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**Town of Norton**  
**Board of Water & Sewer Commissioners**  
**166 John Scott Blvd.**  
**Norton, MA 02766**  
**(508) 285-0280**

**Meeting Minutes**  
**May 9, 2023**

**I. Call to Order**

The May 9, 2023 meeting of the Norton Water/Sewer Commissioners was held at 166 John Scott Blvd and was called to order at 5:32pm, by Commissioner Steve Bishop, Chair. Member(s) present: Commissioner James Jardin and Commissioner Steven Bernstein. Also in attendance: Superintendent Frank Fournier, Office Administrator Brooke Durden, Weston & Sampson's Steve Pedersen, Weston & Sampson's Tara McManus, Treasurer/Tax Collector Paula Linhares, MFN Commissioner Diane McElligott, Norton Resident Louis Alcide, and 0 Dean Street Representatives Eric Dias and Christopher Reed.

Pledge of Allegiance

**II. Minutes**

1. No Meeting Minutes were reviewed or approved.

**III. Water & Sewer Demand Notice Discussion**

1. Discussion on Demand Notices began at the last Commissioners meeting; however, only two Commissioners were present, so discussion was tabled. Superintendent Frank Fournier stated that the Department is trying to improve delinquent accounts and this new process will help our Water revenue coming in, as well as take a burden off of the Tax Collectors Office. Demand Notices seem to be very common in other communities for accounts that are delinquent after a certain amount of time. Norton has never done this as long as Superintendent Fournier has worked for the Department. Superintendent Fournier listed off the benefits Demand Notices would have, such as sending an extra notice to those accounts that are delinquent in a brightly colored enveloped to grab the resident's attention before the account goes to lien. Generally, each community base their Demand Fee off of the Tax Office rate, which is \$15 in Norton. In addition to the Demand Fee, which the Water/Sewer Department would collect, it is recommended that we have a Collection Fee of \$50, which would go to the Town's General fund to help offset the amount of work the Tax Collectors Office does for the lien process on our

behalf. Commissioner Steve Bishop wanted to clarify that these fees would be once a year, as to which Superintendent Fournier stated that they would be. Superintendent Fournier also mentioned that there has been discussion on terminating Water and Sewer service for non-payment, which has been done in the past and is stated in our Rules and Regulations. However, there are heavily governed time frames and limits of when and who you can and can't do that to. Paula Linhares, Town of Norton Treasurer/Tax Collector, mentioned that a lot of times when the water bill goes to lien and gets put on the taxes, the resident and is not paying attention because their bank is paying the taxes. As time passes, the water lien is still outstanding and they are in Tax Title which will lead to foreclosure if it is not taken care of. Our goal is to catch the residents earlier in the cycle so it does not lead to that. Commissioner Bishop stated that we really need to communicate better with the public and make them aware of how important it is to pay their Water/Sewer bill. Commissioner Steven Bernstein asked how many invoices do we send out and how many are delinquent. Office Administrator Brooke Durden responded that we send out about 5700 bills a quarter and about 500 accounts go to lien every year. Commissioner James Jardin asked if there should be a floating demand notice where if they are one quarter late, they would get it, rather than waiting until the end of the fiscal year. Treasurer/Tax Collector Paula Linhares stated after the fourth quarter is when you would issue a demand and give the residents another chance to pay before it goes to lien. Commissioner Jardin stated that he understands the process and that it is sent out at the end of the FY, but also feels like the people who are delinquent in the first quarter are getting a break from getting money demanded from them than people who are delinquent in the fourth quarter. After some more discussion, Commissioner Bernstein recommends a motion be made to implement this new process.

**Motion was made by Commissioner James Jardin to implement a demand fee for delinquent Water and Sewer bills in the amount of \$15. The Board would also like to implement a Water Lien fee for properties that go to lien for delinquent Water and Sewer bills in the amount of \$50. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

**Motion was made by Commissioner James Jardin to implement the demand notice process effective today. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

#### **IV. 411 Old Colony Rd – Water leak/High bill discussion**

1. The Commissioners received a dispute for 411 Old Colony Road, the site of the old Fisherman's III Restaurant. Superintendent Frank Fournier stated that at some point during the Winter, the pipes froze which created a leak and resulted in an excessive water bill. The owner is asking for this bill to be waived in full based on this

unfortunate event. Superintendent Fournier stated that failure to keep the meter and the pipes from freezing is not an option for a waiver; however, this is ultimately the Board's decision. Commissioner James Jardin stated standard procedure is having the meter tested for accuracy at the request of the owner. Superintendent Fournier doesn't believe that they are concerned about the accuracy of the meter, but more concerned about having to pay this bill. Commissioner Steve Bishop agrees with Commissioner Jardin and stated the only way to dispute the bill is if the meter wasn't accurate. The Commissioners discussed offering a payment plan to help lessen the burden of this bill.

**Motion was made by Commissioner James Jardin to offer 411 Old Colony Road for their meter to be tested and have the accuracy checked and see if they would be willing to enter into a payment plan for this bill. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

**V. 313 West Main St – Water leak/High bill discussion**

1. Louis Alcide, the owner of 313 West Main Street, came before the Board to discuss his letter that he sent asking for his bill to be waived. Mr. Alcide found a hose that was left on and had gone unnoticed for quite some time creating an excessive bill. By the time this hose was found, the next billing cycle had started and this resulted in another high bill. The Department did go out to the property to perform a leak detection to make sure nothing else was going on and no leak was found. Mr. Alcide stated this was an accident and was hoping to have the bill, as well as the interest, waived. He has already made a payment to this bill; however, he would not like the interest to keep accruing. Commissioner Bishop stated that unfortunately there is not much they can do about the bill but asked if we have ever waived interest in the past, which Superintendent Fournier doesn't remember a time where it has been done. Commissioner Jardin stated his concern that if they start to waive interest, they will have to do it for all residents; however, he would certainly be willing to offer a payment plan for him as well. After some discussion regarding waiving interest for those who enter into a payment plan, Commissioner Steven Bernstein stated he would like to establish a policy they can implement moving forward. Commissioner Bishop agreed and believed this discussion should be tabled until a policy is put into place.

**VI. 21 Juniper Road – Water leak/High bill discussion**

1. As discussed at the last meeting, 21 Juniper Road had a massive water leak that went unnoticed for some time based on the location of the home, which created an excessive bill. At the last meeting the Commissioners also discussed the request that was sent in by 21 Juniper Road's Attorney for an abatement; however, they decided to table discussion until Commissioner Bishop was present. Superintendent Fournier gave some background information to the Commissioners and stated that this meter has already been tested for accuracy and came back accurate. The Attorney has

requested that the entire bill be waived; however, would be happy if the Sewer, Capital, Interest and ½ of the Water be waived. The Commissioners agree that the Sewer charge can be waived as there is no way to prove that the flow entered the Municipal Sewer System; however, they feel that the Capital and Water charges should not be waived as all of that Water did go through the meter. The interest charge will be based off of the new policy that will be implemented.

**Motion was made by Commissioner James Jardin to abate the Sewer portion only of the 21 Juniper Rd bill #03-00-001727 in the amount of \$26,795.24. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

## **VII. Discussion of Reappointment to the MFN**

1. Diane McElligott, representative to the MFN District, came before the board to seek reappointment for another three-year term as hers is up at the end of this Fiscal Year, as well as answer any questions the Commissioners may have. Commissioner Steven Bernstein asked how often the MFN District meets and what are the topics of discussion. Ms. McElligott responded that they meet the first Tuesday of every month and they generally go over operational issues. Ms. McElligott gave some background information about herself stating that she was a former Water/Sewer Commissioner, as well as was on the committee to form the MFN District. Commissioner Bernstein asked how the MFN District affects the Town of Norton, as to which Ms. McElligott stated the direct impact is the annual budget and any changes in regulations that could affect our Capital Planning. Also, if we had any concerns, she could bring it to the MFN District on our behalf. Ms. McElligott also presented some brochures that are sent out each quarter with the bills in Waltham. She stated that they are very informative and just wanted to show the Commissioners what some other towns do to improve their public communications.

**Motion was made by Commissioner James Jardin to reappoint Diane McElligott to the MFN Board as Norton's representative for another term. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

## **VIII. 0 Dean St – Presentation/Discussion about the Water Main Connection**

1. Eric Dias, registered professional engineer with Strong Point Engineering, is representing Mr. Reed for the proposed project at 0 Dean Street, Outpost Farm. They are proposing two small cul-de-sacs with four lot subdivisions. The project got started about two years ago, and the site plan review was submitted last year; however, it was put on hold due to the requirements set by the Water Department. In order to make a connection to the Water System, they would have to do a looped connection as well as replace the Water Main in Dean Street to West Hodges Street,

which would be extremely costly. After they were made aware of those requirements, they decided to move forward with Wells; however, the Planning Board denied them due to having Water available. Therefore, they are in front of the Board tonight to see what their options are to be able to continue with this project. Superintendent Fournier stated that when this project first came in, 0 Dean Street had no physical address and looking at the plans, it appeared to be much closer to West Hodges Street. However, after going out and looking at the property, it was noted that it was much further down. Dean Street is a dead end with an AC pipe and typically we don't allow hot taps on AC pipes because we have had a high failure rate based on the pressures that we run. Superintendent Fournier didn't know if the Board was willing to make an exception to allow a hot tap on the AC pipe based on the unique property. After some discussion, Commissioner Bishop stated that he does not have a problem with two tapping sleeve valves and connecting with a 6-inch main, to which Commissioner Jardin and Commissioner Bernstein agreed. Mr. Dias stated he will work on an updated set of plans to send to the Commissioners for their approval.

#### **IX. New Town Hall & Senior Center Discussion regarding Water Connection fees**

1. Superintendent Fournier attended a meeting with the Finance Committee to go over the budget, as well as the Capital Improvements Plan. During that meeting, they also discussed an article listed on the Town Meeting Warrant regarding removal or waiver of connection fees for Water and Sewer for all Town buildings. Superintendent Fournier stated his concerns to the Finance Committee regarding the wording of the article because it was very vague. Superintendent Fournier explained what the connections fees are used for and that any waiver of those fees puts the burden on the rate payers of that particular utility. The Finance Committee then recommended if the Water/Sewer Commissioners agreed to a one-time exemption of the fees, based on the fact that the town waived the building fees for the new Water Treatment Facility, they would not recommend the article to move forward at Town Meeting. Commissioner James Jardin stated that even if the Finance Committee does not move this article, someone from the floor could. His concern is the wording of the article, especially the part "or related fee requirements" could open up the possibility of Town owned buildings not paying a bill for anything. Therefore, if the article gets moved at Town Meeting, Commissioner Jardin proposes that he presents an amendment. Commissioner Bishop and Commissioner Bernstein agree to have Commissioner Jardin present the amendment if it arises, as well as all of the Commissioners agreeing to the Finance Committees offer.

**Motion was made by Commissioner James Jardin to waive the Water connection fees for the new Town Hall and Senior Center in the amount of \$182,700.00. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

## **X. Old Town Library Discussion on Sewer Connection Fee**

1. The Board previously approved The Old Town Library to connect to the West Main Street Sewer via a stub on an adjacent property so it can be put into use; however, once there is available Sewer on Mansfield Ave, they would then need to connect to Sewer there. This property is now getting ready to tie into Sewer and will need to know what the connection fee will be. Commissioner Steve Bishop asked if the connection fee is a set cost. Superintendent Fournier stated that we currently have two rates for Sewer Connections in Town, one is based on the Title V bedroom count and the other is the betterment rate from the West Main Street project. Depending on where you are connecting into the system, is the rate you receive. This situation is unique because The Old Town Library is not fronted by West Main Street, but is tying into it and businesses on West Main Street were charged based off of previous water usage; however, where we don't have water usage to go back on for this property, it is making it difficult to come up with a fee. Therefore, it is unknown if they should be charged a betterment fee or based on Title V. Weston and Sampson's Steve Pedersen stated that we should base the connection fee on Title V calculations so they need to tell us what they will be using the building for; however, if they are unaware, we can charge them a minimum and then reevaluate once they know what is going in.

## **XI. Superintendent Updates**

1. Sewer Connection Discussion: Superintendent Fournier stated that he could have caused some confusion and misspoke at the last meeting regarding Sewer connection at the proposed development at 0 Reservoir Street. There was a question regarding connection requirements to common sewer, as well as private sewer. Due to some confusion, Superintendent Fournier went back and pulled the article from Town Meeting explaining the language of when tie-in requirements were spilt into two separate determinations based on funding sources. The articles seem vague and don't explain what the requirements would be if the project started off as private and then is either purchased or partially funded by the Town. This raises concern for this development as there will be residents along the new sewer line that will need to tie in at some point. Before the Planning Board approves this project, they want a letter from the Water/Sewer Commission stating what their determination of these articles are. Superintendent Fournier has reached out to Legal to see if they could help with clarifying the articles and feels that at this point the Board does not have enough information to provide a determination to the Planning Board. The Commissioners agree and will wait to hear back from Legal.
2. Water/Sewer Budget: Superintendent Fournier met with the Finance Committee on April 24<sup>th</sup> to discuss the budgets for Fiscal Year 24. There were some last minute changes once the contracts were finalized and the updated budgets were sent over yesterday.
3. Capital Improvement Budget: Back in February, we put in some Capital requests including the Well 4 Replacement Project, the installation of the aeration system at the 2-million-gallon ground storage tank at Cottage Street, replacing a plow truck,

and purchasing a mini excavator. Those requests were presented and approved to be moved by the Finance Committee. Superintendent Fournier stated that he decided to remove the Stephen Street and Peter Street Water Main Project from this Capital Budget request based on the costs, as well as supply chain shortages.

4. System Flushing: The flushing program is going well and moving along. There were some impacts due to the big house fire on Downing Drive on April 11<sup>th</sup>. A public notice was sent out to residents to ask them to please conserve water during the fire. We had our system bleeders run for about a week and a half to help turn the water over at our dead-ends. Commissioner Bishop stated that he received some calls from residents stating that they had low pressure and asked why we don't flush later on at night. Superintendent Fournier stated that we flush between 7pm-2:30am so the plant can be in operation and not shut off the next day which would cause damage to the Wells. We have also received more calls regarding low pressure and explain that we are flushing in the area. Residents can find flushing information on the town website, as well as on Facebook.
5. Open Meeting Law: Superintendent Fournier forwarded the Commissioners a link to an Open Meeting Law Webinar that was recently held. The webinar has some important criteria that the Commissioners need to review in regards to what is considered a public meeting, as well as when and how meetings must be posted to avoid violating the Open Meeting Law. It was also discussed how to avoid accidentally creating a quorum by responding to an email or attending another Board meeting along with a fellow Board member.
6. Intermunicipal Agreement with Mansfield: We met with the Town Managers from Mansfield and Norton to finalize the Intermunicipal Agreement for Water and Sewer services provided to residents living in another town. For instance, there are some portions in Norton that the utility services do not reach and are supplied by Mansfield and vice versa. There have been issues in the past where a Mansfield resident would fail to pay a bill and there was no way for us to go after them for payment because we cannot place a lien on a property that is in a different Town. Therefore, this agreement will help ensure that both Towns get paid by paying the delinquent balance and then placing a lien on the property if need be. This agreement will also allow the Town to receive the connection fees for any connections made to their system. Commissioner Bernstein asked about how many properties would be part of this agreement, and who initiated it. Superintendent Fournier stated that there were less than 30 properties and that we initiated this agreement based off the fact that we had a home with an extremely high past due amount and there was nothing we could do about it.

**Motion was made by Commissioner James Jardin to approve the Intermunicipal Agreement by and between the Town of Mansfield and the Town of Norton for Municipal Water and Sewer services in certain portions of both Mansfield and Norton Massachusetts. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY**

## **XII. Weston & Sampson – Water/Sewer Project Updates**

#### **Sewer – Steve Pedersen**

1. Holly Road/Knollwood: The pads have been poured for the generators. Weston & Sampson presented a pay recommendation on behalf of the Ardent Group in the amount of \$126,825.00 for the work that has been completed at the two different sites.

**Motion was made by Commissioner James Jardin to approve payment estimate #2 for the Ardent Group for the Knollwood and Holly Road Pump Station Improvement Projects in the amount of \$126,825.00. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

2. Cobb Street: A bunch of electrical work has been completed for Phase 1. The generator should be delivered any day now. Weston & Sampson's Steve Pedersen stated that they intend to have the 90% documents within the next couple of weeks.
3. Elm Street Sewer Design: The Mass Works Grant for the construction is due June 2<sup>nd</sup>. We have been working with both grant agencies on the two existing Design Grants to clarify how the money will get distributed.

#### **Water- Tara McManus**

4. White Street: Message boards will go up on Thursday or Friday to let the public know that the final paving will take place on Monday. Their intent is to have everything wrapped up in one day.
5. Wells 5 & 6: There have been no issues with the system startup and we are wrapping everything up with the Contractor. There is a meeting coming up with EPA to discuss the application, as well as the reimbursement for the Town. Weston & Sampson's Tara McManus stated she will provide an update at our next meeting.
6. Treatment Plant: Weston & Sampson will complete an Assessment Management Approach and take a look at the one filter that has a little leak and is not performing the way that it should be. Commissioner Steve Bishop asked where it was leaking and if it was still in operation, to which Weston & Sampson's Tara McManus responded that it seems to be an issue at the bottom of the under trains but they will know more once the assessment is complete and it has since been taken offline. Weston & Sampson will be meeting onsite next week with their filter expert to complete a site assessment and will hopefully have more information for the next meeting.
7. South Worcester & East Hodges Street Area Water Main Project: Weston & Sampson met onsite, ran the model again and have updated the plans. They will structure a line underneath the railroad from Barrows Street to just past the railroad structural line. Weston & Sampson will work with the General Contractor to make sure they dig the test pits first and then work with their lining company to schedule the proper liner sizing. There will be no impacts in that area as there will still be plenty of flow. They also based the model off of the potential development near the Dean Street and South Worcester Street intersection that shows there will be plenty



of flow. Weston & Sampson's next step is to finalize the plans and get the permit applications in for Notice of Intent for Conservation, as well as wrap up for the Railroad Crossing. Commissioner Steven Bernstein asked when they think we will go out to Bid for this project. Weston & Sampson's Tara McManus responded that it depends when we have all of the permits in hand but we are hoping to go out to Bid by the Fall. Commissioner James Jardin asked if the railroad track needs to be shut down while they complete the work underneath it. Ms. McManus responded that you could do work while the tracks are in use but our intent is to work on the outside of the property and dig pits to be able to access the railroad underneath.

### **XIII. Topics not reasonably anticipated 48 hours in advance**

1. Commissioner James Jardin asked about the email that was received yesterday from the resident at 210 Plain Street regarding a high bill. Superintendent Fournier stated that he thinks it would be best to table it for now as they will work on the new policy for payment plans.
2. Commissioner Steven Bernstein mentioned that Town Meeting is Monday night at 7pm. Commissioner Steve Bishop asked the other Commissioners if they felt the need to meet prior to the Town Meeting, as to which Commissioner Jardin and Commissioner Bernstein did not.
3. Commissioner Bernstein stated that he reached out to the Town Manager after the Town voted to form a DPW to provide some input. The Town Manager responded to Commissioner Bernstein's request and would appreciate the input. Commissioner Jardin asked when the DPW will be implemented and how it affects this Board. Superintendent Fournier stated that he does not believe there is a clear determination but the original understanding was that each member of the Board would remain in their position for the time being. Commissioner Jardin suggested having Legal check to see how the appointment process would work going forward.

### **XIV. Bills & Correspondence**

1. All bills were reviewed, approved and signed.

### **XV. Next Meetings: Wednesday, June 14<sup>th</sup>**

### **XVI. Adjournment**

**Motion was made by Commissioner James Jardin to adjourn the meeting of the Board of Water & Sewer Commissioners at 8:15pm. Seconded by Commissioner Steven Bernstein. Vote: Commissioner Jardin – Aye; Commissioner Bernstein – Aye; Commissioner Bishop – Aye. MOTION PASSES UNANIMOUSLY.**

BOARD OF WATER/SEWER COMMISSIONERS  
ACCEPTED AND APPROVED MINUTES FOR THE

BOARD MEETING HELD: May 9, 2023

Respectfully submitted,

Brooke Durden  
Brooke Durden, Office Administrator

Steve Bishop  
Steve Bishop, Chairman

6-14-23  
Date Approved

James Jardin  
James Jardin, Clerk

6-14-23  
Date Approved

Steven L. Bernstein  
Steven Bernstein, Commissioner

6-14-23  
Date Approved