

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

November 15, 2011

Executive Session

Meeting Minutes

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

ALSO PRESENT: Paul Dawson, Town Administrator
Attorney Witten
Debra Paiva, secretary

The meeting was called to order at 9:00 p.m. in the Town Administrator's office.

Collective Bargaining

Strategy for negotiating contracts with the ORR, DPW, and Clerical unions was discussed.

Clerical Union

A revised memorandum of agreement was reviewed and discussed.

Moved by Mr. Blanchette and seconded by Mr. Cushing to approve the original memorandum of agreement with one addition being the one day. VOTE: 3-0-0 A roll call vote was taken with all members voting aye.

Acquisition of Real Property - YSI Building

Town Meeting gave the Board authority to move forward if they wished to; part of the motion was the authorization to expend funds. Tata & Howard were hired to completely review the environmental reports done by YSI and they were satisfied that YSI had complied with DEP requirements and that the environmental reports were solid. The only exception is one crawlspace in the basement that has asbestos pipe; a potential cleanup value of \$20,000 was assigned. Tony DiSalvo of YSI has indicated that they will not do the remediation but will allow the Town to send a representative to evaluate the area. Mr. Dawson said he has received a report from Tata & Howard that everything meets compliance with the exception of this one issue.

Ongoing Litigation

Baywatch

Attorney Witten provided updates on issues (other Boards, Building Commissioner suit, sewer connection, affordability) related to the settlement agreement proposed by Baywatch.

Moved by Mr. Cushing and seconded by Mr. Blanchette to accept the recommendation of Town Counsel and dismiss the Building Commissioner site clearing litigation. VOTE: A roll call vote was taken with all members voting aye.

MAHT/Mill Street site – Mr. Blanchette said the owner of the former Frigate Restaurant has offered to sell the property to the Marion Affordable Housing Trust.

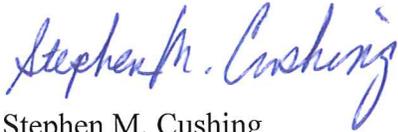
Tabor Academy

Attorney Witten reported that three pieces of litigation involving the Board of Appeals will be before Land Court.

Attorney Bobrowski is willing to release the drainage calculations to the Board of Health with the understanding that the \$600 fine awarded by the court not be paid, the Board of Health agree to drop that litigation, and the Board of Health review the drainage calculations with CDM but go no further. Tabor will agree to fix any problems CDM might find. It was agreed that Mr. Dawson will contact Ms. Walega and ask her to see if her Board will agree to the proposal. Attorney Witten will inform Attorney Bobrowski tomorrow that the \$600 fine has to be paid but he will accept paperwork stating that this is isn't an admission against any other wrongdoings.

Moved by Mr. Cushing and seconded by Mr. Blanchette at 10:45 p.m. to adjourn. VOTE: A roll call vote was taken, with all members voting aye.

Respectfully submitted,



Stephen M. Cushing

Date approved: 11/15/16

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