

BOARD OF WATER/SEWER COMMISSIONERS

166 John Scott Blvd., Norton, MA

Tuesday April 16, 2013

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

Mark Abrahams: Was asked to review the Campanelli Agreement and its subsequent disbursement of funds. The FY-12 capacity fee commitment went to tax lien, the FY-13 capacity fee commitment is still unpaid on the books, the issue is crossing fiscal years and funds. Applying a payment to a tax lien which leaves a credit on the real estate tax is questionable. The sewer was definitely an Enterprise Fund in FY-13 and falls under MGL chapter 44, Section 53F^{1/2}, any action not in compliance with this law is illegal and a violation of the taxpayers vote. Because the request for abatement period has already passed for both commitments the only way to abate it now is through the Commissioner of Revenue (Chapter 58, section 8). Another point is the purpose of the capacity fee. It is not a tax but a fee that is particularized and the revenue should not be part of the General Fund (Emerson vs. Boston).

Thorndike Properties: Lloyd Geisinger and engineer Dave Kelly came before the Board with an update of the 274 East Main Street project. The ZBA process is moving along and as agreed Thorndike is keeping the Water/Sewer Department informed as things progress.

WATER: An initial proposal to install a 12" water main on East Main Street from 495 Market Place through the development with two inch water services to each building was discussed. Commissioner Grant rejected that proposal stating the 12" water main should be installed on East Main Street straight through to the end of the development's property and an 8" water main be installed within the property. Replacing the existing 8" a.c. pipe along the property's frontage is best for the development and the town, it also gives the Board the flexibility to reduce/waive fees.

SEWER: A pump station within the development and a force main along East Main Street on the property's right of way to the Newland Street force main was proposed. Mr. Geisinger stated the sewer main would be on private property with an easement to the town for any future tie-ins deemed necessary by the town.

A resident of Red Mill Village asked if the sewer would be directly tied into the sewer pump station in Red Mill Village. The Board answered no, that is not being proposed at this time. That option would require substantial upgrades to the existing station including pumps and wet wells.

It will be up to the engineer (Dave Kelly) to prove the force main to force main design will work.

Residents from Kingsbury Hill questioned the sewer main on private property with an easement to the town, asking if the easement gives the town the right to make abutters tie-in. The Board answered no, it only gives the town the right to the use of the sewer main. The residents also thanked the Board for their position on the water main proposal, stating they felt strongly that their water quality and pressure would be effected negatively if that section of 8" a.c. pipe were allowed to be left in between new 12" sections of pipe.

Mr. Geisinger thanked the Board for their time and requested to be on the next agenda.

Marie Yurek: Of 113 King Philip Road asked the Board for relief on her water/sewer bill stating while she was away her pipes broke and she can't afford the \$3600.00 bill. When asked if she would be submitting a claim to her insurance company she said yes. After further discussion the Board agreed to abate \$1000.00 of the sewer bill.

Weston & Sampson: Barbara Cook reported she met with Jennifer Carlino, Article 97 is not an issue with her, however MASS GIS has to be corrected. She will continue to work closely with Jennifer regarding general permitting.

The PILOT Study is being reviewed by Mike Quink of the DEP.

CWMP: Fran informed the Board that a 45 day notice is required for the Public Hearing and the information has to be available 30 days before. The Board has to have a financing and implementation plan. After some discussion the Board agreed to schedule it for the end of September.

IMA: Next meeting April 22, 2013. Add language for transfer of property and transition.

Mansfield draft budget for FY-14 should be reviewed; question short term interest amount.

Chairman's Business: Commissioner Wiseman informed the Board that the three finalist have been chosen for the Superintendent's position and according to the Town Manager the Board will attend the final interviews.

The Mansfield letter and FY-12 bill has been mailed.

Special Counsel: Commissioner Wiseman did not have a chance to follow up with a written request to Selectmen.

Superintendent Updates: Mr. Knapp informed the Board they need to vote to remove Article 5 from the Warrant. Commissioner McElligott stated she didn't think that article was submitted by this Board and motioned that the Board recommend to the Town Manager that Article 5 be removed from the Warrant. Commissioner Grant seconded the motion. No further discussion. All in favor:

Diane McElligott – aye

Luke Grant – aye

Steve Wiseman –aye

So voted.

Mr. Knapp informed the Board that sewer department employee Jason Lemaire has been terminated. The position has been posted with the Union.

Commissioner McElligott stated she was asked by Mansfield personnel about SCADA information from our sewer stations. Mr. Knapp stated he is handling that.

Mrs. Melito stated that she informed the Superintendent last year that she should no longer be doing the annual CCR. The technical information regarding all the sample testing and results isn't something she is qualified to deal with. There are no hard copies here in the office to refer to and she doesn't have access to the DEP website records. Mr. Knapp stated he told the Well Operator he was responsible for that information and would speak to him tomorrow.

Wheaton: Next discussion with Brian Douglas is scheduled for April 26, 2013.

All appropriately processed bills were signed and correspondence was read.

Next meeting Tuesday May 7, 2013 at 6:30pm.

Meeting adjourned 10:30pm.