

**Present:**

Lee M. Azinheira, Chairman  
Manuel Branco, Clerk

Mark S. Nunes, Vice Chairman  
David T. Hickox, Director

Carlos Cardoso, WPC Plant Manager      \*Steven Sullivan, Superintendent Water & Sewer Division  
Paul Pacheco, Superintendent Services & Infrastructure  
Michael Arnold, Assistant WPC Plant Manager

\*Mr. Sullivan was not present due to a previously scheduled vacation.

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

**ACTION ITEMS**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to approve and accept the warrants for the bills payable for the period ending October 6, 2011. So voted.**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to approve and accept the payrolls for the weeks ending September 9, 26, 23, and 30, 2011. So voted.**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to approve and accept the Meeting Minutes of September 8, 2011. So voted.**

**OLD BUSINESS**

**Agreement for Professional Engineering Services – Infiltration/Inflow Analysis & Sewer System Evaluation Survey- South Dartmouth Pump Station and Clarence Street Pump Station Tributary Areas**

Mr. Hickox noted that the contract was revised to include an amended attachment A. The Board reviewed the amended attachment A.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to accept the agreement between the Town of Dartmouth and Fay, Spofford & Thorndike, LLC for professional engineering services- Infiltration/Inflow Analysis & Sewer System Evaluation Survey – South Dartmouth Pump Station and Clarence Street Pump Station Tributary Areas. So voted.**

**Sewer Connection Fee – Rhode Island Avenue**

The Chairman recognized Attorney Brian Cruz, Mr. Robert Matias, and Gregory Barnes were present for the discussion.

Mr. Hickox reviewed the history of the item in discussion. Attorney Cruz of Anthony Savastano's office explained that there were essentially two separate issues. The first issue is whether or not assessment was properly abated through town hall rather than the Board of Public Works. Attorney Cruz said that issue is irrelevant because under Chapter 80 Section 12 the lien for the assessment has expired from the time distance

from when the property was first assessed and now because the property was alienated for sale. He reiterated that the lien was placed on the property when the assessment for betterment occurred and that lien has now expired because the Town had not acted on it within a certain period of time (two years).

The Chairman requested that the legal opinion be submitted to the Board in writing. Attorney Cruz replied in the affirmative. For the record, Mr. Branco noted that the abatement was never brought before the Board of Public Works and they did not learn of it until the request for a sewer connection was presented.

In regard to the second issue, Mr. Hickox asked Attorney Cruz if a Board of Public Works has the authority to establish a special connection fee. Attorney Cruz replied that it does but in this case it could not establish a connection fee based on its current policy that a connection fee is based on a betterment that was not assessed because it was assessed but never paid. He added that normally when the Board votes to abate one of the stipulation of the abatement is if the lot should every become buildable along with the regular connection fee a special connection fee equal to the betterment will apply, which is recorded with the abatement. Mr. Hickox agreed and noted that is how the Board assures a fair betterment is paid by all parties. Mr. Barnes added that in this case there is no record that the proper procedure was followed. Mr. Barnes asked all parties if they are in agreement of a \$1,500 connection fee and a \$500 I/I fee. All parties answered in the affirmative.

**Based on the opinion of Town Counsel that the original betterment assessment is null and void due to the alienation of the property and the two year period has expired, a motion was made by Mr. Nunes and duly seconded by Mr. Branco to impose a \$1,500 sewer connection fee and \$500.00 I/I fee for the property known as Assessors' map 173 lot 11. So voted.**

Mr. Hickox recommended that the Department of Public Works have the opportunity in the future to review tax title properties before they are auctioned.

## **NEW BUSINESS**

### **Application for PAYT Hardship Discount**

Because the submitted application was not complete, the Board members took no action.

### **Request to build deck on a portion of town sewer easement – Gladys Street**

The Director informed the Board members that the Town has a sewer easement that runs parallel to Elm Street along the water. The property owner of 3 Gladys Street would like to construct a deck that would lie within the Town's sewer easement and is willing to sign a document that states he would remove the deck if the Town ever had the need to excavate within the easement. The Chairman recommended a recorded covenant and a detailed plan that shows the deck footings and the sewer main. The other Board members agreed. Mr. Hickox said he would notify the property owner that a revised plan and covenant would be required for the Board to review at a future meeting before a final decision is made.

### **Correspondence from Town Clerk regarding Meeting Notices**

The Board members reviewed the memorandum and did not agree with the time limitation due to the nature of the items brought before the Board of Public Works. They agreed that they would make every effort to assist the Town Clerk by posting meetings at least 72 hours in advance.

### **Request for abatement of sewer bill – Juliette Street**

Based on a review of past sewer invoices, the Board members determined that the sewer invoice in question was not unusual.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to deny the request for abatement of a sewer bill for 60 Juliette Street. So voted.**

### **Renewal Application for Sewer Betterment Assessments Deferrals: 107 Adams Street, 98 Willis Street, 601 Reed Road, and 92 Lakeside Avenue**

Mr. Hickox reported that the renewal applications are in order.

**A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve the following renewal application for sewer betterment assessment deferrals: 107 Adams Street, 98 Willis Street, 601 Reed Road, and 92 Lakeside Avenue. So voted.**

### **OTHER BUSINESS**

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

Mr. Hickox informed the Board that the Finance Committee approved the Department's CIP requests.

Mr. Branco asked that the request for gas service on Middle Street be added to the next meeting agenda.

Having no further business to discuss that morning, at approximately 8:25 a.m. a motion was made by Mr. Nunes and duly seconded by Mr. Branco to adjourn the meeting. So voted.

Respectfully submitted:  
Michelle L. DeFranco, Administrative Assistant

Approved: 10/25/2011