

**WATER & SEWER COMMISSION
MEETING MINUTES
MAY 13, 2009
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 April 1, 2009 meeting.

Commissioner Firmin moved to approve the minutes from April 1, 2009 as amended. Commissioner Meader seconded. The vote was two in favor.

2. Meet with residents from Davis St re: sewer privilege fee (betterment).

Commissioner Meader stated that this item was discussed and voted at a previous meeting and asked Alex Lotoski if he would like to begin. Mr. Lotoski, 328 Davis St began by stating that if it were not for Avalon Bay, these residents would not be incurring the fees for sewer that were necessary for the developer to develop his property. He added that this was unfair to the residents. They have had to put up with unacceptable road conditions. He asked when the road was going to have the second layer put down. Mrs. Buzanoski said the developer will be doing the second layer and she has not received a date as to when that will happen. He had several questions for the board:

(1) Is it true the developer is paying for this as a capital expense? Mrs. Buzanoski replied yes.

(2) When you collect this fee, does it go to the enterprise fund or will those collections be held aside for Davis St.? Mrs. Buzanoski replied it would go to the sewer enterprise fund. She further stated that the sewer enterprise fund is a single enterprise fund.

(3) Where is the \$4,500 going to? Mrs. Buzanoski replied it goes to the enterprise fund, of which the biggest capital cost is the Marlborough Westerly Treatment Plant.

(4) What does it have to do with Davis St.? Mrs. Buzanoski's response was that provides capacity for Davis St. which was outlined in the Comprehensive Wastewater Management Plan required by DEP.

(5) Didn't the town have a meeting for additional capacity and was that capacity for Avalon or Davis St.? Mrs. Buzanoski replied no to both questions. The additional capacity is for the whole town. Commissioner Firmin added that DEP requires this as part of the Sewer Master Plan process. A comprehensive Wastewater Plan is required that evaluates the need for sewer across the entire town. Mrs. Buzanoski further added that with an enterprise fund you have multiple revenue sources going into a single "pocket", from which expenses are paid.

(6) There is a rumor out there that Davis St. was not the only option for the sewer route. Mrs. Buzanoski stated that the options were Davis St. or Rt 20. The job of this board is to get the most sewer benefit for the citizens of Northborough. If the sewer went down Rt 20, there would be no benefits to existing residents.

(7) What is the basis and law for this betterment? Commission Meader responded the enabling 1975 legislation, which allowed the Town to assess a privilege fee/betterment and allowed the board to, from time to time, set the value of the fee. The \$9100 value is based on the Pinehaven sewer project, the Town's most recent sewer extension project.

David Fournier, 283 Davis St.

Asked on what date was the fee changed. He added that MGL 40N requires a public hearing set 30 days prior to date of change. Mrs. Buzanoski will have to check the date of the vote. Commissioner Firmin added that the change would have been voted at a regular public meeting of the board.

Mr. Fournier also asked what is the method used to assess betterments. Mrs. Buzanoski stated that statute proscribes the unit method or the frontage method. Northborough uses the unit method.

Michael Maglio, 320 Davis St.

Where would the money come from if Davis St. was not done? Mrs. Buzanoski replied that there is a variety of revenue streams, for example user rates and betterments.

Nancy Mannion, 298 Davis St.

Asked if some residents received a waiver. Mrs. Buzanoski replied that there were some cases where the distance from dwelling to the street was far and the house is set below the street elevation. This made it impossible for them to connect by gravity and required them to install a pump. For each of these cases, the residents submitted to the Commission documentation certifying the need for a pump. The Commission did not waive these betterments, but postponed them until future request to connect. She added that if and when there was a request for future connection, it would be at the then current rate.

Sylvia Pabreza, 335 Davis St.

Ms. Pabreza was somewhat confused regarding the terms betterment or privilege fee. She stated that there is a difference and who determines which term to use.

Mrs. Buzanoski replied that the legislation terms it a privilege fee. She noted that she had called it a betterment because that term is more familiar to people. By the enabling legislation, we are required to assess a privilege fee.

Ms. Pabreza also asked how they can charge 5% interest on this? Mrs. Buzanoski replied that the interest charge is set by the Treasurers office.

Ray Doran, 322 Davis St.

Mr. Doran asked when Davis St. would be completed. Mrs. Buzanoski replied this construction season.

Al Aldrich, 370 Davis St.

Mr. Aldrich asked if Davis St. will be brought up to town standards or will it just be overlaid. Mrs. Buzanoski replied that the contractor will be putting on the topcoat only. If anyone has any paving issue, please let her know now so that they can be addressed prior to paving.

Bill Jeas, 87 Wesson Terrace

Asked where in the law does the Board rely on to establish the betterment fee absent of public expense. Mr. Buzanoski replied in the legislation.

Mrs. Buzanoski stated that if anyone wishes to file for abatement, they should refer to the abatement form available under the Assessors Dept. on the Town's website. The application is 4 pages, but residents only need to complete the first and last pages. Residents will need to outline the basis for the appeal. The process is: The abatement is filed with the assessing authority, which is the Water and Sewer Commission, which makes the decision. If you are not satisfied with their decision, the next step would be Superior Court or tax appellate board.

Commissioner Meader concluded that if the residents wish to apply for abatement, they complete the paperwork that is available online and submit it. He stressed the fact that this board has tried to establish fees based on real-life construction cost values. In this situation, they have been able to enact the one-half reduction using the language in the enabling legislation. They have also assessed the fee based on the language of the enabling legislation. This board has tried to consistently apply the enabling legislation with everybody in town.

3. Review Haitsma land disposal.

Mrs. Buzanoski stated that the Town needs to start the bid process immediately, so as to go out to bid in July. She said the Commission should keep the original piece since that is the section that is bonded and it has already been surveyed.

Commissioner Meader asked if there was vehicular access to the piece. Mrs. Buzanoski replied it can be reached from the Main St. side. We will have to provide access from the Boundary St. side.

4. Review proposed sewer agreement for developers.

Mrs. Buzanoski stated that she would like to look into a formalized agreement. The Commission will need to look further into this. Mrs. Buzanoski will take their suggestions.

5. Review Drainlayers' License Requests.

There were no drainlayer license requests.

6. Review Correspondence.

The Commissioners reviewed the correspondence.

OLD BUSINESS

1. Review of Assabet River Consortium Study.

No new information to report.

2. Review of Lyman Street well project.

Gene Brunelle from DEP will be at the well tomorrow for testing.

3. Supervisor's Report.

- Water/Sewer bills - Mrs. Buzanoski reported that the bills went out on April 28th, due on May 28th.

- 27 Solomon Pond Rd water bill issues - Mrs. Buzanoski stated that we are still reviewing the issues discussed at a previous meeting. We will continue to track the usage and report back to the Commission.

- Letters received:
 - 1) 66 Summer St - request from homeowners for reduction due to a leak. The Commission unanimously agreed against this request reduction of the bill.
 - 2) 26 Assabet Dr - letter was received from owner stating that they disagreed with the \$50 administrative fee on the current bill.

- Letter from Ron LaFreniere, City of Marlborough - The Commission received a letter from Ron LaFreniere regarding sewer use at Algonquin Regional High School. Marlborough defines the high school property as a full user discharging to the Hayes Memorial pipeline. Marlborough has sent the school a bill for the surcharging of the Hays Memorial pipeline. Commissioner Meader stated that there should have been an evaluation done prior to the connection. Do we know what the results were? What is the high school being charged for? Mrs. Buzanoski will look into this further and get back to the Commission.

- Dauherty, 68 Brigham Street - Regarding waiver of their existing sewer betterment and future water betterment, due to donation of a stormdrain easement, this item was previously voted on. This is the paperwork for signature.

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

Adjourn: At 9:30 pm, the meeting was adjourned.

Respectfully submitted,

Lynda LePoer
DPW Administrative Assistant