

Meeting Minutes
Charlton Water and Sewer Commission
Date: August 5, 2013

Location: Selectmen's Meeting Room, Town Hall

Attendees:

<u>Members</u>	<u>Present</u>	<u>Members</u>	<u>Present</u>
Joseph Haebler	Y	Robert Lemansky	Y
Joseph Spiewak	Y	Paul Gagner	Y
Alex J. MacKenzie	N		

Meeting was called to order by Mr. Haebler at 6:03 p.m. with Mr. Haebler and Mr. Lemansky present. **Mr. Gagner: I make a motion to approve the following warrants: National Grid and Woodard & Curran, in the amount of \$7,119.98; AT&T: \$44.27; Ricoh USA, Inc.: \$149.38; and Carol Goodspeed: \$33.90 for mileage reimbursement; Massachusetts Broken Stone in the amount of \$10,500.00; Holden Trap Rock Company in the amount of \$20,875.19 for a total of \$31,375.19 (Steve: These two invoices are for the completion of the resurfacing of the Burlingame-Dresser Hill water line.) Inquiry to Steve: How much money is left in the Burlingame Road – Dresser Hill loop? Steve: After we pay these, around \$10,000.); E. J. Prescott, Inc.: purchase of four meters: \$728.00; commissioner payroll for July: \$400.00; commissioner payroll for May and June for Alex J. MacKenzie: \$200.00; seconded by Mr. Lemansky. Discussion: Mr. Lemansky: The North Main Street water extension: we as a commission had the ability to do permanent paving. It was our prerogative to cancel the contract; we turned it over to the Highway Department; and the roads were ground and repaved. Mr. Haebler to Steve: How much money does this save the town? Steve: the quality of the road was the biggest thing. The original cost was around \$60,000; we thought it would cost us \$40,000; and the actual cost was \$31,375, which leaves about a \$10,000 savings to the commission. **Vote: Unanimous. Mr. Gagner: I make a motion to approve the minutes of July 8, 2013; seconded by Mr. Lemansky. Vote: Unanimous.****

Steve gave his office report. Pressure testing continues in Charlton City of the last 900'. Between Wednesday and Friday 120 p.s.i. was lost. Four hydrants have been shut off. Additional testing was done on Friday. Mr. Haebler: Last I heard it was a valve. Mr. MacKenzie was there that day. He had heard something in the line but was told that a valve wasn't the issue. The thinking is that the problems lay in the hydrants. They don't know what to recommend. The information is being reviewed; and we should hear something by Tuesday or Wednesday. Mr. Lemansky: I talked to Chris McClure and he indicated that 300 gallons per day are being lost. Hopefully we can have a discussion with our supplier. S. Sturbridge connection: The award letter has been sent to the contractor. I have a hard copy at the plant. They will have to come up with an agenda. We can meet upstairs in the sewer treatment plant office. I will set up that meeting. The Honey Farms agreement was signed on Friday; and the original was mailed. Copies were provided to the commission and Robin Craver. Follow up telephone calls were made to Bay Path, the town planner and two engineering firms. All is acceptable to Jody St. George. There will be no more sewer use than what Bay Path has been using. Muggett Hill is getting close to completion. Mr. Haebler inquired about the emergency plug for the standby generator. Steve: It isn't done yet. Mr. Lemansky: Any asphalt? Steve: I don't know what was quoted. It looks like a binder coat. The water misses the extended ramp. It is visibly seen. We went to the contractor, R.H. White. They tied the pipe up stopping the leak; the 8" check valve was broken. Massachusetts DOT discussions: Steve was asked whether there was a project that they could do for us; i.e., work instead of sending us a check for \$7,500.00. Steve: After I got back from vacation: Lot #41, Sunset Drive – the Board of Selectmen will discuss this subject tomorrow night. Someone has approached the town about purchasing the lot. Our issue is that we have a low pressure sewer line there; a grinder pump line comes out of the property and goes over the adjacent lot. Mr. Lemansky: Either move the line or get an easement. The line is on the opposite side. Parcel 41 was taken for taxes. Lot 22: The original developers had provided it as a means of access for the back lots. Steve: The sewer betterment was paid. The lateral that ties into number 83, Lot 40, did not have a lateral. Mr. Lemansky: A civil matter – tie in a new lateral would be the easiest; and give this gentleman an easement. Steve: The as built shows that the lateral is in front of Lot 40. The lateral itself is in the middle of Lot 41. The Board of Selectmen will be dealing with this

tomorrow night. Both items we auctioned from the plant have been taken from the property. The money should be deposited into the Enterprise Fund.

Mr. Haebler: We are in the process of getting Mark Abrahams on board with respect to betterments. Vadar will be getting installed to assist the tax collector and the assessors. The betterments will be attached to the January bills. Mr. Lemansky: Just to be clear, Paul and I are being excluded from these meetings because of what's been ruled as a conflict of interest--we have property that would be bettered. The rule says we can't participate in votes. Mr. Haebler: We had a special meeting on Thursday to talk about this and then a Monday meeting. Mr. Lemansky: Even though I can't participate, I know my volume of emails has gone from 15 a week down to 2. Have I been excluded from emails because of betterments? Steve: No. Mr. Haebler: We haven't had any specific emails about betterments. It will cost us a little bit of money: Vadar and the work by Abrahams: he is only going to do part of it and it will be according to the special legislation. Mr. Gagner: I find it unacceptable that you had a commissioner's meeting without inviting a couple of the commissioners even though we could not speak; and I don't know if anything else was discussed other than betterments. Mr. Haebler: No, that's all that was discussed. Mr. Gagner: I'm having a problem with the ambiguity of what the ethics are and are not of this whole situation. I was elected five or six years ago to put a voice in for those people who are getting these bills; and in this case, it is going to be a sizable bill. A betterment is a tax and in this case-- without Mr. Lemansky and I-- even without voting, we might have had something to offer coming from the standpoint of the people who are getting these bills. It is taxation without representation. The Constitution says it's not correct. I have a paper here, Mr. Haebler, that I think you should read that spoke about me personally that came from the Ethics Commission saying that you can participate in such issues. If you go back to the Ethics Commission, you might get a different answer from a different person.

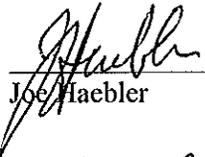
Mr. Haebler: If we went back to the Ethics Commission, I would like one letter from this commission to go to them so we all know what's in it. I find with the legal establishment, you can get different opinions based on who you talk to. Our town attorney has ruled the conflict of interest. Mr. Haebler to Mr. Gagner: Do you have the original letter that went to the Ethics Commission? Mr. Gagner: Someone from this commission or someone else called them and said I was in violation and should not participate in rate changes. Then almost a year later I received another letter saying they were wrong the first time and I could participate. Sometimes you can't be on the commission unless you are connected to water and sewer. Mr. Haebler: In that case, the Rule of Necessity comes in and we were arguing that. According to material from Jeanne McKnight and Cosgrove, the Rule of Necessity in this case does not apply because we have three commissioners who are not in conflict. Mr. Gagner: The Rule of Necessity would not apply for me. I think we should be able to give our input. Mr. Lemansky to Mr. Haebler: Mr. Chairman, I do agree with what you are saying -- the best way is for the commission to formulate a letter to the Ethics Commission. I don't have a problem with participating in the meetings and observe as a taxpayer/citizen. All of our meetings are public. I do share part of Mr. Gagner's passion on this; but no one wants to be in violation of the law. Mr. Haebler: I'm going to run this by the town administrator. When we had discussions about ExxonMobil with the Board of Selectmen, one of the selectmen left because he was in conflict of interest. Mr. Spiewak joined the meeting at 6:47 p.m. Mr. Haebler: There's nothing to report on the IMA. We need to get an email to the town manager. Mr. Lemansky: This board has been doing everything possible to make contact to continue the dialogue with Southbridge; and to date, we are getting ignored or side stepped. Time is of the essence.

Mr. Haebler: The last order of business is the by-law review. The By-law Committee had given us a questionnaire. I think we all received it. Steve -- did you send this out again? Steve: I'll send out my comments and Jody's comments to the commission. Mr. Haebler: We could do this at our next meeting; and talk about whether we want to schedule a general meeting to go through all of our by-laws.

Mr. Lemansky to Steve: When Jody gave his report at the last meeting, he was having issues with bugs. Steve: There is a buildup of ammonia in the plant that has rendered the two outside RBC's useless. They are trying to find out why. It may be because of the depletion of oxygen -- they went out to the two RBC's outside; opened up the doors -- they were higher in ammonia concentrations and to the right of the decimal point. Mr. Haebler: Jody will be at our next meeting.

Mr. Gagner: I make a motion to adjourn with the next meeting being on August 19th at the sewer treatment plant at 6 p.m.; seconded by Mr. Lemansky. Vote: Unanimous.

Meeting adjourned at 6:54 p.m.



Joe Haebler

9-23-13
Date

Robert Lemansky

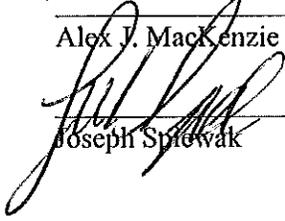
Date

Alex J. Mackenzie

Date

Paul Gagner

9/23/13
Date



Joseph Spivak

9/23/13
Date