

**WATER & SEWER COMMISSION
MEETING MINUTES
APRIL 1, 2009
7:30 PM**

Present: John Meader, Chairman
Bryant Firmin

Also

Present: Kara Buzanoski, DPW Director
Michael Roberts, Avalon Bay
David Gillespie, Avalon Bay
Steve Schwartz, Gouldston & Storrs

NEW BUSINESS

1. Consideration of minutes from the February 4 & March 4, 2009 meetings.

Commissioner Firmin moved to approve the minutes from February 4, 2009 as amended. Commissioner Meader seconded. The vote was two in favor.

Commissioner Firmin moved to approve the minutes from March 4, 2009 as amended. Commissioner Meader seconded. The vote was two in favor.

2. Meeting with Michael Roberts re: Avalon Bay apartment sewer privilege fee (betterment).

Michael Roberts, David Gillespie and Steve Schwartz were present to discuss the Avalon Bay apartment betterments. There will be 32 units available and they are looking to begin renting May 1st. Correspondence was exchanged between Avalon Bay and Mrs. Buzanoski. Mr. Roberts stated that there is a disagreement on what the betterment should be. He understands the policy regarding developments, however he pointed out that this was not a typical development. These units are affordable housing. Other towns have granted waivers. He understands how the formulas work, however, these fees should have been negotiated at the time of the comprehensive permit.

Commissioner Meader had reviewed the correspondence between Mrs. Buzanoski and Avalon Bay. He stated that because there were legal issues brought up in Avalon Bay's correspondence we would need to defer this until we could discuss this with the Town Administrator and Town Counsel.

Mrs. Buzanoski added that both sides had equally compelling issues and the Commission would not be able to make a decision on this until they received Town Counsels' interpretation.

Commissioner Meader stated that betterment questions have come up many times during his tenure on this board. Most recently with the neighbors of this project on Davis and Thayer Streets. Every time it has come up, this board has remained consistent with their interpretation of the language in the enabling legislation.

Mr. Schwartz referred to the Commission's policy that was voted in 1993 requiring developers of developments to pay in full the betterments at the time of the occupancy request. He asked what was done before that.

Mrs. Buzanoski replied that the policy was voted shortly after Town Meeting voted to approve the water and sewer enterprise funds. The department noticed that before this policy, betterments were recorded on developments and put the burden on the new owners.

Mrs. Buzanoski stated that because they will begin selling units May 1st, she did not want to hold them up waiting for Town Counsel's decision and asked if the Commission would allow her to sign off on the occupancy permits until a decision was received. The Commission agreed to allow Mrs. Buzanoski to sign off on the occupancy permits for the units to be occupied in May until they heard from Town Counsel. This will be continued to the next meeting.

3. Vote and execute betterment recordings.

The Commission reviewed the sewer betterment recording documents for sewer on Whitney Street.

Commissioner Firmin moved to execute the sewer betterment document. Commissioner Meader seconded. The vote was two in favor.

3. Review Drainlayers' License Requests.

There were no drainlayer license requests.

4. Review Correspondence.

Correspondence was reviewed.

OLD BUSINESS

1. Review of Assabet River Consortium Study.

Commissioner Firmin reported on the two OAR workshops that were held on March 14 and March 28. The workshops were on removing dams on the river.

2. Review of Lyman Street well project.

Mrs. Buzanoski stated that the well did not pass the DEP inspection. Due to the alarms for the chemical feed pumps.

3. Supervisor's Report.

- Mrs. Buzanoski had good news regarding the Brigham St. well. The consultants reported that there is enough water capacity at the Brigham St. location to produce enough water to combine both the Brigham St. and Crawford St. well flows.
- Haitsma property: Mrs. Buzanoski reviewed the map of the property with the Commission. She noted that the Town needs to retain a piece that has a value of \$627,000 because this is the amount of the current bond. She also asked if they think we should make a sewer easement available to the purchaser. The Commission had no issued with offering sewer, but put a cap on the gallonage. Mrs. Buzanoski will talk to the Town Planner to work on configuring the property.
- Town Meeting warrant articles: The Commission discussed the two warrant articles. (1) Brigham St. Well - The Commission voted in support of the article. Commissioner Meader suggested a cost comparison should be made available for this warrant article. He asked Mrs. Buzanoski to see if she could make arrangements for them to view another Town where this type of system was installed. Mrs. Buzanoski will contact them for a list of Towns and will make arrangements. (2) Water Dept. Truck - The Commission voted in support of this article.

Next Meeting: Due to Town Meeting on April 27th, the next regular meeting is tentatively scheduled for May 6th, 7:30 pm.

Adjourn: At 9:00 pm, the meeting was adjourned.

Respectfully submitted,

Lynda LePoer
DPW Administrative Assistant