

Meeting Minutes  
Charlton Water and Sewer Commission  
Date: October 19, 2015

Location: Selectmen's Meeting Room, Town Hall

Attendees:

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

Mr. Gagner: Welcome everyone to another exciting meeting of the Charlton Water & Sewer Commission. Today is October 19, 2015 and it is approximately 6:35 p.m.; and as usual, we will start off with paying some bills. Mr. Spiewak: I make a motion to approve the following warrants: Verizon: \$268.04; National Grid: \$9.26; ReadyRefresh by Nestle: \$7.36; Zee Medical Inc.: \$129.65; Carol A. Goodspeed: mileage reimbursement: \$36.16; total: \$146.27; Woodard & Curran: contract operations for October: \$40,802.42; R&M: \$2,500.00; total: \$43,302.42; MFG Water Treatment Products: invoice #0000040116; water treatment at the plant: \$69,648.00; Northeast Battery: invoice #1164109-00; batteries found questionable during Fall checkup; and winterization of the generators we have: \$396.87; Franklin Electric Co., Inc.: invoice #91444539; disconnect/check ball assemblies (quantity: 20): \$3,090.40; and lift handle assembly (quantity: 25): total: \$4,670.40; Franklin Electric Co., Inc.: invoice #91443738; equipment for the wastewater treatment plant: \$44,316.80; Elderly abatement warrant for 45 Burlingame Road: \$10.50; and commissioner payroll for October: \$400.00; seconded by Mr. Lemansky. Vote: Unanimous. Mr. Spiewak: I make a motion to approve the minutes of September 14, 2015 as printed; seconded by Mr. Lemansky. Vote: Unanimous. Mr. Spiewak: I make a motion we approve the minutes of September 28th as printed; seconded by Mr. Lemansky. Discussion: Mr. Spiewak: On page 2—I think there is a sentence missing. I believe what I said was 'based upon the commission granting the exception, we would become victims if we were to return to one bill.' We granted an exception and because of that exception, we are now being asked to go back to one bill. We are victims of our own exception processing. Mr. Gagner: Do you want to postpone this until next meeting? I haven't read them. It was decided to hold those minutes until the next meeting.

6:43 p.m. Steve: 232 Stafford Street—the watering plans. Letters have been sent to the town of Southbridge and ExxonMobil. It's at various stages of completion. ExxonMobil had sent me a text inquiring about a sample easement. You each have a copy of it. I have received a sample from Southbridge which I can send to the town of Southbridge. Mr. Gagner: Is there just one property involved? Steve: When I spoke with the attorney, I asked if there was a template we could have with respect to water and sewer pipes. Mr. Lemansky: The water easement was easements in general that we would give out. Steve, you have been working on this for a year. 83 Sunset Drive was looked at first, but it was determined that there was no easement there. Steve: How do we get to the lawyer stage, and when did sewer come in up on that section of Stafford Street to where there is no sewer there or at Timber Valley? Steve: I was looking for a template for pipes in the ground that belong to us, both water and sewer. Mr. Lemansky: From what I can see, the easement from Southbridge was negative; and was the easement they were originally using that provided for putting something in the ground. What you are looking at was something that the attorney had sent us. I got everything I asked for today. Was an easement granted to us from the school and the church when we did the cross country up at the center? If not, we need one. Steve, when we look at City Depot Road to where the sewer goes up that private way, didn't Mr. Cosgrove write up an easement for that? We may have something in

our file. Mr. Gagner: The estimate came in at 1 – 2 hours. Mr. Lemansky: There should be something in our files. Steve provided a sample easement in the commissioners' packets. Mr. Spiewak to Steve: For this to be effective for 232 Stafford Street – the deed mentions 1" line; driveway construction... I believe we are talking about raw land and a 2" line. Mr. Lemansky: 30 years from now, someone sitting here may want to put in an 8" line in. The commission viewed an easement template to work with. Mr. Berthiaume: The easement we are looking at is land specific. We can write in some caveats into it. Mr. MacKenzie: Would we grant to the "Town of Charlton" or the "Water & Sewer Commission"? Mr. Berthiaume: to both? Mr. Lemansky: They are talking about planting trees here. You can't plant trees in an easement. Steve: We need to send a template to ExxonMobil. Mr. Lemansky asked Steve to rework what he had sent out to the commission and send everyone something.

Steve: 232 Stafford Street. We need a motion to vote the betterment to zero. Mr. Gagner: We talked about this last time and did not come to conclusion. Steve: In the contract, ExxonMobil removes themselves from subdivisions. In my opinion, he's looking at a privilege fee on three pieces of property. The one that he's living on is free and clear. Mr. Lemansky: 232 Stafford Street has been a subdivision for 7 or 8 years. That subdivision had gone under view with ExxonMobil prior to 2008. Prior to that it was agreed that that subdivision would have a 2" water line going up into it; and it was going to be plastic. When the IMA got signed in 2008, the then new director said no to plastic pipe; and said it had to be 8" ductile iron. An agreement was signed between ExxonMobil and the town of Charlton that specifically exempted residential properties along Stafford Street and Northside Road, including 232 Stafford Street. In my eyes, 232 Stafford Street includes the four or five lots that are there. I think the property that includes the subdivision is exempt from betterments based on the agreement town of Charlton and ExxonMobil. Steve had reviewed records from the Assessors Office. There is one piece of property. Mr. Lemansky: If there's no subdivision, then I agree with you. Mr. Gagner: I think we need to check into this further. Mr. Spiewak: The betterment is incorrect. **Mr. Lemansky: I make a motion that 232 Stafford Street betterment be voted to '0; seconded by Mr. Spiewak.** Discussion; Mr. Lemansky: If we find that the property is subdivided, then it will include all four properties. Everyone has been referring to it as a single parcel. In 2006 or 2007, that parcel was part of the agreement that the property owners were not to be bettered. **Vote: Unanimous.**

Steve: Gillespie Road is still ongoing. Should be finished in 10 days. The water betterment that we put in suspension, Map 27-Block 31-Lot 28, has been advertised for sale. We had put that property in suspension. As being in suspension, the determination had to be made as to how they were going to settle on the suspended water betterment. A decision does not need to be made tonight. We don't have to make a decision tonight. Mr. Gagner: Does anyone want to tackle that tonight? Steve: The betterment said a maximum of 50%. Mr. Spiewak: Based on what we can do now, we can take it out of suspension or zero it out. We can't abate it. We voted to suspend it because we believed that the calculation wasn't done properly. Steve: Originally, it was based upon a full buildout. There were 9 four bedroom homes.

Steve continued. Calls and scheduling for grinder pump replacements. We've booked 5 or 6. Bay Path: I was there last Thursday or Friday. They have jetted those lines; and the rest of the paperwork is forthcoming. Emails to DEP and EPA. They have received our application. Our permit ends the end of the year; but it will be extended. RBC covers: we are dealing with four companies. Mr. Lemansky: The RBC covers. We ordered them and received them; we have a contracting company that we have agreed on and we have a contractor to do the ventilation. Steve: We have an electrician. We are trying to coordinate the work. I'm hopeful we will have a schedule within the week. Mr. Gagner: I thought

the original company that was going to install them has changed their mind about doing so. Steve: We are back talking with them. There are four groups we are talking with to coordinate the work. I'm hopeful within the week we will have a schedule that works. Lefort Electric will be the electrician. Steve: The RBC covers D&C said Mr. Berthiaume: We are using them and then using our electrician and RPM. Steve: They bid the job 3 ways: installing the covers; do the venting; and a combination to do both. We analyzed that and we decided to take them as the installer; RPM would do the ventilation; and the electrician will be Lefort Electric. Mr. Berthiaume to Steve: Is there a problem with D&C? Steve: There was. They said they were overbooked and couldn't do the job until the first of next year. We had ordered the RBC covers in August and did not receive them until September. Steve: The lift station at 5E was flooded; we had to evacuate the water. We were lucky we did not lose the pumps. The volute was cracked in three different places; and the check valve was not working. The pump we had trouble with is being evaluated. We are evaluating the volute. The situations that have happened are rare. It is something worthy of consideration. 6W has also flooded. Mr. Spiewak: We should have an alarm in the SCADA system such that we would know when there was a problem. **Mr. Lemansky: I make a motion to address the non water alarm; seconded by Mr. Lemansky. Vote: Unanimous.** Mr. Lemansky suggested that Steve work with Jody. Steve: We were told that they were always made by Little Giant. They are actually made by Franklin Electric. Steve, you have been working on this for over a year. You started with 83 Sunset Drive. Mr. Lemansky to Steve: It was determined that there was no easement to be given. Also, you did draft a generic easement document that you sent out for mark up. Steve: I was looking for a template regarding pipes in the ground. I was trying to get an answer for Timber Valley. Mr. Lemansky: From what I can see here, the easement from Southbridge which they are using was recently drafted. The one Southbridge was using turned out to be a "black sheep". Mr. Lemansky: The easement which is given on these things—it says for the installation and repair. Why are we doing hours and hours of work? To me it seems simple. Steve: 1-1/2 weeks – I can talk to Paul and suggest that he let me go to an attorney and get a draft. I got everything I asked for today. Mr. Lemansky: When we looked at Center Depot Road, didn't Mr. Cosgrove write up an easement? Mr. Gagner: The estimate came to 1-2 hours. Mr. Lemansky: Everybody knows that when you go in to repair, you need less to repair. Mr. MacKenzie arrived at 6:52 p.m. Steve: I've asked for a sample easement. Mr. Spiewak to Steve: For this to be effective at 232 Stafford Street – this easement says to include replacing the service with a 1" line. It's going to go to ExxonMobil. Mr. Lemansky is saying we can't use this easement. Mr. Berthiaume: It's land specific – you write in a couple of caviats. Mr. Spiewak: I think easements are granted to a town. Mr. Lemansky: The Water & Sewer Commission is not installing it. Mr. Lemansky to Steve: Other than changing from Southbridge to Charlton. Mr. Gagner: Can we move on please. Steve: 232 Stafford Street: I needed a motion to zero the betterment. Mr. Gagner: We talked about this last time. Is it four lots he's going to add in there? Steve: ExxonMobil removes it from this....If he makes this a development, in my opinion, he's using privilege fees for the other 3 lots. 232 Stafford Street has been a subdivision for the last 7-8 years. That subdivision went under review with ExxonMobil prior to 2008. It was agreed that this subdivision would have a 2" water line going up to it and it would be plastic. In 2008, the IMA director said it has to be 8" ductile iron. An agreement was signed between ExxonMobil and the town of Charlton which exempted residential properties on Stafford Street and excluded 232 Stafford Street. Mr. Lemansky: I believe that this property is exempt from betterments based on the agreement that was signed by ExxonMobil and the Town of Charlton. It is just before Cook's on the right hand side. Mr. Spiewak: Didn't we look at a plan with 4 lots? Mr. Gagner: Before or after 2008? Mr. MacKenzie: If it were done in 2008, you only had to file. Mr. Spiewak: To be clear, the betterment for 232 Stafford Street is incorrect. Mr. Lemansky: Whether it includes one parcel or four parcels, I make

a motion that whether it includes one parcel or four parcels---**I make a motion that the 232 Stafford Street betterment be voted to \$0; seconded by Mr. Spiewak.** Discussion: Mr. Lemansky: Everyone has been referring to the property as a single parcel. Each parcel has its own address. 232 Stafford Street was part of an agreement to where the property owners were not to be bettered. The guy had planned to put in a 2" water line. Southbridge said it could not be done. Steve: When water betterments were done, if there was a subdivision there, they would have been bettered for one property which was recorded. **Vote: Unanimous.**

Steve continued: Gillespie Road: This should be finished up in a few days. The water betterment which we put in suspension...in the decision what to do with it when the suspension was over. Next 232 Stafford Street: They have 600' of frontage; essentially 3 lots; (Steve – the betterment would be around \$12,000 if it were to sell.) Steve: The Special Legislation provides for a maximum of 50%. If that were to happen tomorrow, I don't know how we would determine what a fair abatement would be. Mr. Spiewak: The first half based on what we have now, we can take it out of suspension, or vote it to "\$0". We can't abate it. We voted to suspend it because the calculation was done incorrectly. Steve: It was based on a full buildout.

Steve continued: calls and emails to Bay Path: We did make progress. I was up there last Thursday or Friday. The lines were jetted and the rest of the paperwork is forthcoming. The EPA has received our application. The treatment plant permit: We have 3 or 4 companies we are dealing with. I have been talking with DNC; RPM which would do the ventilation; and Lefort Electric. The covers are here. Mr. Lemansky: We have received the RBC covers. Steve: DNC could not help us until next year. Mr. Gagner: I thought the company we were going to have installed the RBC covers was changing their minds. Steve: They overbooked themselves. We are back talking with them. A replacement check valve had to be ordered for one of the MTA stations which is running on one pump. The other pump is being evaluated and fixed (the volute/the pump/bearings). Mr. Spiewak: A water alarm? Steve: The situations that happened are rare. It is worthy of consideration. Mr. MacKenzie: A flood alarm is easy to install. Mr. Spiewak: A flood could happen again. Steve: 6W is also susceptible to flooding. Mr. MacKenzie: They are not submersible pumps. Mr. Gagner: Mr. Lemansky made a motion to address the non water alarm. **Mr Lemansky: We should ask our administrator to address the non-function of an alarm system; seconded by Mr. Berthiaume.** Mr. Gagner: All in favor? **Vote: Unanimous.** Mr. MacKenzie: They are not submersible pumps.

Steve continued: Items 6 and 7; privilege fee for 132 Sturbridge Road. He was in and complained about the privilege fee that was never served to him. There were no signatures on the tax Form 29 which needed to be signed. Along the same route, 58 J Hammond Road. That house burned down in 2014—they rebuilt it and when they did that, they connected to water and sewer. We tried to make those forms out but we could not find the book and page numbers. I know we have them here. They need to be signed. Mr. Lemansky: We're completing and signing the paperwork for 58 J. Hammond Road. Steve: 58 J Hammond Road made an application in July of 2014. They connected up to sewer. They hired a contractor to do a line on private property and connected on J Hammond Road. Mr. Lemansky: I believe the homeowner owns multiple acres. Not every application comes before the Board. If it is something unusual, it would come before the board. Steve: There was a stub across the street. I am dealing with J Hammond Road which we talked about; and then 132 Sturbridge Road. Mr. Lemansky: So what we are doing is correcting an oversight. Steve: He came in six months ago to look for relief for a bill which he was not paying. **Mr. Lemansky: I make a motion that we sign the documents in order to satisfy the needs of the Assessor's Office; seconded by Mr. Berthiaume.**

**Vote: Unanimous.** Mr. Gagner: We need a similar motion for 132 Sturbridge Road. Mr. Lemansky: I will include that we authorize the chairman to sign. **Mr. Spiewak: I make a motion that we sign the privilege fee for 132 Sturbridge Road; seconded by Mr. MacKenzie.** Discussion: Mr. Spiewak: I'm concerned that we are following up on this vote that happened three years ago. We have been negligent. Somebody failed. If the commission failed, we need to put procedures in place to follow up. This is \$13,000 that we did not collect. Mr. Lemansky: Let's take care of this one; and then deal with the next one. Mr. Gagner: The procedure might be in place and it may have been an oversight. Mr. Spiewak: When will these get recorded? We need to follow-up on this by next meeting. It is up to us. **Vote: Mr. Spiewak: I; Mr. MacKenzie: I; Mr. Gagner: I; Mr. Berthiaume: I; Mr. Lemansky abstained.**

Mr. Gagner reviewed old business discussed pursuant to Steve's report. Special Town Meeting is October 20<sup>th</sup>. I assume it will be at 7 p.m. and held at the middle school. Anything else? Steve: We completed the meter readings on Tuesday of last week. We requested Southbridge readings and asked to receive them as soon as possible. It is generally 3 weeks after we have read that they read. Steve: The fork truck – there were two items which they are recommending to fix. There is an exhaust system that is used both inside and outside. The fork truck runs on propane. Jody said the truck should be fixed due to the emissions. Mr. Gagner: How old is the fork truck? Steve: I don't know. It was here when I came here. You were looking for a motion for \$2,400.00 to repair it. Mr. Lemansky: I'd like to seek another opinion. Mr. Berthiaume: I think there's a guy in Rochdale and a couple of people in Worcester. Mr. Gagner: Anything else?

Mr. Lemansky: I attended the All Boards Meeting and gave an update of what is going on here. Grinder pumps: we just received 20 pumps. When someone wants to connect to the system, they are responsible for their own system. We should think about when the sun sets on the 600 pumps we have. We should have something in place as to who can fix them. Steve: There are 187 out there. Mr. Lemansky: Is there any reason why we shouldn't let them all know that they are responsible for the pumps? The goal is that all the pumps will be standardized. A couple of people came before us from Center Depot Road. I don't know if we can mandate equipment if they are purchasing it. We just bought 20 pumps. They include the electronics. Steve indicated yes: \$1,100.00 for controls; and \$1,300 for a pump. Mr. MacKenzie: If you specify standards and specs just like if someone is installing a 1" line specifying a brand name... I don't know if you can specify. Steve: Anyone who comes in with an issue, we have Franklin pumps here. The hair salon worked their own deal with an E1 pump. Steve told them they would have to let us know what kind they have... The personnel in the plant go on calls occasionally. Mr. Berthiaume: At the end of the day, the homeowner is responsible. We do a lot of work out there. Steve: When there is a clogged pump, we bill the customer for that. We should make a plan and stock the parts. Mr. Spiewak to Mr. Lemansky: Do we have a plan for pumps? Should we think about offering service – do we offer service on a per month basis that we could bill regularly?

Mr. Lemansky: At the town meeting we have some articles. We have one bill. Mr. Lemansky to Steve: Isn't there an article to take \$200,000 and direct it to a legal fund for negotiating the water settlement between Exxon and us? Legal action or mediation. It is my understanding that the Board of Selectmen has those funds and they are going to be directed. I think we need to give some consideration: Woodard & Curran's contract expires this coming June. If we are thinking about taking another path... (\$40,000 x 12 months). With Jody here, they have done a good job. We would still have to have Woodard & Curran on board such as when Jody lost all his bugs. Mr. Spiewak: There is a way from the account reserve for an appropriation settlement. Mr. Lemansky: That \$250,000 would be going for us to have it available. We have a \$30,000 grant for a water study. The \$6,000,000 is

still out there—to be used over a period of 5 years. We have to apply for it and have a solid purpose for that money. The \$30,000 we can use to study the eastern situation – salt shed and whether we are going to bring water from Oxford or maybe we create our own system. It would be less than \$100,000 gallons and would service the area around Oxbow Road and Route 20. We put in a well and service an area. We need to find out how we are going to deal with Southbridge connections. I asked for a copy of the signed executed copy of the IMA. There is a section in there--if we were ready to be our own water supply, we would have to give Southbridge a 12 month notice that we are considering becoming our own system. Steve read a portion of this IMA. Mr. Gagner: I don't think it was for just a consecutive water supply. Mr. Berthiaume: Can we use that money to determine whether it is feasible? Mr. Lemansky: Yes. Steve will send the commissioners an email regarding a consecutive water supply.

Mr. Lemansky: The Woodard & Curran contract expires this coming June—if we are going to take a different path—we need to get on it. It is close to \$500,000 a year. Right now we are at \$40,000.00 a month plus surcharges. With Jody aboard here, they have done a great job. They have to pay for the chemicals; and to have the sludge hauled away. Mr. Berthiaume: About \$50,000 a year. Mr. Lemansky: We would still have to have someone like Woodard & Curran on board; i.e., when all the bugs were gone. You need a lot of heads to figure something like that out. Mr. Berthiaume: If we are going in that direction, we should look for someone who could do both. You can have 3, 4 or 5 men who are cross trained. Mr. Lemansky: We don't have that much cash flow. Mr. Spiewak: There is \$250,000 of available funds if needed; purpose: legal assistance for appropriation settlement...Mr. Lemansky: That would be good for us to have available if we need it. We have a \$30,000 grant for water study. We need to get rolling on that. In discussions with our legislators – that \$6,000,000 is still out there. We have to apply for it and have a solid purpose. The \$30,000 can be used regarding water – study the salt shed situation; and bring water from Oxford. We could put in a well to service Oxbow Road and Route 20 with water. We need to finite how we are dealing with our partners in Southbridge relative to water connections. I asked Steve for a signed executed copy of the IMA.

Mr. Berthiaume: If we are going to use McClure, ask him, 'where do you think we should be on this? The eastern portion of Charlton with Oxford – we know some areas there that have good wells to supply that end of town. Mr. Lemansky: Let's ask Steve and have McClure make a plan to where he sees this going.

**Mr. Lemansky: I make a motion to adjourn to our next meeting which will be November 9<sup>th</sup> at the town hall; seconded by Mr. MacKenzie. Vote: Unanimous.**

Meeting adjourned at 8:15 p.m.

  
Paul Gagner

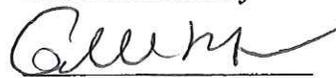
7/25/16  
Date

  
Robert Lemansky

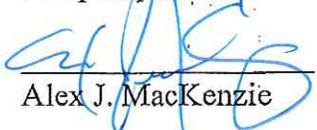
7/25/16  
Date

  
Joseph Spiewak

7/25/16  
Date

  
Gabriel J. Berthiaume

7/25/16  
Date

  
Alex J. MacKenzie

25 JUL 16  
Date