

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

June 16, 2009

Minutes

The meeting was called to order at 7:03 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, Gretchen Gundstrom of *The Sentinel*, Adam Silva of *The Wanderer*, Carol Sanz, Interim Fire Chief Thomas Joyce, Fireworks Committee Chairman Christopher Collings, members of the Finance Committee Richard A. Kemp, Alan Minard, Lee Vulgaris, James Barron and Karen Kevelson and Helene Craver, secretary.

Mr. Cushing moved to reorganize the Board; the motion was seconded and carried unanimously.

Mr. Blanchette moved Mr. Cushing as Chairman, Mr. Henry as Vice Chairman and Mr. Blanchette as Clerk; the motion was seconded and carried unanimously.

Mr. Henry moved the organization of the Water and Sewer Commissioners to mirror that of the Board of Selectmen; the motion was seconded and carried unanimously.

Mr. Henry moved Mr. Blanchette Parking Clerk; the motion was seconded and carried unanimously.

Mr. Henry moved Mr. Blanchette Buzzards Bay Action Committee representative, with Michael Cormier alternate; the motion was seconded and carried unanimously.

Mr. Henry moved Mr. Cushing Music Hall Advisory representative; the motion was seconded and carried unanimously.

Mr. Blanchette moved Mr. Cushing representative to the Police Station Building Committee; the motion was seconded and carried unanimously.

Mr. Blanchette moved Mr. Henry representative to the Plymouth County Advisory Committee; the motion was seconded and carried unanimously.

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

Mr. Blanchette moved Mr. Cushing SRPEDD JTPG representative; the motion was seconded and carried unanimously.

Mr. Blanchette moved Mr. Cushing clerical union liaison; the motion was seconded and carried unanimously.

Mr. Henry moved Mr. Blanchette DPW union liaison; the motion was seconded and carried unanimously.

Mr. Blanchette moved Mr. Henry police union liaison; the motion was seconded and carried unanimously.

Mr. Henry moved Mr. Cushing CMW representative; the motion was seconded and carried unanimously.

Mr. Henry moved Mr. Blanchette School Committee representative; the motion was seconded and carried unanimously.

Mr. Blanchette moved the minutes of May 5, 2009; the motion was seconded and carried unanimously.

Mr. Henry moved to open the alcohol license hearing for The Caz; the motion was seconded and carried unanimously.

Mr. Cushing announced that there was a scheduling problem for the attorney for The Caz and that all had agreed to continue the hearing to July 7, 2009.

Mr. Blanchette moved to continue the alcohol license hearing for The Caz to 7:15 p.m. on July 7, 2009; the motion was seconded and carried unanimously.

The Board then met with the Interim Fire Chief, Thomas Joyce. Mr. Cushing noted that Chief Joyce' appointment had been effective on June 14. Chief Joyce said that he was honored to be working for the Town of Marion and explained that he had been a member of the Onset Fire Department since 1970 and holds the rank of Lieutenant. Chief Joyce reported that he had been with the Wareham Police Department since 1976, rising through the ranks to its Chief until his recent retirement. Chief Joyce said that fire fighting had always been his first love. Chief Joyce reported that Assistant Chief Dedham had called a meeting of the department for Sunday morning and he had received a warm welcome and explained his goals of creating a solid transitional base for the department as it moves forward to be ready for a new Chief. Mr. Henry described his long association with Chief Joyce and his family, noted that his retirement coincided with Marion's needs and welcomed him aboard, stating that the members of the department would grow to respect and like Chief Joyce quickly, as he is a man of character. Chief Joyce said that he would keep the Board informed of his progress.

Mr. Dawson explained that the EMS has submitted its annual application to be filed with the state; the form lists Mr. Henry as Chairman in the signature line, so he must be authorized to sign.

Mr. Blanchette moved to accept the application and authorize Mr. Henry to sign for the Town; the motion was seconded and carried unanimously.

Mr. Henry moved a credit memo in the amount of \$174.85; the motion was seconded and carried unanimously.

Mr. Dawson reported on today's bid opening for the general contractor for the new police station; there were thirteen bids, the lowest being slightly below what we had calculated in the budget. Mr. Dawson explained that the low bidder would be checked for references and that it was hoped a recommendation would be ready for the July 7 meeting, at which time the Board could award the contract.

Mr. Dawson referred to a letter from CDM regarding a recent bid opening on the next phase of the I&I project, which recommends the low bidder, Cape Ann Equipment LLC at \$707,604, even though there were some discrepancies in the reference check. A brief discussion followed regarding CDM's recommendation and the likelihood of Cape Ann's satisfactorily completing the job. Mr. Dawson noted that the project was contingent upon SRF availability and approval. Mr. Henry expressed concern that the project involves much deep construction with rock and boulder obstructions. Mr. Dawson said that these conditions were covered in the specifications and made known to the bidders. Mr. Blanchette said that they had few options; the low bidder is bonded and to go on to the next low bidder will have the Town in court.

Mr. Blanchette moved to approve the contract with Cape Ann Equipment LLC, contingent upon approval of SRF; the motion was seconded and Mr. Henry said that he had reservations.

Mr. Henry said that this project was even more difficult than the water project, as it predates the water equipment and none of it was surveyed or recorded—the data is nonexistent.

The motion carried unanimously.

Mr. Blanchette moved to open the Verizon/Nstar pole hearing; the motion was seconded and carried unanimously.

Mr. Henry asked if the reconfiguration of the poles in the Benson Brook Road area would interfere with the transport of boats. Mr. Blanchette said that if, in the future a hurricane strikes, it is impossible to transport sailboats with the masts stepped; it has long been a goal of the Town and boat yards to move away from the water with the masts stepped. Mr. Blanchette said that the proposed pole configuration would negate any hope of this goal. Mr. Blanchette recalled that, when the 1991 hurricane hit, the boat yards temporarily stored boats on Island Wharf, which was a disaster. Mr. Blanchette said that the boats were stored on boat stands, the storm surge came in and lifted them off the stands, the surge retreated and the boats were holed and slammed into each other. Mr. Blanchette suggested that we discuss this issue with the utility companies; perhaps the lines could be placed underground. Mr. Cushing said that there is an additional problem with trees up Holmes Lane and the best clearance we can now offer is 19' or 20'. Mr. Dawson suggested the hearing be continued until July 7 to give everyone time to gather more information and perhaps meet with representatives from the utilities, as well as the architect and project manager.

Mr. Henry moved to continue the hearing until 7:40 p.m. on July 7, 2009; the motion was seconded and carried unanimously.

The Board then met with Mr. Collings and members of the Finance Committee to discuss the fireworks and its funding. Mr. Collings said that there is a shortfall in the budget for this year; the total cost (including police, fire and harbormaster's office) is \$45,000—as of this morning, the total raised was \$34,000. Mr. Collings said that the expected contributions on the night of the display brings the total shortfall to \$7,500. Mr. Cushing asked if Mr. Collings were asking the Town to guarantee the \$7,500. Mr. Collings said that it would be a loan; he is looking to extend the fund raising period to make up the shortfall. Mr. Dawson said that the first year he was here and the time came to sign the contract for the fireworks and there weren't sufficient funds, he inserted a clause in the contract that, if funds were insufficient, the contract could be nullified without penalty to the Town and the fireworks canceled. Mr. Dawson said that it was not permissible to enter into a contract for which you have no funding. Mr. Dawson said that the monies received after the end of the fiscal year should be set aside for the next year's display; he is concerned that we would be speculating on what we could raise. Mr. Dawson suggested a meeting on June 24 to check the status of the fund raising and decide whether or not to exercise the option to cancel the display. Mr. Blanchette expressed his belief that the money would come in and his anger that someone in this building had been telling people that there wouldn't be any fireworks because the money wasn't coming in—that was not right and he firmly believes the money will come in. Mr. Henry wondered if the contracts could be split between the actual contracts for the fireworks and the other expenses (police, fire, harbormaster)—the outside vendors versus the other costs. Mr. Dawson explained that the public safety portion of the costs was not covered by contracts, but were an essential part of the event. Mr. Minard asked if the \$7,500 could be expected to be raised. Mr. Collings said that it was a reasonable goal, as he had sent notice home with the ORR students, appealing to Rochester and Mattapoissett families to contribute, as well as Marion. Dr. Kemp recalled that, when they agreed to set aside \$10,000 from the reserve fund, there were criticisms about the lack of transparency of government. Mr. Henry said that the Town had clearly spoken that no public funds be used for the fireworks. Mr. Vulgaris said that he is against the fireworks unless all three towns share in the burden, but he must support a committee that worked so hard to accomplish something for the Town; he will lend the committee \$7,500—if they raise the money, give it back to him; if not, it is theirs. Mr. Minard encouraged everyone to tell their friends to send in their contribution to the fireworks fund.

Mr. Dawson requested the Board make a determination as to when the 4th of July holiday would be observed by Town employees; he understands the practice is, if a holiday falls on a Saturday, the holiday is observed on Friday and if the holiday is on a Sunday, the holiday is observed on Monday.

Mr. Blanchette moved to close the Town House on Friday, July 3; the motion was seconded and carried unanimously.

Mr. Henry moved to nominate himself as SRPEDD MPO representative; the motion was seconded and carried unanimously.

Three abatement requests were before the Board; Mr. Dawson noted that the Board usually delays action until the next meeting, but these customers are facing a deadline for payment.

The first request was from Stanley, 168 Front Street, due to the failure of a hot water heater; the water department recommended denial of the abatement.

Mr. Henry moved to accept the recommendation of the water department and deny the abatement request; the motion was seconded and carried unanimously.

The second request was from Converse, 26 Main Street, a seasonal residence with an unexplained high reading; the water department recommended denial of the abatement.

Mr. Henry moved to accept the recommendation of the water department and deny the abatement request; the motion was seconded and carried unanimously.

The last request was from Sweeney, 29 Crapo Street, due to the fact that the house was under construction; the water department recommended denial of the abatement.

Mr. Henry moved to accept the recommendation of the water department and deny the abatement request; the motion was seconded and carried unanimously.

Mr. Henry said that he would like to take this opportunity to thank the Marion Emergency Medical Services for their assistance during his recent illness, when he was an unwilling patient and received excellent care in the ambulance, at Tobey Hospital and at Massachusetts General Hospital.

Mr. Blanchette moved to commence an executive session to discuss contract negotiations with non-union personnel and the sale of real property at 8:50 p.m. and not to return to open session at the conclusion of the executive session; the motion was seconded and carried unanimously, Messrs. Cushing, Henry and Blanchette voting aye.

Respectfully submitted,



Roger F. Blanchette, Clerk

Date voted: 7/7/09