

Present:

Lee M. Azinheira, Chairman
Mark S. Nunes, Clerk

Manuel Branco, Vice Chairman
David T. Hickox, Director

Carlos Cardoso, WPC Plant Manager Steven Sullivan, Superintendent Water & Sewer Division
Paul Pacheco, Superintendent Services & Infrastructure

The Chairman called the meeting to order at approximately 7:30 a.m.

ACTION ITEMS

A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve and accept the warrants for the bills payable for the period ending March 24, 2011. So voted.

A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve and accept the payrolls for the weeks ending March 4, 11, and 18, 2011. So voted.

A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve and accept the Meeting Minutes of March 3, 2011. So voted.

A motion was made by Mr. Nunes and duly seconded for discussion by Mr. Branco to rescind the motion to approve and accept the Meeting Minutes of March 3, 2011. On discussion: The Board members noted that the verbiage in their motion regarding Rhode Island map 173 lot 11 was not correct and asked that it be amended and that more of the discussion prior to the motion be noted. So voted.

APPOINTMENT

Meeting with Mr. David Sylvia re: Sewer Betterment Assessment – Rhode Island Avenue/Map 173 Lot 11

The Chairman recognized Mr. David Sylvia. Mr. Sylvia introduced his brother, Douglas Sylvia. Mr. Douglas Sylvia said he believed the sewer betterment on the property was unfair and the disbursement of funds was unlawful under statute. He presented the Board with a copy of the deed. He then proceeded to brief the Board on the background of how the property was purchased.

Mr. Douglas Sylvia informed the Board that his brother, David Sylvia, bid on the property at a tax auction, knowing that the street had municipal sewer. He added that his brother was not told there was a betterment assessed to the lot. After Mr. David Sylvia won the bid, he proceeded through the due diligence period and asked the Town Collector for the tax history and learned there were no outstanding taxes and thus moved forward. A mortgage was secured and no one found a betterment during the title examination. A second mortgage was obtained and again no betterment was found during the title examination. After changing the zoning on the lot, Mr. David Sylvia signed a purchase and sales agreement and as the closing neared the issue of the betterment arose. Mr. Douglas Sylvia stressed that Mr. David Sylvia purchased the property in 2007 and did not learn of a betterment until 2011.

Mr. Douglas Sylvia informed the Board that he ran the property record and presented the Board with the index. Mr. David Sylvia noted that employee at the registry had difficulty with the index.

Mr. Hickox said there was a betterment on the property and because it was town owned the betterment was abated. Mr. Douglas Sylvia said he didn't believe it was fair to not make a bidder aware of a pending betterment. Mr. Hickox explained that the connection fees are not due until a petition for sewer is received. At that time, the property would be researched by the engineering staff. If an abatement was issued on the lot, based on the policy of the Board that if a lot should become buildable the cost of the betterment is applied to the connection fee if the lot is connected to municipal sewer. Mr. Hickox added that there is no longer a betterment assessed to the property because it was abated and a betterment could not be reassessed. He reiterated that if municipal sewer is requested a connection fee would include the cost of the original betterment plus interest.

Mr. Douglas Sylvia said there is lien on the property from the day the Board voted to put the sewer in. So he believes there should be a warning to a potential buyer that there is a lien on the property.

Mr. Branco replied that although he understood the issue, usually when a lot is not buildable the Board seeks a determination from the building inspector. If the lot is not buildable, it is abated and it is recorded. Mr. Branco continued that in this particular situation the Department of Public Works does not have a record of how the lot was abated. When the Board of Public Works determines the abatement on a lot that is not buildable, it is with the stipulation that if the lot should become buildable in the future the betterment cost is recovered in the connection fee if municipal sewer is requested. Mr. Branco suggested that a legal opinion be requested from Town Counsel on this particular case. Mr. David Sylvia noted that the lot was never deemed unbuildable. He added that the betterment cost should have been paid when the lot was sold. Mr. Douglas Sylvia said when the funds were received all monies due should be paid. Mr. Sylvia said he would like to settle the issue before it becomes a legal issue.

The Chairman asked Mr. Douglas Sylvia to write a letter briefly explaining his determination and they will present it to the Select Board before making a final determination.

OLD BUSINESS

Application for Abatement for Sewer Betterment Tax

Mr. Hickox presented the Board members with an opinion from former town counsel Joseph Hannon regarding requests for sewer betterment abatements after the six-month deadline. Mr. Branco asked that the Executive Administrator review the opinion of the former town counsel and determine if a new opinion should be sought before the Board makes its determination on the item.

Review of PAYT Survey Results and update of RFP for Curbside Recycling Services

Mr. Hickox reviewed the results of the PAYT Recycling Survey. A brief discussion ensued regarding the pros and cons of single stream recycling. Mr. Hickox reported that the pre-bid meeting for the RFP for Curbside Recycling Services was being held March 25.

NEW BUSINESS

Review of Water Enterprise Fund, Sewer Enterprise Fund, and Solid Waste Enterprise Fund Overhead Charges

The Chairman recognized Ms. Claire Karvonen, Town Accountant, and Mr. Gregory Barnes, Director of Budget & Finance/Treasurer.

Ms. Karvonen explained that the major changes are in the calculation of the Workers' Compensation. She noted that in the past she did not have access to individual claims as she does now,

which leads to a more accurate accounting. Ms. Karvonen asked the Board members if they had any questions.

Mr. Hickox asked if the figures in the pension section reflect the current contribution to the retirement system. Ms. Karvonen replied that it is the assessment, a percentage of the amount for sewer and water. Mr. Hickox asked what the percentage is based upon. Mr. Barnes replied that the assessment includes both the normal cost plus the unfunded liability that serves to capture the retirement. He noted that it does not include any costs related to retiree health care neither normal costs nor the unfunded liability, GASBE 45. He added that at some time they will engage the Board on that matter. He has not attempted to do anything at this time because the database needs updating on classification of retirees, and more discussion needs to take place in regard to how it will be instituted and the agreed upon methodology. Mr. Nunes asked how long Mr. Barnes anticipates that updating the database will take. Mr. Barnes replied that he believed it would take several weeks. Mr. Hickox pointed out that the Board of Public Works bases the rates on the submitted budget. If the overhead charges are changed to include unfunded liability, GASBE, it will change the rate requirements reviewed in April. A brief discussion ensued.

Mr. Azinheira asked how the indirect overhead charge percentages are calculated for the Town Clerk, Assessors, and Board of Health. He asked what services warrant the percentages noted. Ms. Karvonen noted that the percentages are historical from the time they started the indirect charges. She added that in the case of the Assessors' percentages it is most likely based on assessments and liens. Mr. Azinheira pointed out that at that time there were several sewer projects.

Mr. Branco thanked Ms. Karvonen for her detailed accounting report of the overhead charges.

Review of the Town of Dartmouth Street Acceptance Procedure

Mr. Hickox presented the street acceptance procedure to the Board. He noted that he met with the Town Planner and Town Counsel when the procedure was being drafted to discuss items specific to the Department of Public Works.

A motion was made by Mr. Branco and duly seconded by Mr. Nunes to accept the street acceptance procedure dated February 28, 2011. So voted.

Community System Award – Dartmouth Water Division

Mr. Hickox informed the Board that the Water Division received a Community System Award from the Massachusetts Water Works Association for its exemplified standards in water works practice, specifically; the amount of land purchased to protect groundwater close to the wells, strides in reducing energy costs, and the installation of VFD's to reduce the peak demand the pumps put on the electric grid. He presented the Board with the award plaque. The Board members congratulated Mr. Sullivan and Mr. Hickox on their collective achievements.

Dartmouth Community Clean Up – April 9 & 10

Mr. Hickox noted that Ms. DeFranco organizes the cleanup and has been working diligently to get the word out.

OTHER BUSINESS

The Chairman asked those present if they wished to discuss any other business that morning.

Mr. Hickox reported that the Town's roads have taken a severe beating over the winter season. Crews have been working to repair a number of damaged areas. One area of concern, Russells Mills Road, between Bakerville Road and Gulf Road West was constructed approximately ten years ago. The road is prematurely failing and has been crack sealed. The base is in good shape but the top course needs repair. Mr. Hickox would like to utilize Chapter 90 funds to grind to the base and resurface the road. Mr. Azinheira suggested having sample borings analyzed and a mixture recommended to avoid another premature failing. Mr. Hickox agreed.

Having no further business to discuss that morning, at approximately 9:15 a.m. a motion was made by Mr. Branco and duly seconded by Mr. Nunes to adjourn the meeting. So voted.

Respectfully submitted:

Michelle L. DeFranco, Office Manager/Confidential Secretary

Approved: _____