

Meeting Minutes
Charlton Water and Sewer Commission
Date: April 24, 2014

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
Alex J. MacKenzie	N	Paul Gagner	Y
Joseph Spiewak	Y		

Mr. Haebler: I'd like to call the meeting to order at 7:02 p.m. It is April 24, 2014 and we are at the sewer plant. The first order of business is to approve warrants. **Mr. Spiewak: Mr. Chair, I make a motion to approve the following warrants: Verizon: \$435.32; Osterman Propane LLC: \$1,755.79; Poland Spring Direct: \$3.58; Carol A. Goodspeed: mileage reimbursement: \$33.90; total: \$2,228.59; National Grid: \$7,496.60; Woodard & Curran: contract operations for April; \$40,151.75; R & M: \$2,500.00; and MTA samplings for period ending 3/28/14: \$379.50; total: \$43,031.25; Woodard & Curran: Professional services for the period ending 3/28/14 for pass through costs: \$6,404.89; Lefort Electric Inc.: reconfigure circuits for pole light; add switch for parking lot pole light: \$423.79; Franklin Electric Co., Inc.: grinder pump parts: \$4,391.25; Alarm Works: annual contract for the period May 1, 2014 – April 30, 2015: \$300.00; MTA surcharges for the period 1/1/14 – 3/31/14: 5 East: \$14,394.67; and 6 West: \$8,459.24; Total: \$22,853.91; and Commissioner payroll for April: \$400.00; seconded by Mr. Lemansky.** Discussion: Steve: The contract for the alarm company costs \$300.00 per year. Their invoice indicated that provided we pay the invoice within 15 days, that the contract amount would be reduced by \$25.00. Mr. Haebler: I'll entertain a motion to change the \$300.00 to \$275.00. **So moved by Mr. Gagner.** (The warrant was initialed and changed to \$275.00 per vote of the commission.) The commission initialed the payroll warrants. Mr. Spiewak: I have the minutes of the March 24 meeting held at the treatment plant. **Mr. Spiewak: I make a motion to approve these minutes; seconded by Mr. Lemansky. Vote: All in favor? Mr. MacKenzie: I; Mr. Spiewak: Mr. Haebler: I; Mr. Lemansky: I; Mr. Gagner: abstain.** Mr. Gagner was not at that meeting.

Mr. Haebler: Proposed by-law change for new water lines. Mr. Lemansky: We have had water by-laws for years. No one has changed the existing by-laws. I have looked at information from Attorney Cosgrove. We have certain situations. We have commercial and residential properties. There are a variety of situations that may apply for properties. We all need to consider these. Mr. Lemansky: Since we will be the authority to allow a variance from this by-law (the phrase here is undue hardship). What the lawyers are saying is that we need to create a definition for undue hardship so that we can show consistency. I think it is spelled out clearly here. We need to have our own regulation here. If there is an existing water source on the property – that would constitute a waiver. I have explained to people that we are going to present this by-law to the town. Mr. Spiewak: the definition of hardship would go in our regulations, not in the by-law. We are being asked to adopt a regulation as to what a hardship would be. **The proposed by-laws are attached to these minutes.** Mr. Lemansky offered a language edit: If a lot of land abuts a public or private way on which there is public water available, any new principal building constructed must be connected to the water supply prior to occupancy... That's my first... Then: Unless the Water & Sewer Commission determines that doing so would create an undue hardship. Hardship shall be determined and based upon factors set forth in regulation adopted or to be adopted by the Water & Sewer Commission. Mr. Spiewak: I don't think we should start poking at people with regard to percentages. Mr. Lemansky to Mr. Haebler: Do you want to add on your second line--'in which there is public water available – should we write "any new principal building"? Mr.

Haebler: That would be consistent. Mr. Spiewak: Any building could be a shed. Mr. Lemansky: In Charlton you are allowed to have a business on your property. If you add a separate building, that's considered a principal building. Immediately from there we go down to the bottom line.the last sentence which is after undue hardship: that the water supply. What we received – the commission does not support. We will end up with legal fees. Combination of the Board of Health and this commission – there should be a vote of support made. Mr. Haebler: I assume the Selectmen would want to meet with the commission. Mr. Haebler: If a lot of land abuts a public or private way or an easement in which there is public water available, any new principal building constructed – the building permit for which is issued on or after the effective date of this session must be connected to the water supply pipe prior to occupancy unless the Water & Sewer Commission determines that doing so would create an undue hardship. Hardships shall be determined based on factors within regulations adopted or to be adopted by the Water & Sewer Commission. **Mr. Spiewak: I make a motion that we recommend to the Selectmen that we would support Article 26 as amended tonight; seconded by Mr. Gagner. Vote: Unanimous.** Mr. Haebler to Carol: Everything that's highlighted is the motion.

Steve: We were convened tonight to write the Rules & Regulations. Mr. Lemansky: We have until May 19th. We can give some ideas to Steve; i.e., if the property has a current potable water supply; and the topography issue. Mr. Haebler: Is this what the Selectmen wanted us to do; or Robin wanted us to do – Rules & Regulations? Steve: They felt that rules are subject to state exceptions without the Rules & Regulations being hard and firm; thus the request for us to write those. There was discussion about encouraging people to tie in to town water rather than going to the expense of drilling a well. Mr. Spiewak: If everyone who puts in a well first and they say it is fine.....Mr. Lemansky: If they drill a well, paperwork has to be submitted to the state. People might try to circumvent the law by having a well rather than tying into town water. The well would have to be pre-existing. Mr. Spiewak: I would go along with that. Mr. Gagner: Items for consideration would be: list them. Mr. Lemansky: Do we want to consider distance from the street to the building; or reduced frontage lots? Language: Mr. Haebler: Hardships which can be determined by but not limited to.... I think this is a good start. This should be submitted with our suggestions to be worked on.....Mr. Gagner: Did you get in there the five year moratorium? Mr. Lemansky: That would be a conflict if digging could not be done in a street because of the moratorium. Mr. Spiewak: What happens with the state roads? Mr. Lemansky: Part of me wants to put in that money can't be part of the hardship; but I think when we use the word available – if you have water across Route 20 from you – yes, water is available if you have money. Mr. Gagner: When water was run down Northside Road and North Main Street, were laterals left at every possible vacant lot. Mr. Lemansky: When this commission did the water line on North Main Street, we spoke with McClure's office and asked them to put laterals anywhere where there might be a subdivision. Mr. Lemansky: There weren't laterals put on Northside Road. ExxonMobil is supposed to correct that. Mr. Haebler: For hardships, I have topography; current existing water supply prior to the date of adoption of the by-laws; reduced frontage lots; conflicting regulations and laws. Mr. Lemansky: I would suggest we have our administrator to put the regulation into a form with these conditions in it. Mr. Haebler: In the meantime we can think further about this. **Mr. Haebler: Topography, current existing water supply prior to the date of the adoption of the by-law, reduced frontage lots; and Rules and Regulations, they types of hardships that can be considered but not limited to. Mr. Lemansky: So moved Mr. Chairman; seconded by Mr. Spiewak.** Mr. Haebler: Any further discussion? **Mr. Haebler: All in favor? Vote: Unanimous.** A copy of the By-law is attached hereto. Mr. Haebler: Adoption of the draft Water & Sewer Commission trench road opening permit for state roads in Charlton. Steve: I sent it to everyone. I have blessings to use it temporarily as a draft unless you wish to have further conversation about this. I got back 4 yesses; but we weren't all together. It

should be acted upon as a draft. We haven't voted it in as a by-law. It is a rule or regulation or policy.
Mr. Spiewak: I make a motion that we authorize the administrator to use the draft for state trench road opening permits on a temporary basis, and see how it goes; seconded by Mr. Lemansky. Vote: Unanimous.

Steve: Police bills: \$4,000 – first time we've seen these bills. There were items in yellow on the spreadsheet. Some corrections need to be made. I can verify all the bills except for one. Mr. Haebler: Where does this money come out of? Steve: The ExxonMobil account. Most of the bills were relative to pressure testing on Route 20, S. Sturbridge Road (Charlton City). Mr. Haebler: Do any of these bills come from the construction of water lines? Steve: The one in question may be at the Burlingame School. Steve: We paid for the Burlingame loop (we didn't have a loan for that). The other one was Oxbow Variety – the PRV that's there. That plate was hit two years ago. Jennings was called. We never received the bill for police detail. Mr. Lemansky: I'm not happy that the detail cost varies depending on the officer that is there. Part of me says that if we're going on Route 20, let's call the state police (\$42 - \$44). We call Charlton and get a lieutenant, then it's \$68. Mr. Haebler: If we call them, we get one price. If McClure calls them, they get another price.

Mr. Haebler: Contract operations at the plant. The contract expires January 1, 2015; there is an 18 month extension that can be voted at that time. If you are not going to do that, you will have to put it out to bid again. Mr. Lemansky: We should have a discussion with them. I'd like to bring up the extras that we just paid tonight. Mr. Haebler: At any time you can do a change order. That was put into the new contract. The first part has to go the year; then you can add six months and then a year. Steve: A three year extension requires going to a public meeting to extend it. Extension can be done by the commission. Mr. Haebler: The way it is written gave us the ability to extend the contract for 18 months? Steve: Anything up to 3 years on the extension needs to go to town meeting.

Mr. Haebler: 15 Trolley Crossing; Tully land. Mr. Lemansky: This is a double lot. Dennis Tully's property was originally 8 acres of land. They had enough frontage for four lots. Way back that was a driveway. Town meeting made Howlett Way a town road a few years ago. The frontage for all of Howlett's development came off of the church road or off of Masonic Home Road or Route 20. When Mr. and Mrs. Tully bought the land, they had 8 acres. When sewer came along, they had a sewer lateral put in. At a point in time they sold half the land to Camosse, at which time the sewer lateral was on the Camosse portion. The betterment was flipped over to Camosse. There is no betterment nor is there a lateral for the Tully land. What Dennis wants to do is connect to sewer and also work with his neighbor next door to bring water to his neighbor. While he is doing the water, he wants to connect to sewer. The connection to the sewer line relative to the property line is in the Route 20 easement which is beyond the gutter of route 20 and between the gutter and the property line of the Tully property and the Green property. McClure figured out the edu's to be 1.5 or \$12,300. They are asking for some consideration of the money owed. Mr. Gagner: So he is asking us to take the money he spends and subtract it from the privilege fee. Mr. Haebler: Don't we usually get a plan? Steve: In our past, when someone did something that was going to contribute something to the town, we gave them consideration. In my opinion, they should pay the \$12,300. It is not benefitting the sewer department or anyone else. Mr. Spiewak: They chose to sell the connection and let someone else pay the betterment fee. **Mr. Lemansky: I make a motion that as far as the request by M&D to connect to sewer, it is their right to connect to sewer; and relative to their request for consideration based on the fact of there being no improvement to the benefit of the entire system that there should be no consideration given to the privilege charge; and the privilege fee is 1.5 edu's at \$8,200 per edu; seconded by Mr. Gagner.** Steve: We could give them the option to pay over time. Mr. Lemansky

asked to amend the motion to include an option to pay the privilege fee over 20 years at 5% interest. Mr. Haebler: We should vote on the amendment to the motion as amended. **Vote on the amendment to the motion: Unanimous.** Mr. Spiewak: For the original sewer betterments, we received a \$0 interest loan from the state. With the privilege fees – that’s not a \$0 interest loan. Mr. Lemansky: We have had two upgrades and are paying interest on those. **Vote on the motion as amended: Unanimous.**

Mr. Lemansky: I wanted to get some input. I am trying to lay out how this can work; to be as clear as possible; ExxonMobil is paying everything. (Mr. Lemansky read his letter to Moira Johnson). Robin said we need to meet with Brewer before he leaves. Mr. Lemansky: I sent a copy of the letter to Moira Johnson to Chris McClure. Mr. Haebler: Do you approve of Rob sending this out? The commission approved.

#1 Mr. Lemansky: I have a couple of things to ask – both relative to the Finance Committee meetings – Mr. Chairman was there. Alex wasn’t; I was there. We voted to use the ExxonMobil money. I would like to get a legal opinion on that. The questions would go to Jonathan Silverstein.

#2 Mr. Lemansky: I did not go to the meeting on the indirect costs. They were using our debt as part of the basis. We had said it should not be used. At that meeting I made the point you were going up 14% or 15%. I believe they look at any balance and say we can afford it. We opt to have one year reserves per the DOR. Mr. Spiewak: Keith said the insurance went up and we did not have all of the properties in town. Mr. Lemansky: They are putting it on the backs of the sewer customers.

8:47 p.m. Humidity at the plant—cost. Steve: I got quotes where we would have to pay for estimates. I will see what I can come up with and bring it up at the May 5th meeting. Mr. Haebler: I call it a feasibility study. I suggested to Steve to determine who the top players were and have them come to the plant. Mr. Haebler to Steve: Get specs as to cost upfront.

Mr. Lemansky to Steve: Talk to Tighe & Bond. Steve: The Enterprise Fund – there is no one at DOR and no regulations that say how much money we can have in the Enterprise Fund. Robin is saying we are going to be in trouble with the amount of money we have in the Enterprise Fund. Mr. Spiewak: A good practice is to have one year of reserves.

Mr. Gagner: I make a motion to adjourn; seconded by Mr. Spiewak. Vote: Unanimous. Meeting adjourned at 8:55 p.m.

Joseph Haebler

Date

Robert Lemansky

Date

Joseph Spiewak

Date

Paul Gagner

Date

Alex J. MacKenzie

Date

(Handwritten signatures of Joseph Haebler, Joseph Spiewak, and Alex J. MacKenzie)

(Handwritten signatures of Robert Lemansky and Paul Gagner)

Proposed Rule & Regulation:

ARTICLE 26. BYLAW TO REQUIRE CONNECTION TO PUBLIC WATER LINE

To see if the Town will vote to amend the Charlton General Bylaws by adding to Chapter XXII Water Use Bylaw a new Section 6 Mandatory Water Connection reading as follows:

“If a lot of land abuts a public or private way or easement in which there is a public water supply pipe, any building constructed, reconstructed, substantially enlarged or substantially altered upon such lot, the building permit for which is issued on or after the effective date of this section, must be connected to the water supply pipe prior to occupancy, unless the Water and Sewer Commission determines that doing so would create an undue hardship or determines that the water supply pipe or water system has insufficient capacity to accommodate such building, such connection to be in compliance with all applicable rules, regulations, standards, procedures and fees and assessments of the Water and Sewer Commission.

For the purposes of this section, reconstruction shall mean demolition of an existing building and construction of a new building upon a lot whether or not within the footprint of the existing foundation; substantial enlargement shall mean an increase of gross floor area of a building by fifty percent or more; and substantial alteration shall mean alteration of a building for the purpose of accommodating a new use or expanding an existing use which new or expanded use is estimated, using the standards set forth in the State Environmental Code or similar regulation by which water consumption or sewage disposal requirements of buildings and uses are calculated, to require fifty percent more potable drinking water than the existing use of the building. Hardship shall be determined based upon factors set forth in regulations adopted or to be adopted by the Water and Sewer Commission, with such other clerical or formatting revisions, if any, as may be necessary to accord with the General By-Laws re-codification to be voted upon under a later article of this annual town meeting warrant, if such re-codification is approved; or take any action relative thereto or thereon.

Proposed Rule & Regulation: II

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Water Rule & Regulation:

Hardships which can be considered but not limited to are:

1. Topography, Ledge, Elevations, Wetlands
2. Current existing water supply on the property to prior to the date of adoption of the By-Law
3. Reduced Frontage lots
4. Conflicting laws, rules and regulations