

**WATER & SEWER COMMISSION
MEETING MINUTES
OCTOBER 1, 2008
7:30 PM**

Present: John Meader, Chairman
David Pepe
Bryant Firmin

Also

Present: Kara Buzanoski, DPW Director
See attached list

NEW BUSINESS

1. Consideration of minutes from the July 2, & September 3, 2008 meetings.

Commissioner Firmin moved to approve the minutes from July 2 and September 3, 2008 meetings as amended. Commissioner Pepe seconded. The vote was unanimous in favor.

2. Meeting with Tim Dorian 15 Thayer St for waiver betterment assessment.

Tim Dorian was present to request that the Commission waive the sewer betterment assessment for his property at 15 Thayer St. He stated that he hired Gerard Survey to survey his lot and determine the feasibility of connecting to sewer. His lot is a "pork chop" lot, with a long narrow driveway. The driveway currently has a lot of other utility lines in it, as well as a town drainage easement. Also, due to the elevation of his property he would have to install a pump. He provided documentation (estimates of \$50,000 - \$75,000) to show that it would not be feasible for him to connect to sewer

After discussion, Commissioner Firmin moved to grant deferral of the sewer assessment for 15 Thayer Street because the property cannot be serviced directly by gravity sewer. If, in the future, the owners of the property decide that they wish to connect to the sewer line, they will be assessed a betterment at the then-current rate. Commissioner Pepe seconded. The vote was unanimous in favor.

Richard Carlson, 354 Davis St asked the question if the Commission approved this request, would they approve requests from anyone who did not want to connect? Mrs. Buzanoski stated that the request must show that it is not feasible for the property to connect their property by gravity flow. Mr. Carlson stated that his driveway is also long and he would probably have to install a

pump. Mrs. Buzanoski stated that formal requests should be submitted to the Commission, but they should also be accompanied by documentation to substantiate the request.

3. Review request for developer's rate for betterment on Davis St.

The Chairman reviewed the last meeting where they discussed with Mr. Alex Lotoski his letter requesting a reduction of the sewer betterment for Davis Street.

Per the Betterment Acts, the Commission is allowed to reduce the betterment to the developers rate or one-half the full amount. This was previously done for a similar situation in town (Brigham St).

The Chairman reopened this discussion and asked if anyone would like to speak.

Rich Carusso, 15 Thayer St - Stated that he looked on the internet for the present town bylaws. The sewer betterment states that the amount is \$6,400. He added that he came into the office and spoke with Mrs. Buzanoski and asked her why they are being charged a betterment fee when the developer paid for the construction, not the Town.

Mrs. Buzanoski stated that there are 2 pieces of legislation that control this: the 1974 Sewer Privilege Fee legislation and the 1991 vote of Town Meeting creating the Sewer Enterprise fund and requiring that sewer betterments be assessed as the sewer is installed. This fee is not a construction cost but a capital cost. The "sewer privilege fee" or betterment is a fee charged to a property that is provided access to the municipal sewer system. It does not take into account who installed the sewer, just whether the property has access to the sewer, even though the property owner may choose not to connect.

Joe Wheeler, 9 Thayer St - Mr. Wheeler asked what the criteria was surrounding the \$9,100 fee. Commissioner Meader replied that the current fee is based upon the last construction project that the Town provided financing for. This was voted at Town Meeting. The final cost of the betterment is established by taking the sewer construction cost, minus non-sewer costs, divided by the number of users. We then use that current fee until the next project. This gives us a baseline for establishing fees and allows us the ability to establish & re-set the fee amount based on this formula.

Karen Tucker, 10 Thayer St - Ms. Tucker asked how many people are effected by this project? Mrs. Buzanoski did not have the number available.

Anna Delveccio, 22 Thayer St - Ms. Delveccio would like to see a breakdown of what the developer has paid the Town for (1) the Avalon part of the project and (2) the Loop part of the project.

Richard Carlson, 354 Davis St - Asked if it would be a fair statement to say that the developer paid 100% for the costs of the sewer construction? If so, what does the \$9,100 represent? Mrs. Buzanoski stated that it is a privilege fee in that sewer is now available to the property, whether or not the property owner chooses to connect. Mrs. Buzanoski added that since the Town voted to make the Water and Sewer Enterprise funds, these budgets are no longer part of the General Fund and therefore have no access to tax generated funds.

Commissioner Pepe stated that the Commission assesses the fee according to the legislation. The legislation allows, if certain criteria are met, to reduce the fee by 50%.

Commissioner Meader stated that there is an appeals process. He added that what the Commission did was try to establish a numeric value based on actual numbers. If you do not agree with that assessment, you can appeal it.

Richard Carusso, 5 Thayer St - Stated that they would like to know what the 50% or \$4,550 was going towards.

Mrs. Buzanoski stated that there is a \$100,000 free cash amount in the FY08 sewer budget. She added that enterprise funds were established and voted by Town Meeting. The purpose was to provide a single service which would generate enough to pay its own expenses. Every year we have to certify to the State the revenues and the expenditures.

Commissioner Firmin added that the betterment is a privilege fee for having access to the municipal sewer system. The Town has paid to install and maintain the sewer system since the early 70's; there is a fee for accessing it.

Bridgette Hartman, 390 Davis St - commented that we are paying for the deficit that the department is in now.

Paul Winkley, 362 Davis St - stated that he never had a problem with the septic and added that he owns two lots, one of which is a backlot which they would not use. He was told that he would be charged for both lots and did not understand why. Mrs. Buzanoski stated that he could submit a request to the Commission.

Commissioner Meader asked Mrs. Buzanoski if we could enlist the sewer department consultant to do a present day cost analysis to see if construction costs are comparable to when the Pinehaven project was built.

Dan Massucco, 263 Davis St - Stated that it seems there is discretion. There is a limited number of houses affected. There is no incremental cost to the Town. He is willing to pay his share, but this seems to be an unfair burden put on a small group of homeowners.

Karen Tucker, 10 Thayer St - Stated that her septic system was fine and she has no intention of connecting to sewer.

Joan Wyshak, 350 Davis St - Stated that she owns her house, pays lots of taxes, her last child is out of the school system and she uses Tidy Town. She has no intention to connect. Mrs. Buzanoski again responded that the taxes do not go to the enterprise fund.

Mrs. Buzanoski stated that the sewer budget was a little more than one million dollars this year. More than 50% of the budget goes to pay bonds and interest. The bonds we are paying now are for extension to the sewer and upgrades to the Westerly Treatment Plant. Plant upgrades are required every seven years by the state and federal regulators.

Commissioner Meader stated that there appears to be some questions that Mrs. Buzanoski cannot answer tonight. He asked that the residents prepare and submit their questions to Mrs. Buzanoski. We will make copies of the legislation available for residents. He asked Mr. Lotoski if he wanted a formal answer to his request or did he want to wait until the continued discussion at the next meeting. Mr. Lotoski will wait until the next meeting. Commissioner Meader stated that this discussion will be continued to the next meeting.

4. Review Marlborough Draft Intermunicipal Agreement.

Mrs. Buzanoski asked if the Commission could review these revisions and if they had any changes could they get them to her by Monday.

5. Review Tata & Howard contracts for Brigham St well treatment design.

\$7,500 - amendment for Collins Road, drilling under the railroad tracks. Commissioner Pepe moved to execute the amendment for Collins Road. Commissioner Firmin seconded. The vote was unanimous in favor.

\$37,000 contract - to find another well at and/or around the Brigham St well. Commissioner Meader asked if current insurance certificates were on file. Mrs. Buzanoski stated that they were current. Commissioner Meader noted that there should be provisions in the document if they dig up something unusual. This was continued to the next meeting.

\$381,000 - Brigham St Water Treatment Facility.

Commissioner Pepe moved to execute the contract for the Brigham St Water Treatment Facility. Commissioner Firmin seconded. The vote was unanimous in favor.

6. Review of I & I study.

Mrs. Buzanoski stated that a letter regarding sump pump inspections was sent to all sewer users. 56 responses were received, 54 inspections were done, 6 sump pumps were inspected of which 5 discharged to the ground and 1 discharged to a catch basin. Commissioner Meader wanted to be sure that the Town Engineer was aware of the catch basin discharge.

Mrs. Buzanoski added that smoke testing will begin next week.

7. Review drainlayers' license request.

The following drainlayers requests were received and approved by unanimous vote of the Commission:

Glenn E. Hines General Contractor, 35 Wachusett St., Leominster, MA

J. Kerrissey LLC, 145 Washington St., Norwell, MA

McDonald Excavating Inc, 12 Myrtle St., Westborough, MA

Narragansett Improvement Co, 223 Allens Ave, Providence RI

8. Review correspondence.

Correspondence was reviewed.

OLD BUSINESS

1. Review of Assabet River Consortium Study.

Mrs. Buzanoski noted that she had spoken with Mr. Glenn Haas of DEP regarding disposal of the Haitsma property. He indicated that the Town should wait until the final permit is issued to dispose of this property. The permit should be issued by the first of the year.

2. Review of Lyman Street well project.

The work is continuing. Testing of the system with water was completed last week.

3. Supervisor's Report.

- Mrs. Buzanoski updated the Commission on the progress of the sewer installation on Davis and Thayer Sts.

Next Meeting: The next regular meeting is scheduled for November 5th at 7:30 pm.

Adjourn: At 10:00 pm, the meeting was adjourned.

Respectfully submitted,

Lynda LePoer
DPW Administrative Assistant