

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS  
September 18, 2012  
Executive Session  
Meeting Minutes**

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

**ALSO PRESENT:** Paul Dawson, Town Administrator  
Jon Witten, Town Counsel  
Debra Paiva, secretary

The meeting was called to order at 8:50 p.m. in the Town Administrator's office. The Executive Session was held for discussion of ongoing litigation and to consider the purchase of interest in real property.

**Litigation - Ethics Commission Investigation**

Last week Attorney Troy contacted Mr. Dawson, told him it appears likely that the Ethics Commission will issue a probable cause finding on at least one of the complaints, and asked what the position of the Town will be if and when the finding is issued. The Town's insurance company had previously informed Mr. Dawson that they will not pay for the cost of an attorney for the committee member; Mr. Dawson will contact them again and request that they consider it. Attorney Troy and Mr. Dawson had agreed that nothing would be done until it was known what the Ethics Commission would do. At that time a meeting will be held with the Selectmen, Mr. Dawson, Attorney Troy, and the committee member to discuss a plan.

**Litigation - Delinquent water account**

A few years ago Mr. Dawson pursued some Rochester delinquent water accounts, went to court with some of them and prevailed. One account was for a property located on County Road in Wareham and although collection letters were sent the account did not end up in court. Mr. Dawson is requesting authorization from the Board to bring the owner to court if arrangements to pay the bill are not made by this Friday. The Board agreed to allow Mr. Dawson and Attorney Witten to pursue the account in court.

**Purchase of Interest in Real Property - Baywatch Project/Private Agreement**

One of the conditions of the project approval is that two affordable building lots would be reserved giving the Town the option to purchase for affordable housing at a cost of \$125,000 each. The Marion Affordable Housing Trust is looking for properties and does not want to take action unless the project is moving forward. The Board discussed choice of lots, negotiating a price, the proposed bridge, an alternate plan from Atlantis Drive, and the application for tax credits, which includes the approved plan.

**Transfer of strip of land/easement to finish bike path**

Attorney Witten said the draft agreement states that 10 days after the building permit is received the land is to be exchanged and the money paid, and that is the triggering mechanism for the abutters conveying the perpetual easement to the Town. The building permit can't be issued until the infrastructure is in place (bridge, first base coat for road to rental buildings) and that is the obstacle to getting the bike path easement.

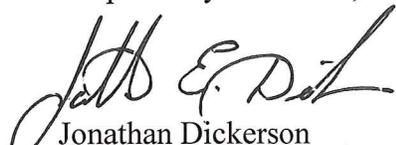
Mr. Henry disclosed that one of the abutters is a customer of his and Attorney Witten told him that was fine because they were not working at adverse purposes. The Board agreed to authorize Mr. Henry to discuss the conveyance of the easement with the property owners.

**Litigation – Unemployment case**

Attorney Witten was told this afternoon that one of the unemployment cases will be dismissed. He suggested the Town offer a stipulation of dismissal that the Town will not be liable for any past or future unemployment claims.

Moved by Mr. Henry and seconded by Mr. Dickerson at 9:35 p.m. to adjourn. VOTE: A roll call vote was taken, with all members voting aye.

Respectfully submitted,

  
Jonathan Dickerson  
Date approved: 12/20/16

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