. Secondly, while construction costs for material continue to escalate, the housing slowdown may make

construction companies more affordable. A good example can be seen in a similar police building on the Cape where the actual bid for construction was approximately 12% less than the estimate. Thirdly, local (vs. state) control of the project design and timing will result in a more economical solution. Finally, Tabor Academy continues to offer the land for the building site.

"There is no question that the present problems of high gas and food prices, the sub prime mortgage crisis, the number of homes for sale in the area and in Marion the increased water and sewer costs are a strain for many people. However, the fact remains that in the near future Marion will have to replace the police station and the longer this decision is postponed the more expensive it will become.

"An analysis of Marion's finances shows a healthy debt level, which is declining yearly as the Sippican School debt is being paid off. Although the police station funding would add to the total amount of debt, the total would still remain within reasonable limits.

"Of course the first question from an individual homeowner is "How Much?" Assuming the building estimates are correct, Marion would have to borrow \$3.8 million at a projected interest rate of 4.5%. The interest and principal payments on that amount would raise the tax rate by slightly more than \$.20 per \$1,000 in assessed valuation in the first year and decline slowly over the life of the bond.

"Today in Marion the average home value is \$680,755 and the median home value is \$469,600. The tax increase for these properties would be \$139 and \$96 respectively. A homeowner can calculate the increase for their property using the tax rate above.

"The long-term reality is that the police station will have to be replaced—sooner rather than later. Delaying the decision will result in a more expensive solution and ultimately, a larger tax increase. For many it may seem desirable to continue to procrastinate because of the current economic troubles. However, we believe that approving the police station now is a prudent and financially sound decision to remedy this long-delayed infrastructure problem.

Marion Finance Committee
Richard Kemp, Chairman"

Mr. Henry said that it is the Board's job is to continue to support this building and recapitulated the history of the present building. Mr. Henry indicated that the building has mold, carpenter ants, multiple structural problems and design deficiencies. Mr. Henry said that it is overcrowded and a new building's cost keeps going up, even though the "frills" are taken out—the time is right to move on this. Mr. Jeffrey agreed with Mr. Henry's remarks and this new building is the "bare bones". Mr. Jeffrey noted that many people were concerned that the Building Committee was recommending a "taj mahal", but this building is not that. Mr. Blanchette agreed and urged the voters to support the Article.

Mr. Dawson reported that he had sent out the request for proposals for ambulance billing, with a return date of May 23, after which they will be reviewed and

recommendations made to the Board a week or two later. Mr. Dawson also reported that he is working on the Town's policy regarding billing. Mr. Dawson proposed to have the policy available for the May 27 meeting for the Board's review.

Mr. Blanchette said that it has been brought to his attention that there was an article in the *Tri-Town Observer* incorrectly stated that the Town spent \$60,000 on a wastewater treatment study, when the actual cost was \$15,400.

Mr. Jeffrey noted that this is his last regular meeting as a Selectman, as his term is expiring this month. Mr. Jeffrey thanked the residents of Marion for placing him in this position for six years and the Town's employees, committees and volunteers. Mr. Blanchette thanked Mr. Jeffrey for the calming influence he had brought to the Board. Mr. Henry thanked Mr. Jeffrey for his guidance when Mr. Henry tended to charge ahead and for teaching him that politics is a science as well as an art. Mr. Henry thanked Mr. Jeffrey for the valuable lessons he has taught him. Mr. Dawson referred to Mr. Jeffrey's ability to build consensus and solve problems and expressed his gratitude for Mr. Jeffrey's guidance and assistance.

The Board met briefly with Paul St. Don, who wished to park a hot dog cart on Island Wharf. Mr. St. Don said that the Harbormaster had approved this use and that he was obtaining all necessary permits from the Board of Health and the State. The Board suggested Mr. St. Don obtain his State license and hoped to act on the common victualler's license at the May 27 meeting.

Mr. Blanchette moved to go into executive session at 9:25 p.m. for the purpose of collective bargaining and not to reconvene in open session following the executive session; the motion was seconded and carried unanimously, Messrs. Blanchette, Jeffrey and Henry voting aye.

Respectfully submitted,

Date approved:


Jonathan F. Henry, Clerk