



TOWN OF MEDWAY
WATER & SEWER COMMISSION
MEDWAY, MASSACHUSETTS

Commissioners

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

Meeting Minutes

March 11, 2013 – 6:30pm
Tom Holder's Office
155 Village Street, Medway MA

Present: Chan Rogers, Robert Wilson, Peter Gluckler, DPS Director Thomas Holder, and Operations Manager Sarah Pawluczzonek. Also present were residents John Anderson and Joseph Lusk.

The meeting was called to order at 6:40pm by a motion from Robert Wilson.

Peter Gluckler seconded.

Motion approved, unanimous vote, 3-0.

Betterment Abatements – 9 & 11 Waterview Drive

Sarah Pawluczzonek explained one of the abatement requests for 11 Waterview Drive which was to receive an interest payment from the Town based on the fact that he paid his betterment in full and then a portion of it was abated due to a frontage miscalculation. He had provided a letter with the MGL that explains he is due 6% on the amount of the abated portion for the time from his payment to his reimbursement. Town Council had been consulted and agreed that this was the law. The amount of the interest to be paid would be \$64.26.

Robert Wilson made a motion to approve the interest abatement for 11 Waterview Drive.

Peter Gluckler seconded.

Motion approved, Unanimous vote, 3-0.

Sarah Pawluczzonek explained the additional abatement requests for 9 & 11 Waterview Drive. They still had their initial requests for abatements citing the inequity and disproportionate share of their assessments versus their neighbors, and were seeking some type of further reduction. Legal Council had given an opinion previously, and was not supportive to a corner lot method approach, and was wary of the effect a different measure for their assessments would have on all the other betterments.

Robert Wilson recalled that they had discussed the fairness of averaging all of the Waterview Drive assessments or going beyond to include other neighborhoods, or the whole bettered area in the end. He was concerned that it had no clear end to how far the averaging could go and it would be like recreating the unit of measure from the original frontage method used.

John Anderson handed out the legal language referring to the disproportionate share argument.

Peter Gluckler added that Norfolk County Court might be the best place for this type of discussion as it was not something the Board should approve.

Chan Rogers stated that as a Board they had the authority to abate these assessments. He felt that there was discretion to make a judgment.

Robert Wilson said that there would need to be a decision based on some point of measure.

Chan Rogers said he felt they had an obligation but that they had to be fair across the board, as it affects all the other bettered properties. There had to be consistency.

Robert Wilson agreed that a decision should be rendered tonight. He asked Mr. Lusk and Mr. Anderson what the average of all the Waterview Drive assessments was and what their current assessments were after their last abatement.

Joseph Lusk said that the average was \$7,772 and that his assessment was now \$10,440.

John Anderson said that his assessment was now \$9,102.

Tom Holder said that when he did the averages he averaged all twenty two Waterview Drive properties, excluding #9 and #11 and came up with an amount of \$7,200.

Chan Rogers remarked that he felt the assessments to 9 & 11 Waterview Drive was inconsistent and higher than they should be.

Chan Rogers made a motion that their assessment be reduced to the average of all the lots on Waterview Drive.

Peter Gluckler said he was concerned the the formula used is correct even though it results in a higher number for some lots. This could raise the same issue in many areas where not all lots area assessed the same amount so where does it end. He does not feel they should change the formula and so taking it to Norfolk County Court may be the only option here.

John Anderson said he felt it should be addressed here by the Board, not in Norfolk County Court.

Chan Rogers answered that the Board would reach a decision here tonight and then it is up to Mr. Lusk and Mr. Anderson as to whether they take it to Norfolk County Court.

Peter Gluckler made a motion to deny the abatement requests for disproportionality for 9 & 11 Waterview Drive.

Robert Wilson seconded.

Chan Rogers said Nay

Motion approved, 2-1.

Joseph Lusk re-proposed having the assessment at least lowered to the next highest assessment.

Robert Wilson said that the issue is not the amount it is the way it is calculated, and it has to be consistent.

Rate Setting Process

Tom Holder updated the group on the current study being performed by the Abrahams Group. He explained that it was in progress and that we have recently verified that our \$3.7 million Capital request for Water is supported by our rates. We currently have \$1.025 million in retained earnings, and agreed to let it reduce to \$911k by the end of FY15, although were ok if it was as low as \$750k. And in the latest scenario we have it going down to \$570k because we are buying a lot of equipment out of retained

earnings. He listed out the projects. Tom further explained that the Adams Street project is to put in a new water pipe creating a loop system at the High School.

Tom Holder went on to explain the newest issue which affects the rates being with the Charles River Pollution Control Districts (CRPCD) Operating and Capital costs for Medway. Last year we had anticipated an increase of 4%, 5%, and 6% to Sewer through FY13, FY14, and FY15, respectively. We found out from CRPCD that our assessment is proposed to be increased dramatically in FY14 from \$363k to about \$687k. Capital costs go from \$63k to \$107k to \$227k to \$351k from FY13-FY16. Then they plateau for a while. On the Operating side, they did an assessment study with CDM Smith where they came out with a proposal to change their formula, putting more emphasis on flow. Also, we found that this year our industrial strength was 30% higher this year than last. They sample at the Chicken Brook Interceptor, but have not sampled at the other two interceptors, which we share with neighboring towns, and so they have been under billing us by almost half. They are not intending to go after us for past billing, but will start charging us for all the interceptors' readings. Tomorrow, they are proposing the revised figures to their Board and then to us. We should all get together to discuss this and what we should do about it.

Robert Wilson asked if Tom Holder was planning to tell the Board of Selectmen (BOS) about this tonight.

Tom Holder answered yes, and that he would tell the BOS that the Water/Sewer Commission was supportive of being a part of the discussion team to develop a financial strategy.

Approval of Prior Meeting Minutes

Robert Wilson made a motion to approve all prior meeting minutes from 10/01/12, 10/22/12, 12/10/12, 01/14/13, and 02/11/13.

Peter Gluckler seconded.

Motion approved, Unanimous vote, 3-0.

Next Meeting

Tom Holder suggested that the next Water/Sewer Commission be held on April 8, 2013 at 6:30pm.

All agreed.

Robert Wilson made a motion close the meeting at 7:35pm.

Peter Gluckler seconded.

Motion approved, unanimous vote, 3-0

Respectfully yours,

**Sarah Pawluczonek
Operations Manager
Department of Public Services**