

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

November 4, 2008

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Jonathan F. Henry, Board members Roger F. Blanchette and Stephen M. Cushing and Town Administrator Paul F. Dawson. Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Adam Silva of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Robert C. Zora, Superintendent of Public Works, Jonathan Gregory of Tata & Howard, Inc., Town Counsel Jonathan Witten and Helene Craver, secretary.

Mr. Blanchette moved the minutes of October 21, 2008; the motion was seconded and carried unanimously.

The Board met with Messrs. Zora and Gregory to discuss the status of the village loop water main project. Mr. Gregory distributed relevant information to the Board. Mr. Zora indicated that the project was "going quite well" and detailed specific areas of the work. Mr. Zora said that they now need to install insertion valves at the time the old lines are discontinued; to minimize the "down" time, this work will have to be done at night (midnight to 6:00 a.m.). Mr. Zora said that they were trying to avoid shutting off the water supply to Tabor Academy. Mr. Zora reported that he had met with the Fire and Police Chiefs and distributed information to village residents about this situation. Mr. Henry asked about additional costs. Mr. Zora said that the contractor is using an additional company to assist, but this is a subcontractor to his contract. Mr. Zora said that there would be about \$100,000 additional costs for increased engineering hours associated with this unforeseen situation. Mr. Zora said that, as they progress, they will install exercise gate valves to help prevent future problems. Mr. Henry asked how the additional costs will be financed. Mr. Dawson explained that, depending on the final numbers, it will probably not be necessary to make any adjustments, with contingencies built into the contract.

Mr. Dawson noted that it will also be necessary to extend the contract and this would be the time to ask any questions, with Mr. Gregory present. Mr. Dawson said that they would need to extend the contract for another four or five weeks to complete the work, with additional administrative and engineering work, or an \$85,000 increase, which is still within the contract.

Mr. Blanchette suggested crafting future contracts so that the contractor would be responsible for any unforeseen situations. Mr. Zora explained that, if it isn't in the plans, the Town is responsible, as the pipes are so old and the boulders and other problems not marked. Mr. Zora said that there is a limit on how a company can bid on a project with unforeseeable conditions. Mr. Dawson said that Mr. Blanchette's suggestion would greatly increase the cost of the project, if contract amendments could not be added as the project progresses. Mr. Blanchette suggested that the contract for the engineering be written for the entire job, not the construction. Mr. Zora explained that an engineer would still have to be on site with project delays.

Mr. Blanchette moved to approve the increase in the amount of the Tata & Howard contract, as outlined in a letter dated October 30, 2008; the motion was seconded and carried unanimously.

Mr. Henry pointed out that the construction allows for viewing of telephone lines from the 1880s and 1890s, gas lines from pre-World War I and the original macadam pavement installed in the early 20th century.

Mr. Blanchette moved a one-day, all-alcohol license for the Marion Social Club for November 29, 2008; the motion was seconded and carried unanimously.

Mr. Dawson noted the generous donation of a new Council on Aging handicapped-accessible van, which will serve the Town well for many years.

Mr. Blanchette moved to declare the old Council on Aging van surplus property; the motion was seconded and carried unanimously.

Mr. Cushing moved to sign the water liens dated November 4, 2008; the motion was seconded and carried unanimously.

Mr. Dawson reported on the compliance with the Town's new by-law, which prevents the issuance of permits if there are outstanding (over a year) debts owed to the Town. Mr. Dawson reported that the Town Treasurer/Collector had generated lists of names of those who were in arrears and distributed them to all Town departments for reference when permits are issued. Mr. Dawson reported that the system is working well and overdue amounts are being paid to the Town.

Mr. Dawson reported on a leak in the piping at Sippican School, which caused approximately \$50,000 in damages; a claim had been submitted to the insurance company. Mr. Henry noted that there had been previous instances of shoddy workmanship at the school, the contractor went bankrupt and he expects future failures. There was a brief discussion on the need for frequent building checks when the building was unoccupied.

Mr. Henry moved to go into executive session to discuss litigation and not to return to open session following the executive session at 7:53 p.m.; the motion was seconded and carried unanimously, Messrs. Henry, Blanchette and Cushing voting aye.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date signed: 11/18/08