

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

September 6, 2011

Meeting Minutes

MEMBERS PRESENT: Jonathan Henry, Chairman
Roger Blanchette
Stephen Cushing, Clerk

ALSO PRESENT: Paul Dawson, Town Administrator
Jeffrey Oakes
Randy Parker
John Rockwell
Sue Maxwell Lewis
Rep. Bill Straus
Woody Hartley
Kevin O’Gara
Sherman Briggs
Chris Reagle (Sentinel)
Anne Kakley (Wanderer)
Eric Fox (Sippican Week)
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Henry announced that the meeting would be televised, video recorded by ORCTV, and audio recorded by Town of Marion staff. A list of the materials reviewed at the meeting shall be attached to these minutes.

Approval of Meeting Minutes

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve the meeting minutes of July 12, 2011 and August 16, 2011. VOTE: 3-0-0

ACTION ITEMS

Water Commitment - \$1510.82 (8/15/11)

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

Water Commitment - \$10,825.00 (8/15/11)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

Water Commitment - \$1827.92 (8/15/11)

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

Proclamation – United Nations Day – October 24, 2011

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the proclamation.
VOTE: 3-0-0

One day all alcohol license – VFW #2425, Walsh Cup Scholarship Fund – 12:00 noon – 6:00 p.m. (9/10/11)

Moved by Mr. Cushing and seconded by Mr. Blanchette to approve. VOTE: 3-0-0

One day all alcohol license – Marion Social Club, Steak Dinner – 12:00 noon – 4:00 p.m. (9/25/11)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

One day all alcohol license – VFW #2425, Bike Run & Barbecue – 11:00 a.m. – 5:00 p.m. (9/17/11)

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve. VOTE: 3-0-0

Review CDM FY12 Master Services Agreement, authorize Town Administrator to sign

The Board reviewed the FY12 Master Services Agreement, which would be drawn from when engineering services are required due to unforeseen circumstances. The contract is not to exceed \$25,000 over the fiscal year.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the Master Services Agreement. VOTE: 3-0-0

Review CDC Miscellaneous I&I projects, authorize Town Administrator to sign

This is part of the ongoing drainage evaluation project; the DEP discharge permit requires the Town to undertake I&I procedures and corrective action during the course of every fiscal year. This contract is in an amount not to exceed \$160,100 and includes surveying the drain lines in a 4.5 mile stretch in the village and outlying areas to determine their size, having them cleaned, internal camera inspections, and analysis of the total amount of water that flows through the lines to assist the town in the drainage evaluation process. This does not require additional appropriation as the funds are appropriated annually within the DPW budget for I&I projects.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the contract to be signed by the Town Administrator. VOTE: 3-0-0

APPOINTMENTS

Marion Open Space Acquisition Commission (MOSAC) – Open Space & Recreation Survey

MOSAC members John Rockwell, Randy Parker, Jeffrey Oakes, and Sue Maxwell were present for this discussion. The Commission is updating the current open space plan; Mr. Rockwell described the survey process. A survey was sent to every tenth person on the registered voter list and a reminder letter will be sent out. The results will be professionally tabulated and the commission will read each written comment. Mr. Rockwell agreed to make the survey results available to the Board.

In an unrelated matter, Mr. Rockwell expressed interest in serving as fence viewer. Mr. Henry advised him to submit a written request for appointment.

Representative Straus, MOSAC – Hathaway Pond Dam

Mr. Henry said the Coalition for Buzzards Bay recently purchased the dam, which is on private property, with the intention of removing the dam and restoring the river which

goes through the area back to its natural state, all with the view of improving the ecosystem in Buzzards Bay. Concerns have been raised, one of them that a source of water to provide irrigation for cranberries would be removed. There is also a housing development bordering the pond and removal of the dam has resulted in a loss of recreation and a negative impact on property values. When the intention was stated to remove the dam people with an interest contacted Rep. Straus and asked for his assistance to get stakeholders together to discuss their interest and involvement. Mr. Henry thanked Rep. Straus for his response to this issue. Land abutting the area is under control of the MOSAC.

Rep. Straus said Marion Herring Warden James Gurney and Rochester Herring Warden William Watling brought this issue to his attention a year and a half ago. He said there ought to be a way the individual concerns are accounted for and accommodated because otherwise these types of cases end up in court.

Mr. Henry said the Board expects to formulate a position to bring to mediation if it comes to that.

Mr. Blanchette asked if there was a requirement that the land be offered to the Town of Rochester before being sold. Mr. Rockwell said as a state employee he has to abstain from any matters before the state (NOI filing for the board removal, future NOI filing for dam removal, determination request whether the land is in agricultural use), and as a Town employee he can't act on any matter that might come across his desk at work. He explained that Mr. Blanchette is referring to Chapter 61 land, the property was not under one of those chapters, and the property owner was not legally obligated to offer the land to the town.

Rep. Straus said the Office of Dam Safety has made an official finding of a dangerous condition and a public safety concern. He said a year and a half ago he asked what the public safety threat was and was told that it was as a result not of the State's direct observation but a different engineering firm's observation that if there were a total breach of the dam County Road in Marion could overtop. Rep. Straus said for over a year he has requested the Office of Dam Safety to provide the engineering report backing up that threat and Commissioner Lambert has told him that there are no PE stamped plans of any kind confirming that public safety issue and there never have been. He anticipates such a report soon and there may be an answer whether there is a safety threat or not. Rep. Straus said the land below the dam has a lot of wetlands that would be able to absorb the floodwaters if the dam is breached.

Mr. Rockwell described historic conditions in the area.

Rochester resident Woody Hartley thanked the Board for discussing the issue and said the Rochester Selectmen are very concerned. He said many Marion residents want to see the pond remain and described the negative impact on herring. Mr. Hartley said the good news is Mr. Beaton has every intention to rebuild the dam and described the existing conditions on the river.

Mr. Rockwell said the MOSAC owns some land where the fish ladder is and would be happy to work with Mr. Beaton in getting a new one.

Mr. Henry thanked the MOSAC members and Rep. Straus for their involvement and the cranberry growers for their environmental stewardship.

Mr. Hartley asked if the Board had concern for the impact that drawdown would have on groundwater levels/Town wells. Mr. Dawson said he would discuss it with the engineers from Tata & Howard.

Kevin O’Gara – Discussion regarding sewer fees

Mr. O’Gara is constructing a dwelling at 569 Delano Road and is requesting a payment plan for the \$10,000 sewer connection fee. It was agreed that the Board would take the request under advisement to allow research with Town Counsel and the Town Financial Director. Mr. O’Gara was told they will give him an answer at the next meeting.

TOWN ADMINISTRATOR’S REPORT

Update/Review – Hurricane Irene

Mr. Dawson said in the week leading up to the actual event there was notice from the National Weather Service and there was a Presidential Declaration pre-landfall of disaster which made many of the preparatory actions eligible for FEMA reimbursement.

Mr. Dawson said he wanted to commend many hardworking volunteers and Town employees for their work during the storm. They included the Harbormaster and staff, the Board of Health and volunteers preparing to staff the shelter, DPW, Police, Fire, and EMS. The Emergency Operations Center was opened Sunday at 4:00 a.m. and from that point on it was active until 10:00 p.m. more than 130 calls were received for direct service, with many more calls received requesting information regarding power outages and falling tree limbs. Mr. Dawson said he was able to watch the implementation of the Emergency Plan and extended compliments to Chief Miller and the Emergency Management Team. He described some of the issues with NSTAR communication and response and said areas of critical concern/infrastructure were left unaddressed. Last Thursday the Emergency Management Team met to determine which areas need improvement.

Mr. Henry said he was very happy with the way Mr. Dawson supervised the implementation of the Emergency Plan.

Mr. Dawson said a state of emergency was declared at 4:00 a.m. the day of the storm and the town will be eligible for reimbursement post-cleanup activities.

Mr. Henry asked if curbside pickup of brush was still available and was told yes. Mr. Dawson announced that tree limbs and branches can be brought to the curbside and they will be picked up. Mr. Blanchette said he has been informed that the CMW District will assume the costs of the disposal of the brush. Mr. Cushing asked if there was a size limit for the tree limbs; Mr. Dawson said residents should contact DPW if they have large tree limbs or trunks to dispose of.

Parking lot project update

Mr. Dawson said the parking lot reopened today and the project is believed to be at a point of substantial completion.

Sexual harassment training update

The final sexual harassment training will be held Thursday, September 15, at 7:00 p.m. at the Music Hall. Letters were sent out today to the remaining employees who did not attend the trainings in May.

CMW Regional Refuse District

Mr. Dawson has been informed that the District will be paying for the disposal of the brush associated with the storm.

CORRESPONDENCE:

The reading of the correspondence into the record was waived with the following exceptions.

Email regarding MMA September 21 Regional Selectmen meeting

Mr. Henry announced that he will be attending the meeting.

Letter from VFW Post #2425 regarding Memorial Day parade and Fourth of July parade committees

This will be placed on the September 20 meeting agenda as an action item.

Email from Donald Torres indicating resignation from Marion Water Committee and Mattapoisett River Valley Water District Commission

Mr. Dawson said Mr. Torres' diligence and humor will be missed, along with his competence, knowledge, and deep concern for the Marion taxpayers. Mr. Henry said Mr. Torres should be appropriately recognized and the individual Board members would make some suggestions on how to do that.

Letter from FEMA regarding Base of Flood Elevation determination notification

Mr. Henry said it was important for the Board to have someone with expertise explain what the implications will be. Mr. Dawson said the letter names a Consultant Coordination Officer, and he will reach out to that person and request that he meet with the Board.

Letter from MEMA regarding adoption of Statewide Public Safety Mutual Aid Law

Mr. Dawson said he would like an opportunity to speak with the Police and Fire Chiefs and place it on a future meeting agenda as an action item.

Letter from Rochester Board of Selectmen regarding Hathaway Pond Dam

Mr. Blanchette asked if the Coalition for Buzzards Bay was receiving funds from the Mattapoisett River Valley Water Supply Protection Advisory Committee. Mr. Dawson said there are times when there is a mutual benefit to the Coalition and MRVWSPAC in terms of land acquisition within the watershed where the districts will collaborate and provide some or all of the funding. The letter, indicating frustration with the Coalition for Buzzards Bay, was read into the record.

Mr. Blanchette described how the Coalition is blaming the town of Marion's sewer lagoons for elevated nitrogen levels in Sippican Harbor.

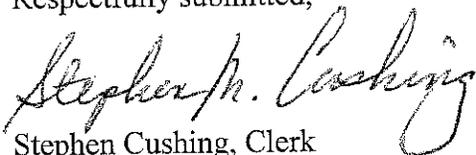
Mr. Henry said last week he received a complaint of an overpowering odor in the Creek Road area and asked if the source was determined. Mr. Dawson said Mr. Zora received numerous calls but the sewer system was checked and there were no issues found. Mr.

Blanchette said it could have been the pump station on Point Road. Mr. Henry described an area on Route 6 where the roadway is caving in. Mr. Blanchette said it's incumbent on the Board to determine if the source of nitrogen is in the area of Creek Road. Mr. Dawson said he can ask the engineers to examine the area but according to Mr. Zora there are no issues with the Creek Road pump station. Mr. Blanchette the problem might not be right at the station but in the area.

Sherman Briggs said Susan Nilson of Coastline Engineering is willing to meet with the Board to explain the Base of Flood Elevation determination. Mr. Blanchette said a meeting should be held at the Music Hall. Mr. Briggs reminded the Board that there was a 90 day period to appeal the determination.

Moved by Mr. Cushing and seconded by Mr. Blanchette at 9:10 p.m. to go into Executive Session for the purpose of strategy related to ongoing collective bargaining. The Board will not be returning to regular session. A roll call vote was taken with all members voting aye. VOTE: 3-0-0

Respectfully submitted,



Stephen Cushing, Clerk

Date approved: 9/20/11

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DOCUMENTS REVIEWED AT MEETING

Email and attachments from Rep. Straus regarding Hathaway Pond Dam (8/24/11)
Letter and attachment from Coalition for Buzzards Bay regarding Hathaway Dam (7/22/11)
Letter from Kevin O’Gara regarding sewer tie-in fee (8/30/11)
Water commitment - \$1510.82 (8/15/11)
Water commitment - \$10,825 (8/15/11)
Water commitment - \$1827.92 (8/15/11)
United Nations Day Proclamation
One day all alcohol license – VFW #2425 – Walsh Cup Scholarship Fund (9/10/11)
One day all alcohol license – Marion Social Club – Steak Dinner (9/25/11)
One day all alcohol license – VFW #2425 – Bike Run & Barbecue (9/17/11)
Email from J. Ferrari regarding appointment to CIPC (8/17/11)
Email from D. Torres indicating resignation from Marion Water Committee and Mattapoisett River Valley Water District Commission (7/14/11)
Letter from ORCTV regarding operating and capital funding (8/19/11)
Copy of preliminary agreement between ORCTV and ORR School District
Letter from FEMA regarding Base of Flood Elevation determination notification (8/1/8/11)
Letter from NSTAR Electric regarding pole hearing application process (8/19/11)
Email regarding MMA September 21 Regional Selectmen meeting (8/24/11)
Copy of letter from Building Commissioner regarding 760 Mill Street (8/24/11)
Letter from VFW Post #2425 regarding Memorial Day parade and Fourth of July parade committees (8/22/11)
Email regarding MMA Fall 2011 Local Government Legislative Breakfast meetings (8/24/11)
Email from Rep. Straus regarding Hathaway Pond dam (8/22/11)
Copy of letter from District Attorney Timothy Cruz regarding proposed closure of Wareham District Court and Hingham District Court (8/25/11)
Notice from DMF regarding shellfishing status (8/26/11)
Notice from DMF regarding shellfishing status (8/29/11)
Letter from MEMA regarding adoption of Statewide Public Safety Mutual Aid Law (8/17/11)
Letter from Rochester Board of Selectmen regarding Hathaway Pond Dam (8/24/11)
Memo from Music Hall Advisory Committee regarding Music Hall Endowment Fund (8/26/11)
Conservation Commission Meeting Agenda (8/24/11)