



TOWN OF MEDWAY
WATER & SEWER COMMISSION
MEDWAY, MASSACHUSETTS

Commissioners

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

Meeting Minutes

April 8, 2013 – 6:30pm
Sanford Hall
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 Natalie Hudon, James Baio, Dan Cence, and Joan MacDonagh.

The meeting was called to order at 6:35pm by a motion from Robert Wilson.

Peter Gluckler seconded.

Motion approved, unanimous vote, 3-0.

Betterment Abatements – 4, 14 & 16 Granite St, 14 Holbrook St, 93 West St, and 18 Alder St

Tom Holder explained that there were six abatements and most of them provided an estimate and a market analysis. The common theme among five of them is that there is substantial cost, wetlands complications, potential ledge, and long distances. There are a lot of challenges with installing pipe in wetlands.

Chan Rogers started off by reminding the Board that they are duly authorized to consider abatements. He explained to the residents that they are a part of the sewer betterment because a sewer line has been placed in front of their property. The assessments were based on frontage. Chan stated that the Board was here to hear the abatements. He also remarked that having a septic system is a thing of the past, and in time will likely be outlawed, and that having one now does not preclude you from being bettered from available sewer.

Chan Rogers asked for the order for going over the abatements.

Sarah Pawluczzonek suggested that it be based on the order in which each person arrived for the meeting.

James Baio of 93 West Street explained that his property has a long driveway surrounded by wetlands. His market analysis showed that there would be no change in the value of his property with or without available Town sewer. He had compared his property to multiple other similar properties in his neighborhood with sewer and their value was no higher than his. His cost estimate was \$68,000 plus extraordinary costs above and beyond. If he was to sell his property now there would be no increase to the value because of the sewer because of the cost to connect to it. He also said that the contractor said that there was no stub, and that due to the grade it would probably need a pump system. These were his reasons for requesting a betterment tax abatement.

Robert Wilson asked how far off the road his house was.

James Baio answered 510 feet.

Robert Wilson explained that the betterment was not a tax, as Mr. Baio had worded it as such. It is a frontage calculation for determining a betterment assessment. Robert asked Tom Holder what Legal Counsel had said about adding language to an approval motion for a property who wishes to tie into Town sewer down the road.

Tom Holder answered that the Town is authorized to charge an entrance fee if this is abated now and they then wish to connect later on. We would be able to do this through our water and sewer regulations.

Robert Wilson made a motion to abate the betterment assessment with the condition to charge an entrance fee should the desire to connect occur in the future.

Chan Rogers seconded

Peter Gluckler asked the Board how they could make sure it could not be challenged later on.

Sarah Pawluczzonek mentioned that it is written into the water and sewer regulations that if a property wishes to connect to Town sewer and has not paid a betterment fee, that they shall be charged an entrance fee.

Robert Wilson remarked that it did not mention at what cost.

Chan Rogers stated that it is common for Town's to charge an entrance fee for a new sewer connection where no betterment has been paid.

Tom Holder said that he would expect that twenty years from now that the homeowner should be expected to pay at least what was originally assessed but there is no way to know now exactly what will be decided that far in the future.

Chan Rogers said that he wished to remind the Board that they can hear and approve abatements but that it should be at the director's discretion on what the entrance fee should cost at the time assessed.

Tom Holder suggested that the motion could include the language that the entrance fee shall be at least equal to the cost of the initial betterment.

Chan Rogers remarked that he felt the Board should only vote yes or no and not put a dollar amount on an entrance fee now.

Peter Gluckler agreed.

Robert Wilson amended his previous motion to read as a motion to abate the betterment assessment with the condition to charge an entrance fee of at least the amount of the current betterment assessment should the desire to connect occur in the future.

Chan Rogers said that he did not agree and that it should be up to the Director when the time comes.

Peter Gluckler made a friendly amendment to the motion that the language be kept clean and not specify an amount.

Chan Rogers said that they should just keep the original motion since the friendly amendment makes it essentially the same motion and leaves no mention of the entrance fee.

Robert Wilson suggested that someone make a new motion.

Chan Rogers made a motion to abate the betterment assessment with the condition to charge an entrance fee should the desire to connect occur in the future.

Peter Gluckler seconded.

Motion approved 2-1.

Chan Rogers asked Robert Wilson why he voted no.

Robert Wilson responded that he felt that the Town is losing money. He feels it is not fair to all of the other people who have paid their betterment assessment, to leave the opportunity for these abated properties to pay a lot less in the future. I am not clear that this will end up being fair down the road.

Chan Rogers said that it is our intentions to make it fair, but that it is not a perfect system. Some will pay more than others.

Natalie Hudon of 4 Granite Street explained that she submitted a letter, but was unable to get an estimate because the contractor said that she really needed an engineering plan. Her realtor said that having Town sewer available was not a quantifiable market value increase because some people prefer one over the other for different reasons. Some people do not like Town sewer because of the utility charges. She ended saying that she did state in her letter that she would withdraw her abatement and was comfortable doing so after realizing that an entrance fee down the road may be higher potentially.

Natalie signed that she withdrew her abatement.

Joan MacDonagh of 14 Granite Street explained that her assessment of about \$7,000 would not better her property because it will cost \$132,000 to connect her to the Town sewer. She feels that no one in their right mind would pay that.

Robert Wilson made a motion to abate the betterment assessment with the condition to charge an entrance fee of at least the amount of the current betterment assessment should the desire to connect occur in the future.

Peter Gluckler made a motion to grant the abatement for the full amount and recommend to the department that should the petitioner choose to hookup to sewer at a later date, that they consider charging an entrance fee that is equivalent to the amount of the betterment.

Tom Holder reminded the Board that on the very similar abatement request for 93 West Street, the Board voted a different way, so there would not be parody if this motion is accepted.

Peter Gluckler withdrew his motion.

Peter Gluckler made a new motion to abate the betterment fee with the condition to charge an entrance fee should the desire to connect occur in the future.

Chan Rogers seconded.

Motion approved 2-1.

Joan MacDonagh asked about the betterment lien on the property and how it will now get released.

Tom Holder explained that it will be removed and any credit on your tax bill will be refunded. You will receive a document in the mail from Norfolk County that you would bring to us, and then we would pay for the filing, but you would have to actually bring it to the Norfolk County in person.

Dan Cence of 14 Holbrook Street explained that his property has frontage on West Street and about 100 ft on Granite Street. He has the Algonquin Gas pipeline running through his property.

Chan Rogers asked if his lot could be subdivided.

Dan Cence answered no, because it is mostly wetlands. He explained that a contractor, Don Pettis, had given him a \$17,500 estimate which did not even include all the Engineering costs, wetlands costs, and unforeseen issues. He said he was 720 feet from the road itself.

Chan Rogers asked if he had ever considered gifting his wetlands to the Town.

Dan Cence answered no, because then he would not have the proper frontage of 150 feet. Also he said that the Zoning Board has never been interested. He wondered if the bettering of his property meant his taxes would be altered. He explained that he has found nothing in his market analysis that shows that Town sewer has any effect on the property value. He said it would be a considerable cost to him to connect needing several manholes, permission to cross wetlands, and a long distance run. If his septic ever failed, and he was not allowed to put in a new septic system his house would become unsellable as the cost to connect would bottom out the property value. He said that it would be grounds for a lawsuit if people are denied septic with no practical alternative.

Chan Rogers stated that he felt the abatement was obvious here. He also felt that it is likely that his situation would be granted an allowance for septic even if they were outlawed in the future because it is his only option.

Dan Cence remarked yes, it would be impossible to have another septic field should his fail.

Peter Gluckler made a motion that the Board adopt the language from the previous abatement which is to abate the betterment fee with the condition to charge an entrance fee should the desire to connect occur in the future.

Chan Rogers seconded.

Motion approved 2-1.

Dan Cence implored the Board to consider the costs this could become for him in the future when making any decisions about septic.

Chan Rogers said that they would not know now what restrictions on septic will occur in the future.

Tom Holder added that any septic restrictions would be federally enacted by the EPA, not the Water/Sewer Commission.

Sarah Pawluczzonek explained the betterment abatement request for 16 Granite St, which is almost identical to 14 Granite St with regard to the long distance and wetlands issues.

Peter Gluckler made a motion that the Board adopt the language from the previous abatement which is to abate the betterment fee with the condition to charge an entrance fee should the desire to connect occur in the future.

Chan Rogers seconded.

Motion approved 2-1.

Sarah Pawluczzonek explained the betterment abatement for 18 Alder St, which has submitted a market analysis of the property with sewer and without. He is seeking relief from his very large assessment.

Chan Rogers said he was not sure that abatement was due here because the lot can be subdivided.

Robert Wilson made a motion to deny the abatement request.

Peter Gluckler seconded.

All in favor, motion approved 3-0.

Approval of Prior Meeting Minutes

Robert Wilson made a motion to approve the prior meeting minutes from 3/11/13

Peter Gluckler seconded.

Motion approved, unanimous vote, 3-0

Director's Report

Tom Holder talked about the Sustainable Watershed Management Initiative (SWMI). We were awarded a grant in the amount of \$99,107.00. It was initially supposed to be awarded January 15, 2013 but sat until March 15, 2013. We only have the rest of the fiscal year to use it so we are crunched for time now. One thing we have to do by DEP mandate is to have a workshop to talk about a storm water utility. This meeting is planned for April 25, 2013.

Tom Holder talked about the joint water and sewer rate meeting with the Board of Selectmen in the last week of April. His plan is to kick around our concept, hear from everyone, have Abrahams revise with any suggestions, and then meet again at the end of May using that version for the rate hearing in June. He said that both Dennis Crowley and John Forresto are coming to the joint meeting. We are hoping to be able to hold our rates to our proposed percentages from last year.

Robert Wilson asked if there was some increase with the CRPCD assessment which we were worried about.

Tom Holder said, yes, but it was reduced as they need to further evaluate their system.

Tom Holder talked about the Chicken Brook Interceptor and the plan to begin the lining of the pipes, and manhole repairs.

Tom Holder mentioned that Quarterly Billing could roll out on July 1, 2013. It will be easier to budget, and easier to notice a leak sooner. It is much better customer service. We just sent out a round of leak post cards.

Next Meeting

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

All agreed.

Robert Wilson made a motion close the meeting at 8:05pm.

Peter Gluckler seconded.

Motion approved, unanimous vote, 3-0

Respectfully yours,

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