

**WATER & SEWER COMMISSION
MEETING MINUTES –July 17, 2012**

6:30 PM – Selectmen’s Meeting Room, 63 Main Street Northborough MA

MEMBERS PRESENT: John Meader
Bryant Firmin

MEMBER ABSENT: David Pepe

ALSO PRESENT: Dan Nason, Public Works Director
Chuck Black, Kendall Homes

1. APPROVAL OF MINUTES – May 2, 2012 REGULAR MEETING

Commissioner Meader moved to approve the meeting minutes of the May 2, 2012 regular meeting as submitted; Commissioner Firmin seconded the motion; the vote was two in favor.

2. REVIEW WATER AND SEWER BETTERMENTS FOR 269-273 WEST MAIN STREET

Mr. Black began by stating that this project was originally two separate parcels, but has since been combined into one parcel, which is 269 West Main Street. The project consists of four buildings, with each building having commercial space on the first floor and two residential units on the second. He had indicated he asked the previous Director for betterment information on the project. He referred to her email dated 3/25/11 reviewing the water and sewer betterments. The water and sewer betterments did not come up again until May 2012, when the Town Engineer prepared a memo dated 5/3/12 outlining the water and sewer privilege fees along with a breakdown of each. This new figure was much higher than the betterments referred to in the email. Mr. Black requested to meet with the Commission to see if they would agree to assess the betterments based on the previous Director’s figures. Mr. Black noted that there is one main water line and one main sewer line coming in to the property, and it branches out to one water line and one sewer line for each building.

Mr. Nason stated that when he first spoke with Mr. Black, he also calculated the water and sewer betterments and prepared his own spreadsheet. The calculations are based on the Commonwealth of Massachusetts Acts of 1975 Chapters 294 (Sewer) and 275 (Water), hereafter referred to as the “Acts”. When he compared his calculations with those prepared by the Town Engineer, they were the same. He gave a copy of the “Acts” to Mr. Black.

Commissioner Firmin stated that the betterment fees previously calculated were estimated. He agreed with the current betterment calculations given by the Town Engineer and the Public Works Director.

Mr. Nason mentioned that Mr. Black has been very cordial and accommodating during this entire process. He has submitted the required betterment applications when he requested the occupancy permit for each building. The balance remaining on the betterments is the amount in question. Mr. Nason also stated that he does not want to start a precedence, nor misinterpret future betterments.

Commissioner Meader stated that he understood Mr. Black's reason for this request, however, he did not know how the Commission could assist him. He noted that the Commission has never overseen the calculations of betterments, nor does he think this is something they need to oversee. He recognized that there is a large discrepancy between the betterment information given by the previous Director and the betterments calculated by both the Town Engineer and Public Works Director, but he also understood Mr. Black's dilemma. Commissioner Meader would like to get the Town Administrator's opinion on this and asked Mr. Nason to speak with him. In the meantime, Commissioner Meader asked Mr. Black if he would like to review the "Acts" and get back to the Commission with a request. With this, Mr. Black said he would be in contact with Mr. Nason. When Mr. Black was asked about his time frame on the project, Mr. Black indicated he would like to get his last occupancy permit signed off by the end of the month. The Commission agreed to meet next week to continue this discussion.

3. REVIEW DRAINLAYERS APPLICATIONS

There were no drainlayers applications.

*** OTHER BUSINESS**

- The Commission reviewed a note from the customer of 10 Northgate Road who was requesting a rebate for a large bill which was due to a leaking toilet. The Commission said that in the Water Regulations, it states the Customer is responsible for any leakage on the Customer side of the meter. Therefore, there is no allowance for leaking toilets. A letter will be sent to the customer.
- The Commissioners formally voted to change their regular meeting day and time. Commissioner Meader moved to change the regular meetings of the Water and Sewer Commission to the third Tuesday of the month at 6:30 pm in the Selectmen's Meeting Room; Commissioner Firmin seconded the motion; the vote was two in favor.
- Near the close of the meeting, the Town Administrator John Coderre was leaving his office and stopped in. The Commission took this opportunity to update him on the water and sewer betterment issue at 269 West Main Street.

NEXT MEETING:

The next meeting is scheduled for July 24, 2012.

ADJOURNMENT:

The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Lynda LePoer
DPW Administrative Assistant

Documents used during meeting:

1. July 17, 2012 Agenda
2. May 2, 2012 Regular Meeting Minutes
3. Memo – Water & Sewer Privilege Fees at 269-273 West Main Street
4. 269-273 West Main Street Water/Sewer Betterments spreadsheet
5. Email regarding 269-273 West Main St water & sewer betterments
6. Commonwealth of Massachusetts Acts of 1975 -
Chapters 294 (Sewer) and 591 (Water)
7. Note to the Commission requesting rebate of high water bill at 10 Northgate
Road