

BOARD OF WATER/SEWER COMMISSIONERS  
MONDAY APRIL 25, 2011

6:30pm Meeting opened. Commissioners Diane McElligott and Steve Wiseman present. Also present Duane Knapp, Rose Melito, Fran Yanuskiewicz and Attorney Joe Cove.

**Sprint Lease Agreement:** Reviewed and approved by Kopelman & Paige the Board was asked to sign a second amendment to the Telecommunications Agreement with Sprint Spectrum L.P. The Board signed the Agreement and forwarded it to the Selectmen for their signatures.

**Minutes:** The minutes of the March 28, 2011 Board Meeting were read, approved and signed as submitted.

Mr. Knapp informed the Board that the Charter Committee is aware the Board would like to go before them. They will contact him with a date and time.

Mr. Knapp informed the Board he will have to leave tonight's meeting for a short time. He has been asked to go before the Conservation Committee this evening at 7:30 pm. regarding Well #4.

Joe Cove updated the Board regarding the Reilly property stating the Title work is done. The trustees have been identified. The Beneficiaries will be required to provide written consent of the sale. The deadline for Norton's 2011 Spring Town Meeting has passed therefore there will be no action on this matter on May 9<sup>th</sup>'s Town Meeting Floor. Attorney Cove stated the Board and or Town officials may want to strongly consider a budget line item for Special Counsel. There is still much to do regarding the District, Wheaton College, Norton Glen and Thorndike.

Mr. Knapp submitted a proposed employment agreement to the Board for their review and approval. The agreement would be effective January 1, 2011 through December 31, 2013. After reviewing the proposed agreement Steve Wiseman motioned to accept and approve the agreement effective back to January 1, 2011. Diane McElligott seconded the motion. No further discussion. All in favor:

Steve Wiseman – aye  
Diane McElligott – aye  
So voted.

**Review of The Abrahams Group Proposal:** The Board reviewed the proposal dated April 22, 2011. (attached). The second, third and sixth bullet items under Sewer were discussed. The Board would like them removed from the proposal. Mrs. Melito was directed to contact Mark Abrahams and advise him of the requested changes.

A letter dated April 19, 2011 addressed to the Town Manager from Attorney Katherine Bachman, Counsel to the Campanelli Companies was read (attached). They are disputing the amount and legality of the capacity fees. Attorney Cove read the document and stated they do not refer to Exceptions of Constitutional Issues. The issue being and “old” or “existing contract as a perpetual contract is not allowed or legal in municipal contracts. Attorney Cove said he would address this tonight in an email with the Town Manager. He will also inquire if the Town Manager wants him or Kopelman & Paige to officially respond to Attorney Bachman.

A letter dated April 22, 2011 addressed to Chairperson Diane McElligott, from David Eastridge of Thorndike Properties regarding water and sewer issues in Red Mill Village was discussed. (attached) The Board agreed as a matter of law there is no way to combine water and sewer issues or agreements, they will need to be addressed separately. Mrs. Melito was directed to put together a list of dates and respective water sprinkler fees with regard to the dates building permits were pulled for Red Mill Village. Diane McElligott stated she would draft a letter of response to Mr. Eastridge.

**Alec Rich:** The Board stated Alec Rich was properly notified of this evening’s meeting and the intent to discuss and take action on his attendance record. Steve Wiseman stated that Mr. Rich has attended only five of the last sixteen Board Meetings, and none of the last seven joint and/or Town Meetings. Diane McElligott stated there is a lot of important work going on here, we need to be pro-active, it is crucial that all members of this Board have the time and availability to dedicate themselves. Steve Wiseman motioned to remove Alec Rich, III from office based on his attendance record, and declare his seat vacant effective immediately. Diane McElligott seconded the motion. No further discussion. All in favor:

Steve Wiseman – aye  
Diane McElligott – aye  
So voted.

Mr. Knapp was directed to notify the Town Clerk and Board of Selectmen and start the process for a replacement.

All appropriately processed bills were signed and correspondence was read.

Next meeting Tuesday May 10, 2011

Meeting adjourned 9:30pm.