

**WATER & SEWER COMMISSION
MEETING MINUTES
NOVEMBER 5, 2008
7:30 PM**

Present: John Meader, Chairman
Bryant Firmin

Also

Present: Kara Buzanoski, DPW Director
See attached list

NEW BUSINESS

1. Consideration of minutes from the October 1, 2008 meetings.

Postponed until next meeting.

2. Meeting with Karl Hartman 390 Davis St for waiver of sewer privilege fee.

Mr. Hartman submitted a letter to the Commission regarding the method of connecting to town sewer in the street. His house is 350' off Davis Street. He presented a surveyors report of the requirements to hook up and it was determined that he would need to install a pressure pump system. Mrs. Buzanoski had the resident engineer take a look and he agreed that a pump was required. Commissioner Meader stated that they had a similar case at the last meeting and they agreed to defer that sewer betterment fee until such time as sewer was connected and at the then-current betterment amount.

After discussion, Commissioner Firmin moved to grant deferral of the sewer assessment for 390 Davis 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 Meader seconded. The vote was two in favor.

3. Review abutter's questions regarding sewer privilege fee for Davis & Thayer Streets.

The Chairman stated that this was a continuation of a discussion from the last meeting. Residents were asked to submit their questions in writing to Mrs. Buzanoski. He asked Mrs. Buzanoski to review questions she received.

Mrs. Buzanoski reviewed two sets of questions/answers from the following residents:

Joe Wheeler, 9 Thayer Street

- How many homes involved?
There are 70 homes affected.
- When will sewer be available to connect?
It should be available at the end of this construction season.
- Will we receive a formal notice of the betterment?
Letters will be sent out with information.
- Was there another route option?
There was another route considered, however that route offered no benefit to Town residents. This route allowed sewer access to 70 homes.

Richard Carusso, 5 Thayer Street

- How does one appeal the sewer assessment, as mentioned at the last meeting?
Mrs. Buzanoski replied that there is an appeals form available from the assessors' link on the website.
- Will there be any change to assessment projects?
It may go from \$9100 to \$4550 if the Commission grants Mr. Lotoski's request.
- Where does this money go - can you send him a copy the budget?
Mrs. Buzanoski reviewed the sewer budget and will email a copy to Mr. Carusso.

Mrs. Buzanoski received a study by the Town's consultants listing sewer betterments of other towns. The information was not what she had expected. It should have been a comparison of private projects done which assessed betterments to properties, not public projects.

Mrs. Buzanoski added that she had asked the Board of Health for an average cost to replace a septic system. The range is \$8,000 - \$55,000 with an average amount of \$10,000 - \$12,000.

The Chairman offered a brief review. He stated that this board is governed by legislation known as the Acts of 1975, which authorizes us to establish sewer cost apportionments. The cost of the apportionment does change based on current figures. Under these acts, this board is authorized to reduce the amount of a sewer privilege fee or betterment based on certain criteria. This situation falls under sewer construction done by a developer, not the Town. Therefore, this project could qualify for the developers rate of one-half the current apportionment value. The current sewer betterment is \$9,100. This is based on the most recent construction project paid with Town funding.

The Chairman opened the floor up for questions and comments.

Anna Delveccio, 22 Thayer St - asked how much money did the developer pay the Town? Mrs. Buzanoski replied zero. The developer paid 100% of the sewer construction costs.

Al Aldrich, 370 Davis St - commented that the Town is asking us to pay for something that did not cost the Town anything to construct. Mrs. Buzanoski responded by stating that Town Meeting voted to assess a sewer entrance fee to properties at the time sewer is installed in the street. She then reviewed the legislation regarding sewer betterments. She further stated that a betterment or sewer privilege fee is not a construction cost, but a reimbursement to the Town for owning, constructing and maintaining the utility so it could be extended to these homes. Mr. Aldrich stated that he saw no reason for him to connect to sewer or be charged an assessment.

Joe Wheeler, 9 Thayer St - Stated that he has been in contact with Sue Templeton at Representative Naughton's office. She is investigating the 1975 legislation. Mr. Wheeler stated that he is pursuing a way to change that law.

Mike Barbarian, 3 Tomblin Hill Rd - Asked if the Town could get the figures from the contractor as to the actual cost of the sewer construction to see how that figure breaks down and compares to the \$9,100.

Mrs. Buzanoski stated that this was a private project paid by the developer and their construction cost does not figure into any calculations of the sewer betterment. The Commission is regulated by the legislation in place regarding sewer betterments. Per that legislation, they can only offer the residents a reduction based on the developers rate of one-half the current betterment amount or \$4,550.

Richard Carlson, 354 Davis St - asked about the topcoat of pavement. Mrs. Buzanoski stated the topcoat is scheduled for Spring. She added that the driveways will also be ramped up.

Fred Wyshak, 350 Davis St - Stated that he is not familiar with how the Town deals with developers, but wanted to know why they did not consider that the developer should be responsible for these betterments.

Mrs. Buzanoski's replied that the developer installed the waterline at no cost to the Town and can not be assessed for private properties.

Jonathan Freve, 21 Davis Ave - said that it would have been good to see how other towns compared in similar situations. The Chairman agreed and wished that the consultant did that type of a study.

Paul Winkley, 362 Davis St - said that he was going to be charged 2 betterments for his double lot. Mrs. Buzanoski stated that she believes that there are wetland issues with the second lot, preventing it from being a buildable lot. Although the Commission has not received a formal request, she explained that it has been the policy of this board to defer assessment of the betterment and if in the future, regulations change and it becomes a buildable lot, the betterment will be assessed at the then-current rate. The Commission was in agreement.

Residents at 10, 18 & 22 Thayer St requested the Town check the catch basins at/near their property. Mrs. Buzanoski stated they will look into it.

Leslie Rutan, Board of Selectmen Liaison, asked when will these fees be assessed. Mrs. Buzanoski replied by the end of the construction season. They probably will not appear on a tax bill until January 2011. Mrs. Rutan asked if there was a payment plan option. Mrs. Buzanoski said they have an option of 5, 10, 15 or 20 years at an interest rate of 5%. Mrs. Rutan suggested that when the Town sends communications to these residents, the location of the appeal form is noted so that they know there is an appeal process.

4. Review request for developer's rate for betterment on Davis Street.

The Chairman asked Al Lotoski if he still wanted the Commission to consider his request from the last meeting to reduce the sewer betterment to the developer's rate of one-half. Mr. Lotoski would like them to consider it.

Commissioner Firmin moved to approve the request for a reduction of the sewer betterments for those affected by the Avalon/Loop project (approximately 70 properties) to the developer's rate or \$4,550 each (single-family home). Commissioner Meader seconded. The vote was two in favor.

Commissioner Meader wanted to confirm what information if any, had not been received by the residents. Mr. Carusso would like a copy of the sewer budget and the appeal form.

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

\$37,000 - revisions were made regarding exploration at and/or around the Brigham St well. The Commission executed the contract.

6. Review drainlayers' license requests.

No requests were received.

7. Review Correspondence.

Correspondence was reviewed.

OLD BUSINESS

1. Review of Assabet River Consortium Study.

Mrs. Buzanoski referred to a letter from the City of Marlborough, stating that they are willing to discuss the 150,000 gallons per day from the MetLife property on Bartlett Street.

2. Review of Lyman Street well project.

Mrs. Buzanoski stated that they are working on the punchlist. She also stated that it passed the water test.

3. Supervisor's Report.

- The DCR has erroneously sent the Water Department notice of the need for filing plans for the Bartlett Pond dam. She will return it to DCR as to the Water Department does not own it.

Next Meeting: The next regular meeting is scheduled for December 3rd at 7:30 pm.

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

Respectfully submitted,

Lynda LePoer
DPW Administrative Assistant