

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
September 4, 2012**

**MEMBERS PRESENT:** Stephen Cushing, Chairman  
Jonathan Henry  
Jonathan Dickerson, Clerk

**ALSO PRESENT:** Paul Dawson, Town Administrator  
David Pierce  
Norman Hills  
John Rockwell  
Jeff Oakes  
Ted North  
Carol Sanz  
Sherman Briggs  
Attorney Joseph Perry  
Chris Reagle (Sentinel)  
Mike DeCicco (Standard Times)  
Jennifer Heshion (Sippican Week)  
Katy Fitzpatrick (The Wanderer)  
Debra Paiva, secretary

The meeting was called to order at 7:00 p.m. Mr. Cushing 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. Henry and seconded by Mr. Dickerson to approve the minutes of the August 21, 2012 meeting. VOTE: 3-0-0

**APPOINTMENTS**

**Marion Energy Management Committee – Discussion – Energy Audit of Town Facilities**

Mr. Hills and Mr. Pierce were present on behalf of the Marion Energy Management Committee (MEMC) to discuss and explain an energy audit of Town facilities and recommendations by NSTAR subcontractor TNT Energy. Review by the MEMC of the audit resulted in the following prioritized list of recommendations:

- #1 – Upgrade the lighting and sensors in all facilities except Town Hall
- #2 – Replace the insulation and boiler controls in the Fire Station
- #3 – Replace the boilers in the Music Hall and Library

Mr. Pierce said the MEMC wanted to get a sense of what the Board thought of the recommendations. It was agreed that more information was needed from TNT Energy before a decision would be made.

### **Bike Path Committee – Discussion – Land Conveyance**

Bike Path Committee members John Rockwell, Jeff Oakes, and Ken Litke were present for this discussion. A presentation dated September 4, 2012 was submitted to Board members. Mr. Litke described the phases of the bike path route and the conveyance of a perpetual easement from an abutter of the Baywatch 40B project. The easement could be conveyed to the Town of Marion or MOSAC and a Town Meeting vote accepting the conveyance would be required.

Mr. Rockwell said part of the Town Meeting vote granting the Board authority up to \$300,000 to purchase land from the 40B developer if it's determined to be in the best interest of the town included an easement over the property for the bike path. He said if the easement is not granted the committee does not believe purchasing the land is in the best interest of the Town. Mr. Dawson said the CPC application for the \$300,000 included mention of the bike path easement and allows the Board to determine whether or not the proposal would be in the Town's best interest. He said the agreement is a private agreement between private parties and is not binding on the part of the Town, only whether the Board agrees that paying the developer \$300,000 contingent on receiving the easement is in the best interest of the Town. Mr. Dawson said he has been told there is a signed agreement but he does not have a copy of it despite having made numerous requests. It was agreed that the developer would not receive the funds until a copy of the signed easement agreement has been received by the Selectmen. Mr. Dawson said Town Meeting vote accepting the easement will be required.

### **ACTION ITEMS**

#### **Notice of Intent to Sell Chapter 61B land – Map 21, Lots 1A & 7**

Attorney Joseph Perry was present for this conversation. At the last meeting the Board received notification of land currently held in Chapter 61B owned by Carr Family Bogs. The land is proposed to be transferred to the Trustees of Reservation and will remain in Chapter 61B status. Mr. Dawson said he is confident that the Board does not have the right of first refusal on the land and he will provide a definitive answer at the next meeting, after he has received an opinion from Town Counsel.

#### **Approve and Execute FY2013 On-Call Consulting Agreement – CDM Smith**

This is an annual contract not to exceed \$20,000 for on-call services.

Moved by Mr. Henry and seconded by Mr. Dickerson to approve. VOTE: 3-0-0

#### **Approve and Execute Pavement Management Program – CDM Smith**

This contract is for CDM Smith to assess every road in town and provide a prioritized list of roadway repairs and a maintenance program. The value of the contract is not to exceed \$64,500 and will be paid with Chapter 90 funds.

Moved by Mr. Henry and seconded by Mr. Dickerson to approve. VOTE: 3-0-0

#### **Approve Fire Department Surplus Property Request**

The Fire Chief has submitted a list of property to be declared surplus.

Moved by Mr. Dickerson and seconded by Mr. Henry to approve. VOTE: 3-0-0

#### **Water Commitment - \$1649.49 – Final Readings**

Moved by Mr. Dickerson and seconded by Mr. Henry to approve. VOTE: 3-0-0

**Discussion concerning AFSCME Statement of Grievance**

Town Counsel has recommended that this discussion be held in Executive Session.

**Discussion and vote – MassWorks Infrastructure Grant**

The grant application is for work related to roadway repairs at Ryder Lane, South Street, and a portion of Spring Street. It is an unrestricted grant that does not need to be paid back and could be up to \$1 million.

Moved by Mr. Henry and seconded by Mr. Dickerson to authorize Mr. Dawson to make application. VOTE: 3-0-0

Moved by Mr. Henry and seconded by Mr. Dickerson to authorize the Chairman to sign the letter of support on behalf of the Board. VOTE: 3-0-0

**TOWN ADMINISTRATOR**

**Update – Sprague’s Cove**

Mr. Dawson said the proposals have been submitted by the contractor for the work that has already been done, discussions have been held with Friends of Silvershell, and prices for a maintenance program are in the process of being solicited. The Friends of Silvershell have committed to pay for the first year of the three year maintenance program. Mr. Dawson asked if the Board would consider accepting a donation of \$12,000 from Friends of Silvershell to pay for the work that has already been done and for the ongoing work. Mr. Henry asked if \$12,000 has been received and was told a portion has been.

Moved by Mr. Dickerson and seconded by Mr. Henry to accept the donation of \$12,000 from the Friends of Silvershell to be used at Sprague’s Cove. VOTE: 3-0-0

Mr. Hills said a draft maintenance schedule has been approved by Mr. Zora and once it has been reviewed by the Conservation Commission a copy will be forwarded to Mr. Dawson. Mr. Henry recommended that the work be contracted out rather than being done by DPW. It was agreed that the maintenance program will be discussed with Mr. Zora at the September 18 meeting.

**Update – General Store Parking Lot**

Mr. Dawson told the Board that a contractor has been unable to find a plan showing details of the parking lot. He will be going to the site and will provide information to Mr. Dawson for the next meeting. The owners will be meeting to discuss transferring the parking lot to the Town.

**Town Party**

Mr. Dawson said the Town Party was a great success; Mr. Dickerson thanked the local organizations, residents, and businesses for their support of the event.

**Letter regarding gate at railroad bed**

Mr. Henry said a member of MOSAC (Randy Parker) has asked the Board to work with A.D. Makepeace Company on putting a gate at the Mattapoissett end of the railroad bed;

A.D. Makepeace would need to be provided a key to access their property in the area. After discussion it was agreed that Mr. Henry will discuss the details with Mr. Parker and then report back to the Board.

**Town House Advisory Committee meeting**

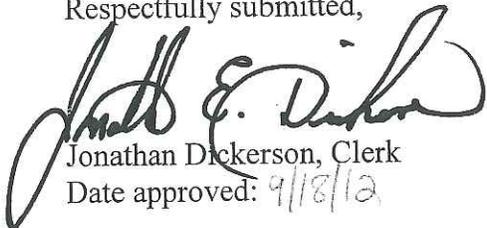
Mr. Dawson announced that the Town House Advisory Committee will hold a public input session on Thursday, September 20, 2012 at 7:00 p.m. at the Music Hall.

**CORRESPONDENCE**

Reading of the correspondence into the record was waived.

Moved by Mr. Henry and seconded by Mr. Dickerson at 8:35 p.m. to adjourn and enter into Executive Session for the purpose of discussing a grievance and potential employee discipline. The Board will not be returning to regular session. A roll call vote was taken with all members voting aye.

Respectfully submitted,



Jonathan Dickerson, Clerk  
Date approved: 9/18/12

09-19-12 08:38 RCVD

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

**DOCUMENTS REVIEWED AT MEETING – September 4, 2012**

Meeting minutes – August 21, 2012  
Memo from Marion Energy Management Committee regarding Energy Audit of Town Facilities  
Information packet entitled “Marion Pathway” submitted by Marion Pathways Committee (9/4/12)  
Notice of Intent to Sell Chapter 61B land – Map 21, Lots 1A & 7  
FY2013 On-Call Consulting Agreement – CDM Smith  
Pavement Management Program – CDM Smith  
Fire Department Surplus Property Request  
Water Commitment - \$1649.49 – Final Readings (8/28/12)  
Draft letter of support for MassWorks Infrastructure Grant  
Notice of upcoming 40B seminar  
Letter from FEMA regarding revised Preliminary Flood Insurance Rate map (8/16/12)  
Email correspondence from Board of Assessors requesting meeting postponement (8/24/12)  
Copy of letter from Building Commissioner to Tabor Academy regarding Tabor Field backstop (8/31/12)  
Copy of letter from Upper Cape Cod Regional Technical School regarding 2012 Regional School Committee Election Ballot (8/22/12)  
Letter from The Trustees of Reservations regarding Chapter 61B notice for land off County Road (8/21/12)