

BOARD OF WATER/SEWER COMMISSIONERS
166 John Scott Blvd., Norton, MA 02766
Monday, March 4, 2013

7:45pm Meeting called to Order. Commissioners Luke Grant and Diane McElligott present.
Also present Duane Knapp, Rose Melito, Fran Yanuskiewicz and Attorney Joseph Cove.

Commissioner Grant assumed the Chairman's position in the absence of Steve Wiseman.

Minutes: The minutes of the February 19, 2013 Board Meeting were read, approved and signed as submitted.

Attorney Cove: Addressed the letter dated February 20, 2013 from Mike Yunits regarding Special Counsel. He stated he has left several messages for Mr. Yunits but has not received a call back. He requested clarification from the Board as to whether or not he should continue to provide legal counsel. The Charter clearly states that the Board of Water/Sewer Commissioners have the same powers and authority as the Board of Selectmen (Section 3-8), that being the case, the Board should have the right to obtain Independent Counsel that should not necessarily be limited to related matters of the Intermunicipal Agreement with the Town of Mansfield. Attorney Cove questioned the Charter language (or lack of) regarding the appointment of Counsel as well as a 1930 By-Law that states "Selectmen can hire Counsel if being sued". To avoid further conflict and "duplicate bills" Attorney Cove strongly recommended that the Board and Town Manager come to an agreement on this issue. Ongoing services include Article 97, IMA— District, Wheaton College and Kraska/Campanelli - Capacity Fees. Board Members agreed they wanted to retain Attorney Cove's services. Commissioner Grant stated he would follow up with Mike Yunits if Steve Wiseman hasn't already.

Article 97 Land: Attorney Cove stated the language of town meeting votes, Order of Taking and Deeds for Map 19, Parcels 2 and 3 relating to the location of Wells 4,5 & 6 have been reviewed and are NOT under the protection of Article-97. (letter dated 2/28/13 attached).

Reilly Land: The Board discussed the financing options should the Town go forth with their right of first refusal. Short term borrowing for no more than 3-5 years at .1% equals approximately \$1200.00/year. Commissioner McElligott stated she would contact the Town Treasurer to verify long term bonding rates and time frames. It was agreed that the purchase of the Reilly property would be in the best interest of the Town if the IMA agreement is not signed or the TriTown District does not come to fruition. Commissioner McElligott said she would like to have a discussion with Mike Yunits prior to the Selectmen's Public Hearing on March 14th.

Weston & Sampson: Water Treatment Plant; Article 97 issue now resolved with Attorney Cove's letter of opinion- this is a huge step forward. Fran will now contact Conservation (Jennifer) and follow up with her. Barbara Cook will submit the report to DEP as soon as the Board gives her the approval.

CWMP: Fran reminded the Board a Public Hearing should be scheduled in the near future.

IMA: In addition to “corrected” assumption figure- spread sheets, issues that still need to be resolved; Transfer of Assets-language; Specific timing for annual payment (APN) language.

9:40pm. Commissioner McElligott motioned to go into Executive Session for the purpose of discussing the Campanelli negotiations, and to return to Regular Session when finished. Commissioner Grant seconded the motion. No further discussion.

All in favor:

Diane McElligott- aye

Luke Grant – aye

So voted.

10:25pm. Returned to Regular Session

Wheaton College: Commissioner McElligott stated she has a phone conference scheduled for Thursday, March 7th.

Superintendent’s Up-dates: The Walker Street-Bridge Project is nearly complete.

Mr. Knapp informed the Board of the sewer main back-up that happened on King Philip Road last weekend. Pumpers were called in and so was Mahoney. The problem was eventually traced to improper materials used during installation. PVC versus HDPE. Sunday a temporary repair was done, we’ll re-dig when the weather is better.

Budget Review: Capital Committee Meeting 3/13/13 at 6:45pm. Capital items were discussed. After much discussion Commissioner Grant motioned to remove the Excavator from the Fy-14 Capital Plan. Commissioner McElligott seconded the motion. No further discussion.

All in favor:

Luke Grant – aye

Diane McElligott – aye

So voted.

All appropriately processed bills were signed and correspondence was read.

Next meeting March 19, 2013 at 6:30pm.

12:05am. Meeting adjourned.