

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

**May 5, 2009
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, Town Counsel Jonathan Witten, Gretchen Grundstrom of *The Sentinel*, Ricky Pursley of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Eunice Manduca, Carol Sanz, John Ludes and his engineer, David Davignon, Superintendent Robert C. Zora, clerk Rebecca Carvalho, Town Accountant Judith Mooney and Helene Craver, secretary.

Mr. Cushing moved the minutes of April 7 and April 21, 2009; the motion was seconded and carried unanimously.

Mr. Dawson noted that, two meetings ago, there was considerable discussion regarding a change in the Water and Sewer Commissioners' policy for reallocated nominal wastewater flows in order to allow a proposed exception for projects in the public interest. Mr. Witten said that the only change is the expansion of the definition of "public interest". Mr. Henry said that this better serves the public interest and gives the Board more flexibility and thanked Mr. Witten for keeping the Town on target with the wastewater discharge permit.

Mr. Blanchette moved to accept the amended policy for reallocated nominal wastewater flows; the motion was seconded and carried unanimously.

The Board then met with Messrs. Ludes and Davignon, who were requesting additional sewer stubs for property on Converse Road. Mr. Davignon said that they are requesting three additional new stubs. (Copies of the applications for Lots B, C, D, E, F and 46A are attached to these minutes and made a part by reference.) Mr. Cushing asked if maintenance of the line would be the property owner's responsibility. Mr. Davignon said that it would, as it was on private property and they would be using the same grinder pumps presently used throughout the Town. Mr. Davignon said that all the pump stations would be on private property and the homeowner's responsibility—there would be no financial burden to the Town at all. Mr. Zora said that everything they do on private property is privately owned and does not cause any problem for him. Mr. Zora said that there are others in Town on private property which have not been a problem, but the same units should be used so the Town can assist if needed. Mr. Zora asked if the existing buildings with the shared line would stay in the same ownership. Mr. Henry asked if they are not to be kept in the same ownership. Mr. Davignon said that this is correct; they can't be re subdivided. Mr. Witten said that he doesn't mean to contradict, but those lots existed prior to the subdivision control and can be subdivided; the Planning Board would have to endorse a subdivision, regardless of whether the lots are undersized. Mr. Henry asked if they are against the idea of installing two pumps at this time. Mr. Ludes said that he wished to leave the plans as described—he will own one lot

one lot with the existing barn and structure on lot C and sell lot D and they really have to work off one system, as he has no intention of dividing the property. Mr. Zora said that if it was sold, they would need a separate grinder pump and connection. Mr. Cushing suggested designing the pump closer to one home than the other. Mr. Davignon said that he wouldn't change a thing; it was an easy fix later on. Mr. Dawson said that the last time we talked, it was necessary for Mr. Ludes to go before the Planning Board once again. Mr. Davignon said that the plan had been filed on Friday for the new subdivision.

Mr. Henry moved to approve the connections, contingent upon Planning Board approval of the subdivision.

Mr. Dawson suggested that the motion be amended subject to the final approval by the Planning Board. Mr. Witten suggested that, if the Board is comfortable, they could limit the flows to the exact total number of bedrooms. Mr. Davignon said that there would be a total of 35 bedrooms. Mr. Cushing asked what would happen to the existing 3-bedroom cottage. Mr. Ludes said that it would be a storage shed and the piping would be removed. Mr. Ludes said that he wasn't sure that all the proposed homes would have five bedrooms; some may have fewer.

Mr. Blanchette moved to grant the request by Mr. Ludes in accordance with the plans posted here tonight, subject to the final approval of the Planning Board, with a limit of 3,850 gallons per day; the motion was seconded and carried unanimously.

Mr. Zora, Mrs. Mooney and Mrs. Carvalho then met with the Board to report on the proposed budget for water and sewer. Mrs. Mooney described the difficulty in putting together the figures and the fact that some assumptions had to be made. Mrs. Mooney said that they are "pretty much" on target with the sewer budget; the fluctuations are due to some betterments being paid off. Mrs. Mooney said that they are not expecting a rate increase through at least 2013. Mrs. Mooney said that they will be incurring some long-term borrowing on the village loop project. Mrs. Mooney said that the charts include the water meter reading billing system which will be on this year's Annual Town Meeting Warrant. Mr. Blanchette said that he wanted to make sure that everyone is clear that the water construction project will not change water rates. Mrs. Mooney said that it looks as if the present rate structure for water will hold for 2013 or beyond. Mr. Henry asked if the distribution of "excess" could be turned back to the general fund. Mrs. Mooney said, not yet, as we are already getting into phase 2 of the water project and looking forward to phase 3. Mr. Zora said that there will be an excess every year, but this will meet the needs of the water division, as the Department of Environmental Protection continues to change the rules and upgrades are needed. Mr. Zora said that we should revisit the budget every year, as the Town's infrastructure is very old and they must provide fire protection. Mr. Zora described the three phases of the village loop project and the time set aside for each phase. Mr. Dawson said that it makes sense to bid the phases now to take advantage of the lower construction costs. Mr. Henry said that it would be good to remind people that the connections will be made on private property—how will they know the cost? Mr. Zora said that they won't know. Whether or not water and sewer connections from the curb to the home would have to be replaced was discussed, as well as hydrant replacement. The eventual repaving of the

repaving of the roads disrupted by the village loop was also discussed, along with the timetable. Other items discussed were sidewalk replacement and the condition of the Great Hill water tank. Mr. Zora noted that, at some point, the Great Hill and Point Road tanks should be replaced by one larger one at Great Hill. Mr. Henry suggested that "excess monies" from the enterprise accounts be returned to the general fund. Mrs. Mooney said that they cannot use enterprise funds for this purpose; there are very strict guidelines to which you must adhere; they could, however, lower the rates. Mrs. Mooney said that they will keep revisiting the water and sewer accounts each year; it was too soon to think about the monies as "excess".

Mr. Blanchette moved to appoint Susannah Davis to the Parks Committee; the motion was seconded and carried unanimously.

Mr. Cushing moved a water commitment in the amount of \$1,795.80; the motion was seconded and carried unanimously.

Mr. Cushing moved a water commitment in the amount of \$3,883.68; the motion was seconded and carried unanimously.

Mr. Blanchette moved one-day, all-alcohol licenses for the Sippican Tennis Club for May 30, June 12 and August 28, 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved a one-day, all-alcohol license for the Beverly Yacht Club for May 2, 2009; the motion was seconded and carried unanimously.

Mr. Blanchette moved a one-day, all-alcohol license for the Marion Social Club for June 7, 2009; the motion was seconded and carried unanimously.

Mr. Cushing moved to allow Tabor Academy to hold an extension of time for outside entertainment until 11:30 p.m. on June 13, 2009; the motion was seconded and carried unanimously.

The Board reviewed a request from the Town of Norton for support of certain changes in the subsidized housing regulations. Mr. Blanchette said that the Town of Norton had been approaching its mandated 10% goal for affordable housing, but that certain projects had been discounted from that number because, in one case, the contractor had not taken out a building permit and, in another, the certificate of occupancy had not been issued within the mandated period of time. Mr. Witten confirmed these facts and said that it was grossly unfair to the towns and that the Town of Bourne is also suffering from the same set of circumstances. Mr. Witten said that the towns have been promised control over the 40B projects all these years when they reach their 10% goal—and they never get there, because of these restrictions. It was agreed that the Board would send a letter of support.

Mr. Dawson reported that the final design for the new police station has been completed and the bid documents will be available beginning tomorrow; they are expecting a very favorable bidding environment. Mr. Dawson said that there were two alternates with the final design—a basement for storage and an emergency planning/

training/emergency operations center. Mr. Dawson emphasized that the training room is not a gymnasium, but more of a conference room, whose primary function is as an operations center. Mr. Dawson explained that, currently, the Town has no one place where various agencies can come together and coordinate emergency efforts and, due to the economy, the addition of the operations center may be within the appropriation for the project.

Mr. Dawson reminded everyone that the Annual Town Meeting begins on Monday, May 18. Mrs. Sanz reminded everyone that candidates' night will be held May 11. Mr. Dawson also informed the Board that a hearing will be held May 11 at 6:30 p.m. to allow comment on the 123 trees that are scheduled to be removed from Point Road.

A letter of complaint was reviewed from two residents who had encountered a dog owner with two dogs which had bitten two of their children at the Point Road playground and hoped that the Town could assist in limiting contact between dogs and children in play areas. Mr. Dawson said that he spoken to Chief Miller regarding this situation and was informed that the owner of the dogs had been located (a Wareham resident); unfortunately, the children had to endure the series of rabies shots for their protection. It could not be determined whether the dog owner was a consistent visitor to the area, but it was agreed that Mr. Dawson would research the situation and, at a minimum, respond to the letter.

The Board reviewed the annual estimated assessment from the Plymouth County Retirement Board. Mr. Blanchette asked if there were some method of verifying the amount. Mr. Dawson said that it was based on a formula. It was agreed that Mr. Dawson would request that the Town Accountant look into the assessment.

Mr. Dawson reported that the transfer station would now be open on Sundays from 9:00 a.m. to 1:00 p.m.

Mr. Blanchette moved to go into executive session at 8:40 p.m. for the purpose of discussing contract negotiations with non-union employees and collective bargaining with union employees and would not be returning to open session following the executive session; the motion was seconded and carried unanimously, Messrs. Henry, Blanchette and Cushing voting aye.

Respectfully submitted,

Date voted: 6/2/09

Stephen M. Cushing, Clerk

Attachments

Attachment A

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Residential & Commercial Buildings**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

Revised: April 22, 2009

I John & Doris Ludes hereby request a permit to install and connect the
(Applicant) (Property Owner)

property located at Converse Road - Vacant Parcel - Lot "B"
(Number) (Street)

to the public sewer system within the town of Marion. The property is a Proposed 5- Bedroom

Single Family Dwelling establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection One (1)
Number of bedrooms 5 toilets
2. The name, address, and license number of the person or firm who will perform the proposed work is:
N. Douglas Schneider & Associates, Inc. (508) 758-7866
P.O. Box 480, 1 County Road, Mattapoisett, MA 02739
3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".
4. An application fee for \$ is attached to this application.
5. Property owner is responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). (Note: An individual single family residence does not require an additional DEP permit.)

Attach DEP permit, or permit application with date filed, to this application.

Attachment A

Town of Marion

Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

Sewer Connection Application for
Residential & Commercial Buildings

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

Revised: April 22, 2009

I **John & Doris Ludes** hereby request a permit to install and connect the
(Applicant) (Property Owner)
property located at **135 & 135A Converse Road - Lot "C"**
(Number) (Street)

to the public sewer system within the town of Marion. The property is a **5- Bedroom Main Dwelling**
~~And 3- Bedroom Dwelling Above Garage~~ establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection **Two (2)**
Number of bedrooms **8** toilets
2. The name, address, and license number of the person or firm who will perform the proposed work is:
N. Douglas Schneider & Associates, Inc. (508) 758-7866
P.O. Box 480, 1 County Road, Mattapoisett, MA 02739
3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".
4. An application fee for \$ is attached to this application.
5. Property owner is responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). (Note: An individual single family residence does not require an additional DEP permit.)

Attach DEP permit, or permit application with date filed, to this application.

Attachment A

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Residential & Commercial Buildings**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

Revised: April 22, 2009

John & Doris Ludes

I _____ hereby request a permit to install and connect the
(Applicant) (Property Owner)

property located at 125 & 129 Converse Road – Lot "D"
(Number) (Street)

to the public sewer system within the town of Marion. The property is a 4- Bedroom Main Dwelling

And A 3- Bedroom Dwelling Guest House establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection Two (2)
Number of bedrooms 7 toilets _____
2. The name, address, and license number of the person or firm who will perform the proposed work is:
**N. Douglas Schneider & Associates, Inc. (508) 758-7866
P.O. Box 480, 1 County Road, Mattapoisett, MA 02739**
3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".
4. An application fee for \$ _____ is attached to this application.
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Attachment A

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Residential & Commercial Buildings**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

Revised: April 22, 2009

I John & Doris Ludes hereby request a permit to install and connect the
(Applicant) (Property Owner)

property located at Converse Road – Vacant Parcel - Lot "E"
(Number) (Street)

to the public sewer system within the town of Marion. The property is a Proposed 5- Bedroom
Single Family Dwelling establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection One (1)
Number of bedrooms 5 toilets
2. The name, address, and license number of the person or firm who will perform the proposed work is:
**N. Douglas Schneider & Associates, Inc. (508) 758-7866
P.O. Box 480, 1 County Road, Mattapoisett, MA 02739**
3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".
4. An application fee for \$ is attached to this application.
5. Property owner is responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). (Note: An individual single family residence does not require an additional DEP permit.)

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Attachment A

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Residential & Commercial Buildings**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

Date: April 22, 2009

I **John & Doris Ludes** hereby request a permit to install and connect the
(Applicant) (Property Owner)

property located at **Converse Road – Vacant Parcel - Lot "F"**
(Number) (Street)

to the public sewer system within the town of Marion. The property is a **Proposed 5- Bedroom**
Single Family Dwelling establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection **One (1)**
Number of bedrooms **5** toilets
2. The name, address, and license number of the person or firm who will perform the proposed work is:

N. Douglas Schneider & Associates, Inc. (508) 758-7866
P.O. Box 480, 1 County Road, Mattapoisett, MA 02739
3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".
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Attachment A

Town of Marion
Department of Public Works

2 Spring Street, Marion, Massachusetts, 02738
(508) 748-3541

**Sewer Connection Application for
Residential & Commercial Buildings**

To the MARION DEPARTMENT OF PUBLIC WORKS,
COMMONWEALTH OF MASSACHUSETTS

Date: April 22, 2009

I **John & Doris Ludes** hereby request a permit to install and connect the
(Applicant) (Property Owner)

property located at **Converse Road – Vacant Parcel - Lot “46A”**
(Number) (Street)

to the public sewer system within the town of Marion. The property is a **Proposed 5- Bedroom**
Single Family Dwelling establishment.
(Residence) (Commercial Building) (etc.)

1. If a residence, how many family living units will use the sewer connection **One (1)**
Number of bedrooms **5** toilets
2. The name, address, and license number of the person or firm who will perform the proposed work is:

N. Douglas Schneider & Associates, Inc. (508) 758-7866
P.O. Box 480, 1 County Road, Mattapoisett, MA 02739
3. Plans and specifications for the proposed building sewer are attached hereto as Exhibit “A”.
4. An application fee for \$ is attached to this application.
5. Property owner is responsible for obtaining any additional permits that may be required for the sewer connection, such as from the Massachusetts Department of Environmental Protection (DEP). (Note: An individual single family residence does not require an additional DEP permit.)

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