

**Demolition at 26 Milford Street**

In attendance:

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

**DPS:** Tom Holder, Judi LaPan

**Board of Selectmen:** Andy Espinosa, Glenn Trindade, John Foresto, Dennis Crowley,  
Rick D’Innocenzo

**Other:** Mark Robinson (homeowner), 26 Milford Street

Robert Bernardo (son of homeowner) 34 Village Street/ Island Road

The meeting was called to order at 5:45 pm.

**Water & Sewer Commission:**

Bob Wilson opened the meeting; Chan seconded

**Board of Selectmen:**

Andy opened the meeting; Glen seconded

The issue being discussed is the demolition of existing properties and abandoning the water and sewer lines in the street. At the last Board of Selectmen meeting during public comment there were two residents who wanted to discuss the Water & Sewer Division demolition protocol. Both homeowners were in to the DPS Office to pull permits as they are both planning to demolish their homes and then rebuild. Both residents were told that they need to cut and cap at the main. The current requirement states that if Water & Sewer utilities are abandoned they must be cut and capped at the main in the street. The residents do not agree with the rationale for this and went to the Selectmen requesting that the Selectmen discuss this further with the Water and Sewer Commissioners.

Dennis Crowley made a preface statement: The Board of Selectmen requested this meeting to discuss the issue with Water & Sewer Commissioners and the two homeowners who are currently affected by the recent vote of the Water & Sewer Commissioners. Tom Holder explained why the water and sewer services should not be left live in the street. Boston Framingham, Franklin, Needham and Wayland do not allow services be left in the street live. A demolition is categorized as not salvageable and the home would be re-built new. The same philosophy extends to the water and sewer service. You do not want to build a new home and attach to old pipes. Full replacement from main to the property is standard protocol. The condition of the pipe is questionable, probably aged. It is more likely to fail and should not be left in the street as it is a liability to the town. Water service must be replaced. In regard to the sewer, a video inspection of the sewer line can be performed to prove the condition of the line.

When installing a new line a property owner does not start at the property line, he starts at the main and then goes back to his property.

Dennis stated that this protocol has not been a long standing policy. The town was always responsible. He looked at the regulations; Chapter 7, Paragraphs 1 & 2. He asked if there is a written regulation. He also asked if there is a written document stating the homeowner is responsible from the main in. He would like to see this regulation in writing. Dennis stated that in all fairness, this is a time sensitive issue. John Foresto asked what the difference is between abandonment and replacement. Tom Holder answered that there is no written regulation. The Board of Water and Sewer Commissioners are in the process of modernizing and updating the regulations. Tom said he understands this case is not planning on abandoning. The protocol was established to be in the best interest of the town people. Protocol can't and should not change based on specific circumstances.

Mark Robinson who is the homeowner of 26 Milford Street spoke to the board: He states that this is an old home that cannot be fixed. He is in the process of having a modular home built. He has Board of Water and Sewer regulations that he downloaded from the Town of Medway website. He states that he intends to upgrade the service line on his site. He states wants to shut it off at the curb and is not abandoning the service; just shutting off the valve.

Andy stated the intent is new construction and the customer will pay. Intent is for new application (paragraph 1).

Andy also said that paragraph 2 states that whoever is responsible for a particular side is also responsible for maintaining this "new installation". There is nothing stated regarding a new demolition. Why should the town bear the cost? We do not have a written policy regarding Mr. Robinson concern. In Andy's opinion, unless we have past precedence, we need to make a policy in writing. On a one-to-one basis, we need to address these issues and then make a policy to protect the town. Andy said that one can infer that the original connection has changed; it was intended for a certain house size and volume. It would be advantageous...

What is John Emidy's position on this? Is this public or private sanitary? Bob Wilson asked how long Mr. Robinson has known he was required to cut and cap the main. He came in to have the water permit signed off three or four weeks ago. Tom recommends that perhaps we should take a bond in case the water and sewer commission votes to cut and cap. Suzanne Kennedy says that the commission is not ready to vote tonight. Dennis and Mark say that does not help Mr. Robinson. Chan says that the owner is responsible to pay for the connection. Tom and John Emidy say the building permit is for new construction. Tom signed the permit conditional to the line being cut and capped. John Foresto asked how many demolitions we do a year. Tom Holder answered two or three. The last one at Village and High was required to cut and capped at the main. The old regulations do not take situations like this into account. Bob asked where the curb stop is. Mark stated that it is in his front yard. Bob wants a bond, Mark says with conditions. He would want a written statute before he agrees. Mark said that the regulations say that it is the town's responsibility under the current rules and regulations. Chan would like

to take this under advisement for seven days. Tom advised that the board go ahead and issue a demolition permit with restrictions.

Mark Robinson says no, that it is not a policy. Mark states that he will not be bound by a policy that is to be made. Tom says this is demolition and new construction. Mark would like an agreement that the town will shut off the water to allow for the demolition.

Andy wants to understand if we are allowing Mark no payment to shut off the main?

Do we uphold section 7, paragraph 2? It was voted on August 2, 2012.

Dennis wants the Board of Selectmen to vote on the issue now and then the Water and Sewer Commissioners can write the policy.

Glenn wants to go on record. He understands the intent but he thinks the town should maintain the pipe and should bear the cost. The recent vote of the W & S Commissioner is too new to be upheld. We should not be trying to change the currently posted regulations and put the cost on the taxpayers. He argues this does not seem fair to the homeowners. Mr. Robinson cannot be in the road after November 15. Time is of the essence. He urges the board address this issue within 48 hours and then meet again with the board.

Dennis put on his selectman hat. If either of these residents were to sue the town, do we have supporting evidence to win or would the town lose and settle out of court?

Andy would like the board to give deference to these two issues, and then change the policies and procedures

Mark asked, what is the question? Bob Wilson said it's to determine if he would be exempt from the policy that was voted on in August. Mark asked where is this policy published? To be discussed later. Tom says he disagrees...

These two applicants came in at the 11<sup>th</sup> hour; he would rather move quickly to protect the town into the future. Bob recommends we discuss and vote on this at the end of the sewer abatement meeting or postpone to a later date less than 1 week.

Glenn motioned to adjourn. Rick seconded the motion.

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### **Sewer Betterment Meeting –**

**The following are supplemental minutes to the minutes that were already produced based on the video and audio taping of the meeting.**

In attendance:

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

**DPS:** Tom Holder, Judi LaPan

**Other:** Various residents

Note: This meeting was for the Water and Sewer Commissioners only and did not include the Board of Selectmen

If no preference on payment is returned to the Collectors office the homeowner will automatically be placed on the 20 year deferred plan. This betterment has already been recorded on your deed. The assessors have the ability to make an adjustment. Massachusetts General Law states there is no interest for the first year because it was assessed after...

Peter asked about the \$12,000 cap. There was a town meeting vote to cap the cost to homeowners in the early 2000's. In 2009 a town meeting article reversed the cap. Language states that all residents will have the ability to request abatement. The intent was to not...

### **18 Alder Street**

Mr. Mele asked if he can sell the property with a lien on it. That has to be satisfied if a homeowner wants to sell the property.

### **1 & 2 Mayflower**

See their attachments. Problem with easement, pitch/pump system and where does the pump go? Value of betterment is one point and applicability is the second point. Peter asked if the commission is charged with abatements less than \$12,000. Need to see town meeting language.

### **14 & 16 Granite Street**

Conservation Commission issue. There was a determination that they would allow a sewer line as it could be a necessity.

### **15 West Street**

This would require a pump. Peter asked if there is anywhere on the property he could tie in using gravity? Bill D'Innocenzo says he does not know.

### **79 West Street**

Jim Boyan feels he is being charged wrong amount of frontage. Has a copy of his deed. He feels only 74 feet of frontage. Jim Boyan will leave pictures with his documentation.