



TOWN OF MEDWAY
WATER & SEWER COMMISSION
MEDWAY, MASSACHUSETTS

Commissioners

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

Meeting Minutes

October 21, 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.

The Water/Sewer Commission meeting was motioned to start at 5:00pm by Robert Wilson. Leo O'Rourke seconded, unanimous vote, 3-0.

Utility Abatement Requests:

1 Pheasant Run Rd:

Sarah Pawluczzonek read the abatement request for 1 Pheasant Run Road which was brought up at the last meeting and a ruling held off until further action. Customer was seeking abatement to interest charges due to non-receipt of mail. Since this was tabled at the last meeting we have researched the Massachusetts General Law that backs up the Town Policy that "Non-receipt of issued bills is not deemed an excuse for failure to pay". Sarah passed around the email from Melanie Phillips, Town Treasurer, citing this language.

Leo O'Rourke made a motion to deny the abatement request for 1 Pheasant Run Road.

Robert Wilson seconded, unanimous vote, 3-0.

3 Lewis Drive:

Sarah Pawluczzonek read the abatement request for 3 Lewis Drive. The customer had been granted a sewer abatement at the last meeting due to an extremely major leak at her property which she was not aware of. The decision to further grant her an abatement to the water charges was held off pending an investigation by the Water and Sewer Division as to the validity of the claim that it was not noticeable.

Tom Holder read the report from the investigation which in summary stated that the leak was in a shed about 20 feet from the house and could not be heard through the plumbing within the house due to it being in a closet off the basement. He reminded the Board of Sarah Pawluczzonek's proposed idea to reduce the charges by using the tier 1 rates from FY13 against the usage which would be almost a \$1,000 reduction. He also offered a different method whereby the Department could determine the product cost of water calculating the cost to pump and treat water by the unit.

Robert Wilson was not in favor of the costing approach, saying it could set a dangerous precedent.

Leo O'Rourke disagreed that each situation can be treated case by case, not necessarily one setting a precedent for the other.

The decision was made to table the vote until after hearing some of the other similar abatements.

3 Indian Creek Ln:

Sarah Pawluczonek read the abatement request for 3 Indian Creek Lane. The customer had gone to Cape Cod for a week and came home to find their outside spigot had been broken. They believe it occurred in an attempt by some neighborhood kids to top off their swimming pool which was broken into and used. No Police Report filed that we know of. This caused the water to leak all week and flood into their basement as well. They provided a repair bill. They do not have Town Sewer, only Town Water and so this is a request for a water abatement.

The decision was made to table the vote until after all abatements were heard.

4 Fales St:

Sarah Pawluczonek read the abatement request for 4 Fales Street. The customer was seeking a sewer abatement due to a leak on the irrigation sprinkler heads. It was admitted that irrigation was used during the water ban, and evident by the usage graph as well. Repair bills provided.

Leo O'Rourke recommended an abatement on sewer down to their average sewer usage.

Robert Wilson remarked that it might cause the expectation to become that all outdoor use passing through the domestic meter be adjusted every time on all customers accounts.

Sarah Pawluczonek suggested that in this case a \$50 irrigation violation fine be added on after the abatement.

Robert Wilson made a motion to accept the recommendation to reduce the sewer charges to the average usage in three past like cycles plus add on a \$50 irrigation fine.

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

3 Indian Creek Lane (continued):

Sarah Pawluczonek suggested that she calculate the actual water used in the week they were away so that the abatement can be based on the actual leaked water usage.

Robert Wilson asked what the average water use was here.

Sarah Pawluczonek answered about 5500 cubic feet semiannually.

Leo O'Rourke made a motion to approve the abatement, based on reviewing the circumstances and finding evidence of a speedy repair and having a clear history, by reducing the water charges to the average usage of the past three like bill cycles.

Chan Rogers seconded.

Robert Wilson voted No, motion approved 2-1.

Leo O'Rourke requested that in the future we do try to calculate the cost of producing water.

3 Lewis Drive (continued):

Leo O'Rourke stated that if we did nothing here we would be profiting from someone's ill fortune.

Leo O'Rourke made a motion to approve the abatement by reducing the water charges to the average usage in three past like cycles.

Chan Rogers seconded.

Robert Wilson voted No, motion approved 2-1.

Fall Town Meeting Article:

Tom Holder discussed the Fall Town Meeting article to take \$67k out of the sewer enterprise fund to pay back the general fund for that amount which was paid towards the sewer betterment debt service. He also mentioned that it is possible that any Commissioners present, could be asked to speak about it.

Leo O'Rourke stated his concern for why the betterment was funded entirely out of the sewer enterprise.

Robert Wilson explained that it was because it is a sewer project.

Vote on Past Meeting Minutes:

Leo O'Rourke asked about the legal opinion brought up at the last meeting with regards to the motion made two meetings ago on the sewer betterment abatement for 91 West Street.

Tom Holder read Town Counsel's opinion which in summary stated that once you abate a betterment, you cannot reassess it, but you can charge an entrance fee for the same amount (or another amount).

Robert Wilson asked what the abated amount was.

Tom Holder answered about \$7,000.

Sarah Pawluczonek looked it up and came back with \$7,119.00 exactly. The entire assessment had been abated.

Leo O'Rourke asked what the cost per year was if apportioned over taxes for 20 years.

Sarah Pawluczonek estimated it was about \$375 per year with the 5% interest.

Robert Wilson made a motion to affirm the previously approved abatement with the revised caveat that should a connection be desired in the future, a sewer entrance fee equivalent to the betterment value be charged.

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

Director's Report:

Tom Holder discussed the matter of 132 Main Street in which the Board of Water/Sewer Commissioners was copied on a letter sent to the homeowner there. Tom then detailed the situation which started with a call on a Friday morning for an emergency water shutoff at this residential property. They had a leak and when we arrived they asked it to be left on a little longer, which we agreed to do explaining to them in detail about permitting, dig safe, and business hours. They called Friday afternoon again after hours for the shut off which we came out and did. On Saturday, they had a plumber dig down outside the foundation to make the repair, and hosed themselves over to a neighbor in the meantime. On Monday, after hours, they called and spoke to Judi giving her a hard time about paying for an after-hours service call. They opted to not have us come out and turn the water back on because they refused to pay a fee for it. On Tuesday morning, we went out to check and found that the water was on, and took pictures of the open hole where the dig and repair took place. We then sent a letter to the owner, Mr. Aoude, listing fees and fines totaling \$1310.00. One Friday at 8am, Tom Holder sat down with Mr. Aoude. Mr. Aoude was inaccurate in a lot of what he claimed, misstating a lot of details. Tom Holder stated his position as explained in the letter. Mr. Aoude tried to say that the repair was inside the foundation but we have photos that it is not, and is actually outside the foundation. Tom offered a reduction in the fines in case it was going to create a hardship. Mr. Aoude said that money was no object, and that it was the principle. He said he had done everything right and would spent \$50k in court to fight it. Tom Holder feels that this situation was egregious as they were given all the information and chose to ignore it.

Leo O'Rourke remarked that it was odd they were in such a hurry to have the water back on since they were hosed over to a neighbor already.

Tom Holder agreed.

Leo O'Rourke asked if a licensed plumber had done the work.

Tom Holder said yes, plumbing in the house needs to be done by a licensed plumber, but work such as this done outside of the foundation would have to be done by a licensed drain layer. Mr. Aoude had tried to say the work was plumbing only and that he did not need a permit.

Leo O'Rourke asked if the Town does this type of work for residents, as he thinks Holliston does.

Tom Holder answered no, as he does not have the staff to work on private issues. There is a backlog of work to do as it is. He also did not think Holliston offered these services either. He also mentioned that Mr. Aoude declined a payment plan as well.

Other Business

Leo O'Rourke asked for copies of the FY14 budgets for Water and Sewer.

Sarah Pawluczonek said she would send them.

Robert Wilson suggested that the next meeting be held on December 2, 2013 at 5:00pm in Tom Holder's Office.

Robert Wilson made a motion to adjourn the meeting at 6:30pm.

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

Respectfully submitted by,

**Sarah Pawluczonek
Operations Manager**