



TOWN OF MEDWAY
WATER & SEWER COMMISSION
MEDWAY, MASSACHUSETTS

Commissioners

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

Water and Sewer Commissioners Meeting Minutes

10/01/12

Water & Sewer Commission:

In attendance:

W&S Commissioners: Chan Rogers, Bob Wilson, Peter Gluckler

DPS: Tom Holder, Judi LaPan

The meeting was called to order at 6:35 pm.

Bob Wilson opened the meeting; Peter Gluckler seconded.

Tom Holder starts the meeting by discussing the sewer betterment. It is Tom's belief that since the preliminary assessments were recorded on the property owner's deed the homeowners have had no notification that the betterment will now be assessed (see exhibit A). Now that the project has been closed the owners need to start paying for the betterment, the office will probably receive calls from residents with questions. Betterment letters have been mailed to one hundred thirty two property owners.

The short history behind the sewer betterment is that when the project was initially approved in 2003 the Board of Selectmen initially voted to cap the betterment assessment at \$12,000.00 for residential properties. In 2009 at Town Meeting a resolution removed the \$12,000.00 cap. Due to the resolution there are approximately 10 residential properties whose betterment exceeds \$12,000.00. There are quite a few commercial properties whose betterment exceeds \$12,000.00. The 2009 Resolution does allow for residential property owners to seek an abatement through the Water & Sewer Commission for reduction of the betterment assessment. The cost of any monies not collected if an abatement is granted will be added to the final cost of the project. These costs would then be spread out among the taxpayers. The DPS and the Board of Water and Sewer Commissioners need to establish criteria for granting an abatement.

Legal Counsel will also be sought as to the criteria. Chan asks if these potential abatements were factored into the cost of the project? Peter asks if we know how many properties have

abatements that are over the initial 12K? There are approximately 10 residential properties. There are also quite a few commercial properties that are affected. Chan suggests that we need to know what some of the residents feel are reasons they would receive an abatement before we can really make a decision. Peter asks if there are any legal requirements or guidelines for granting an abatement? Bob Wilson states that he does not feel that the betterment letter is worded well. He thinks the letter could have been written with more information. If the betterment letter had been written to incorporate more initial information it may have answered questions the residents have and prevented many of the phone calls we received. He feels that before we can draft guidelines on abatements you need to know the reasons people are requesting the abatement. Peter Gluckler asks if once a decision is made can the homeowner appeal the decision? There is no formal appeal process if the decision is challenged. It would be taken to court. Bob Wilson asks what would happen if someone chooses not to pay. It will be liened to their taxes. Peter is concerned and wants to make sure that we do not get too far away from the original criteria that were used to define the betterment. He also questions if there is any exception for financial hardship? The payments can be spread out over 20 years at 5% interest.

Robert Wilson makes a motion to schedule a meeting in two weeks to discuss the abatement requests. Chan Rogers recommends we wait and hear from the residents seeking abatements before defining the criteria. The Board is very supportive of meeting with the residents to discuss whether or not an abatement is warranted. Bob requests that in order to be responsive we schedule the meeting to hear the first of the betterment requests on October 22, 2012. Judi LaPan will collect abatement forms and schedule appointments every 15 minutes for each address.

Other business:

Approval of past minutes:

Robert Wilson made a motion that we approve the minutes for the following meetings: 8/20/12, 6/18/12 and 04/23/12. Chan Rogers seconds. Unanimous.

Abatement Request:

Duck Feathers - 74 Main Street – The sprinkler line broke and flooded the store. They are requesting an abatement for the sewer portion of the bill. After some discussion, the Commissioners request the owner contact their insurance company and see if their insurance would cover this additional cost. They will discuss a sewer only abatement if there is not any insurance coverage for the additional sewer charges. I will contact the owner requesting this information.

Directors Report:

Co-Permitting- EPA

The Charles River Pollution Control District (CRPCD) has been issued their draft National Pollution Discharge Elimination System (NPDES) Permit from the Federal Environmental Protection Agency (EPA). In this permit, the EPA are looking to make member communities (Medway, Millis, Franklin and Bellingham) co-permittees which in essence will hold these communities to the same permit criteria and thresholds as the CRPCD and allow the EPA to have direct jurisdiction over each community. This is in contrast to the current language which gives jurisdiction of each community only to the CRPCD and not the EPA. Each member community has jointly hired an environmental law firm familiar with this type of issue to craft public comments in protest of this proposed language approach.

The Water and Sewer Division have an article for the fall Town Meeting requesting to move the surplus of \$155K from the Highland Street tank to be re-purposed for the water main project. There were quite a few reasons for the needed funding, two examples being that the water main was not where we thought it was according to old plans on Route 109 near the Mill and Choate Park. Another example is that the gas line was directly over the water main in many spots, requiring more digging and unanticipated costs.

We are going to do some patch paving this fall with the intent to perform permanent paving in the spring once the trenches have had an opportunity to settle. There has been a lot of consternation as to pave now or wait until the spring. Due to the fact that the trenches do need to settle it has been decided to wait until spring.

Peter Gluckler makes a motion to adjourn. Bob Wilson seconds. Unanimous