

**Meeting Minutes**  
**Charlton Water and Sewer Commission**  
**Date: January 27, 2014**

Location: 8A Worcester Road

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 6:00 p.m. The first item is the warrants. **Mr. Gagner: I make a motion to approve the following warrants: Miscellaneous warrant: Verizon: \$445.58; Osterman Propane LLC: \$1,953.57; Woodard & Curran: \$435.60; Poland Spring Direct: \$.99; Fire Detection Systems: \$225.00; Carol A. Goodspeed: mileage reimbursement: \$33.90; total: \$3,094.64; National Grid: \$9,021.30; Northeast Battery: \$165.11; Bearings Specialty Co. Inc.: \$426.26 for a total of \$591.37; McClure Engineering, Inc.: invoice #11087; data logger collection & evaluation services for the period 11/1/13 – 12/31/13; plus reimbursable expenses: \$360.00; E.J. Prescott Inc.: ¾" IPerl meters: \$728.00 for purchase of meters; seconded by Mr. Lemansky.** Discussion: Mr. Lemansky: I thought we were going to relook doing business with E. J. Prescott Inc. anymore. Steve: We went through the specs for water and they stated that the IPerl meters were to be used. We need to re-address the Rules & Regulations. Mr. Lemansky: Can we find a different vendor? Mr. Haebler: I don't remember any discussion about changing vendors. Mr. Lemansky: I think we had a discussion because of their conduct and what happened on S. Sturbridge Road. Mr. Haebler: I don't recall that. I don't think the minutes would show that. Mr. Haebler: As I recall they had a legitimate question. I don't think we have a problem with EJP. Mr. Lemansky: Why don't we ask Steve to look at minutes. Mr. Haebler: The only reason I would change vendors is to get a better price. Mr. Lemansky: I remember there was bad business on behalf of people working for EJP. They were using business practices that are unbecoming. They were claiming a foul because they themselves instructed a contractor saying they could give them a specific valve that would work in this process which was a \$3,000 to \$4,000 difference in the valve that had to be used and they tried to flip the cart over by making the claim that they made. They used poor business practices. I would make sure they get paid in full; but I prefer not to do business with them. Mr. Haebler: All in favor of the motion? **Vote: Unanimous. Mr. Gagner: I make a motion to approve the Executive Session minutes of November 4, 2013; seconded by Mr. Lemansky. Vote: Unanimous.** Discussion: Mr. Lemansky: When will these be released? Mr. Lemansky: Right now we would hold off. Mr. Gagner: Until we make the agreement with Southbridge. Carol: I think whenever you say you are satisfied with the content of them. Mr. Lemansky: It is an ongoing issue, so they can't be released right now. Mr. Haebler: I will entertain a motion to withhold the releasing of these minutes until such a time as it does not affect negotiations. **Mr. Lemansky: I will make that motion; seconded by Mr. Gagner. Vote: Unanimous. Mr. Gagner: I make a motion to approve the betterment meeting minutes of December 23.** Mr. Lemansky: We can't vote on that because we don't have a quorum. Mr. Gagner: I thought we had a quorum. The people are here. As long as you are here, even if you can't vote, you are still a member and it makes up for the quorum. Mr. Lemansky: I think you are right. It is acceptable according to Attorney Cosgrove. **Motion seconded by Mr. Lemansky. Mr. Haebler: All in favor? Vote: Mr. Lemansky: I; Mr. Gagner abstained; Mr. Haebler abstained.**

**Mr. Gagner: I make a motion to approve the minutes of January 13, 2014; seconded by Mr. Lemansky. Vote: Unanimous.**

6:10 p.m. Steve gave his office report. With respect to 3A S. Sturbridge Road, we have contacted the contractor with respect to work to be done on that property in April. We continue to receive some telephone calls with respect to betterments. I have been in touch with legal counsel relative to betterment questions; i.e., possibilities of abatements; and also calls regarding specific properties. Alarm Tech came to the plant on January 14<sup>th</sup> and installed the equipment, which is working flawlessly. Mr. Haebler to Steve: Is this caused by the humidity? We talked about having a study done. We need to make sure there is money in the budget if we need to purchase equipment. Steve: N. Sturbridge sewer extension: there are still some unanswered questions. We can table this discussion. Jody will be at our next meeting. Copier: the agreement has been signed; we are waiting for an agreeable date for delivery. 5 Main Street: There is no legal precedent. The abatement timeframe was up during the first six months it was activated. I sent emails to the chairman and to Jeanne McKnight. I made a note and said 'this is my understanding...if I misquoted anything, please advise...' Attorney McKnight has indicated that we have the option of using the special legislation; but there is no precedent in this state; i.e., change of use. We could add a privilege fee. It is a one-way street. Mr. Lemansky: Can we create our own precedent? Steve: Special cases have been looked at but not supported. Mr. Haebler: How would they go about checking a low income deferral? Steve: First place to go would be the assessors' office. Mr. Gagner: Does this satisfy the fair and equitable part? It doesn't seem fair. Mr. Haebler: We just need to quote the law. Steve: Cases similar to this have been looked at but not supported. If someone was misread, they could make a case before the Superior Court. If the majority thinks we should do something, who is going to uphold the labor law? Mr. Haebler: It could be the Attorney General's office. We need to be able to quote the law. Steve: I asked her about forgiveness/abatement. The six month period is expired. Mr. Lemansky: That is why you have a Zoning Board of Appeals. You can ask for relief. I hate to say we can't do anything. Mr. Gagner: I want to see something from the state. **Mr. Lemansky: I make a motion that we have a hearing if they are not happy.** No second. Mr. Haebler to Steve: Call the DOR and find out. I think it is necessary that we do that. Steve: Change of use – it is one way. Mr. Spiewak arrived at 6:35 p.m.

Steve presented the budget. He discussed the software upgrade. Windows 7; Microsoft Office 10; two new computers; additional training for staff; cost \$1,040; \$1,040; total: \$2,080. **Mr. Spiewak: I make a motion that we authorize Steve to proceed with the upgrades as discussed in the amount of \$2,080.00; seconded by Mr. Gagner. Vote: All in favor: Mr. Gagner: I; Mr. Spiewak: I; Mr. Haebler: I. Mr. Lemansky: opposed.**

6:40 p.m. Steve discussed the sewer budget with the commission indicating that we are 7/12ths of the way through the year. Maintenance and operation: commitments made for 2014. Steve: I do have something that developed today.

7:07 p.m.: **Mr. Lemansky: I make a motion that we go into Executive Session under M.G.L. Chapter 30A, Section 21, number 3: to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body; and number 6: to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the**

negotiating position of the public body; and to exit Executive Session for the purpose of adjourning; seconded by Mr. Spiewak. Roll call vote: Mr. Lemansky: I; Mr. Gagner: I; Mr. Spiewak: I; Mr. Haebler: I.

7:47 p.m.: Mr. Gagner: I make a motion to adjourn Executive Session; seconded by Mr. Lemansky. Vote: Mr. Gagner: I; Mr. Lemansky: I; Mr. Spiewak: I; Mr. Haebler: I.

7:48 p.m.: Mr. Gagner: I make a motion to adjourn our regular meeting; seconded by Mr. Lemansky: Vote: Unanimous.

Joseph Haebler      4-7-14  
Joseph Haebler      Date

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Alex J. MacKenzie      Date

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Joseph Spiewak      Date

Robert Lemansky      4/7/14  
Robert Lemansky      Date

Paul Gagner      4/7/14  
Paul Gagner      Date