

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

April 7, 2009

Minutes

The meeting was called to order at 7:00 p.m. Present were Chairman Jonathan F. Henry, Board members Roger F. Blanchette, Stephen M. Cushing and Town Administrator Paul F. Dawson. Also present were Lee Craver, Andrea Smith of the *Tri-Town Observer*, Ricky Pursley of *The Wanderer*, Gretchen Grundstrom of *The Sentinel*, Town Counsel Jonathan Witten, applicant John Ludes and his engineer, David Davignon, Eunice Manduca, Thomas Magauran and Helene Craver, secretary.

Mr. Cushing moved the minutes of March 17, 2009; the motion was seconded and carried unanimously.

Mr. Ludes met with the Board. Mr. Dawson reminded the Board that, last December, a discussion was held regarding new sewer connections to Mr. Ludes' property on Converse Road; subsequently, Town Counsel has issued an opinion on the appropriateness of the connections. Mr. Henry said that the Board has an understanding of the concept—however, Mr. Ludes' engineer has not yet arrived—would Mr. Ludes like to wait until his arrival to discuss this proposal? Mr. Ludes said that would be appropriate.

Mr. Dawson reminded the Board of a discussion they had had at the March 17 meeting regarding two properties in Chapter land which had been offered to the Town as a right of first refusal; one property is owned by the Kittansett Club and the other by the Hermitage Trust. Mr. Dawson reported that Town Counsel has reviewed the requests and that other Town boards have been consulted, with the Conservation Commission and Planning Board indicating they have no comment and/or objection to the Town's not exercising the purchase of either property. Mr. Dawson recommended the Board vote not to exercise the right of first refusal. Mr. Dawson explained that the Town has a copy of the settlement agreement for the Kittansett property and the Hermitage Trust property concerns the expansion of Littleneck Village—Town Counsel assures him that the Town would not become a third party in the transactions.

Mr. Blanchette moved not to exercise the right of first refusal in the matter of the Kittansett Club property sale; the motion was seconded and carried unanimously.

Mr. Witten noted that the expansion of Littleneck Village has been authorized by Town Meeting; because a portion of the land the Town seeks to purchase contains Chapter lands, it is necessary to act on the right of first refusal. Mr. Witten said that the Town has entered into a purchase and sale agreement; nevertheless, it is necessary to decline the offer.

Mr. Blanchette moved not to exercise the right of first refusal for the Hermitage Trust property, as the Town has already entered into a purchase

and sale agreement on the property; the motion was seconded and carried unanimously.

The Board then met with Messrs. Ludes and Davignon. Mr. Davignon said that Mr. Ludes plans to subdivide the current 3-lot property into 5 lots and that they are waiting for an answer on the sewer connections they will need to accomplish this. (A proposed subdivision was displayed. There are currently 3 sewer stubs to service the property.) Mr. Magauran, speaking for the Planning Board, explained that Mr. Ludes had come before the Planning Board, which supports Mr. Ludes' plan to provide public access to the water at one end of the property and that the Planning Board had approved an "ANR" for the subdivision. Mr. Magauran said that the 6-lot subdivision was the best use of the land and in the best interest of the Town. Mr. Ludes said that the sixth lot has already been redesigned and he doesn't want to put a septic system on it. Mr. Davignon said that they have submitted applications for four sewer connections.

Mr. Blanchette asked why Mr. Ludes was not applying for the total number of sewer connections he ultimately wanted, instead of several now and more to come. Mr. Davignon said that they were concerned about the flow rate, but they would like to tie all of the homes in at one time. Mr. Henry said that Mr. Ludes has a right to the 3 connections already existing. Mr. Blanchette said that it was his feeling is that the Town is gaining a wonderful benefit, which is what they should be discussing and assisting. Mr. Dawson said that the issue was the total gallonage to which Mr. Ludes is entitled under the sewer regulations—the total number of bedrooms which had been applied for is significantly more than the regulations allowed. Mr. Dawson said that Town Counsel's opinion did not take into consideration the "pork chop" lot being given to the Sippican Lands Trust for water access, as this fact was not known. Mr. Witten said that the applicant could reapply for the total number of connections needed and they could work with the regulations/allocation policy to include a public benefit exemption, if the Water and Sewer Commissioners wish to revisit the policy. Mr. Blanchette suggested they take the application under advisement to give the Board, Mr. Dawson and Mr. Witten an opportunity to rewrite the policy.

Mr. Ludes said that he was confused—this was a 31-acre parcel which had been considered for 36 townhouses and his plan for six lots will benefit the Town. Mr. Ludes said that he is going through a very difficult time and this process doesn't sit well with him. Mr. Blanchette said that it was his feeling that he would rather take two weeks to put together a definite plan; he is in favor of having a sewer stub for every one of the new lots. Mr. Dawson said that it now appears that they will need additional applications to cover all of the proposed homes. Mr. Ludes said that he was considering further subdividing one of the lots (which does not appear on the plan being presented or that considered by the Planning Board). Mr. Dawson said that he would require the correct number of applications for whatever Mr. Ludes is planning. Mr. Magauran said that Mr. Ludes would need to come back before the Planning Board with the newest plan.

Mr. Blanchette moved to appoint Mr. Henry the Board's representative to SRPEDD; the motion was seconded and carried unanimously.

Mr. Blanchette moved one-day, all-alcohol licenses for the Marion Social Club for April 19, May 24 and August 8, 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved a one-day, wine and malt license for the Sippican Lands Trust beach bash on August 6, 2009; the motion was seconded and carried unanimously.

Mr. Blanchette moved to release funds not to exceed \$7,000 from the Music Hall endowment fund to refurbish the floors; the motion was seconded and carried unanimously.

Mr. Blanchette moved a water commitment for new services in the amount of \$2,350; the motion was seconded and carried unanimously.

Mr. Cushing moved a sewer commitment in the amount of \$10,000; the motion was seconded and carried unanimously.

Mr. Dawson reported on his meeting last week with a grant consultant and expressed his hope that he will have more details on how to proceed with the request for the Annual Town Meeting.

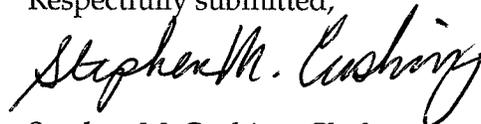
Mr. Dawson explained that, at the Selectmen's meeting held December 16, 2008, a number of votes were taken affirming a Town Meeting Article transferring the care and custody of several Town properties to various committees; the Board needs to sign copies of the votes taken for the Registry of Deeds.

Mr. Henry offered to attend the Massachusetts Selectmen's Association regional meeting. Mr. Henry said that regional purchase of materials, especially for the Department of Public Works, is active and underway.

Mr. Blanchette noted that, at the last meeting, the Board voted to add an Article to the Annual Town Meeting warrant to request a non-binding referendum question suggesting the Marion School Committee have their meetings televised. Mr. Blanchette reported that he has had conversations with the Chairman of the Marion School Committee, who is anxious to have the meetings televised and has placed the matter on the agenda for the April 15 meeting; he would like to withdraw the item from the warrant if the School Committee agrees to proceed with televising the meetings.

Mr. Blanchette moved adjourn the meeting and convene an executive session to consider the discipline or dismissal and/or to hear complaints brought against a public employee at 8:14 p.m., the Board not to return to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Henry, Blanchette and Cushing voting aye.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date voted: 4/21/09