

**Meeting Minutes**  
**Charlton Water and Sewer Commission**  
**Date: June 23, 2014**

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

Attendees:

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

Mr. Gagner: I'd like to call the meeting to order. It is June 23, 2014 and it is approximately 6:35 p.m. As usual, we will start off with the reading of the warrants and commitments. Mr. MacKenzie will not be here this evening. Mr. Lemansky will be here around 7 p.m.

**Mr. Spiewak: I make the motion to approve the following warrants: Miscellaneous warrant: Poland Spring Direct: \$2.59; Quill Corporation: \$181.91; Carol A. Goodspeed: petty cash reimbursement: \$23.94; Osterman Propane, LLC: service repair leak at the treatment plant: \$195.00; BT Copy & Printing Center for copies with respect to the HVAC project: \$92.75; Ricoh USA Inc.: \$141.30 for a total: \$637.49; Verizon: \$447.85; McClure Engineering, Inc.: invoice #11281; waterline as built plan: services for the period ending 6/14/14 including verification and documentation of properties serviced by existing 12" waterline on Route 20 during roadway resurfacing work: \$1,557.50; McClure Engineering, Inc.: invoice #11266; water system expansion: services through 5/31/14 including compilation of data from the fluoride tracer study; meetings with the DEP; ExxonMobil; Towns of Charlton and Southbridge to discuss the water system: \$1,653.75; reimbursable expenses: \$5.75 for a total: \$1,659.50;; Industrial Pump Sales & Service Inc.: Burlingame Rd. pump station pumps – rebuilt: \$3,868.65; and Lefort Electric Inc.: changeout of three septic pump controls; obtain 3 residential permits: \$1,620.00; total: \$5,488.65; Xylem Water Solutions U.S.A., Inc.: impeller & other parts; lubes & solvents: \$2,249.00 (it is a rebuilt and will be kept as a spare for the plant EQ tanks); Franklin Electric Co., Inc.: grinder pump and parts for 48 Morton Station Road: \$3,265.26; and Franklin Electric Co., Inc.: 20 grinder pump systems (note: this year's budget): \$43,695.40; seconded by Ms. Gagner. Vote: Unanimous.**

**Mr. Spiewak: I make a motion to approve the minutes of June 9 as printed; seconded by Ms. Gagner.** Mr. Gagner: I had some comments on the last paragraph. Correction was to be made. Mr. Spiewak withdrew his motion.

6:40 p.m.: Steve gave his report. On June 10<sup>th</sup> we received a call regarding a pole that was struck by a truck at the corner of Glenmere and Oxbow Road. The blue lines were repainted so the pole could be replaced. Final patch and the water lateral on 3A S. Sturbridge Road has been completed. I followed up with Honey Farms on their connections and bid status for Charlton City. The bid was awarded to R.H. White. They have been in to pull the water applications and obtain a drainlayer license. Water connections are in process at 9, 15, 25, 28 and 35 Trolley Crossing Road. The coring for 9 and 15 may be done by Wednesday. ExxonMobil was in town, and they repaired 77 of the cored holes that they did 18 months ago that were washing out. They started at the Route 20 end and Old Worcester Road. I made daily checks to make sure all was going well. Police detail were there. Honey Farms: Charlton City water connection bids are back and an award is planned for this week. Phone calls and letters – Town of Southbridge; DEP and CMG, the town's LSP. I had a conversation relative to 19 Sturbridge

Road. That individual was involved in two oil spills: one was Charlton Welding (18 months ago); and the other was Excel Recycling. I called DEP. I spoke with Mr. Mandeville (the brother of the sister who owns that property) who said he did not trust his well. He asked if he could get water. His well was tested and was not impacted by the Charlton Welding spill. His well will soon be tested for the Excel Recycling spill, although he is outside of the 500' regulation impact area. I spoke with CMG, Town of Southbridge and the DEP. They are a sewer customer to us. There is a DEP ACO order for Excel Recycling. 19 Sturbridge Road is outside the impact area. The test results to date show no sign of drinking water impact from the Charlton Welding spill. They may apply for water; but will be responsible for all of the fees. I explained that paperwork will need to be completed in order to connect to water. Then he would take the water application to the Water Department in Southbridge. A reducing valve would be needed. Those costs would be the homeowner's responsibility. Mr. Gagner: Do you know how many gallons the Excel spill had and the date? Steve: I talked with Mark Baldi who is the HASMAT person at DEP; and he was going to send me the ACO. Mr. Gagner: The size of the spill? Mr. Spiewak: We don't have anyone connected to that pipe today. Steve: We are not connected west of Route 169. Steve continued: I contacted the IT group. I postponed the upgrade of the computer system. We'll be reading meters again on July 8, 9 and 10. It's not fair to us to be dealing with new equipment. We've had enough difficulties dealing with the meter readings as they are; so I have asked them to put off doing any software upgrades until the end of July, first of August. Honey Farms pulled 8 water applications on Friday. The sewer plant: They are still putting together specs for the manholes that we wanted to fill (about 10). The person we are dealing with is very busy. The meter reader battery is still at Interstate Battery; and I won't pick it up until after I come back from vacation. We have a loaner. Sewer connections are ongoing at 9, 15, 25, 28 and 35 Trolley Crossing. We had two HVAC companies come and witness the humidity issue. One of them asked for and received a set of blueprints in PDF format (that was the invoice from BT Copy for the copies that were made). We have been trying for 2-1/2 years to get a quote to have the work done. I have given you a summary of two bids. The third one did not respond at all. One bid was \$15,000; one for \$11,600. We had asked for a separate quotation to put resistance wires along the gutters and downspouts so we wouldn't get ice impacted. One bid for \$15,000 was for just for installation of the downspouts. They are using aluminum rated at .4 in thickness. The other bill for \$11,600 is talking .032 in thickness. The choice Jody and I are recommending is the bid for \$11,600—we have warranties for five years on the installation; 20 years on the finish coat on gutters. I'm asking for your support to employ and use them and they'll be paid from our reserve fund - capital expense in the 2014 budget.

Steve: I'm asking the commission to carry over 2-1/2 days' of vacation for me into 2015. I could not get them in. What I would like to do is come back one day later. Instead of June 30<sup>th</sup>, I'm coming back on July 2. Mr. Gagner: A motion to that effect. **Mr. Spiewak: So moved.** Mr. Gagner: I'll just say that Steve has carried time over in the past, and it hasn't been a problem. **Vote: Unanimous.**

Mr. Spiewak: Should we make a motion on the gutters? Mr. Gagner asked to wait for a full commission. Steve indicated a decision needed to be made in this fiscal year. **Mr. Spiewak: I make a motion that we approve the bid from Amerigutter for a total of \$11,600 to replace the gutters on the sewer treatment plant building; seconded by Ms. Gagner. Vote: Unanimous.**

6:55 p.m. Norman Dugas of 9 H Putnam Road Extension, met with the commission to ask why he got a betterment fee and no betterment on my property. The water line is on the north side of Route 20. My property is on the south side of Route 20. There are only two pieces that did not get a stub—mine and Howlett Lumber. It was Roads Construction that made the mistake. I can appreciate the fact that the

Water & Sewer Commission didn't scrutinize every plan that shows where the stubs went and where they did not go. It would be easy to overlook the fact. If I can't access water, why would I get a betterment fee. Mr. Gagner: I think you can access it, but it isn't easily done. Trolley Crossing Road is in the process of tying into water. Mr. Gagner to Steve: What is the status of those? Steve: They are paying the betterment. Mr. Dugas: I'm already paying the betterment for sewer; but am not tied in. I have no problem with paying the betterment. It abuts my property. Mr. Gagner: Mr. Lemansky and I are restricted on what we can say. Mr. Lemansky: We were exempted from those meetings during discussions. Mr. Gagner: Mr. Dugas was omitted from getting a stub. He can't easily tie into water. Mr. Lemansky: The abatement process is not in play yet but for me, after reviewing the information and having heard Jeanne McKnight say—you can't better a property unless water is available. Mr. Dugas' property is located on the opposite side of Route 20 from the water line. Jim McKenna had said that you can't better a property unless water is available. I'm thinking: The cost of a trench crossing the road to Juniper Hill was \$80,000. Because there is no physical connection, I think it puts too much of a burden on a homeowner to charge him a betterment when it isn't financially feasible. Mr. Dugas: Why am I being asked to pay the extra \$30,000, \$40,000? It is discriminatory. My neighbor can connect for \$15,000. Mr. Gagner: There are other ways to get across Route 20. No stubs were left. You might be able to get a mole or milling machine in there. We should not be charging him a betterment fee at this time. Mr. Lemansky: We can't give an abatement at this time. I believe that his specific situation needs consideration. Mr. Gagner: The question is should he be paying a betterment fee at this time whether he is a customer or not? Mr. Dugas: My understanding is the abatement won't come until the whole project is done. I'm 76 years old. I'm not going to live long enough for the abatement to come. I paid the first one. I went to the Assessors and they told me the word has to come from this board because your board sent the word to charge me. You can also send the word to not charge me. I will relinquish the payment I have made. I just don't want to continue to be charged for this. Roads made the mistake by not giving me a stub. Mr. Lemansky: Another property is physically going through the cost of connecting his property. From what I understand, we can't do abatements now. Mr. Spiewak: There is no provision in the Special Legislation to do abatements. Mr. Dugas: I ask that you take the lien off my property and I will not pay any more betterment fees. Mr. Spiewak asked Steve to explore options. Steve: The one option we have is suspension. They did suspend one other property in town. Mr. Lemansky: I don't feel comfortable giving you a definitive answer this evening. We have to look into options we have. Mr. Dugas: A betterment for a special assessment is for a special property that receives a special benefit or advantage. Mr. Gagner: Can we make a motion for a suspension to give us some time to research this and if there are others who are in a similar situation? Mr. Spiewak: The first two tax bills are estimates at the beginning of fiscal year 2015. Mr. Lemansky: I pay twice a year in January and May. Let's take 30 days so we can gather some more information. Alex is the other person who was present at those meetings. Mr. Gagner: It won't hurt for Mr. Dugas to come back to us. Mr. Dugas: How were you authorized to send me this tax bill; but you aren't authorized to tell the assessors to quit sending me the bills? Mr. Lemansky: Once it's done, it's done. Each one of these is recorded at the Court House; and we would have to record another document at the Court House to reverse this. Mr. Spiewak: The betterments were assessed based on the language in the special legislation; and there are no provisions in the special legislation to do abatements until the project is complete. At this point in the phase, we are very limited on what we can do. Mr. Dugas: I'm not looking for an abatement. I'm willing to sacrifice the money I have spent; but I don't like the effect on my credit. I'm 1,000 feet from the sewer line. I'm never going to tie into the water line. If there was a stub on my property, I would pay it. It is discriminatory to make me pay, and not make my neighbor down the street pay. Mr. Lemansky: The general premise from Jeanne McKnight is that water has to be available in order to charge a betterment. Being available at a cost of a connection of \$80,000 makes it not financially available. Mr. Gagner: I'm not sure how a suspension might go. We need to speak with

an attorney. Mr. Dugas: If Jeanne knew this was crossing a four lane highway – it's not a country road.... I don't want to go to court. Mr. Lemansky: We need just a little time. Mr. Dugas: I want the lien taken off my property. Mr. Gagner: I'm not sure how the suspensions go, but probably have to go through an attorney. Meeting with Mr. Dugas ended at 7:18 p.m.

7:18 p.m. The commission met with Doug Zito, the owner of 13 City Depot Road, to talk about the privilege fee for hooking into the town sewer. Originally I heard that the privilege fee was going to be \$8,200. Since then, the misunderstanding was that this was a single family home. It is a two family home. Then I had an agreement to sell the property, the cost went up to \$27,000. Since then, I have lost the sale of the home. Mr. Gagner: Was the buyer going to live in one side? Mr. Zito: Yes, planning to move into one side of the house? Mr. Gagner: Was it explained to him that the betterment can be paid over 20 years? Mr. Zito: Yes; but they weren't going to take on that cost. Mr. Gagner: We were led to believe the house had three bedrooms in it. Our administrator looked it up and found that you were charged \$8,200 for a home (before this commission was sitting). Mr. Zito: There's only one pipe coming out of the unit. I'm being charged for the water coming off the system which is off of my own well. Mr. Lemansky to Mr. Zito: Because I own a duplex that was built brand new, the requirement of the Plumbing Inspector and the Board of Health was and still is that each unit, on new construction, has to have its own sewer waste line that comes out. Once it gets out beyond 10 feet from the foundation, the two lines can come together and join into the sewer. When you have an existing building, they don't make you reconfigure the plumbing on the inside. When the sewer came in, the charge was per dwelling unit. I have a garage with the possibility of living space above; and I have to pay 1 edu even though it hasn't been used yet. When the line was extended by your neighbor, that was west or up the street from you. Mr. Zito: It was part of the same estate. Part of their property was on my land; and in order for them to hook into the town sewer, I gave them a piece of land. The attorneys handled it. Steve: The \$27,000 was re-thought within the last 4 or 5 years. Mr. Lemansky: The connection done four years ago – who paid for that? The one homeowner: Steve: Yes. Mr. Dugas: The daughter of the original owner of the estate. Mr. Lemansky: The purpose of privilege fees and betterments are one in the same. A betterment fee is when it is planned out and everyone on the plan pays a betterment. After 6 months go by, if any properties were missed – this allows our department to collect a fee to help to pay for the infrastructure or improvements to the plan. It's meant so that if a property is missed, it doesn't end up having a "free ride". The board voted 5 or 6 years ago that the privilege fee would be \$8,200. Mr. Zito: The cost is more than I can afford. I want to hook up to town sewer. It's not affordable. I want to sell the house. Steve: You have 30 days to make up your mind – pay it in full; have it discharged – or pay it in 1, 5, 15 or 20 years. If there is no response to the letter that goes out, it is automatically set up for payment over 20 years at 5% interest. Mr. Lemansky: The other option—I suppose you could put your own septic system in. Mr. Zito: I just need some help with the betterment. I am ok with paying some fee; but I need some help and I've lost the sale of the house. Mr. Lemansky: The system's people did not put the road infrastructure in for this extension. In the past, there was consideration given to those paying the fee. Mr. Zito: I gave up part of my land.

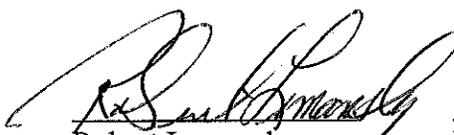
Mr. Lemansky: We paid a lot of money for easements and legal fees to repair and maintain. One of the property owners in this area spent \$30,000 to put that system in. How many other properties are tied in? Steve: 19 and 11 City Depot Road are connected. The line was designed to take in all the properties on the hill. 19 was connected into the manhole on City Depot Road at the intersection. The town did not build the infrastructure. Mr. Gagner: He has already contributed a piece of land. How do you come up with the value of land or a percentage? Mr. Lemansky: The betterment cost was made up of street infrastructure and a plan, 50/50. Steve: There will be a total of six properties tied in at this property.

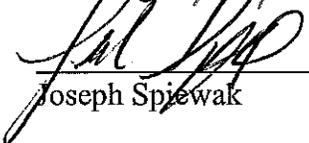
**Mr. Gagner: I'll entertain a motion to vote the amount to be \$16,400 or consider the fact that some consideration was already given by Mr. Vito to support this line being installed; and our other choice would be 50% of that.** The commission reviewed the plan. Steve: The manhole is at the intersection of where 11 City Depot meets the road. There is a 6' or 8' stub for an 8" line that comes out of the manhole. Mr. Lemansky to Steve: How would lot 17 tie in to the existing sewer line put in by the owner of no. 11? Steve: They would have to get an easement or come down their right-of-way to City Depot Road. Mr. Lemansky: They would be tied into the town's infrastructure. Mr. Spiewak to the Chair: Process wise, was it reducing a privilege fee after things were installed? Was it a commitment? Mr. Gagner: It was a reduction – if we spent this amount of money to put a line in, we would then consider reducing a privilege fee for that reason. We had used the 50% rule in Karl Storz' case. If they are going to contribute to putting in the line, then they ought to be given some consideration for that. If you think what Mr. Vito has gone through expense wise in terms of doing this, and you think he deserves a 50% reduction to \$8,200 from \$16,000, make the motion. Mr. Spiewak: When you say the 50% reduction, it has no bearing on the construction. Mr. Zito: The 50% reduction; are you talking about 11 City Depot? We're here for you tonight. Steve: The owner of 11 City Depot Road spent \$30,000 to get credit for \$8,200. Mr. Spiewak: Was the transfer of land because of the sewer or the deeds? Mr. Vito: It was because of the sewer I was told. Mr. Gagner: The motion ought to be based on what we have done in the past and general fairness. **Mr. Lemansky: I make a motion for 13 City Depot Road, Charlton, Massachusetts; that we assess a privilege fee of 1 edu for the property rather than 2, giving consideration for the extenuating circumstances relative to the private line that was extended along this private way; seconded by Mr. Spiewak. Vote: Unanimous.** Mr. Spiewak to Steve: Can you author a letter to the property owner stating that by vote of the commission, in consideration of extenuating circumstances that when the property is connected to the sewer, the commission has voted that the privilege fee would be reduced to \$8,200. Meeting concluded with Mr. Vito.

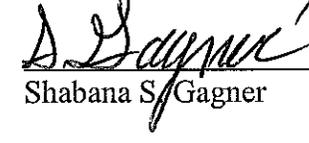
Mr. Gagner to Mr. Lemansky: Do you have any information so as to go into Executive Session? 7:58 p.m. **Mr. Lemansky: I make a motion that we go into Executive Session under M.G.L. Chapter 30A, Section 21, number 6: to consider the purchase, exchange, lease or value of real property if the chair declares 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.** Mr. Gagner: We will take a roll call vote. **Roll call vote: Mr. Lemansky: I; Ms. Gagner: I; Mr. Spiewak: I; Mr. Gagner: I.** Mr. Gagner: We are now in Executive Session.

Meeting adjourned at 8:15 p.m.

  
 Paul Gagner  
 Date 7/7/14

  
 Robert Lemansky  
 Date 7-7-14

  
 Joseph Spiewak  
 Date 7/7/14

  
 Shabana S. Gagner  
 Date 7-7-14

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 Alex J. MacKenzie  
 Date