

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

December 16, 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*, Ruth Thompson of *The Sentinel*, Richard Schaefer, Eunice Manduca, Assessors, Ray E. Pickles, Bradford Eames, Catherine Gibbs and Associate Assessor Patricia DeCosta. Also present were members of the Bike Path Committee John Rockwell, Kenneth Litke, Jeffrey Oakes and Joseph Keogh, Earth Tech representative Pompeo Casale, Fire Chief Richard J. Guerzoni, Assistant Chief Allen Denham and Helene Craver, secretary.

Mr. Cushing moved the minutes of December 2 and December 10, 2008; the motion was seconded and carried unanimously.

Mr. Blanchette moved to appoint Charles Smith to the Historical Commission; the motion was seconded and carried unanimously.

Mr. Cushing moved water commitments for \$387.15 and \$483.61 and a credit memo for \$432.91; the motion was seconded and carried unanimously.

The Board then met with the Assessors in a continuation of the classification hearing from December 10, 2008. Mr. Pickles explained the process, whereby the Board of Assessors and Board of Selectmen convene a classification hearing, the Assessors present the figures to the Selectmen and make recommendations and the Selectmen vote on the classification. Mr. Pickles said that, as in the past, the Assessors recommend a single tax rate for all Marion properties (a factor of one). Mr. Blanchette reminded the Assessors that he had suggested a meeting between the Assessors and Finance Committee to discuss whether the Town should consider a split tax rate. Mr. Pickles reported that he had met with the Chairman of the Finance Committee and the Finance Committee concurs with a single tax rate. Mr. Pickles indicated that a split rate places an unfair burden on 6% of the taxpayers, as 94% of the property is residential—especially as certain commercial properties are exempt from this form of taxation. Mr. Pickles explained that the Department of Revenue recommends that communities adopt a factor of one, until less than 85% of the total properties are residential. Mr. Henry concurred with the Assessors' recommendation, as he doesn't want to take a position that would be counter productive to the business community.

Mr. Cushing moved to adopt the recommendation of the Board of Assessors, a tax rate of a factor of one; the motion was seconded and carried, Mr. Blanchette abstaining.

Mr. Dawson noted that, some time ago, the Town entered into a contract with Earth Tech, Rochester and Wareham to develop the design for the upgrade for County Road; in the course of discussions, the bike path advocates attempted to see if

the engineering would allow for a bike path to be designed along side County Road which would be eligible for federal funding. Mr. Dawson advised that the Town Administrators and affected Departments of Public Works were unable to reach a resolution, so this meeting is an attempt to try to gain some direction. Mr. Casale explained that he is the northeast transportation section engineer for Earth Tech, employed by the three towns involved in the project. Mr. Casale said that his firm did the conceptual cross section within the existing right of way through the three towns; County Road is not eligible for federal or State funding—the next part of the process is to assess getting reclassification of County Road. Mr. Henry indicated that Wareham had no plans to include a bike path on County Road and suggested that the Bike Path Committee from Marion discuss this with Wareham officials.

Mr. Rockwell summarized the work the Bike Path Committee has done since 1994, beginning with the open space questionnaire, continuing with the Articles the Town has passed on bike path funding and the completion of a bike path with the Creek Road reconstruction. Mr. Rockwell said that he didn't believe that a Wareham official should be making decisions for Marion roads; a simple repaving of County Road isn't a good idea. Mr. Rockwell said that the road isn't eligible for federal funding, but is eligible for Chapter 90 money to build the bike path. Mr. Rockwell said that other options for the Town would be to build the road and design the bike path or build the road and build the bike path ourselves. Mr. Rockwell said that the plan to be sent to SRPEDD should include the path to continue the south coast bike path, continuing through Wareham and extending to the Cape. Mr. Rockwell suggested approaching the Community Preservation Committee to see if they might have some money available for the difference between the cost of the road and the addition of the path.

Mr. Henry noted that Marion can't force the other two towns to include a bike path if they are opposed; Mr. Blanchette said that they need to have meetings with the other towns. Mr. Casale said that the bike path, funded through Chapter 90 monies, would be a five-to-eight-year burden for Marion. Mr. Dawson recalled that Rochester doesn't want any part of a bike path because of the cost involved. Mr. Casale said that Earth Tech has submitted a proposal to Marion for a feasibility plan to include the bike path within the established layout, which doesn't include the actual design. There was a discussion regarding the width of the road and the fact that some residents already feel that traffic travels too fast. Mr. Blanchette said that it is up to the Police Department to control speeding.

Mr. Dawson asked what the next step would be for reclassification of the road. Mr. Casale explained that the towns would need to write to Mass. Highway and SRPEDD (collectively or individually) requesting a dialogue for reclassification. A discussion followed regarding the best way to involve the three towns to discuss a plan. Mr. Rockwell suggested that his committee members meet with the Rochester and Wareham employees in charge of roads and discuss any objections. Mr. Dawson said that the objections would be about cost. Mr. Rockwell suggested that the Community Preservation Committee might be a source of the necessary funding for the design. Mr. Casale said that the bike path design could just be added to the plan for a nominal amount.

The Board then met with Chief Guerzoni and Assistant Chief Denham to discuss the possibility of acquiring a surplus 2-½ ton military chassis from the Department of Defense to be used as a replacement for the 1964 International brush breaker. Chief Guerzoni said that the Fire Department will be seeking some funding from the Finance Committee for building a brush breaker from the chassis, similar to Breaker 2. Chief Guerzoni indicated that a new brush breaker vehicle would cost \$400,000. Chief Guerzoni explained that there would be a temporary increase of one vehicle in the fleet, until the replacement could be completed, at which time the 1964 truck would be out of service. Mr. Blanchette asked if there was an estimate of what it would cost to construct the brush breaker from the chassis. Chief Guerzoni estimated that it would cost about \$52,000, but there currently is over \$25,000 in various Fire Department accounts that would defray the total cost. Mr. Dawson cautioned that any funds which came from borrowing articles couldn't be reallocated for another use. Mr. Dawson explained that the vehicle had to be used as a fire fighting vehicle for two years and the Town would have to insure; under the Town's vehicle policy, there will be a brief period when there will be an increase in the fleet, which needs Board approval.

Mr. Henry moved to explore purchasing the vehicle; the motion was seconded and carried unanimously.

Mr. Dawson explained that, years ago, the Selectmen were authorized to transfer the care, custody and control of certain parcels of land, which were not followed through with the proper votes. Mr. Dawson explained that the Board should formally vote to complete the process.

Mr. Cushing moved that the Marion Board of Selectmen, pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A and Article 30 of the May 19, 2008 Annual Town Meeting transfer to the Marion Open Space Acquisition Commission, to be held and managed as conservation lands pursuant to Massachusetts General Laws, Chapter 40, Section 8C, and Chapter 187 of the Acts of 1998. the following parcels of land, more fully described as follows:

1. West land, as described in Plan 7, lot 1 and Plan 7A, lot 64 and recorded in Plymouth County Registry of Deeds, Book 4934, Page 89 .
2. Mecke land, as described in Plan 7B, lots 69, 70 and 71, and recorded in Plymouth County Registry of Deeds, Book 14606, Page 241.
3. Clapp's Island, as described in Plan 2, Lot 183 and recorded in Plymouth County Registry of Deeds, Book 6479, Page 333.
4. Briggs Land, as described in Plan 11, lot 26 and recorded in Plymouth County Registry of Deeds, Book 4048, Page 715.
5. Route 6 parcel, as described in Plan 11, lot 94 and recorded in Plymouth County Registry of Deeds Book 3679, Page 9.

6. Bessie and Hiller land, as described in Plan 25, lots 18 and 19 and recorded in Plymouth County Registry of Deeds, Book 5797, Page 169.
7. Henley-Lungren lots, as described in Plan 25, lots 27-31, Plan 23, lots 41A and 54 and recorded in Plymouth County Registry of Deeds, Book 4113, Page 432.
8. Parlow land, as described in Plan 25, lot 25 and recorded in Plymouth County Registry of Deeds, Book 5367, Page 304.
9. Delano land, as described in Plan 8, lot 1C and recorded in Plymouth County Registry of Deeds, Book 4666, Page 455.
10. Onset Trolley Line, as described in Plan 11, lot 60 and recorded in Plymouth County Registry of Deeds, Book 2165, Page 266.

The motion was seconded and carried unanimously.

Mr. Cushing moved that the Marion Board of Selectmen pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A and Article 31 of the May 19, 2008 Annual Town Meeting, transfer to the Marion Water and Sewer Commissioners, to be held and managed for water supply protection purposes, the following parcel of land, more fully described as follows: Town Well Field, as described in Plan 23, lot 114 and recorded in Plymouth County Registry of Deeds, Book 6054, Page 130; the motion was seconded and carried unanimously.

Mr. Cushing moved that the Board of Selectmen pursuant to the authority granted by Massachusetts General Laws, Chapter 40, Section 15A, and Article 32 of the May 19, 2008 Town Meeting, to transfer from the Marion Board of Selectmen to the Marion Recreation Committee, to be held and managed as park and recreational lands, the following parcels of land, more fully described as follows:

1. Silvershell Beach, as described in Plan 16, lots 95-96 and recorded in Plymouth County Registry of Deeds, Book 1630, Page 86 (lot 95) and Book 2441, Page 295 (lot 96) and lot 30 as recorded in Plymouth County Registry of Deeds, Book 1779, Page 113.
2. Weweantic Beach, as described in Plan 9, lot 20L and recorded in Plymouth County Registry of Deeds, Book 2341, Page 131.
3. Washburn Park, as described in Plan 11, lots 30, 40, 42, and 50 and recorded in Plymouth County Registry of Deeds, Book 2523, Page 267 (lots 30 and 42), Book 1696, Page 230 (lot 40), , Book 3506, Page 16 (lot 50).
4. Point Road Park, as described in Plan 10, lot 12 and recorded in Plymouth County Registry of Deeds, Book 1592, Page 458.

5. Joanne Drive Park, as described in Plan 7B, lot 57 and recorded in Plymouth County Registry of Deeds, Book 14281, Page 309 and Book 14606, Page 239 and with the acknowledgement that said parcel is subject to a conservation restriction pursuant to Massachusetts General Laws, Chapter 184, Section 31, et seq.

The motion was seconded and carried unanimously.

Mr. Cushing moved that the Marion Board of Selectmen, pursuant to the authority granted by Article 40 of the March 1, 1965 Annual Town Meeting, transfer control, management, and use to the Marion Conservation Commission, to be held and managed as conservation lands pursuant to Massachusetts General Laws, Chapter 40, Section 8C, the following parcels of land, more fully described as follows:

1. Andrew Weeks land, as described in Plan 22, lot 11 and Plan 23, lot 1, and recorded in Plymouth County Registry of Deeds, Book 2884, Page 79.
2. Smellie and Stinson land, as described in Plan 24, lots 24 and 24A, and recorded in Plymouth County Registry of Deeds Book 2113, Page 25.
3. Frank Briggs Land, as described in Plan 5, lot 34 and recorded in Plymouth County Registry of Deeds, Book 2165, Page 259.
4. Brown land, as described in Plan 11, lot 124 and recorded in Plymouth County Registry of Deeds, Book 2165, Page 261.

The motion was seconded and carried unanimously.

Mr. Rockwell explained that there had been an error in one of the articles at the last Annual Town Meeting and it will need to be resubmitted next Spring's Annual Town Meeting. Mr. Rockwell said that his committee will pay for the recording fees.

Mr. Dawson reported on the status of the water leak which took place over Hallowe'en weekend; the total claim is \$51,032.35, with \$1,000 deductible. Mr. Henry asked what caused the leak; Mr. Dawson said that it wasn't on the insurance report, but it was caused by a failed pipe.

Mr. Dawson noted that the department heads had been asked to submit two budgets—one, level funded and one level service. Mr. Dawson indicated that he is expecting local aid funding cuts in the current fiscal year and a 10% cut in the next fiscal year. Mr. Dawson said that he expects that every effort will be made to preserve Chapter 70, school funding, but this remains to be seen.

Mr. Blanchette moved the auctioneer license renewal for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the automatic amusement license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the car dealership license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the all-alcohol club license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the common victualler license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the all-alcohol, common victualler license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the entertainment license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the retail package, all-alcohol license renewals for 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved the retail package wine and malt license renewals for 2009; the motion was seconded and carried unanimously.

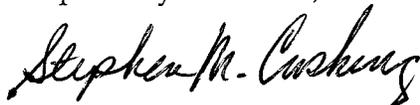
Mr. Cushing moved the Sunday package store opening license renewals for 2009; the motion was seconded and carried unanimously.

(A list of the licenses is attached to these minutes and made a part by reference.)

Mr. Cushing moved to support the City of New Bedford in its efforts to obtain commuter rail service; the motion was seconded and carried unanimously.

Mr. Blanchette moved to adjourn at 8:53 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date: 1/6/09

Attachment

License Renewals—2009

<u>Category</u>	<u>Name</u>	<u>Fee</u>
Auctioneer—		\$ 25.00
	Joseph E. Thompson 229 Wareham Street	
Automatic Amusement—		Each 60.00
	Wave Restaurant, Inc. (2) d/b/a Short Wave Bar and Grille 210 Spring Street	
	George Ferry/Georgianna Silva, Two Brothers Corp. (3) d/b/a The Caz 10 Barros Drive	
	Stone Rooster, Inc. (2) 27 Wareham Street	
Car Dealership—		100.00
	Jacqueline Beckford—Class II d/b/a Beckcraft Automotive 162 Wareham Street	
	Burr Brothers Boats—Class I Agent of Load-Rite Company, Inc. 309 Front Street	
	Hiller Co., Inc.—Class I Agent of Chrysler-Plymouth Automobile Company 635 Mill Street	
	Marion Garage—Class II 622 Mill Street	
	Theodore Laycock—Class II d/b/a Ted's Automotive 391 Front Street	

Club License—all alcohol—

1,000.00

Beverly Yacht Club, Inc.
99 Water Street

The Kittansett Club
11 Point Road

Common Victualler—

60.00

Ansel Gurney House
403 County Road

Beverly Yacht Club
99 Water Street

Cape Cod Chowder Co. d/b/a Seahorse Seafoods
Post Office Box # 591
173 Wareham Street

George Ferry/Georgianna Silva, Two Brothers Corp.
d/b/a The Caz
10 Barros Drive

Cumberland Farms
Tax Department
777 Dedham Street
Canton, MA 02021
(Store #s 2337 @ 406; # 2343 @ 413 Wareham)

Earth's Partner, Inc.
133 Wareham Street

Harriet's
Nine Cottage St., Box 764

K&R Food Service, Inc.
d/b/a The Frigate Steakhouse
806 Mill Street

Kittansett Club
11 Point Road

Leo's Wine and Cheese Cellar
313 Wareham Street

Lockheed cafeteria
c/o Compass Group USA
2400 Yorkmont Road
Charlotte NC 28217

Lunch Box
c/o Wendy Neugent
421 Russell's Mills Road
S. Dartmouth, MA 02748

Marion General Store
140 Front Street

Marion Golf Club
10 South Drive

Rose & Vicki's
311 Wareham Street

Santoro's Pizza & More
434 Wareham Street

Sippican Café
c/o Joseph Monger
Nine Stuart Road, Rochester

Stone Rooster, Inc.
27 Wareham Street

Tabor cafeteria
215 Front Street

Tabor snack bar
Spring Street

Uncle Jon's Cookies
356 Front Street

Wave Restaurant, Inc.
d/b/a Short Wave Bar and Grille
210 Spring Street

Common Victualer—all alcohol—

1,400.00

George Ferry/Georgianna Silva, Two Brothers Corp.
d/b/a The Caz
10 Barros Drive

K&R Food Services, Inc.
d/b/a The Frigate Steakhouse
806 Mill Street

Sippican Café
c/o Joseph Monger
Nine Stuart Road, Rochester

Gilda Pietragalla d/b/a
Stone Rooster, Inc.
27 Wareham Street

Wave Restaurant, Inc..
d/b/a Short Wave Bar & Grille
210 Spring Street

Entertainment—

60.00

Wave Restaurant, Inc.
d/b/a The Wave
210 Spring Street

George Ferry/Georgianna Silva, Two Brothers Corp.
d/b/a The Caz
10 Barros Drive

Retail Package, all alcohol—

1,200.00

Lighthouse Liquors
664 Mill Street

Marion Country Package Store
311 Wareham Street

Marion General Store
140 Front Street

Spirits, Inc.
d/b/a Spirits
154 Front Street

Retail Package—wine/malt—

1,200.00

Sherri Leo/Melissa Talbot d/b/a
Leo's Wine and Cheese Cellar
313 Wareham Street

Sunday Package Store Openings—

25.00

Lighthouse Liquors
664 Mill Street

Marion Country Package Store
311 Wareham Street