

Meeting Minutes
Charlton Water and Sewer Commission
Date: November 18, 2013

Location: 8A Worcester Road, office at the sewer treatment plant

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	Y		

Mr. Haebler: I'd like to call the meeting to order. It is 6:01 p.m. and we are at the sewer plant. Mr. Spiewak: Mr. Chair, I make a motion to approve the following warrants: Woodard & Curran: contract operations for November: \$42,253.00; Carol A. Goodspeed: mileage reimbursement: \$33.90; total: \$42,286.90; Verizon: \$447.19; Woodard & Curran: MTA samplings: \$435.60; total: \$882.79; Steven Wandland: reimbursements for supplies purchased for November 6th meeting at the school: \$54.35; E.J. Prescott, Inc.: parts for hydrant (Gillespie Rd. & Rt. 20): \$513.87; E.J. Prescott, Inc.: purchase of ¾ meter connectors: \$286.08; Cosgrove & Blatt: legal services for October: \$710.50; Commissioner payroll for November: \$400.00; Abatement warrant: 1 Maple Street: \$210.00; 3 Maple Street: \$210.00; total: \$420.00; Charlton Police Department: detail; Gary N. Mason: \$206.40; seconded by Mr. Gagner. Mr. Haebler: All in favor? Vote: Unanimous. Mr. Lemansky joined the meeting at 6:07 p.m. Mr. Spiewak: I make a motion to approve an abatement warrant for Countryside Village Condominiums for a total of \$246.00; seconded by Mr. MacKenzie. Steve gave a report regarding the condominiums and how the amounts were calculated. We only read those meters that are Charlton meters. The condominiums have a Southbridge water meter. Mr. Haebler: All in favor? Vote: Unanimous.

Mr. Spiewak: We have two sets of minutes. I make a motion that we approve the minutes of October 21, 2013; seconded by Mr. Gagner. Vote: Unanimous. Mr. Spiewak: During the meeting of October 21, 2013, we had an Executive Session. Mr. Spiewak: I make a motion that we approve the minutes of Executive Session from October 21, 2013; seconded by Mr. MacKenzie. Vote: Unanimous.

Mr. Spiewak to Steve: Why did the state notify you they were digging on Route 20? Steve: They didn't. I got a call from the contractor today around 7:10 a.m. regarding a Digsafe. I called McClure and then the contractor. I was told they would be digging until 8:35 a.m. – I explained to the people... 'you're putting drainage pipe over our water line'. I got an engineering plan from them with no compaction, no details. The Highway Department knew nothing about it. Mr. Haebler: Is this part of the projected reconstruction of this area? Steve: Their attitude was 'this is all going to be replaced in 3-5 years because they are going to widen out this road, and what we're putting in will be in the middle of the road'. Mr. Haebler: Just for the record, I attended a hearing to do with this. Regarding that particular section of Route 20, I told them to get the as builts for that and provide those to us. This is going to create some issues down the road. It will be their responsibility. Steve: I took a lot of pictures. Mr. Lemansky: What's the commission going to do? We can do nothing; tell them we don't want their pipes over our water pipes. Mr. Haebler: Have they already done it? Steve: Yes. Mr. Haebler: Can we put a cease and desist order on them? Do we have that right? Steve: They still have to go beyond the lamp shop. Mr. Lemansky to Steve: They are putting in 800'. They probably put in 400' today. Steve: I saw no signs of trap rock or stone or sand. Mr. Haebler: Just for the record, this happened today and there was no time to get this on the agenda; that's why we are discussing it right now. Mr. Lemansky:

My family owns property there from Bev's going east. Mr. Lemansky spoke with Todd Girard saying: That portion of the road is nowhere near as bad as the area where the water comes out of the hill. The state went to the Conservation Commission and claimed "emergency". If they do the same thing heading west on Route 20, they will be dumping on to property that we own. Todd said they explained they were repairing a broken pipe. I explained to him that I wasn't aware of any pipe being there. I called a friend of mine who had some inside information; and he did not think there was a pipe there. On the plan if you read the notes about the two catch basins, they think they may be hidden under there. So when they look for them and don't find them, they are going to put catch basins in. Mr. Lemansky: Our problem is how do we access our pipes after this is done? I will refrain from making any motions etc. I'm passing on what I know about this situation. Mr. Haebler to Mr. MacKenzie: Can we do anything about this? Mr. MacKenzie: Dealing with Mass Highway--sometimes they will cooperate. If their intention is to eventually widen that road, I don't know if we can say to them that they will have to move our water main. Steve: The pipe has been in the ground about ten years. We dug a test hole while I was there. There is a 12" pipe about 5-1/2' down. Mr. Haebler: If they are going to widen the road, that means that our pipes will be under the highway? That won't be good. Steve: They said that is a 3-5 year plan. Mr. Lemansky: The Conservation Commission has reviewed this. Todd explained that they are trying to make things better there. It's about a safety issue and are saying it's an emergency. Mr. Haebler: We need to tell them that if they are going to do the road they need to move our water lines. Steve: They did file a Digsafe, but I did not get a Digsafe request. Mr. MacKenzie: Did the Digafe come through as an emergency? Steve: I received a telephone call from the ITT office in Springfield. I have not seen a ticket yet. Mr. Haebler: We need to get all the information and work up a letter stating we are not happy with this and come up with a proposed solution. Mr. Spiewak: In the letter have our concerns documented as to potential for damage; and that they should be cognizant about the closeness of the pipes. I believe they found them when they did the road over. Did they not put a guardrail through one of our pipes? (Roads Construction). Mr. Haebler asked that Steve draft a letter and send it to the commission for review.

6:27 p.m. Steve Smith met with the commission regarding 9 Trolley Crossing Road. Did the Water and Sewer Commission hire the engineer to do the new water line—the new sewer line? We have the betterment since 2004 on the sewer line that we don't have a stub for. Steve: That was Roads. Mr. Spiewak: The sewer and water lines are probably about 10 years old. Mr. Smith: Who did not put the stubs in? Steve: That was Roads Construction that didn't put the stubs in. Mr. Smith: That's what I do for a living. Mr. Lemansky: You will recall that part of the process is that you send notices out to people and ask they get back to you with either a plan; or suggest they put a stake in the ground as to where they would like their sewer stub. Mr. Haebler: As commissioners, Paul has 7 years; I have 6 years; and Joe has 6 years--we have dealt with a couple of water expansions. We find that people aren't necessarily forthcoming when we request property line information; there are property lots, in particular, on Route 20—your next door neighbor, Mr. Tully, not Dennis but his mom and dad who owned 6 or 8 acres of land there – that was one parcel; and I'm sure that when the property was looked at it was thought that one stub would be done for that property. Then Mr. Tully sold some of his property to Mr. Camosse who wanted a stub; and he ended up assuming the betterment. The good thing is the sewer line happens to be on the south side of Route 20 in the gutter. Mr. Smith: I am not overly worried about the sewer line. I'm putting in an application for a water connection. Chris McClure will be doing that on Wednesday or Thursday. What I am looking for from the commission is approval of that connection. Then I am going to hire a contractor; put in my sewer connection; put in my water connection because that's what I need to do. I have an estimate from two years ago for the water connection which I thought was absolutely ridiculous. I think that Chris has gotten a better price

on one. I'm going to keep track of the connection costs from 10 feet from the property line. In other words, the connection for the other side coming underneath 20 to the 10 feet, I will have a separate bid item so I have a price for that. I will do the connection to the sewer – that's an easier connection – I'll price it – can't be more than \$3,000; \$4,000 or \$5,000 for that stub to be added on the sewer. I fully recognize that the sewer betterment is done. I have been paying it since 2004. What I will expect is some compensation to me for that stub. I also recognize that on the water, I can't do any protest until you're done which is five years down the line. It puts me in a predicament. I'm not going to pay a lawyer to go in and sue to have some judge say we can't do anything for five years. I am going to document it. I'm going to send a letter to the Water Commission probably from an attorney to get it here. I'm going to pay my assessment fee that you did for the property; and I'm going to wait until we get to the second part of the assessment and at least try to reserve my rights because that's what the attorney said is acceptable. I just have to get connected. If you guys can give me approval for a water connection – my plan is to have my surveyor go out to survey. We are going to try to go up the west side of the property. I'm having it surveyed on Wednesday. Chris should be done with the plans and have them for submittal to you early next week. I'm trying to get a contractor lined up to start work on both of them because if I do them both together, I can save some money by doing both of them; and then I'm going to get a contractor hopefully starting the week of December 1st as long as I get your approval and a Mass DOT permit for the road. I can do all the work up to there, and will segregate out the costs. How are you guys dealing with the betterments for properties that should have a stub but do not have one? I have already paid a betterment on sewer. That betterment should have had a stub with it. Mr. Lemansky: In general, we wish all properties had stubs. But that's not in reality what happens. People are paying privilege fees. Sometimes things get missed. Mr. Smith: This is what I do for a living. It's our responsibility to provide connections for every property when we are doing a new sewer district. We provide the connection and if they want to connect, they provide the T. If someone did their job right, I wouldn't pay \$25,000 to go into the road. Mr. Lemansky: I don't disagree with you, but in the state of Massachusetts with the statutes that are on the books, when it comes to bettering properties, the term that is used is: if in fact the improvement is available. It doesn't say lateral to the property; it says if it's available. In all of our cases, if water is in the street, whether it's in the center of the street or on the opposite side of the street, it's available. Mr. Smith: Humor me a little bit. All I ask for is for everyone you sent out connection notices to--I will hire an attorney, get anyone who is dissatisfied—and then we'll start a case. Who wants to do that? The responsibility of your group is to make sure that the people who you are benefitting are benefitted properly. Your responsibility is not to have a mistake that's going to cost me \$25,000. Mr. Lemansky: I respectfully disagree with you. I've been there. It was seven years ago. I sued this department for \$40,000. The department costs were \$40,000. The judges are on the side of towns. We have to look at not only your case. We have to look at all the cases and be responsible as to the practices in Massachusetts. Mr. Smith: With our stub—we have paid for a stub since 2004. Either you don't give stubs to anybody; or you give stubs to everybody. What you did do was give stubs to some and not to me. We have our own water district with four properties on it. You provided three connections and not one to my property. Mr. Lemansky: It was obviously missed. I don't think it was done out of malice. Steve Smith: It's still costing me \$30,000. I will do anything reasonable. I've paid \$14,000 to date for the sewer I haven't used. Can this commission or the governing authority provide or have you provided any reductions in benefits or privilege fees on some situation when it made sense? Mr. Gagner: This was engineering done by SEA. It is out of the commission's hands; but I think we do have the ability to; and I'd be in favor of giving you a 50% reduction in your betterment. Steve Smith: \$80,000 and of that, \$30,000 of it is due to the fact that someone wasn't thinking when they did the work. Mr. Spiewak: Are you talking about all

the properties? Mr. Smith: I'm talking about my property. Mr. Spiewak: So there are potential other issues with the laterals that are available there. Mr. Lemansky: Mr. Tully is in the same position. The water is across the street. Mr. Smith: The other properties have the water connection line there already. Mr. Lemansky: In a half hour, Mr. Dugas will be in here asking why he should pay a betterment when water isn't available. Mr. Smith: As a commission you should come up with an equitable solution. Mr. Lemansky: My position would be no. Mr. Smith: If I had the same situation with the water that I have with my sewer where it will run me \$1,000, \$2,000, \$5,000 to connect in – I get that; but the fact that I have to go underneath Route 20 and spend \$20,000 - you can say anything you want. You have this situation with 7 or 8 people – what you should probably do is come up to some type of agreement that is reasonable. You have 600 people who got regular connections; and 7 you screwed up on. You should have sued the engineer. It is a real mistake. I'm willing to wait until you come up with a reasonable solution. Mr. Lemansky: I don't disagree with the fact that it is an expense to go on to Route 20; but to put things in a relative format. If we do this for Mr. Smith, then Mr. Jones down the street who lives on a side road where the water is on the other side and he happened not to get a lateral, and for him, he's just an hourly worker; for him to spend an extra \$4,000 to cross Route 20 is as much money for someone else to spend \$40,000 just because of the relativity of what the people do; so what we would be doing is going down a slippery slope and may later regret that. Mr. Haebler: Some people got laterals and some people did not. We need to come up with a solution to this that covers everybody fairly. It is one thing to cross a regular street; but to cross Route 20 would be much more difficult. Mr. Smith: You provided to some and not to others. The cost is less now because you did not provide those connections. I am going to put water and sewer in; expect to be treated like any of the others who were not provided a lateral. Mr. Haebler: We need to work on this. We can't do any abatements right now because of the state law. Mr. Smith to Mr. Lemansky: I don't understand your antagonism. You're trying to defend a legal position when (a) you are not an attorney; and (b) what you should be looking at are all the people in your water district and trying to treat them fairly. Mr. Lemansky to Steve: What did you find out from Kopelman & Paige? Steve: The abilities to better a property are strictly the fact that you shouldn't be or there is reason. Mr. Smith: That's true except when you are treating different residents of the same water line differently. Mr. Spiewak: Can I interject—come through the door, ask for professional treatment, use the term attorney multiple times – not helping your cause. My suggestion: Come back with a lot of facts before you start saying people made mistakes. Do you know for a fact that your building existed when the water line went in? Mr. Smith: Yes it did. Mr. Spiewak: Do you know for a fact that somebody who owned it responded when they asked where it should be? Mr. Smith: We have been in the building since 1994. Mr. Spiewak: Do you have proof that you responded? Mr. Smith: No. I don't have proof of anything. Mr. Spiewak: So then walking through the door saying we've made mistakes doesn't help your cause. By the way I support you, but you're losing me fast. Mr. Smith: To be honest with you, I didn't expect someone to say no. We're going to go forward and put the water line in. Is there going to be any problem with that? We are going to go under Route 20. Mr. Spiewak: Do you have a time estimate on how quickly you are going to do it? Mr. Smith: Right now is a good time to start the work. Mr. MacKenzie: Mass DOT closes all their permits on the 15th. Mr. Smith: I don't think we'll have a problem with doing the work under Route 20. We probably won't tap the main at that time. We will ask for a six month extension if need be. Mr. Gagner: I make a motion we give Steven Smith permission to connect into the water. No second to the motion. I don't know if we need any permission from Southbridge to do that. Mr. Haebler: Just follow the water application. Mr. Spiewak: I also have concerns if the laterals that have been provided for the other businesses on that side are not sufficient size. Mr. Lemansky: I just found out today that there is a commercial entity in Charlton City that just connected, and they did a 1" line. They do make exceptions. Also, another exception was Southbridge Savings Bank. That was a 1" line. Mr. Spiewak:

If there are going to be more required on that side, I'd like to have Chris McClure give us an answer regarding that. Mr. Lemansky: I don't know if you would add on to your building where you would need fire suppression. If you did, the 2" line wouldn't work. There is an 8" line that goes up the side road up by the bank. Mr. Smith: My first thought was to go with a 4" line and tap into it, but you don't allow individual taps. Mr. Lemansky: We have to follow the rules of Southbridge. We are bound by their rules. They're not big on cross country connections. They want frontage...frontage...frontage. We are trying to think of ways to make it economically feasible for everyone. I know Southbridge is not big on loops. They don't want to add any more lines. Mr. Spiewak: If you have fire suppression, you need a bigger line. If you have multiple people who want to go under Route 20, you have spent the money; once the money is spent, and if someone comes along later—it may be better to spend the money now. Mr. Smith: We could come down the easterly side of Route 20. Mr. Lemansky: It makes sense for future to stay in the public way because the other properties on the other side of Howlett Way could connect to water and fire suppression. Mr. Smith: Just a question on the abatement of the sewer cost of the connection. What have you done in the past? Could you do a 50% cost share? What can you do and how do I go about requesting that? Mr. Haebler: As to abatements for the sewer, I don't know what has been done in the past. Mr. Lemansky: Sewer abatements have to be applied for like water abatements within six months of the building being up. If you don't apply for it within that period of time, then you lose your ability to receive an abatement. The adjustment would have had to be done a long time ago. Mr. Spiewak: We don't know if there is any ability to make adjustments. Mr. Lemansky: At any time Mr. Smith can come forward; ask Steve to put him on the agenda for a meeting; and we will give him a hearing. Mr. Spiewak to Steve: Can you see if there is a precedent to issue a credit on a sewer bill? My concern would be the exchange of cash vs. something else if the commission were to move forward. Mr. Smith: Is there a formal process I need to do? Send a letter to Steve? The answer was yes. Mr. Smith: I will send a letter to the commission with respect to both water and sewer. You will discuss what you are going to do for the people on Route 20. I like the fact that sewer and water are here. I just have \$30,000 in additional costs. Mr. MacKenzie: My only concern with what you are doing is if fire suppression is needed at a later time--I don't know whether looking at a different route is the way to go. Mr. Haebler: If you have a certain square footage... Mr. Smith: I have 9,500 square feet. Mr. MacKenzie: What's it zoned at? Mr. Lemansky: It depends on the use of the building. Mr. Smith: I will check with Mr. McClure about that. I retract the lawyer comments. It is a tremendous amount of money. Thank you for your time. On the abatement issue, can I make a request today for the cost even though it is down the line? Mr. Haebler: You can make the notice that you will be making a request. It has to be the time the final assessments are sent out. That's when the six months start. So you can give Steve a letter of intent stating that you will ask for an abatement. Mr. Spiewak to Mr. Smith: When you know the costs, send us a letter; detail out the costs; and advise you intend to ask for an abatement; and since the commission cannot formally act on it, we can informally at least note everything. Five years from now, you could be looking at five different faces. Mr. Smith asked that the six or seven other people be treated the same as he will be. The commission said they would be. I will send a letter to you; and then if you could approve my water. I would appreciate that. Meeting with Mr. Smith concluded at 7:02 p.m.

7:03 p.m. N. Sturbridge Road sewer extension: Mr. Haebler: We have Mike Loin, Jeff Richardson and Mrs. Nylin. Mr. Haebler: This is about the N. Sturbridge Road sewer extension. Mr. Loin: I know Jason Dubois has talked to you in the past. Mr. Loin had a plan with him. Originally there was a 6" line that was brought up to Mrs. Nylin's house and the garage with no manholes. We have done a re-design and we've shown an 8" line with a sewer manhole, and a sewer manhole up at the end showing cross sections and slopes with depths and details. We are thinking in the same location of the 6", we will come right up the shoulder and where the 6" line is, we will replace it with an 8" pipe. Then at the

same time, we'll do the lateral locations (Mike referred to the plan). Mr. Lemansky to Steve: Did you talk to anyone at Chris' office? Is there just little stuff here? Steve: There are some concerns. I also have comments from highway. Mr. Lemansky: It says the proposed sewer extension appears to meet requirements. The commission had already voted on the concept of this and we were just waiting for the plan. We need the 16 items addressed here; and then we could vote once the commission and our engineer reviews it. Steve: If you look at my report, under sewer, item 3, you will see comments from highway. Also, the laterals are 6". Mr. Spiewak The proposed extension must be all 6" line. Steve: On the print it does not say that the laterals there are 6". There were barrels of chemicals stored in the barn. The line to the barn has been capped. Mr. Haebler: In other words, the line will just service the house. Steve: As I understand it, the barn has a floor drain. Mr. Haebler: Would it be possible to do another inspection? You said Jody was there years ago. Mr. MacKenzie: I know under Massachusetts General Laws, it is illegal to have floor drains connected to sewer. There is no combined sewer in Massachusetts anymore. We could do a dye test on the floor drain to see if it is actively connected to the sewer. Mr. Lemansky: Mr. Chair, this calls for a re-inspection. Mr. MacKenzie: Then we go from there. Mr. Haebler: Any recommendations from the members of the board? Mike from Bertin: Looking at these details, it looks like it's more stuff that Chris McClure will approve and go over; it's not concept; nothing jumps out on the plan - is there a possibility of getting an approval tonight so Chris doesn't have to come back? A note should be added to the plan. Mr. Haebler: And add 'inspection by the plant manager and possible a dye test'. Mr. Lemansky: Mr. Chairman, because I have property that abuts Mrs. Nylin's property, I am going to abstain from voting. My property is close to there. In a prior time, we had already approved this concept. I think Mr. Loin is just trying to prevent having to come back here again. Mr. Loin: Most of it is notes needing to be added. Mr. Spiewak: No. 2 scares me. 2A. We are going to have to go into an easement area. We don't have an easement plan. If this is a plan that is going to be adopted by the commission, I'm not comfortable moving forward. Why isn't it in the roadway? What if highway says we can't do it? 2A. There are also issues with 2B. Mike: Years ago, Ken Nylin allowed the highway to cut back the slope/banking so the town could expand the roadway for visibility. I was involved in that about 15 years ago. Everything is within the roadway. We show the easement across the entire front of the lot. An easement was done in order for the town to have access if they needed it. Mr. MacKenzie: Is it already noted as an easement for visibility or a utility corridor easement? Mike: We are showing it as a utility easement. It would be granted to the town. Mr. MacKenzie: Have the two existing sewer stubs been verified at 133 N. Sturbridge Road? Mike: No, we actually have the contractor to verify that. Mr. Haebler: We have put it to McClure; and then we get the highway road opening permit. Mr. Spiewak: I make a motion that we have our engineer, Chris McClure, continue to work on this with the intent of moving forward with things as drawn, but addressing his current concerns as well our plant manager make another visit to the site to do a review for an inspection; seconded by Mr. Gagner. Discussion: Mr. Gagner: To whom should Mr. McClure send his bill? It is oversight. Steve: According to the regulations, it is the responsibility of the Water and Sewer Commission to commission engineer oversight at the expense of the applicant. Mr. Haebler: Any more discussion? Vote: Four I's and one abstention by Mr. Lemansky. Meeting ended at 7:28 p.m.

7:29 p.m. Karen Fierro and her husband, Gary Powers, 3A S. Sturbridge Road. Karen: I've come here for answers. I was at the meeting. I did not get any answers. I do not have a hookup for water going by my house. I went through this with the sewer. Having to hook up to my sewer cost me extra money because the town did not put a hookup for my sewer even after they told me they did. So when I got this letter back on October 15th, I called and I talked to Steve; and I said I want it in proof where my hookup is for my water. I want a picture. I want it in writing because during the store, I had to tear up

my sidewalk, electrical wires and go a long distance just to hook up to the sewer. So now I'm running into the same thing with water, and you want to charge me a betterment fee. I think that is a little ridiculous when there is no hookup there for me; and also I'd like to know if the land across from me is being charged a betterment fee and also the two houses directly behind me. Mr. Haebler: I don't have the list with me. Mr. Gagner: I believe this is on the new pipe they just put in a couple of weeks ago, an extension from the end of Route 169 up S. Sturbridge Road—200+ feet: At that time they did not leave a lateral for their water hookup. Mr. Powers: They were there and they did not put it in. Karen: It shows it on your engineer's map that there isn't one there. Mr. Gagner: I think it's the obligation of this department to provide them with a lateral. The house has been there. That's my opinion. Mr. Lemansky: Karen, your house is the first house on the left coming in from Rt. 20. Steve: Construction started at the hydrant. The town got permission from Mrs. Fierro to put the hydrant on her property. Mr. MacKenzie: The main goes into your property or the hydrant lateral? There are no taps off hydrant laterals. Mr. Lemansky: The main is very close to the edge of the road. Mr. Lemansky: Are you aware that the betterment can be paid over a 20 year period? Karen: I'm fully aware. I would not trust the town with my money. It's the way I have been feeling about this town. I have lived here all my life. Mr. Spiewak: Do we know that the pipe is on the side of the road? Karen: Yes, it is. Mr. Gagner: This is the area that Gerry was going to put a permanent patch on in the spring. Mr. Haebler: Will that cover up where the water line is? Mr. Gagner: The entire pipe is on the shoulder. Karen: I should not have to go way down the road to tie into a pipe. I don't want to dig up my sidewalk again. If I have to go way down the road to tie into this pipe that is sitting in front of me, it's ridiculous. Mr. Spiewak to Mr. MacKenzie: What would you need? Mr. MacKenzie: A corporation and a box. They didn't do any service corporations along the main? Steve: There were no laterals put on the 230' of new line just put in. Mr. MacKenzie: You don't want it off the lateral. They can tap the main and come in next to the lateral. Mr. Spiewak: Since there's nothing there, we would want them to tell us where you want it put in. Mr. MacKenzie: You need 4' and 10' of separation between your water service and your sewer service. Mr. Spiewak: So we need to put in a lateral – corporation and the curb stop; we should sight it wherever you want it. Mr. Haebler: Once the 100% is done, then we can start doing abatements. We can't abate on 50%. Mr. Powers: When will we know? Mr. Haebler: You will be informed. Let's get back to the subject of laterals. Karen: I would like somebody to go out there with me and see where the perfect spot would be. Mr. MacKenzie: It should be ideal if it coincides with the interior plumbing. Mr. Lemansky: We should have someone go out to the property with Karen—Steve or someone from McClure's office; and have them make the determination of location. Mr. Lemansky: I would like to make a motion that there be a modification to the engineering design of the S. Sturbridge Road 230' extension to where a lateral is provided for a property that is existing there; and that the engineer meet with the property owners to determine exactly where it is to go; seconded by Mr. Gagner. Discussion: Mr. Spiewak: Just to reiterate, this is an open project which is why we are doing this. Vote: Unanimous. Mr. Lemansky: On the plan, there is a keyhole which is the access for two other homes: 3B and 3C. Karen: According to the deed, I have to give that as a right-of-way to their property. There are two homes back there. A has frontage; B and C have a right-of-way to pass over 3A to get back to their lots. Right now they don't have access to water. I don't know if they were charged betterments or not. Karen: I know that 3B has sewer. Mr. Spiewak: 3B was bettered and 3C was not. Steve: I don't find it on the list. Mr. Spiewak: The assessors thought it was a three bedroom home. Steve: The basis for the assessments has been that all properties have a minimum of three bedrooms. (The property does not have three bedrooms.) Mr. Haebler: The only way that can be done is through the abatement process, but that can't be done right now. Mr. Spiewak: We should have our engineer follow up within a week. When the abatement process comes around, we will see if we can look at making an adjustment. We will have someone come out from McClure and see if we can

look at making an adjustment. We will have someone come out from McClure and site the location. Karen: I don't live at the home so I would need notice as to when they will come out. (508 248-5171). Mr. Haebler: We have another person here. Karen: I would like this in writing.

Mr. Spiewak: I make a motion Steve that you follow up with a letter as soon as the minutes are available; seconded by Mr. Gagner. Vote: Unanimous. Karen: The deadline to pay was on the 14th; and I didn't pay it. Will there be a lien put on the property? Mr. Spiewak: You can pay it off over 20 years. They will file liens for people who spread payments over that period. Steve: I'll get a list from the assessor's and the collector's office within the next two weeks of people who have paid off their betterments. The people who paid off their betterments will be removed from the lien list. All others remaining will be liened. Karen: So the engineer will call me and meet me at the house and we'll decide the best spot. Mr. Spiewak: He'll let us know and then we will get a contractor down there. (Steve inquired of Karen her mailing address and an email if she has one. Her mailing address is P.O. Box 633, Charlton City, MA 01508). Mr. Spiewak: Sorry we missed this. Karen: Now that I know you are taking care of it makes me feel better. Meeting concluded at 7:58 p.m.

7:58 p.m. Norman Dugas, 9 H Putnam Road. Subject: Situation with the water betterments. Mr. Dugas: I got a \$2,447.16 betterment fee. I have no lateral on my property. Route 20: I am 90 feet from the water line; H. Putnam Road: probably 280+ from the water line. The lateral goes to the Tiberii property to the east and to all the properties to the west. They jumped over mine for whatever the reason. I have no special benefit and no special advantage. I should have gotten a betterment fee when the line went up Stafford Street. Mr. Haebler: In this situation we have Route 20; and to put a lateral under Route 20 is very expensive. Mr. Dugas: I have had this property for sale for two years. I have sewer but I don't have water. H. Putnam Road Extension – you go east—there is a beauty parlor and an A frame home; then mine – I have 160 feet. There is no lateral. Mr. Haebler: Mr. Dugas is on the south side of Route 20; and the lateral is on the other side of the street. Mr. Dugas: I have vacant land there. I wish I did have a lateral. I can't see that I have been bettered at all. Mr. Lemansky: The laterals that were put in by the Federated Church were all done with directional drilling. There were some properties that were done on Burlingame Road and properties on Route 31. Mr. Dugas: Why am I getting a betterment fee when my property hasn't been bettered? Mr. Haebler: The law states that any property that abuts a line in the road...in a technical sense it does. The practical sense is that you can't have water. We have the power here through the abatement process to change that; but at this time we can't do abatements on 50% unless we get an act of Special Legislation. Mr. Lemansky: We talked to Kopelman & Paige who represent us as legal counsel. Steve, could you share that email with Norman. Jeanne McKnight clarified to Steve that regardless of distance from availability of water in the road, people on both sides of him have the ability to connect. Mr. Dugas: Because somebody came down here, didn't want to read plans and do the job right, I am going to suffer for it. Mr. Dugas asked for Jeanne McKnight's contact information. Mr. Dugas: It's not the money. They got bettered, I don't and I get slammed for it. Mr. Lemansky: Because of other property owners, the commission may consider doing something for people in these situations. Mr. Haebler: What we do has to be fair and consistent to everybody. Mr. Lemansky: As our chairman said earlier tonight, the commission will try to work within our boundaries to see if we can come up with something that's reasonable. This emergency drainage that the state is putting in on Route 20--they are putting the drainage pipes right over our water pipes. What are they doing there? It's after November 15th. They claim to be fixing broken pipes, but there are no pipes in the ground. Meeting ended with Mr. Dugas at 8:10 p.m.

Mr. Spiewak: I really hate to see the residents go the long route. It's going to cost them money. Mr. Haebler: They will be told what the law is. Mr. Spiewak: We need them as customers. Mr. Gagner: We gave Karl Storz 50% because he spent the money to put the sewer pipe. Mr. Spiewak: They are being very shortsighted in not running sufficient girth on those pipes to get fire suppression. If they want to sell that commercial property later on, that's what they will need. Mr. MacKenzie: On the eastbound side of Route 20, at the intersection of McDonald's and Savers Bank, could we incorporate 1,000 feet of main into the ExxonMobil job? Mr. Lemansky: Not unless you loop it. Southbridge is realizing that the more pipes we put in the ground, the more space we have for water to sit and get old. Mr. Haebler: Could we finish our agenda? Steve: We have your report. Mr. Haebler: Then we have to deal with Rules and Regulations issue as well. Steve: Honey Farms – 8 water applications are in process; and are in the hands of Southbridge. The contractor will be R.H. White. There are 25 to be done. We continue to receive water betterment telephone calls. Masonic Home has been clean for two weeks. A letter has been sent asking what their plan is. We had three false alarms at the plant today. The issue is a four foot duct in the back of the building that's insulated; it fills up with moisture; and the sensor doesn't know the difference between steam, water vapor and smoke. Someone will be coming here in the next couple of days to remove that probe which will require us to contact the Building Inspector and the Fire Department. As to 133 N. Sturbridge Road sewer extension, this was discussed with the plant manager; and the barn seems to be a real issue. I'm certain Jody said there is a floor drain in the barn. Mr. Lemansky: Mr. Nylin passed away three or four years ago. I think what was there deserves a second look. Mr. Spiewak: Is the expectation – they are building a private sewer line – an easement in the road. Mr. Haebler: Then it would become the property of the town. Steve: Our Rules and Regulations say it must be in the asphalt area. Given the circumstances that the road has just been asphalted, it could be granted if the special circumstances were documented. Mr. Spiewak: I'm not clear that he will get a road opening permit. Steve: He's not. Mr. Spiewak: The manhole is in the middle of the road—the Osgood end. Mr. Haebler: Let's move on to the Rules and Regulations. Steve has presented some things that need to be addressed. Have you had a chance to look at these?

8:22 p.m.: The Commission discussed the Rules and Regulations. It was decided to suspend discussion until everyone had time to review Jeanne McKnight's suggestions (9:02 p.m.)

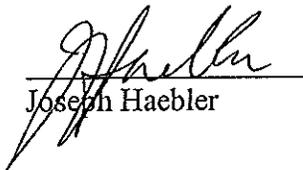
Mr. Haebler: On Thursday there is a meeting with DEP, the Board of Selectmen; and us. Mr. Lemansky and I will be going; and one other commissioner. The meeting will be posted. I have a meeting at 8:30 a.m. Tuesday with the building inspector. He is upset because he was excluded on the signoff for water. I am going to explain that we are trying to make it easier for the residents. I'm not sure what role he has in water. I am going to suggest to him that if he has any complaints about that, he should address the commission. Mr. MacKenzie: So we took him off the approval list. Mr. Haebler: Yes. Mr. Spiewak: Did the building inspector collect a fee? Steve: The language we replaced it with put the illness on myself to tell people drawing the applications that they need to contact the building department for meter permits, inspection permits, etc.; and then send that notification up to the building inspector. Paul McNeil went to the building department to get a sign off for the fire station which kicked this off. Steve: Meters have to be inspected by Southbridge and Charlton. Mr. Lemansky: That's absurd. I had a discussion with the plumbing inspector. He starts on the house side of the meter. The Water & Sewer Commission comes from the outside up to the meter. The secretary handles requests for plumbing and electrical inspections.

Mr. Spiewak: With respect to a property at the corner of Brookfield Road and the Mass Pike (Mrs. Morrow) – 30 acres of land. From what Steve has determined, there was an error in the calculation. There are 30 acres of land. When the property was looked at in 2010, it was designed for a buildout of

9- 4 bedroom homes (up to 36 bedrooms; 12 edu's; about \$60,000). Three houselots on the roadside should have been assessed as three, three bedroom houses with a total of 3 edu's; 12 edu's to 3 edu's. Mr. Haebler: So how much do we owe her? Mr. Spiewak: I make a motion that we have the administrator follow up with McClure and make sure we get what we just talked about straightened out and in writing. (I believe we can re-vote the assessment; we need to validate that with the assessors.); seconded by Mr. MacKenzie. Mr. Lemansky: I'm not voting. Vote: Two in favor and two abstentions. Mr. Haebler: Let's see if we can do something right away for that. That's quite a bit of money. Mr. Spiewak: During the betterment meeting, I made a statement that said that the Special Legislation missed the abatement process. I went back and re-read the special legislation. Said Chapter 80 relating to abatements shall not apply to estimated assessments under this section. So the town of Charlton requested that the abatements would not be allowed on the 50% betterment. I can't explain it. I don't know if anyone can. I'm unclear why we did that. Mr. Haebler: I sent an email to Robin today about--maybe we should get Special Legislation to overturn that. Mr. Lemansky: Maybe it was thought at the time: if we are going to let people go through the abatement process, let's have them do it at one time where they have the full impact. It says you can't assess more than 50%. This assessment may turn out to be only 10%. Mr. Haebler: The suggestion I sent to Robin came from Mark Abrahams. Mr. Spiewak: I don't see anything in the Special Legislation that prevents the deferral on undeveloped land. I believe the assessors said they could not defer payment because it was a special assessment. I don't see anything in this that says we can't do that.

Mr. Gagner: I make a motion to adjourn with the next meeting being December 2, 2013; seconded by Mr. Lemansky. Vote: Unanimous.

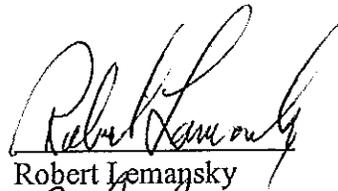
Meeting adjourned at 9:20 p.m.



Joseph Haebler

12-16-13

Date



Robert Lemansky

12/10/13

Date

Joseph Spiewak

Date



Paul Gagner

12/10/13

Date

Alex J. MacKenzie

Date