



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

Commissioners

Cranston Rogers, Chair  
Robert Wilson, Member  
Peter Gluckler, Member

## Meeting Minutes

January 14, 2013 – 6:30pm  
Tom Holder's Office  
155 Village Street, Medway MA

Present: Chan Rogers, Peter Gluckler, Robert Wilson, DPS Director Thomas Holder, and Business Manager Sarah Pawluczzonek. Also residents Sean Anderson and Joseph Lusk.

**The meeting was called to order at 6:30pm by a motion from Robert Wilson.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 2-0.**

### Betterment Abatements

Robert Wilson suggested that we begin with the abatement for the resident who was present at this time, Sean Anderson, of 11 Waterview Drive.

Sarah Pawluczzonek handed out the legal opinion from Town Counsel regarding the abatements for both 9 and 11 Waterview Drive, which did not support the use of an arbitrary or corner method to reduce these betterment assessments. Sarah explained that in addition to the initial abatement requests, there was new information submitted to support an assessment miscalculation in which Tom Holder would speak to.

Tom Holder explained that the Andersons had brought in documentation recently to support an error on the frontage figure used to calculate the betterment for 11 Waterview Drive. Tom had then researched the matter and determined that the frontage was indeed overstated as 275 feet, when it was actually only 190 feet. He recommended to the Board that they approve this new abatement request. He pointed out that we had already drafted new abatement forms for both 9 & 11 Waterview Drive, in anticipation that they would be needed.

Robert Wilson asked how much the total abatement would be for.

Tom Holder answered that it would be for \$3,948.68, leaving his assessment at \$9,102.83.

Robert Wilson requested that if the new abatement were to be approved, Mr. Anderson should then re-file his original request with the newly revised figure.

Sean Anderson said that he would as he still wanted to pursue his initial abatement request citing that the amount was inequitable.

Tom Holder pointed out that Town Counsel's opinion was not favorable to applying the corner lot formula or for determining inequity by comparing them to the other neighbors.

Sean Anderson disagreed stating that his research of the law states that there are grounds for the abatement if there is a disproportionate cost.

Tom Holder explained that the unit price method used to assess the betterments provides the best measure to handle all properties, so in that regard there is equity.

Sean Anderson said he spoke to a real estate agent and appraiser who submitted letters, which he handed out. He said they spoke to the fact that there was no significant return to the value of the property by having Town sewer, as opposed to a functional septic system. He also pointed out that the realtor states that their lots are actually valued less than their neighbors due to their odd frontage and small back yards.

Peter Gluckler reiterated that there has to be substantial inequity.

Sean Anderson responded that there is substantial inequity which is clearly defined in the two letters he had just handed out which claim no improvement to market value.

Peter Gluckler asked how old his septic system was and how much it would cost to replace.

Sean Anderson answered that he had no idea and that it was not even relevant.

Robert Wilson stated that his had cost about \$16,000, but he agreed it was not relevant.

Chan Rogers arrived at 6:45pm.

Robert Wilson brought Chan Rogers up to speed on the meeting so far.

Chan Rogers said that he believed abatement is due here, but how it is arrived at is the question.

Robert Wilson referred to Town Counsel Barbara St. Andre's legal opinion that the corner lot approach does not apply here, and that although not recommended, any other arbitrary decision was at the discretion of the Board.

Tom Holder offered to speak about 9 Waterview Drive as well since the abatement situations were similar. He explained that in researching the frontage figure used for 11 Waterview Drive, it appears that 9 Waterview Drive is also incorrect. They should be assessed for 218 feet, not 275 feet. They would be due an abatement of about \$2,600.00.

Sean Anderson thought that the reason these mistakes were made was due to the adjustment back frontage not being used once the developments were in. They must have only kept in the original figure.

Chan Rogers remarked that the Town Counsel's opinion on the abatements for inequity suggest that an average could be applied.

Peter Gluckler suggested that the Board handle the matter of correcting the frontage errors before considering the inequity issue.

Tom Holder requested that the Board keep in mind that in considering the abatements for inequity that they should be mindful of the fact that there are 130 other properties as part of this betterment.

Chan Rogers stated that they had an obligation to all the other properties in what is decided with these abatements.

Tom Holder explained that we had each issue on separate abatement forms so that they could be decided on separately.

Resident Joseph Lusk of 9 Waterview Drive arrived to the meeting.

Chan Rogers told him that they were considering his argument of inequity.

Tom Holder told Joseph Lusk about the frontage error in which he was assessed for 275 feet of frontage when he actually only has 218 feet. He explained that on his behalf, we had created an abatement form for this separate issue to be voted on.

Robert Wilson said that the Board would like to take more time to review the inequity argument by looking at the other neighborhoods.

**Robert Wilson made a motion to approve the abatements for the frontage discrepancy for both 9 & 11 Waterview Drive, to process payment as quickly as possible, and to further review the other inequity abatement requests.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

Sean Anderson and Joseph Lusk left the meeting.

Robert Wilson does not feel supportive of averaging a neighborhood because it would not be fair unless all of the bettered properties were averaged, which is not something we wish to do.

Peter Gluckler stated that we already used one of the few legal methods of proportioning a betterment.

Chan Rogers asked if they could discuss the betterment for 18 Alder Street.

Tom Holder explained that the property has been determined to be dividable into 3 useable lots, and each lot would connect on Trotter Drive. Mr. Mele, the owner, had come in today to ask about his letter and what he needed to submit for his abatement request.

Sarah Pawluczzonek had seen Mr. Mele and explained that the Board was seeking a market value assessment for his property now vs. before the access to sewer was there.

Sarah Pawluczzonek explained the 1 Holbrook Street betterment abatement request. The reasons cited on the application were slow economy, poor job market, and poor house prices. She also noted that this homeowner had already tied into his new sewer stub and had been receiving the benefit of Town Sewer since 2010.

Tom Holder reminded the Board that they had previously denied similar abatement requests which used financial hardship as an argument, and so he did not recommend that they approve this one either.

Robert Wilson agreed that there were no grounds for abatement.

**Peter Gluckler made a motion to deny the request for betterment abatement for 1 Holbrook Street.**

**Robert Wilson seconded.**

**Motion approved, unanimous vote, 3-0.**

#### Utility Billing Abatements

Sarah Pawluczzonek explained the abatement request for 17 Florence Circle. They were seeking an abatement for the sewer charges due to a leak in the heating system in the slab which was repaired. Repair bill was provided.

Robert Wilson questioned how to determine what portion of the sewer charges was for the water leak and did not go down the drain.

Robert Wilson made a motion to approve the abatement for 17 Florence Circle which reduces the sewer charges down to an amount estimated by averaging the past three like cycles.

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

Sarah Pawluczzonek explained the abatement request for 19 Azalea Drive. They were looking for a sewer abatement because they had to replace a damaged pool liner and completely drain and refill their pool. Pool capacity and a repair bill were provided. The sewer abatement would be for \$186.78.

**Robert Wilson made a motion to approve the sewer abatement for 19 Azalea Drive.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

#### Approve Prior Meeting Minutes

Sarah Pawluczzonek asked if the Board was prepared to approve the meeting minutes from 12/10/12.

Robert Wilson asked if they could postpone the vote until the next meeting to allow for more time to review them.

#### Director's Report

Tom Holder discussed the IWRMP (Integrated Water Resources Management Plan) and how there is a community advisory task force that has been created for it. He had recently sent a letter to Chan Rogers, the Chair, asking for a representative from the Water/Sewer Commission to serve on this task force.

Chan Rogers requested that he be that representative as he was interested in serving as a member.

All agreed that Chan Rogers would serve on the IWRMP community advisory task force on the Water/Sewer Commissioners behalf.

Tom Holder told the Board that it was the time of the year when we start working on our Water & Sewer rates and so we were reaching out to the Abrahams Group again to get the FY14 planning started.

Robert Wilson asked how the consumption figures were looking now that the Town is on all new meters.

Tom Holder said that it is not the projected 10% increase we were told to expect, but it's probably a result of people conserving. We are probably about flat lined or marginally up in consumption.

Tom Holder explained that he was meeting with Tetrattech Rizzo tomorrow regarding demolition protocols, and changing time with regards to water & sewer regulations. We are addressing private ways in particular. We are considering not taking ownership of the water & sewer on private ways. He would like to see them treated like regular homes where our responsibility stops at the private property.

Robert Wilson asked if that meant that they would own their own mains, valves, and hydrants.

Tom Holder responded yes, they would have to have some type of association set up in order to manage and pay for their water and sewer system maintenance. They will be metered just like all other private residences.

Robert Wilson asked what Tom Holder recommended.

Tom Holder answered that he would like to see the water and sewer systems on private ways be owned by the development. This would alleviate the Town's responsibility and need for an easement.

Chan Rogers remarked that this whole issue has come to light since the Williamsburg Way project started.

Tom Holder said that the decision will be up to the Board and whether or not to grandfather existing planned developments will be a big decision to make.

Robert Wilson asked what this will save us in efforts.

Tom Holder answered that we would not have to flush the lines, or make any repairs to services, valves, or hydrants. The Town will still be responsible for water quality up to the last free flowing tap.

### Next Meeting

Tom Holder suggested that the next Water/Sewer Commission be held on February 11, 2013.

All agreed.

**Robert Wilson made a motion close the meeting at 8:15pm.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**