



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

Commissioners

Cranston Rogers, Chair  
Robert Wilson, Member  
Leo O'Rourke, Member

## Meeting Minutes

September 9, 2013 – 5:00pm  
DPS Office  
155 Village Street, Medway MA

Present: Chan Rogers, Robert Wilson, Leo O'Rourke, DPS Director Thomas Holder, and Operations Manager Sarah Pawluczzonek. Resident – Mike Droeske

**The Water/Sewer Commission meeting was motioned to start at 5:05pm by Robert Wilson. Leo O'Rourke seconded, unanimous vote, 3-0.**

### Utility Abatement Requests:

#### **1 Pheasant Run Rd**

Tom Holder suggested that we start with the abatement request for 1 Pheasant Run Rd, since the resident was present to speak on his own behalf.

Mike Droeske, the owner of 1 Pheasant Run Rd explained that he had not received his May bill twice in the past few years. He was not sure if it was the mail service or a billing software issue. He did feel it was odd that it occurred with his May bills. He explained that he felt it was not fair to charge him interest in the amount of \$11.74 on a bill he never received. He has a clean payment history and feels that it is unfair to expect anyone to remember when their semiannual bill is supposed to arrive. He feels that since the Town sends no reminders it means that people aren't even aware that they missed a payment.

Tom Holder stated that it is a Town Policy not to forgive interest for non-payment due to not receiving the mail. He said there was Massachusetts General Law governing such matters.

Leo O'Rourke asked what the repercussions of granting an abatement outside of the policy were.

Tom Holder said it could have legal repercussions.

Sarah Pawluczzonek showed the Board the statement printed on invoices that reads "Non-receipt of issued bills is not deemed an excuse for failure to pay".

Chan Rogers stated to Mike Droeske that he should understand that although we believe him, anyone could come in and say they did not receive their bill.

**Robert Wilson made a motion to postpone the decision until the Town Treasurer could inform us of any M.G.L. legal issues.**

**Leo O'Rourke seconded, unanimous vote, 3-0.**

Resident Mike Droeske left the meeting.

#### **363 Village St**

Sarah Pawluczzonek explained the abatement for 363 Village Street which was for an initial fill up of a new 15,000 gallon above ground pool. Seeking sewer abatement based on the gallons of the pool.

**Robert Wilson made a motion to abate the sewer charges for 15,000 gallons.**

**Leo O'Rourke seconded, unanimous vote, 3-0.**

### **3 Lewis Drive**

Sarah Pawluczzonek explained the abatement request for 3 Lewis Drive. This property received a leak post card back on April 1, 2013, and immediately contacted the DPS Office. We went over her usage and mailed out a chart showing a severe spike in February and March of 2013. She immediately looked for the issue and found it to be a leaking pipe between the open valve and outside spigot inside of a shed on the far edge of the property. Nothing was showing outside of the shed plus she never went back there as it was inaccessible in the winter. She discovered water gushing from this leak in the shed and immediately turned off the valve, stopping the leak. She was instructed by our office to put in for an abatement once her meter was read and bill generated which is was this past August 30, 2013. Her usage was recorded as 42,315 cubic feet from 01/08/13 – 08/26/13. She is seeking abatement to the sewer charges since water did not go into sewer system. She is also seeking abatement to any part or all of the water charges due to the fact that she in good faith dealt with the situation as soon as she was made aware. Also, because she feels she would never have noticed a leak so far away from her dwelling. Mrs. Kahn is a recently divorced woman whose husband had previously been the person to deal with the outdoor spigots and winterization of such. She had no knowledge that valves had to be winterized in order to avoid this type of incident.

Leo O'Rourke asked what we have done with these types of issues in the past.

Sarah Pawluczzonek answered that we have given the sewer abatement reducing the charge to the residents average sewer charge on previous bills. We have never granted any water abatements in the three years she has been here. We often offer payment plans and occasionally interest free for a large bill situation like this.

Robert Wilson said that she should have been able to hear the water running through the house plumbing.

Tom Holder replied that we are used to seeing more clear negligence on part of the homeowner where they knew they had a leak and did not address it. This is not exactly like that. He recommended that the Water and Sewer Division do a site survey to determine the facts of the location and ability to have been aware of the leak.

Robert Wilson stated that her personal situation should not play a role in the Board's decision.

Chan Rogers added that he felt there might be some liability on the part of the owner.

Sarah Pawluczzonek recommended that the Board vote on the sewer abatement and delay the water abatement until our Department performs an inspection. She felt an interest free payment plan for 24 months would be acceptable.

Tom Holder remarked that she should make her typical payment to her bill in the meantime by the due date.

**Robert Wilson made a motion to reduce the sewer charges down to her last average sewer charge and to investigate the matter of the water abatement and postpone a decision on it until further research is done, and to offer her an interest free payment plan on her balance.**

**Leo O'Rourke seconded, unanimous vote, 3-0.**

### **10 Kelley St**

Sarah Pawluczzonek explained the abatement request for 10 Kelley Street. The owner, Kenneth Kourafas, put in his request just stating that he was a single parent with stage 4 terminal lung cancer receiving \$1500 a month on social security disability. It can be assumed that he is seeking some type of relief from his utility charges. She explained that she forwarded his information to the Assessor's Office so they can determine if he has any eligibility for a tax exemption, which we can use to offer him the utility lifeline discount of 25%. He would have to be approved by them first before we could automatically enroll him in our lifeline program.

Chan Rogers agreed that he should be seeking relief in general from the Town.

**Leo O'Rourke made a motion to refer him to the Assessor's to determine his eligibility for a tax exemption, and if he qualifies, can be given the lifeline discount.**

**Robert Wilson seconded, unanimous vote, 3-0.**

### **Narducci Bond**

Tom Holder explained that in 1994, the Town took a \$5,000 cash bond from Mike Narducci to ensure quality of water and sewer work he was performing back then. He has recently been back in to get permits for new construction projects and had wanted to repurpose the bond towards his 2013 drain layers license. He showed a form to sign to release and repurpose his bond.

The Board signed the release.

### **Directors Report**

Tom Holder went over the Water and Sewer Capital Plans. They show future capital requests from FY15-FY19. Starting with Sewer, he explained that the Sewer I&I line item alternates each year from a \$75,000 request for a study, to a \$200,000 request for repairs based on what the studies found for problems.

Leo O'Rourke asked if these are all To-Be-Determined requests.

Tom Holder answered yes, and right now in FY14 we have our approved funding for a Sewer I&I study of the Black Swamp Interceptor, and in FY15 you can see that we want \$200,000 which will go towards repairing the problems found there.

Leo O'Rourke asked if any of the \$200,000 is set aside for road repairs.

Tom Holder replied that the repair work done is essentially trenchless technology where they can access the sewer pipes from the manholes to get in and make repairs.

Tom Holder went over the \$52,000 being requested for Sewer Jetting Equipment so the Department can have its own vehicle instead of contracted the work out. It will be funded in part by Sewer Enterprise money and in part by the General Fund since it will also be used to clean storm drain systems.

Leo O'Rourke asked how the enterprise money is used.

Tom Holder answered that the Sewer Enterprise Fund can only be used for sewer activities, and the same logic applies with regard to the Water, Ambulance, and Solid Waste Enterprise Funds. We always aim to keep at least 5-10% of our operating budget in retained earnings.

Leo O'Rourke asked why we borrow money when we have so much in retained earnings.

Tom Holder replied that borrowing versus buying is a balance we have to keep so we don't deplete retained earnings by too much.

Robert Wilson remarked that we need to keep some retained earnings in case of an emergency such as a water main failure.

Tom Holder went over the project to install the Water Filtration System at the Village Street Well location. The money was for evaluation and design to build a centralized station that can eventually tie all the wells together.

Leo O'Rourke asked why the residents operating private wells couldn't pay for some of this project.

Robert Wilson said it would be hard to allocate an amount based on a perceived benefit for folks on private wells.

Tom Holder said he would have to determine the legality of it.

Leo O'Rourke responded that 51% of the residents pay for the school system and have no kids in the school system.

Tom Holder remarked that the difference is that the paying for school is a tax versus the paying for water or sewer projects being an enterprise user fee.

Leo O'Rourke said that half of the Town is on septic and they get to truck their sewage for a fee to the Charles River Pollution Control, yet they don't half to pay for the Capital Improvements to the plant. He then asked how the Industrial Park Sewer Extension Project was funded.

Tom Holder answered that it was paid in half by the residents benefited through a sewer betterment, and half by the Town, 1/3 of which was grant money.

Tom Holder went over the Various Water Production and Distribution Projects. He explained that they are financial articles which do not expire fiscally like operating budget items do. He went over the Gate Valve Vacuum Box, Water Main Replacement on Holliston St, and Replacement of trucks W4, W2 and W5.

Tom Holder brought up the FY14 Design for the water main installations on Adams, Winthrop, Village, and Highland St. These will allow us to get water over to the northwest corner of town, specifically the High School. We plan to fund these with an SRF loan at a 2% borrowing rate which is a much better rate than the current traditional loan rates at 4%. Fortunately our State Representatives are always rallying for us to receive the SRF loans.

Leo O'Rourke asked why our water operating budget had \$18,000 for vehicle maintenance because he felt like that was a lot. He suggested that maybe new trucks are the solution.

Tom Holder replied that we spend that much easily each year and we do replace the trucks costing us the most money first. We do have an old fleet and only have so much money to replace vehicles each year.

Chan Rogers asked if the Parks Division has a Board that meets to discuss their vehicle needs.

Tom Holder said that yes they had a Board of Parks Commissioners but that they discuss field use and permitting.

Leo O'Rourke asked about the \$25,000 for consulting in the water operating budget.

Tom Holder replied that we do rely heavily on consultants. One example is the water and sewer rate study. He explained that he would love to have a Town Engineer on staff and rely less on consulting someday.

Tom Holder discussed the large project not listed in the capital budgets, which is the building of a new DPW Facility. He said this project has been spoken about a little more actively lately with members of the Board of Selectmen.

### **Vote on Prior Meeting Minutes from 6/24/13**

Leo O'Rourke questioned the phrasing on the motion made by Robert Wilson on the sewer betterment abatement for 91 West Street. It was written as "**Robert Wilson made a motion to approve the betterment for 91 West Street with a rider attached stating that when the property is sold that the new owner would be charged an entrance fee at least equal to the betterment assessment should the property owner ever decide to connect to the Town sewer system**". He believes the last part of the motion did not have the part "should the property owner ever decide to connect to the Town sewer system".

Robert Wilson concurred and said that part should be removed and the missing part of pending legal counsel's opinion should be added.

Tom Holder pointed out that he needed to check with legal counsel on the legalities of attaching such a rider. He also asked why Robert Wilson would be inclined not to charge the current owner yet is inclined to charge the next owner.

Leo O'Rourke remarked that it would be because the next owner may intend to connect.

Robert Wilson feels it will ensure the Town does not lose the revenue if and when the property does tie in someday.

Leo O'Rourke asked Tom Holder to check the legal ramification of the rider on the motion.

Sarah Pawluczonek said she would correct the motion and email it out for approval.

**Other Business**

Robert Wilson suggested the next meeting be held on October 21, 2013 at 5:00pm in Tom Holder's Office.

**Robert Wilson made a motion to adjourn the meeting at 6:45pm.**

**Leo O'Rourke seconded, unanimous vote, 3-0.**

**Respectfully submitted by,**

**Sarah Pawluczonek  
Operations Manager**