



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair  
Robert Wilson, Member  
Peter Gluckler, Member

## Meeting Minutes

January 23, 2012 – 6:30pm  
DPS – Tom Holder's Office  
155 Village Street, Medway MA

Present: Chan Rogers, Robert Wilson, DPS Director Thomas Holder, and Executive Assistant Sarah Pawluczonek. Guests were Paul Yorkis (Local Developer), Doug Downing (CRPCD Commissioner), and Paul Desimone (CRPCD Commissioner)

**The meeting was called to order at 6:30pm by a motion from Robert Wilson.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

### Capital Improvement Fee Discussion

Paul Yorkis explained that as the owner of the planned 16 unit development (8 units put in so far), he is responsible for putting in the water main and the stubs for each dwelling. Then once the building permit is applied for it is recommended that the water and sewer service be installed under the footing of the building. The installation of these services then triggers the start of the Capital Improvement Fee. He explained that he had spoken with Tom Holder and Sarah Pawluczonek to see if it was possible to consider assessing the fee not at the time when the connection is made, but rather when the occupancy permit is granted, or within 1 year of the connection, whichever comes first. He said he realizes that it may not seem like a lot of money, but that in the current economy, everything adds up. He is asking not just for himself but for all new construction developers.

Chan Rogers asked how many hookup fees there are.

Tom Holder answered that the initiation of the account setup for any new property is at the time the meter is installed. All services applicable, water, sewer, trash and the capital improvement fee are implemented. If there is usage, then water and sewer is billed like any other account, and trash can be abated for vacancy. The benefit is felt by the dwelling regardless of occupancy; they have fire suppression and access to the Town water system. "My position is that when the benefit exists, the fee should be charged."

Robert Wilson brought up another example of how even if a person goes away for half the year they still have to be charged the Capital Fee.

Paul Yorkis explained that of the 8 units he has built and connected; only 2 are occupied. It could take any number of years to finish and sell them. He reiterated that he hoped we would consider assessing the fee on new construction only, when occupancy permit is granted or with one year of the service install, whichever comes first. In order to get proper inspections, he has to have a meter in there.

Robert Wilson asked that he put this request formally in writing to the Board to consider.

Chan Rogers agreed that it would be best and then their third board member, Peter Gluckler, would have a chance to weigh in.

Paul Yorkis agreed to draft something, asking that Tom Holder look it over for him before it is submitted.

### Charles River Pollution Control District Commissioners

Tom Holder introduced the two Medway Commissioners' from the Charles River Pollution Control District (CRPCD), Doug Downing and Paul Desimone, whom he had been able to arrange to come today for a meet and greet and to update us on the financing schedule for their upcoming capital improvement project.

Doug Downing started off by introducing himself and offering to answer any questions today. He explained that there is a lot of pressure being placed on them by the DEP to abate infiltration in the sewer system.

#### Topics of Discussion:

1. NPDES – working to come up with sustainable and attainable goals
2. Plant Phases – Phase A is the acceptance and processing of sludge, and phase B is the capping of the landfill.
3. Capacity – no plans to increase capacity in the near future. The goal is to get communities to reduce Inflow and Infiltration (I&I) in order to free up their existing capacity.
4. Chicken Brook Interceptor – major I&I here, has been inspected, and recommendations made for manhole repairs and pipe lining.
5. Sewer Capital Fee – Fund future I&I resolutions.
6. Capacity Spreadsheet.
7. Haley & Ward Estimate – I&I study at Chicken Brook.
8. Septic Systems – impact on the future, recharging aquifers.
9. Compromised Service Pipes and Sump Pumping – another hard to control cause of I&I.
10. IDDE – house to house detection with smoke and dye testing.
11. Increase in Assessment for Capital Program – No increase until FY14 due to bond changes, lower rate than anticipated, and plan to slowly increase sewer rates to build up retained earnings.
12. Other CRPCD Customers – some buy sewer capacity from Medway or Millis, others dispose of septic here.
13. Invitation for a tour of the CRPCD Facility.
14. GIS – working with member communities to create sewer layers for GIS mapping.

### Abatement – 16 Autumn Rd

Sarah Pawluczzonek explained the abatement for 16 Autumn Rd. They are seeking a sewer abatement because they have a private well and had to hand water a new lawn this summer, causing their sewer charges to go up drastically. They feel we should be able to take the usage from the summer and abate it. The problem is that there is no clear way to calculate how much of the usage over the summer went in to the sewer vs. how much went outside for watering. It is not something we can fairly estimate.

Tom Holder agreed that it is impossible to quantify.

**Robert Wilson made a motion to deny the abatement.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

### Capital Improvement Fee Discussion (continued)

Chan Rogers asked for clarification on the matter regarding the Capital Improvement Fee.

Tom Holder explained that Paul Yorkis' argument is that if the house is not occupied, then it should not pay it. Tom stated he felt that regardless of whether it is occupied, that developer is benefited by the fire protection and access to water infrastructure.

Robert Wilson stated that for his 6 vacant properties that would be \$600 a year in capital fees.

Tom Holder said that unfortunately Paul Yorkis' suggestion is very difficult to track and will likely lead to missed fee assessments.

Chan Rogers said he felt that the developer has some control in this process by waiting to get a meter installed until they absolutely have to, to avoid the capital fee for a while.

#### Abatement – 16 Temple St

Sarah Pawluczzonek explained the abatement for 16 Temple St. The customer was seeking a sewer abatement due to a pool repair which caused them a complete pool fill up. They provided a repair bill and the gallonage of the pool. Sewer abatement calculated out to be \$79.23.

**Robert Wilson made a motion to approve the sewer abatement in the amount of \$79.23.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

#### Approve Past Meeting Minutes

Robert Wilson recommended that we wait to approve the minutes at the next meeting.

Chan agreed.

#### Director's Report

Tom Holder requested that the Board vote on a change to the Drain layer's Fee as the licenses are renewed annually and we have entered in to a new calendar year. Our rate consultants had taken a look at the labor, materials, and equipment which go into this fee and come up with an estimate just under \$100 in cost. Currently it is \$250 annually or \$50 per job, and both require the same processing so we want to have just an annual fee of \$100 from now on.

**Robert Wilson made a motion to lower the Drain layer's License Fee to \$100.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

Tom Holder went over a letter he received from 11 Merrill Lane claiming that her sprinkler was damaged during the sewer pipe installation in 2009. He plans to evaluate the claim and offer a recommendation at a future meeting. He handed out copies of the letters to the Board.

Robert Wilson asked how the AMR project was going.

Tom Holder answered that we were still limping through due to some quality of work issues with the vendor however we have a lot of retainage still. Some meters were not installed when they said they were, a lot of MIU's were placed inside the house.

Chan Rogers asked if they were awarded the contract as the low bidder.

Tom Holder replied that yes the lowest bidder that met the specifications. We are happy with the equipment, not the install service.

Tom Holder discussed the ownership, operation, and maintenance of water, sewer, and drain utilities in private ways saying that at a recent meeting with the Planning Board it was discussed what we would do in the future as far as maintenance on private ways. Currently we maintain the water and sewer on some private ways.

Robert Wilson asked if he was recommending that we do not take ownership of the water and sewer in a private way.

Tom Holder replied yes, and so they would need to form a homeowners association to include maintenance themselves. We can talk at greater length about this at a later date.

Other Business:

Next meeting will be held on Monday, February 27, 2012 at 6:30pm in Tom's Office.

All agreed.

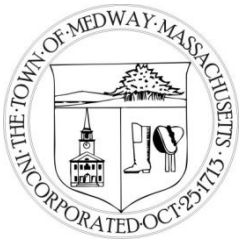
**At 8:18pm Robert Wilson made a motion to adjourn the meeting.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

**Respectfully submitted,**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair  
Robert Wilson, Member  
Peter Gluckler, Member

## Meeting Minutes

February 27, 2012 – 6:30pm  
DPS – Tom Holder's Office  
155 Village Street, Medway MA

Present: Chan Rogers, Robert Wilson, Peter Gluckler, DPS Director Thomas Holder, and Executive Assistant Sarah Pawluczzonek.

**The meeting was called to order at 6:38pm by a motion from Robert Wilson.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

### Abatement – 145 Main Street

Sarah Pawluczzonek explained the abatement for 145 Main Street. This was a property which is vacant and has been for the entire duration which this bill covers. There is no water usage registered on the meter. They are seeking an abatement for the water and sewer charges in the amount of \$75.10.

Robert Wilson asked if the water was on to the property.

Sarah Pawluczzonek said we could not confirm that it was, however the owner might have it off inside the home.

Tom Holder explained that it is common for a vacant property to keep the water on especially to heat the home throughout the winter. But there was no usage recorded at the meter.

**Robert Wilson made a motion that the abatement be granted for 145 Main Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

### Abatement – 143 Village Street

Sarah Pawluczzonek explained the abatement for 143 Village Street. This was a property which has been vacant and undergoing renovations for a couple years now. No water has been used on the meter and water and sewer abatements have been granted on the past 3 bills.

**Robert Wilson made a motion that the abatement be granted for 143 Village Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

### Approval of past meeting minutes

Chan Rogers asked if the board had read the minutes.

Robert Wilson and Peter Gluckler both said yes and that they had no changes.

**Robert Wilson made a motion that the minutes from the meeting on 1/23/12 and 12/19/11 be approved.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

### Director's Report

Tom Holder spoke about how the sewer extension project is coming to a close due to the last settlement having been agreed upon. (The Selectmen will need to vote on the cost to be paid out to these properties due it being in excess of \$25,000.)

Chan Rogers asked if it was regarding the settlement for the right of ways.

Tom Holder said yes, that about 4-5 property owners had been unsatisfied with the initial compensation. A final betterment notice will be brought before this Board to be voted on after Town Meeting. Tonight's discussion is just informational.

Peter Gluckler asked how the consultant values the easement.

Tom Holder explained that it is a formula which takes into account how the easement impacts the value of the property, such as with building, encroachment, and other land use. In some of these cases the owners had their own private appraiser re-evaluate the formula if they were dissatisfied with our appraiser's findings.

Tom Holder also spoke about the Article for Town Meeting regarding the surplus leftover from the Industrial Park Well Project in the amount of about 1.5 million. There was one claim left to settle on this project and the hope is to repurpose these funds towards other like projects.

Tom Holder also spoke about how it was the time to start thinking about setting the next fiscal year's rates again. He was planning to spend about \$1,000 to have the Abrahams Group take a fresh look at the forecasted numbers for FY13 and make any changes necessary based on the actual data we have now.

Robert Wilson mentioned that the CRPCD (Charles River Pollution Control District) project funding has been pushed back, and so that could change the forecast.

Tom Holder said that yes, but we would still like to bring in some revenue through the FY13 rates to help fund the project in advance of the FY14 start. We hope to have an end of March deliverable from the Abrahams Group.

Robert Wilson asked if AMR had shown an increase in consumption.

Tom Holder answered no, that it had actually not shown any increase as of yet which is probably due to the numbers of the past being partly estimated, and the ongoing correction of these bills. He expects it will still take more time to see any increase and it is also possible that as people see the cost of their usage increasing they will conserve more.

Tom Holder brought up the Lovering Street Property which is landlocked and abuts our Tank property. The owner is looking to purchase a strip of our property which connects them to Lovering Street with the required 50 feet of frontage and access to their landlocked property. They intend to split the property and build houses for their two sons. We had an engineer evaluation done to determine the ability for us to still maintain our water tank with less driveway access and there was no negative impact. The water main to the tank is actually under the strip of land that they are looking to buy and so we will have an easement to maintain it. This will eventually need a vote by this Board prior to the spring Town Meeting.

Sarah Pawluczonek handed out copies of the letter to CRPCD with the I&I (inflow & infiltration) update.

Tom Holder explained that it was our usual update which we provide annually to the CRPCD.

Robert Wilson asked if there were any updates regarding stormwater regulations.

Tom Holder told the group that he was planning to attend a legislative session in Washington DC where the legislators make themselves available to be met with for two days. It is a very opportunistic time to raise awareness of the stormwater issues.

Other Business:

Tom Holder suggested that the next meeting be held on Monday, March 26, 2012 at 6:30pm in Tom's Office.

**Robert Wilson made a motion to accept this date as the next meeting date.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

**At 7:23pm Robert Wilson made a motion to adjourn the meeting.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

**Respectfully submitted,**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair  
Robert Wilson, Member  
Peter Gluckler, Member

## Meeting Minutes

March 26, 2012 – 6:30pm  
DPS – Tom Holder's Office  
155 Village Street, Medway MA

Present: Chan Rogers, Peter Gluckler, DPS Director Thomas Holder, and Executive Assistant Sarah Pawluczzonek.

**The meeting was called to order at 6:35pm by a motion from Peter Gluckler.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

### Abatement – 260 Village Street

Sarah Pawluczzonek explained the abatement for 260 Village Street. This is a vacant property seeking an abatement for their water charges. They had zero usage and were billed that standard minimum charge. There is a past precedent where we accept these abatements if vacancy is proved by lack of usage.

Peter Gluckler asked if there was anything special about this particular case or if it was a standard vacancy request.

Sarah Palwuczonek said it was a standard request.

Tom Holder explained that although he has authority as given by the board to approve adjustments, we felt the board would wish to vote on this type of request.

**Peter Gluckler made a motion that the abatement be granted for 260 Village Street.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

### Abatement – 91 Village Street

Sarah Pawluczzonek explained the abatement for 91 Village Street. This is another vacant property since late in 2010 due to a house fire. The water is shut off and there has been no usage at the meter. They are seeking abatement on the past 3 bills as they all cover a time of vacancy at the property.

**Peter Gluckler made a motion that the abatements be granted for 91 Village Street.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

### Vote on New Water & Sewer Fees



Sarah Pawluczonek handed out a spreadsheet of the proposed fees.

Tom Holder explained that last year we began this endeavor with the Abrahams Group, to review the old water and sewer fees. Sarah Pawluczonek started this off by surveying a dozen other similar Town's fees to compare to Medway's. We then hired the Abrahams Group to do a comprehensive study of these fees, as well as a 3 year rate plan. This spreadsheet shows you the old fee, if it existed, and the new proposed fee. He asked that the Board review it and be prepared to vote on it at the next meeting, when all members are present.

Chan Rogers and Peter Gluckler agreed that the vote should occur at the next meeting when all members are present.

Tom Holder went over the form pointing out that the Drain Layer's License Fee was the only one they have been asked to vote on so far as it was time sensitive for construction season. They approved it at the last meeting. He explained that in the future we are working to develop a few more involved fees for I&I (Inflow and Infiltration), Fire Services, and System Development. Hopefully in the coming months we will have some of these to present. Also, notice the fees that are priced "at cost" which is to protect us in the event that material (tangible) costs increase.

Chan Rogers asked if we were still able to use the old fees in the interim.

Tom Holder answered yes, however they are hard to explain or justify since their conception was before our time and so we have no information on how the former employees and Water/Sewer Commissioners arrived at those amounts. With our new comprehensive study of these fees we will be able to validate these costs.

Peter Gluckler asked what the Water Permit fee was.

Sarah Palwuczonek explained that it was the fee to apply to tie into Town Water or make a repair. It also includes the site inspection.

Tom Holder remarked that all fees are calculated from the actual labor, materials, and equipment costs to perform each service.

Peter Gluckler asked how we arrived at the Non-Compliance Fine amount.

Sarah Pawluczonek answered that a "fine" differed from a "fee" in that it does not have to be based on actual cost. It is penalty.

Tom Holder explained that the fines are intended to be reasonable amounts that are still high enough to deter further non-compliance or other unacceptable activity.

Tom Holder told the Board that at some point before the next meeting we will have the recommended FY13 rate schedule. It is being worked on by the Abrahams Group. A Rate Hearing will then need to be scheduled hopefully prior to Town Meeting. There is a Finance Committee Meeting tomorrow night in which we will use a rate forecast as prepared by the Town Treasurer, Melanie Phillips.

Peter Gluckler asked if the new rates will fall in line with last year's rates.

Tom Holder answered that yes, they mostly should, as we do not have a lot of capital project requests for FY13. Water has only a \$35,000 capital expenditure for a vehicle, and Sewer has a \$200,000 Sewer Rehab Project and the Charles River Pollution Control (CRPCD) assessment for FY14. We want to fund half of that assessment, which is \$90,000, out of our FY13 rates. We will be being assessed for this project every year through FY33. Rate increases will be as a result of increased debt service in Water and Sewer.

Chan Rogers asked what the essence of the CRPCD project was.

Tom Holder answered that he is still hoping to set up a tour for the Board, of the facility and its planned improvements.

Chan Rogers and Peter Gluckler agreed that the vote should occur at the next meeting when all members are present.

### Approval of past meeting minutes

Chan Rogers and Peter Gluckler requested more time to read the minutes.

Chan Rogers suggested they be voted on at the next meeting.

### Director's Report

Tom Holder reviewed the \$200k Chicken Brook Interceptor Sewer Remediation Project. He handed out an Inspection Report of Chicken Brook done by Haley & Ward. Tom explained that the pipe is found to be structurally sound, but numerous joints and manholes are taking wetlands inflow. The pipe does not need to be lined; the recommendation is to robotically seal off joints and manhole entries.

Tom Holder handed out the Capital Improvement Committees Capital Budget Report for FY13 explaining that it demonstrates spending recommendations to request at Town Meeting. In FY12, we are about to award the \$2 million West/Main Street Water Main contract. There is a request for \$35,000 in Water for a Superintendent Truck.

Peter Gluckler asked if Haley & Ward estimated the amount of I&I reduction.

Tom Holder answered that 50,000 gallons per day (gpd) was the initial estimate given.

Tom Holder handed out the Town Budgets. He explained that the Department was asked to provide level funded budgets. Most increases on them are based on debt service increases.

Tom Holder handed out a series of graphs representing the DPS Historical Comparison spending trends.

### Other Business:

Tom Holder suggested that the next meeting be held on Monday, April 23<sup>rd</sup>, 2012 at 6:30pm in Tom's Office. Also, a tentative date for a Rate Hearing was proposed for May 7<sup>th</sup>, 2012.

Chan requested that these proposed dates be forwarded to the member, Robert Wilson, who was not in attendance this evening, to confirm his availability.

**At 7:42pm Peter Gluckler made a motion to adjourn the meeting.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 2-0.**

**Respectfully submitted,**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair

Robert Wilson, Member

Peter Gluckler, Member

## Meeting Minutes

April 23, 2012 – 6:30pm

DPS – Tom Holder's Office

155 Village Street, Medway MA

Present: Chan Rogers, Peter Gluckler, Robert Wilson, DPS Director Thomas Holder, Water & Sewer Superintendent William Donahue, and Executive Assistant Sarah Pawlucznek.

**The meeting was called to order at 6:35pm by a motion from Peter Gluckler.**

**Robert Wilson seconded.**

**Motion approved, unanimous vote, 3-0.**

Tom Holder introduced William Donahue, the Water and Sewer Superintendent, to the group.

### Vote on the Water & Sewer Fees

Tom Holder explained the list of fees, noting that one fee in particular, for the Drain Layer's License, was previously voted on a few meetings ago. He explained that the Abrahams Group performed a fee study to arrive at these proposed fees based on costing out labor, materials, and equipment for each service. These fees represent services above and beyond the supply and purchase of water and sewer. We took a look at the outdated current fee structure, which was voted on by the old water/sewer board, and felt that it needed a fresh look. Most of the fees have an exact amount, however some you will see are listed as "at cost" to allow us room for anticipated material cost fluctuations.

Robert Wilson asked why there is a refundable fee for a hydrant meter, and who uses them.

Tom Holder answered that the refundable deposit is because there is a meter and a backflow device provided which are very expensive, and in the case where they are stolen or damaged, we need to be able to recoup those costs. People use them for home construction or hydro seeding.

Robert Wilson asked if there had been any push back by folks who have seen these proposed fees.

Tom Holder answered that no one besides the water/sewer board members have seen them yet.

Robert Wilson asked what occurs after we vote on them.

Tom Holder said they would be posted on the website and on a board at Town Hall. There is no requirement for a legal advertisement.

Robert Wilson asked what a second meter is needed for.

Tom Holder said it is for folks who have essential non-sewered watering needs like process water.

Chan Rogers asked what the Tampering Fines were for.

Tom Holder said they are penalties for people who connect to a hydrant, or remove a meter, or connect to the water or sewer system without permission. These offenses can be criminal as they involve the theft of water.

Peter Gluckler asked if it was allowed to have fines on a fee schedule.

Tom Holder said yes, as it is something for people to be made aware of such penalties so as to deter them. Fees are cost based, where as fines are not, they are meant to be severe enough to act as deterrents.

**Peter Gluckler made a motion to approve the new fee schedule dated April 23, 2012.**

**Robert Wilson seconded.**

**Motion approved, unanimous vote, 3-0.**

### Review of the FY13 Rate Study

Tom Holder went over the Comprehensive Rate Study. He explained that the original version we sent has since been revised due to some further evaluation of our debt service and revenues. The increase for water rates is about 11%, and the increase for sewer rates is 0%.

For Water, page 1 is the three year projection, but we only need to focus on FY13 for rate setting. It is a summary of the revenues, expenditures, and the total balance. The rates required to support a balanced budget are at the bottom. Our revenues are projected based on an 86% collection rate.

Chan Rogers asked how we achieve collection of the remaining 14%.

Tom Holder responded that the lien process is how we demand the outstanding prior fiscal year's balances. The bills will lien onto the tax bill.

Robert Wilson suggested that we consider not posting liens to the tax bill, but instead do them separately.

Sarah Pawluczzonek explained that it does help us to collect a lot of the revenue through the payments automatically made by the banks; however she will speak to the Treasurer about different options.

Tom Holder went over Page 2, the Rate Increases. The main driver for this rate increase is debt service. The West and Main Street Water Rehabilitation projects are prime examples of our increase in debt service for this \$2.4 million project.

Peter Gluckler asked what the increase was for the water rates last year.

Sarah Pawluczzonek answered that it was hard to compare as we also moved into a different tier structure, whereas this time we are updating the same tier structure. The lowest tier for water went from \$3.89 to \$4.28.

Tom Holder remarked that we did do a rate comparison against other Towns FY13 rates and we are still in the bottom third.

Robert Wilson asked to see the FY11, FY12, and FY13 rates all together on one sheet at the next meeting.

Sarah Pawluczzonek said she would bring them.

Tom Holder explained the Debt Service tab.

Robert Wilson asked why salaries increased if this is level funded.

Tom Holder responded that they only increased by 2.5% due to contractual obligations.

Peter Gluckler asked what causes our expenses to go up over the next 3 years.

Tom Holder said that the Consumer Price Index is the logic used here forecasting a 2.5% increase for subsequent years.

Tom Holder explained that the Town Administrator and Board of Selectmen have already seen and approved the FY13 budgets. And it is believed that the Finance Committee will also recommend them at Town Meeting.

Tom Holder pointed out that due to an unexpected lack of an increase to our healthcare costs, there was a \$300k surplus to be appropriated and with that, CIPC has recommended the purchase of a one ton dump truck.

Tom Holder remarked that while the Town Treasurer does a great job when preparing her own rate forecast, but the rate study we have performed provides a rate specialists perspective in a comprehensive manner. The purpose is to have something to defend our rate schedule.

Robert Wilson asked if anyone had complained about the irrigation rates.

Tom Holder answered that since we disallow the use of irrigation systems, no one should even be affected. It would be hard for a person to complain about something we ban them to use.

Sarah Pawluczzonek remarked that she cannot recall any complaints in FY12 thus far.

Chan Rogers asked if a motion was needed at this time.

Tom Holder explained that it would not be needed until the rate hearing.

Sarah Pawluczzonek told the group that the meeting would be in the same location as last year, at the Medway Public Library on May 7, 2012.

Robert Wilson asked if the Sewer rate schedule accounted for the building up of funds for the first large Charles River Pollution Control District (CRPCD) assessment in FY14.

Tom Holder answered that yes, we are including half of the first assessment increase in our expenses for FY13.

Peter Gluckler asked how we were able to avoid an increase in the sewer rates.

Tom Holder pointed out that our sewer expenses were not increasing as our sewer debt service was not increasing.

Robert Wilson asked if the Industrial Park Sewer Extension betterment has generated new revenue from new connections.

Sarah Pawluczzonek answered that only a couple of dozen homes have connected so far so there is no significant impact yet.

Tom Holder pointed out the Sewer Capital Fee which he hopes to begin in FY14.

Robert Wilson remarked that he is not for the capital fee in sewer and would rather see the rates increase that initiate a fee. He feels it is a lot for a family to pay in addition to what they already pay and it offers no initiative to conserve.

Robert Wilson asked if he could see a consumption history broken out by tiers from the past year.

Sarah Pawluczzonek said she had one she would send.

The Board agreed that they were all satisfied with the rate analysis.

#### Approval of past meeting minutes

**Robert Wilson made a motion to approve the meeting minutes from the two meetings ago (2/27/12).**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

**Peter Gluckler made a motion to approve the 3/26/12 meeting minutes.**

**Robert Wilson seconded.**

**Motion approved, unanimous vote, 3-0.**

### Director's Report

Tom Holder told the group that at the recent New England Water Works Association Show, our vehicle was showcased. He passed around a photo of the truck at the show. He told them that we received a lot of positive feedback.

Tom Holder talked about the kick off of the Water Main Rehabilitation Project which is starting on Main Street. We awarded the contract and the notice to proceed last week and since then you may have noticed the installation of the bypass. He said he anticipated some disruption, but that he was prepared to mitigate any complaints. The first ground breaking will occur at the intersection of Main and Holliston Street overnight for three days.

Robert Wilson asked how far down Main Street this portion of the project would extend.

Tom Holder said it would go down to the Highland Tank.

Chan Rogers asked how the cut in the 90 degree turns on the water pipe.

William Donahue answered that they put a tee in the line.

Robert Wilson asked if they used all automatic valves.

Tom Holder said no, we will still have manual ones, but they will be brand new.

Chan Rogers remarked that if the Route 109 project had been funded and been able to be underway, that the state would have banned any road construction on 109/Main St for 5 years.

Tom Holder said yes, and we are firmly secured on the TIP for funding in 2016 for the Rte. 109 road reclamation project.

Robert Wilson asked about the AMR (Automated Meter Reading) project.

Sarah Pawluczzonek explained that we had some recent issues with the software which have been resolved, and some outstanding issues with one of the radio towers.

William Donahue explained that there were also some outstanding issues with MIU devices having been improperly installed by USI Services on the interior of the house, when they should have been mounted outside.

Robert Wilson asked about how many needed to be relocated.

Tom Holder said a few dozen. And they are doing this at no charge since it was part of the contract.

### Other Business:

Next Meeting to be held will be a Public Rate Hearing on May 7, 2012 at the Medway Public Library.

**At 7:53pm Robert Wilson made a motion to adjourn the meeting.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

**Respectfully submitted,**

**Sarah Pawluczzonek  
Executive Assistant  
Department of Public Services**



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair  
Robert Wilson, Member  
Peter Gluckler, Member

## Meeting Minutes

June 18, 2012 – 6:30pm  
Medway Public Library – 1<sup>st</sup> Floor Conference  
26 High Street, Medway MA

Present: Chan Rogers, Peter Gluckler, Robert Wilson, DPS Deputy Director David D'Amico, and Business Manager Sarah Pawluczzonek.

**The meeting was called to order at 6:30pm by a motion from Robert Wilson.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

### Abatement – 102 Summer Street

Sarah Pawluczzonek explained the abatement for 102 Summer Street. The homeowner was claiming the property has been vacant since they bought it in 2009. They have been renovating and hooked up to Town Sewer in August of 2010. They have never been metered so they have been being billed the sewer flat rate of \$125. Are seeking an abatement on the sewer charges due to vacancy. Sarah explained that we are unable to prove vacancy since there is no meter to see if there was zero usage, however we did intend to have a meter installed ASAP.

**Robert Wilson made a motion that we table this abatement until the next meeting, where he would like to see some more evidence of vacancy, possibly from a future lack of metered consumption.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

David D'Amico made a suggestion that when the Board is presented with the abatement at the following meeting, that it considers how the removal of the water capital charge will affect its rulings on vacancy abatements for water and sewer charges. The fact is that the accounts still have to be administrated and so they should possibly consider only abating to the minimum charges or some other fair charge.

Robert Wilson asked what an administrative cost would amount to.

Sarah Pawluczzonek answered that for assessing an administrative service fee on final bills, which take as much effort, that they had calculated a cost of \$40.

### Rate Hearing

**Robert Wilson made a motion to open the Public Rate Hearing at 6:40pm.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

Jessica Trufant (a public participant) asked if the consumption went against the rate and tier structure quarterly.

Sarah Pawluczonek answered that it was semiannual.

David D'Amico explained the proposed rates of an approximate 4% increase on both water and sewer. He explained that the water rate appears to be a 26% increase which is alarming, but that 22% of that increase is really the absorption of the water capital fee into the rates. There will no longer be a separate water capital fee. We looked at the math and for anyone using 8200 cubic feet a year they should see no increase to their water charges, meaning that anyone using less will see savings, and anyone higher will see increases. The average residential usage annually is 8000 cubic feet. We should also take into account that last year we had lowered minimums charges to help the conservative user. We then began offering the Lifeline Discount to elderly, disabled, and veterans in need of some assistance through a 25% discount of the entire bill.

David D'Amico also explained that the sewer rates have been raised the 4% to get ahead of the large CRPCD (Charles River Pollution Control) capital assessment that will be assessed to us in FY14. We wanted to begin collecting some of the revenue to pay for that bill so we don't have to have a much larger increase in FY14.

Robert Wilson mentioned that these are all examples of the departments increase in efficiency. He asked the room if there were any other questions regarding the rates.

No public commentary.

**Robert Wilson made a motion to close the Public Rate Hearing at 6:50pm.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

**Robert Wilson made a motion to approve the Medway Water and Sewer FY13 Rate Schedule as presented.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

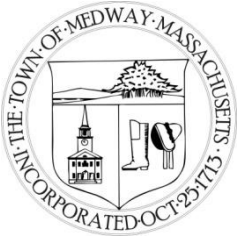
Executive Session

"See Executive Session Meeting Minutes"

**Respectfully submitted,**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**





TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair

Robert Wilson, Member

Peter Gluckler, Member

## Meeting Minutes

June 18, 2012 – 6:30pm

Medway Public Library – 1<sup>st</sup> Floor Conference

26 High Street, Medway MA

Present: Chan Rogers, Peter Gluckler, Robert Wilson, DPS Deputy Director David D'Amico, and Business Manager Sarah Pawluczzonek.

### Executive Session

**Robert Wilson made a motion to open executive session to discuss the matter of real property with no intention of returning to open session.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

### **Roll Call Taken.**

**Chan Rogers – Yes**

**Robert Wilson – Yes**

**Peter Gluckler - Yes**

Sarah Pawluczzonek handed out a letter from abutters, an appraisal, and a second appraisal cost estimate.

David D'Amico explained that the land sale is for driveway access at the Town-owned property at 35 Lovering Street. This portion of land would allow them access to their landlocked parcel behind it. An appraisal was performed by a consultant and paid for by the interested buyers Ray and Nancy Lennon and was determined to have a value of \$10,000.

Chan Rogers felt that that amount seemed low and should be challenged.

David D'Amico said that the Board of Selectmen also felt the estimate may be incorrect and so Tom Holder, the Director of Public Services is having a second appraisal done by Crosse White Property Advisors, and their cost for services came back at \$2,500. They had an appraisal theory that suggested the intrinsic value of the property is higher for the Lennon's than any other buyer and would evaluate it with this in mind. There have been instances where the Town has purchased land which was appraised in this same manner.

Peter Gluckler asked why the Town wanted to sell this piece of property.

David D'Amico said it was only because the Lennon's made the request and the fact that we do not really need it that we are considering the sale. The DEP has also been contacted and has no issues with the potential sale, however we need to get their official approval. We will still be retaining our rights through an easement to maintain our infrastructure there. The letter from the abutters is because they are upset about the development and the effect on their properties. We have communicated to them that this is only a land sale, and the development itself will have to get through the Planning and Economic Board, where abutters will have the ability to register their concerns.

Peter Gluckler asked why the Water/Sewer Commissioners were even being asked to approve this.

David D'Amico explained that what we are seeking is your approval for the Board of Selectmen to negotiate for the sale of the piece of land.

Sarah Pawluczonek explained that Town Council recommended that we get the Water/Sewer Commissioners vote.

David D'Amico stated that it may be due to the fact that this is a water and sewer revenue source.

**Robert Wilson made a motion to approve the Board of Selectmen's negotiation of the land sale at 35 Lovering Street.**

Peter Gluckler said he felt that they needed more information first. He did not feel it was made clear as to the reason for this Board's involvement.

Robert Wilson agreed that the Board's authority is in rate setting not in the sale of land.

**Peter Gluckler made an amendment to this motion that the approval be contingent upon the Town Council explaining what role the Water/Sewer Commission has on making this approval.**

**Chan Rogers seconded.**

**Motion approved, unanimous vote, 3-0.**

**At 7:08pm Robert Wilson made a motion to adjourn the meeting.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

**Roll Call Taken.**

**Chan Rogers – Yes  
Robert Wilson – Yes  
Peter Gluckler - Yes**

**Respectfully submitted,**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**

## Meeting Minutes

August 20, 2012 – 6:30pm  
Medway Town Hall – Tom Holder's Office  
155 Village Street, Medway MA

Present: Chan Rogers, Bob Wilson, DPS Director, Tom Holder and Program Administrator, Judi LaPan.

The meeting was called to order at 6:40 pm by a motion from Chan Rogers.

Bob Wilson seconded.

### Sewer Extension Betterment:

Tom Holder updated the commissioners on the West Street Betterments. The betterments are in the process of being finalized. There was approximately \$92,000 of punch list work added. The outstanding issues with the contract were arbitrated and the contract was released. The preliminary betterments were expected to be in the area of \$45 per linear foot. When we add the additional punch list items of approximately \$92,000, the final cost of the betterment will be \$47.46 per linear foot. Property owners will be given the option to pay the betterment outright or make payments over a 20 year period of time.

Tom informs the Commissioners that they need to approve the final rates. Once the rates are voted on and final the letters will be sent to the owners by Melanie Phillips, the Town Treasurer. Tom recommends to the Commissioners that if the property owner choose the 20 year incremental payments that the commissioners vote to charge 5% interest annually.

Bob Wilson made a motion to agree to the recommendation that Tom Holder made.

Chan Rogers seconded.

Motion approved, unanimous vote, 2-0

Bob Wilson made a motion to charge 5% interest on betterment payments.

Chan Rogers seconded.

Motion approved, unanimous vote, 2-0

Due to the fact that Peter Gluckler is not here this evening to review the minutes of the prior meetings the commissioners agreed to postpone approval of past minutes.

### Abatements

A brief explanation was given on the circumstance regarding the abatement request for 102 Summer Street. Bob Wilson made a motion to grant the abatement; Chan seconded. The abatement was granted due to the property being vacant and the lack of any water or sewer usage.

A brief explanation was given on the circumstance regarding the abatement request for 143 Village Street. Bob Wilson made a motion to grant the abatement; Chan seconded. The abatement was granted due to the property being vacant and the lack of any water or sewer usage.

### Demolition Protocol Discussion.

Most municipalities require that utilities are cut and capped at the main, not at the property line. The Town of Medway Water and Sewer regulations do not speak of this issue. We have had 1 or 2 demolitions in the past few years. When a property is abandoned we as the municipality do not want old and unused pipe in the roadway. When abandoning a sewer service, the property owner has the option to video inspect the line and if the line is in good condition the DPS may approve the existing service. A water line must be cut and capped at the water main in the street. The most recent demolition in Town is at the corner of Village and High Streets. Bob Wilson asked if we are asking them to go into the street, cut, cap, etc and then repair the road? We also have two active demolitions right now. The owners plan to abandon the service on Village Street and come in off Island Road. Chan Rogers wondered if people are trying to take the easy way out when it comes to abandoning a service. Tom would like to implement a written policy regarding this. If a service is not capped at the main and is instead capped at the curb the Town incurs the liability if there is a service leak. The property owner makes the decision to abandon a service. Bob Wilson agrees and feels the Town should not have a live line/stub in the street. The Board of Water and Sewer Commissioners 2013 goal is to update rules, regulations and construction standards. This will be one of the standards that will become a written policy. Tom stated this has been demonstrated in other communities and is what is best for the Town.

Bob Wilson made a motion to require demolition property owners cut and cap utilities at the main line unless otherwise authorized by the Department of Public Services.

Chan Rogers seconded

Unanimous, 2-0.

### Leak Report Discussion

Tom Holder showed the Water and Sewer Commissioners the Leak Postcards sent out based on the reports run showing 24 hour usage which was indicative of a leak. Bob asked to see a report at the next meeting. Chan and Bob both felt the fact that the AMR meters provide us with the ability to be proactive and be able to notify residents and business owners of a potential problem is wonderful! A report will be provided at the next meeting.

Bob asks if as a Town we are recording more water use or less? We appear to be recording less consumption, not more as we thought. This is likely due to higher rates and conservation initiatives. We are confident the meters are working well and are accurate.

### Route 109/ West Street Water Main Project

The project is 75% done and then they will move over to West Street. Per the contract, the project is due to be done by October 5. It is expected that an extension of time will be requested.

The next meeting is scheduled for Monday October 1<sup>st</sup>. The meeting will be held in the DPS office of Tom Holder.

At 7:30 Bob Wilson made a motioned to adjourn the meeting.

Chan Rogers seconded.

Motion approved. Unanimous vote, 2-0



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair  
Robert Wilson, Member  
Peter Gluckler, Member

Water and Sewer Commissioners Meeting Minutes

10/01/12

Water & Sewer Commission:

In attendance:

**W&S Commissioners:** Chan Rogers, Bob Wilson, Peter Gluckler

**DPS:** Tom Holder, Judi LaPan

The meeting was called to order at 6:35 pm.

Bob Wilson opened the meeting; Peter Gluckler seconded.

Tom Holder starts the meeting by discussing the sewer betterment. It is Tom's belief that since the preliminary assessments were recorded on the property owner's deed the homeowners have had no notification that the betterment will now be assessed (see exhibit A). Now that the project has been closed the owners need to start paying for the betterment, the office will probably receive calls from residents with questions. Betterment letters have been mailed to one hundred thirty two property owners.

The short history behind the sewer betterment is that when the project was initially approved in 2003 the Board of Selectmen initially voted to cap the betterment assessment at \$12,000.00 for residential properties. In 2009 at Town Meeting a resolution removed the \$12,000.00 cap. Due to the resolution there are approximately 10 residential properties whose betterment exceeds \$12,000.00. There are quite a few commercial properties whose betterment exceeds \$12,000.00. The 2009 Resolution does allow for residential property owners to seek an abatement through the Water & Sewer Commission for reduction of the betterment assessment. The cost of any monies not collected if an abatement is granted will be added to the final cost of the project. These costs would then be spread out among the taxpayers. The DPS and the Board of Water and Sewer Commissioners need to establish criteria for granting an abatement.

Legal Counsel will also be sought as to the criteria. Chan asks if these potential abatements were factored into the cost of the project? Peter asks if we know how many properties have

abatements that are over the initial 12K? There are approximately 10 residential properties. There are also quite a few commercial properties that are affected. Chan suggests that we need to know what some of the residents feel are reasons they would receive an abatement before we can really make a decision. Peter asks if there are any legal requirements or guidelines for granting an abatement? Bob Wilson states that he does not feel that the betterment letter is worded well. He thinks the letter could have been written with more information. If the betterment letter had been written to incorporate more initial information it may have answered questions the residents have and prevented many of the phone calls we received. He feels that before we can draft guidelines on abatements you need to know the reasons people are requesting the abatement. Peter Gluckler asks if once a decision is made can the homeowner appeal the decision? There is no formal appeal process if the decision is challenged. It would be taken to court. Bob Wilson asks what would happen if someone chooses not to pay. It will be liened to their taxes. Peter is concerned and wants to make sure that we do not get too far away from the original criteria that were used to define the betterment. He also questions if there is any exception for financial hardship? The payments can be spread out over 20 years at 5% interest.

Robert Wilson makes a motion to schedule a meeting in two weeks to discuss the abatement requests. Chan Rogers recommends we wait and hear from the residents seeking abatements before defining the criteria. The Board is very supportive of meeting with the residents to discuss whether or not an abatement is warranted. Bob requests that in order to be responsive we schedule the meeting to hear the first of the betterment requests on October 22, 2012. Judi LaPan will collect abatement forms and schedule appointments every 15 minutes for each address.

Other business:

#### Approval of past minutes:

Robert Wilson made a motion that we approve the minutes for the following meetings: 8/20/12, 6/18/12 and 04/23/12. Chan Rogers seconds. Unanimous.

#### Abatement Request:

Duck Feathers - 74 Main Street – The sprinkler line broke and flooded the store. They are requesting an abatement for the sewer portion of the bill. After some discussion, the Commissioners request the owner contact their insurance company and see if their insurance would cover this additional cost. They will discuss a sewer only abatement if there is not any insurance coverage for the additional sewer charges. I will contact the owner requesting this information.

#### Directors Report:

Co-Permitting- EPA

The Charles River Pollution Control District (CRPCD) has been issued their draft National Pollution Discharge Elimination System (NPDES) Permit from the Federal Environmental Protection Agency (EPA). In this permit, the EPA are looking to make member communities (Medway, Millis, Franklin and Bellingham) co-permittees which in essence will hold these communities to the same permit criteria and thresholds as the CRPCD and allow the EPA to have direct jurisdiction over each community. This is in contrast to the current language which gives jurisdiction of each community only to the CRPCD and not the EPA. Each member community has jointly hired an environmental law firm familiar with this type of issue to craft public comments in protest of this proposed language approach.

The Water and Sewer Division have an article for the fall Town Meeting requesting to move the surplus of \$155K from the Highland Street tank to be re-purposed for the water main project. There were quite a few reasons for the needed funding, two examples being that the water main was not where we thought it was according to old plans on Route 109 near the Mill and Choate Park. Another example is that the gas line was directly over the water main in many spots, requiring more digging and unanticipated costs.

We are going to do some patch paving this fall with the intent to perform permanent paving in the spring once the trenches have had an opportunity to settle. There has been a lot of consternation as to pave now or wait until the spring. Due to the fact that the trenches do need to settle it has been decided to wait until spring.

Peter Gluckler makes a motion to adjourn. Bob Wilson seconds. Unanimous



# Water and Sewer Commissioners Meeting Minutes

10/22/12

## Demolition at 26 Milford Street

In attendance:

**W&S Commissioners:** Chan Rogers, Bob Wilson, Peter Gluckler

**DPS:** Tom Holder, Judi LaPan

**Board of Selectmen:** Andy Espinosa, Glenn Trindade, John Foresto, Dennis Crowley,  
Rick D'Innocenzo

**Other:** Mark Robinson (homeowner), 26 Milford Street

Robert Bernardo (son of homeowner) 34 Village Street/ Island Road

The meeting was called to order at 5:45 pm.

### Water & Sewer Commission:

Bob Wilson opened the meeting; Chan seconded

### Board of Selectmen:

Andy opened the meeting; Glen seconded

The issue being discussed is the demolition of existing properties and abandoning the water and sewer lines in the street. At the last Board of Selectmen meeting during public comment there were two residents who wanted to discuss the Water & Sewer Division demolition protocol. Both homeowners were in to the DPS Office to pull permits as they are both planning to demolish their homes and then rebuild. Both residents were told that they need to cut and cap at the main. The current requirement states that if Water & Sewer utilities are abandoned they must be cut and capped at the main in the street. The residents do not agree with the rationale for this and went to the Selectmen requesting that the Selectmen discuss this further with the Water and Sewer Commissioners.

Dennis Crowley made a preface statement: The Board of Selectmen requested this meeting to discuss the issue with Water & Sewer Commissioners and the two homeowners who are currently affected by the recent vote of the Water & Sewer Commissioners. Tom Holder explained why the water and sewer services should not be left live in the street. Boston Framingham, Franklin, Needham and Wayland do not allow services be left in the street live. A demolition is categorized as not salvageable and the home would be re-built new. The same philosophy extends to the water and sewer service. You do not want to build a new home and attach to old pipes. Full replacement from main to the property is standard protocol. The condition of the pipe is questionable, probably aged. It is more likely to fail and should not be left in the street as it is a liability to the town. Water service must be replaced. In regard to the sewer, a video inspection of the sewer line can be performed to prove the condition of the line.

When installing a new line a property owner does not start at the property line, he starts at the main and then goes back to his property.

Dennis stated that this protocol has not been a long standing policy. The town was always responsible. He looked at the regulations; Chapter 7, Paragraphs 1 & 2. He asked if there is a written regulation. He also asked if there is a written document stating the homeowner is responsible from the main in. He would like to see this regulation in writing. Dennis stated that in all fairness, this is a time sensitive issue. John Foresto asked what the difference is between abandonment and replacement. Tom Holder answered that there is no written regulation. The Board of Water and Sewer Commissioners are in the process of modernizing and updating the regulations. Tom said he understands this case is not planning on abandoning. The protocol was established to be in the best interest of the town people. Protocol can't and should not change based on specific circumstances.

Mark Robinson who is the homeowner of 26 Milford Street spoke to the board: He states that this is an old home that cannot be fixed. He is in the process of having a modular home built. He has Board of Water and Sewer regulations that he downloaded from the Town of Medway website. He states that he intends to upgrade the service line on his site. He states wants to shut it off at the curb and is not abandoning the service; just shutting off the valve.

Andy stated the intent is new construction and the customer will pay. Intent is for new application (paragraph 1).

Andy also said that paragraph 2 states that whoever is responsible for a particular side is also responsible for maintaining this "new installation". There is nothing stated regarding a new demolition. Why should the town bear the cost? We do not have a written policy regarding Mr. Robinson concern. In Andy's opinion, unless we have past precedence, we need to make a policy in writing. On a one-to-one basis, we need to address these issues and then make a policy to protect the town. Andy said that one can infer that the original connection has changed; it was intended for a certain house size and volume. It would be advantageous...

What is John Emidy's position on this? Is this public or private sanitary? Bob Wilson asked how long Mr. Robinson has known he was required to cut and cap the main. He came in to have the water permit signed off three or four weeks ago. Tom recommends that perhaps we should take a bond in case the water and sewer commission votes to cut and cap. Suzanne Kennedy says that the commission is not ready to vote tonight. Dennis and Mark say that does not help Mr. Robinson. Chan says that the owner is responsible to pay for the connection. Tom and John Emidy say the building permit is for new construction. Tom signed the permit conditional to the line being cut and capped. John Foresto asked how many demolitions we do a year. Tom Holder answered two or three. The last one at Village and High was required to cut and capped at the main. The old regulations do not take situations like this into account. Bob asked where the curb stop is. Mark stated that it is in his front yard. Bob wants a bond, Mark says with conditions. He would want a written statute before he agrees. Mark said that the regulations say that it is the town's responsibility under the current rules and regulations. Chan would like

to take this under advisement for seven days. Tom advised that the board go ahead and issue a demolition permit with restrictions.

Mark Robinson says no, that it is not a policy. Mark states that he will not be bound by a policy that is to be made. Tom says this is demolition and new construction. Mark would like an agreement that the town will shut off the water to allow for the demolition.

Andy wants to understand if we are allowing Mark no payment to shut off the main?

Do we uphold section 7, paragraph 2? It was voted on August 2, 2012.

Dennis wants the Board of Selectmen to vote on the issue now and then the Water and Sewer Commissioners can write the policy.

Glenn wants to go on record. He understands the intent but he thinks the town should maintain the pipe and should bear the cost. The recent vote of the W & S Commissioner is too new to be upheld. We should not be trying to change the currently posted regulations and put the cost on the taxpayers. He argues this does not seem fair to the homeowners. Mr. Robinson cannot be in the road after November 15. Time is of the essence. He urges the board address this issue within 48 hours and then meet again with the board.

Dennis put on his selectman hat. If either of these residents were to sue the town, do we have supporting evidence to win or would the town lose and settle out of court?

Andy would like the board to give deference to these two issues, and then change the policies and procedures

Mark asked, what is the question? Bob Wilson said it's to determine if he would be exempt from the policy that was voted on in August. Mark asked where is this policy published? To be discussed later. Tom says he disagrees...

These two applicants came in at the 11<sup>th</sup> hour; he would rather move quickly to protect the town into the future. Bob recommends we discuss and vote on this at the end of the sewer abatement meeting or postpone to a later date less than 1 week.

Glenn motioned to adjourn. Rick seconded the motion.

---

### **Sewer Betterment Meeting –**

**The following are supplemental minutes to the minutes that were already produced based on the video and audio taping of the meeting.**

In attendance:

**W&S Commissioners:** Chan Rogers, Bob Wilson, Peter Gluckler

**DPS:** Tom Holder, Judi LaPan

**Other:** Various residents

Note: This meeting was for the Water and Sewer Commissioners only and did not include the Board of Selectmen

If no preference on payment is returned to the Collectors office the homeowner will automatically be placed on the 20 year deferred plan. This betterment has already been recorded on your deed. The assessors have the ability to make an adjustment. Massachusetts General Law states there is no interest for the first year because it was assessed after...

Peter asked about the \$12,000 cap. There was a town meeting vote to cap the cost to homeowners in the early 2000's. In 2009 a town meeting article reversed the cap. Language states that all residents will have the ability to request abatement. The intent was to not...

#### **18 Alder Street**

Mr. Mele asked if he can sell the property with a lien on it. That has to be satisfied if a homeowner wants to sell the property.

#### **1 & 2 Mayflower**

See their attachments. Problem with easement, pitch/pump system and where does the pump go? Value of betterment is one point and applicability is the second point. Peter asked if the commission is charged with abatements less than \$12,000. Need to see town meeting language.

#### **14 & 16 Granite Street**

Conservation Commission issue. There was a determination that they would allow a sewer line as it could be a necessity.

#### **15 West Street**

This would require a pump. Peter asked if there is anywhere on the property he could tie in using gravity? Bill D'Innocenzo says he does not know.

#### **79 West Street**

Jim Boyan feels he is being charged wrong amount of frontage. Has a copy of his deed. He feels only 74 feet of frontage. Jim Boyan will leave pictures with his documentation.

Town of Medway  
Water and Sewer Commission Meeting  
155 Village Street  
Sanford Hall

October 22 , 2012

---

Members Present: Chan Rogers, Robert Wilson, and Peter Gluckler  
Others Present: Thomas Holder and Judi LaPan

---

(The minutes for the meeting are from an audio tape.)

**26 Milford St.**

The Board of Selectmen was present to discuss the replacement of a pipe.

This pipe is right on this front lawn.

There was a question about where is the curb stop?

The applicant noted that the excavation will not be on the curb. It will be right on the applicant's front lawn.

There was a question if the applicant would you be willing to put a bond.

The applicant noted yes, with conditions on why it would need to be replaced such as damage.

This is negotiable.

The applicant wants to see the written statute since he does not feel that this exists.

The real question is if the town thinks the pipe is too old and the DPW Director digs it up and looks and determines that the pipe needs to be repaired, then a decision would need to be made.

It was recommended that this be taken under advisement for seven days and then report back to the applicant.

Tom Holder suggested that the demolition permit can be issued and then a decision needs to be made if the applicant is going to be held to the new policy.

The applicant responded that he is not going to be responsible for a policy that will be instituted in the future.

This policy was voted on by the Water and Sewer Commission.

The applicant noted that this is not a policy. This is a building permit that qualifies as new construction and the water line will go from the main to the house. The applicant believes he is following protocol based on new construction. The applicant responds that there is nothing about that in the regulations. It does address regulations about a water service. This is an existing water service. It is active and functioning. We are not building a new water service.

The Water and Sewer Commission responded that delaying this by a week will not hinder the applicant. This is a unique situation.

The question was asked if there could be an agreement to proceed to shut the water off and start with demolition. The applicant needs to do this.

Tom Holder is fine with that and he wants the applicant to move forward. Tom would like the procedure that he is supporting to be carried out in the spring.

The service will need to be turned on and home will be ready in December. This will be a modular home. The plumbing is complete.

There was a question about why the seven days delay? What needs to be answered within the seven days?

The Water and Sewer Commission responded that the question to be answered is, do we uphold Section 7 paragraph 2 or do we exempt the applicant from it?

The policy was changed on August 20, 2012, but it has not been published.

The applicant noted that he has been running around trying to seek permits since May. The policy needs to be clarified.

The Commission noted that they have written and revised a number of their policies.

There was a response of a Board of Selectmen member that the intent is not a good idea. The town should maintain that pipe. What we need to decide is if we are going to keep this as a town responsibility or a resident's responsibility. These are taxpayers. The Town owns this pipe. We are not Boston, or Framingham. This is not a demolition in the normal sense. This is not fair to these property owners. There are time sensitive issues. Time is of the essence. This needs to happen and should be addressed this week. There needs to be broader discussion of the policy.

The Board of Selectmen needs to protect the town from liability. Can we defend this or will we need to settle out of court.

The representatives of the Board of Selectmen want the Water and Sewer Commission to address the policy in the future.

The question is do we exempt him from the policy.

Member Rogers wants to know that the general belief is to help him get this done.

The Commission wants to discuss this among themselves and make a decision.

It was communicated that both of the applicants submitted applications when the policies were being put in place.

Two of the members of the Water and Sewer Commission did not know that this document existed.

The applicant responded that this is a scary thought and a real problem.

This can be postponed and voted on at the end of hearing the sewer abatements.

**Abatement Applications:**

The Water and Sewer Commission informed the public that they will allow 15 minutes for each abatement.

**18 Alder St.:**

The resident seeking abatement was from 18 Alder St.

The resident received a betterment tax of \$71,000. He is concerned about the betterment tax.

The bill is due November 1, 2012. He does not feel this is fair.

The DPW noted that the treasurer will put this on as a betterment and will be put on their deed.

The Board of Assessor's has the ability to make an adjustment.

Mass General Law specifies that there is no interest after the first year.

One of the Commission members wanted clarity about wanted clarity about who are eligible for abatements. It was noted that in 2003, there was a \$12,000 cap.

The resident asked, if there is an automatic lien on property, will this prevent him from selling it.

Tom Holder responded, absolutely not.

The applicant communicated that he has five lots based on the new bylaw. He will be putting this up for sale. The entire property is zoned industrial. There are no wetlands on property. A professional appraiser went over property, this is virgin clean land. The property has sewer line. There is no building on property. This is only land. There was an appraisal completed and the applicant did not want to disclose the amount.

The Commission will make a decision on this at the end of the meeting.

**1 & 2 Mayflower Lane:**

The residents from 1 & 2 Mayflower presented a document for the Commission to review. This will be kept for the record.

The applicants were:

Daniel SanClemente, 1 Mayflower Lane

Shawn McDowell, 2 Mayflower Lane

The residents explained that they have three reasons why their abatements should be granted. The first reason is that this has been an ongoing issue for many of years. When the project did go through, we went to town hall seeking an extension to Village Street and we were told that they did not want this to happen due to the new line coming in. This assessment is unwarranted. The existing Village line which we have access to and was confirmed by Mr. Damico. We in fact can connect. The map and diagram was shown. The neighbor at 383 and 381 Village were able to connect before new line was put in. With the new line put in, the connection pipes are on the neighbor's line. There are not proper easements. There would be a cost to obtain an easement. If we could have connected through the original line, we would not have to be now through the neighbor's yard. The residents also stated that they are not looking to connect until there is a need since there is a cost for this. The betterment gives the land owner and opportunity and alternative choice if the system fails, his cost would be \$35,000. Septic replacement would be \$15,000. This would be a cheaper alternative. This is only 450 ft. of pipes with proper easement. There would also need to be a back-up pump. The cost is extraordinary; we are not bettered by this. There was also a question about how this was determined. 1 Mayflower Lane was assessed at \$12,007.00. This is useless property and a private way. The end cap is at 283 Village.

Tom Holder notes that the applicant made clear points.

The Commission is not sure if they can consider abatements below \$12,000.

Tom Holder communicated that the Water and Sewer Commission needs to determine if betterment is applicable to these properties at all.



If there was a line on Village which they could have connected, this does have bearing on whatever decision is rendered.

Member Wilson communicated that the Commission will make a decision on each individual case.

The Commission will take this under advisement.

**16 Granite Street, Mr. McMains:**

**14 Granite Street, John McDounough:**

These residents were presenting together.

The discussion began with the residents explaining that there are issues with the Frontage. They have frontage on West Street. A map was shown to indicate the wetlands on the property. The abatement was \$7925.00. The Conservation Commission will need to look at if a sewer line could be put in near the wetlands. The Commission agent was contacted and it was indicated that the sewer line does go through the wetland and would allow for the line. The resident indicated that they are 1100 ft. away from West Street to edge of house. The resident does not see how he can to connect and then the cost to hook up would be more than betterment. There is a shared driveway. The Commission was also made aware that there is an easement through the properties.

There was a suggestion that this would be a hardship and not betterment.  
This is an unusual set of circumstances.

Tom Holder explained that the deadline of November 1, 2012 still applies, although the Water and Sewer will not rendered decision prior to this date. The residents will automatically be placed into the 20 year betterment plan and this betterment has been recorded on deed and property. Once the Commission renders their decision, the assessor's will make the necessary adjustment. There is no interest incurred within the first year. If it rolls into a 20 year and the residents wants to pay over 10, it needs to be worked out by collector.

The Commission will take this under advisement.

**11 Waterview Drive Caroline & John Anderson:**

The resident noted that there situation is similar. They are on for discussion and will be heard at the end of the meeting.

The Commission will take this under advisement.

**Mr. D' Innocenzo-Mobile Excavating, 15 West Street:**

Mr. D' Innocenzo communicated that his issue is that when the sewer main went in, it was not low enough and ran right into the gas main and in result had to lift the pipe and had to put in a pumping system. Though they could go under, the town went over. This is a business owned area. The

assessment is almost \$50,000 over 20 years. He has some wetlands on this property. The abatement amount is \$46,036.20 based on his frontage.

There was a question asked about if there is a low point on West St. which you could access.

Mr. D' Innocenzo believes that if he were to go under the system, he will run into obstacles due to the gas lines, water pipes and power lines for electrical. He would not attempt to do it and if he did, it would cost a lot of money.

The Commission will take this under advisement.

**79 West St. Jim Boyan:**

Resident, Mr. Boyan explained that he filed the abatement on the first and his reasoning is that he wants to amend the difference in the frontage. The town is charging him 114 feet of frontage for the sewer assessment. When he had a surveyor read this, it was noted that he has 40 feet of frontage on Granite Street and 74.24 feet of frontage on West Street. There is no sewer on Granite. It is his understanding that he should not be charged when the property description indicates frontage is on West and Granite St. The resident spoke with Mr. Smith to have him clarify where the street meets and he confirmed it is from the stone marker, thus being 40 ft. The resident provided photographs. The abatement is for \$5410.00.

The Commission asked what it would be without Granite.

This resident responded that it would be 74.2 with only frontage on West St.

It was communicated that the connection originally asked to be pushed down further. He was told this, my lateral needed to come off of West St.

The resident has not connected. The photos showed granite street and boundary lines. The resident explained that he has a functional septic system. The resident wants an abatement of the 40 ft.

The stone boundary was noted and measured and stakes are still standing.

Mr. Flaherty was there at that time and advised on this.

This is pretty straightforward.

The Commission will take this under advisement.

**Jim & Keith Lawrence- East Hill Associates:**

**49 Alder St.**

The owners at 49 Alder received their betterment charge and it was calculated on road frontage. This was indicated as 255 feet. There was a plan provided which showed the town has taken drainage easement of 35 ft. and 157ft. drainage easement. The plan was referenced by the map. The drainage easement was noted.

The applicant communicated that they ended up with 65 ft. of usable frontage. They would like the betterment based on 65 ft.

The applicant is in the process of putting up a business. This should be ready at the beginning of the year. This business is storage for trash disposal business.

The Town has a drainage easement of 157 ft. wide and 35 ft. deep. There is a culvert for water retention. There is a guard rail for 35 feet.

The original amount was \$12,102.32, and the applicant believes it should be \$3,084.90.

The Commission noted that they will need some legal advice on what is considered frontage.

The Commission will take this under advisement.

**4 Granite Street-Nancy Hudon:**

The resident was present to explain that their abatement is \$4508.70. There is 95 feet of frontage on West St. This property is on septic. There are wetlands and gas lines present on property. The resident is concerned that the DPW may not be able to have a sewer line put there. The resident did leave a message with the Conservation Commission. The resident wanted to understand if this is even feasible.

The easement is on a bit of their property. The easement is railroad, electric and gas. The majority of it is off property, but some of maps show it on her property.

The Commission will take this under advisement.

**66 West Street-Michael Robinson,:**

The resident, Mr. Robinson was present. A copy of the abatement was provided to all members. The resident is questioning the amount of frontage at 340 ft. He also wanted to mention that there is one building on parcel and there will be no other burden on the sewer line due to the wetlands on property. There could not be any further construction. He believes the linear frontage is less. He viewed the map from the assessors and there is a large easement that belongs to a neighboring lot and not him. This will need to be verified.

The brown shaded area is a wooded marsh being wetlands. A stream does run through his property and is considered part of the frontage. The majority of the land is not buildable.

The Commission will take this over advisement.

**11 Waterview, Mr. & Mrs. Anderson:**

Mr. & Mrs. Anderson from 11 Waterview were present to explain their reasoning for abatement. The assessment value for betterment was disproportionate to the other homes in the area. Their assessment is \$13,050 and the average in the neighborhood was \$7722. The resident explained that they have the same capacity as other homes. The actual footage is smaller, but they are paying the largest fee in comparison to the neighborhood. The residents noted that they are paying almost twice as much.

This is 68% higher. The applicant has already hooked up.

The Commission will take this under advisement.

**84 & 86 West Street Mr. Parella:**

The residents were not present to speak on behalf of their abatement. The abatement request was \$23,000. This is for two parcels. The applicant did provide a written narrative about the abatement. The secretary read the reasoning for abatement. The reason is due to the large frontage on the property. There is a tributary and gas line. The frontage on 86 West Street is 200ft. The frontage on 84 West Street is 287 ft.

The Commission will take this under advisement.

**Follow-Up Discussion:**

Tom Holder would like to have Judy put together a spread sheet and the Commission will then have Town Counsel provide opinion on each abatement. The town may end up absorbing the amount in abatements in what the Commission decides. The town will not go out and reassess. The town split is 50/50. The Town portion is 1.375 million minus whatever the Commission decides to grant. The town will need to increase the amount for which they borrow.

The Commission noted that they want to be fair across the board.

Tom Holder communicated that the warrant article was written and the Water and Sewer Commission can grant these abatements for financial reasons down to \$12,000 for residential properties.

The Commission agrees that there was no foresight about the issues that were heard this evening.

There must be some legal precedent. The issues on these cases involve easements, wetlands, and frontage issues. The Commission with guidance from Town Counsel will have to determine the validity. The Commission will need to set up another date to discuss the recommendations from Counsel.

The Commission discussed the timeline for rendering a decision. The Water and Sewer Commission is not sure about the recourse if the abatement is not given.

It was communicated that there is no consequences on the Water and Sewer part for how many possible granted and those not granted. There is no appeal process. The applicant cannot go to the Board of Selectmen, but they could probably go to court. Town Council should advise us on this.

The W& S commission wanted to know if the DPW will pay Town Counsel. The legal opinion can be forwarded to the members but without discussion from email.

The next meeting date will be in the middle of November.

**66 West St.:**

The Commission was in receipt of abatement for the Williamsburg property, which is adjacent to animal hospital. There is a certified vernal pool. This owner has two parcels. One of the parcels 72 West Street is the vernal pool. This is not building lot. The applicant is looking for a \$15,000 parcel abatement.

**66 A West St.:**

It was indicated that the buildings are no longer there. The map is not accurately reflective. The Commission would need to decide that whatever lot has the vernal pool; it is not a buildable lot. This needs to be discussed further with the Board of Assessors. The location of the vernal pool is confusing.

It was also noted that there is no betterment on 70 West Street.

The Commission would like to see better maps on this. This abatement will probably be warranted.

The Commission will take this under advisement.

**14 Holbrook Street, Dan Cence:**

The resident was not present. It was communicated that the applicant did attend a meeting a year ago to discuss that there are wetlands on the property. He believes there is no hookup on West Street. They share a private drive and two homes are on it and the property splits, with frontage on West and Granite.

The Commission will take this under advisement.

**395 Village St., Mr. McDonald:**

The resident was not present. The resident received abatement on 395 Village St. The issue is that there is no sewer access. There was a betterment and lien when this is not on town sewer. The name on parcel is same as 1 Rob Way. It was inadvertently on Village Street and not 1 Rob Way. There was a mistake with the address.

Tom Holder questions if there is a sewer line for Mayflower to connect. There is a Village St. line but there may be a gap.

Rob Way was not assessed and the assessors would need to do this.

The Commission will be take this under advisement.

**Discussion:**

**26 Milford Street:**

Discussion continued in relation to 25 Milford Street. Tom Holder provided a brief synopsis of the earlier discussion. The documents which were discussed earlier in the evening and the old regulations have been on the website for a long time. The predecessors created that document, but those are what are out there. There was a discussion about the regulations and a vote was taken back in August 20, 2012 which pertained to this.

Tom continued explaining what is commonly done in other communities such as Franklin, Wayland, Framingham, Needham, are the best management practices calls for that during the demolition process of a property, that being totally demolished, and building new construction, requires that the existing water and sewer service be cut and capped at the main by the owner or developer and not the town. All agree that this is the right thing to do but the discord is whether or not the owness should be placed on the property owner to pay for that since there is a significant cost to cut into the street, trench, cut and cap and reconstruct.

Prior to a couple of years ago, this was not the approach that the town took. Tom indicated that he did bring this to the town since it is done in several other towns. This was also why he brought it to the town back in August. While this was going on in August, there were two applicants one at 26 Milford Street and one at intersection of Village Street and Island Road.

Currently, 26 Milford Rd. is a resident that has purchased and committed to have a modular home constructed. The modular home is being built and will be delivered in December. Tom communicated that the regulations do not call for the property owner to do this. Those regulations do not speak to this point directly.

The building inspector was present earlier in the meeting and on the form it indicates this being a new property and you are demolishing and constructing new and this requires a new water and sewer service. The owner pays for this.

The applicant is expressing that the regulations do not specifically say that. They want to utilize the service again. Tom Holders point is that the condition of the water and sewer pipe is highly questionable and that the fact that they are building a new home, there is nothing that is salvageable. It is a complete demolish and will build brand new.

Tom believes a new service should be put in and the old one abandoned and capped at the main. The problem is such that 26 Milford Street is looking for a decision as soon as possible since the home will be delivered. He is not prepared financially to do what the DPW is wanting him to do.

The Water and Sewer Commission is being asked to look at the policy which was promoted and voted and should rightfully occur. The Commission needs to decide does this apply to them, should there be a grandfather period. There were a lot of people that spoke against it and some spoke in support.

There is more of a review that needs to be done to solidify this a little more. Maybe there needs to be a policy statement which needs to be voted and added as an addendum. The applicants need to clearly understand the regulations.

We are in the right direction to implement this, so if we allow the two applicants that came in as the regulations were changed get a break and do not have to comply. This is still in place moving forward.

The policy could be distributed to the various departments to make them aware of what we are doing and then the Commission could make another vote with the addendum. The document could then be published. The proper thing to do is move in the right direction, but do we need to move ahead with these two applications, not necessarily.

There was a question about what is the risk or integrity to the water line if we go ahead and allow. Tom noted a couple of concerns:

1. The applicant will put in a brand new copper pipe and he will have pressure problems due to the calcification from the iron pipe. There is a concern it will leak and also there is a concern that it will disturb everything. The applicant will then call the DPS due to poor pressure which then the DPS will go out there because the regulations say we will go out and repair the pipe. The town would have to pay to cover the cost.

This is about a \$4,000.00 job, new pipe and flow fill and compact fill used, new lines.

Member Wilson noted that the applicant communicated that if he knew this prior to, he would have applied for this within the mortgage he getting. He does not have the money to do this. Another problem is that this is the policy which is read and is public, the residents own curbside to home and we own from curb to main.

Member Rogers responds that a new homeowner pays to get the new pipe to the main and it doesn't matter what is in between. This should be the guideline we use. This should be resolved and not worry about it being consistent with any guideline which is developed. Each case is different.

The Commission will look to develop a guideline down the line and have town counsel prepare the language as an addendum to and actually included to 1994 regulations. Then it would not be contested.

There was a question about if what the applicant is doing now is in compliance with the existing bylaw.

It is tricky since the language expresses that it is a tear down and the applicant claims it is an existing building. The electric and gas companies are calling it a remodel. They are not making him cap.

There was another question about if the applicants needed to pay to tap in way back then?

Tom Holder responded that what would happen is that the town would install and bill the owner. Town forces would do this. Now, the property owner does this.

The concern of the water and sewer commission is that the pipe is old and will not last.

There was a question about what prompted him to come in tonight?

The applicant applied to get a permit signed and he came to the DPW office and he was not pleased about the response which was provided that we needed to sign the demolition permit and during public comments during the Board of Selectmen, those two individuals spoke and voiced concerns. The Board of Selectmen responded that they heard the residents but are not ready to make comments and wanted to convene a meeting with the Water and Sewer Commission.

The Water and Sewer Commission noted that the regulations were only in the meeting minutes. Nothing has been updated since then.

Member Wilson recommended that we change our approach to allow the applicants to tie in to curb stop.

Tom Holder communicated that this document was not published enough. It was only part of the minutes. We need to do a better job communicating the regulations.

Member Rogers communicates that we would accept making an exemption.

Tom holder communicated that the regulations do not address or define demolition and new construction and what they mean.

The Commission did vote on the policy, but clearly we need to expand the policy.

The discussion included that this will be given further consideration until thus time when the Commission has a formal policy written with definitions. The Commission will consider it further, but not until a formal amendment is crafted and approved, and will not implement new policies and practices until such time.

Member Wilson wanted to know what the process to get something is like this published.



Member Glucker responds that we have approved the policy but it has not been implemented. This is the purview of the Department of Public Services.

Member Wilson disagrees, the applicants are looking for something beyond the building department.

Member Rogers communicated that I can give them reason for exemptions from the standard policy.

Judy LaPan excused herself to get the regulations.

Member Gluckler is comfortable with the policy that was passed a couple of months ago, but he does not know why that policy is not published.

Tom recommended that the Commission could consider the policy statement which was voted on last August of 2012 and that until such time, as this is converted into an approved regulation with addendum to follow.

There would be a formal policy written and have something official that we are considering this further and until such time, until an amendment is approved we will not craft and implement until such time.

Tom Holder prefers that regulations are approved by the Water and Sewer Commission.

The regulations referenced were paragraph one and two section 7 for existing services.

Member Wilson communicated that the Commission could allow these two applicants to move forward with the understanding that the policy statement will be considered further at a later date with addendums.

Member Gluckler suggested that we make a recommendation instead of an approval and not act until it becomes a published amendment regulation.

Member Wilson noted that the DPS did consider this demolition to be new construction.

Tom Holder communicated that there needs to be a balance.

Member Gluckler wanted to know if we could approve this under the past policy.

The discussion concluded.

**On a motion made by Bob Wilson and seconded by Pete Gluckler, the Water and Sewer Commission voted unanimously to recommend that until such time as the demolition policy statement which was established August 20, 2012 is made into a published regulatory amendment, the Department of**

**Public Service will not enforce that policy statement and that the Commission recommends that the DPS not enforce that policy statement.**

**Adjourn:**

On a motion made by Peter Gluckler and seconded by Bob Wilson, the Water and Sewer Commission adjourned their meeting. (there was no time indicate)

Respectfully Submitted,

Amy Sutherland

DRAFT



TOWN OF MEDWAY  
WATER & SEWER COMMISSION  
MEDWAY, MASSACHUSETTS

**Commissioners**

Cranston Rogers, Chair

Robert Wilson, Member

Peter Gluckler, Member

## Meeting Minutes

December 10, 2012 – 6:30pm  
Sanford Hall  
155 Village Street, Medway MA

Present: Chan Rogers, Peter Gluckler, Robert Wilson, DPS Director Thomas Holder, Business Manager Sarah Pawluczzonek. Residents – Sean McDowell, Dan San Clemente, William D’Innocenzo, Paul McGann, Jim Boyan, George McMains, Anthony Mele, Keith Lawrence, Natalie Hudon, Michael Robinson, Caroline Anderson, and Joseph Lusk.

**The meeting was called to order at 6:40pm by a motion from Robert Wilson.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0.**

Chan Rogers introduced the group to the residents.

Chan explained that the purpose of the meeting was to be a discussion of the Industrial Road Sewer Betterments. He explained that the purpose of a betterment is to provide the residents the ability to tie into Town Sewer, which in turn increases their property value. Only betterment matters are to be discussed at this meeting, not payment, or other issues with the Town or construction projects. Payment is handled by the Treasury Office and will not be a part of this process. He explained that it is the intention of the Board to vote on as many abatement requests as possible tonight. The process of appeal is to file in the Norfolk County District Court, and recommends you consider getting legal counsel. The statutory rule for using total frontage to determine betterment apportionment is what was used to for this process.

Tom explained that there was a sign in sheet to sign and then we would hear from each party in order of the sign in sheet.

Chan Rogers asked the residents if there were any general questions outside of their own betterment case.

Dan San Clemente asked who was responsible for removing the lien from the deed, if abated.

Tom Holder answered that within ten days a response would be mailed from our office, and copied to the Town Treasurer and Assessor so that they could adjust the tax bill. If an abatement was granted, the Town would consider paying the fee to change the deed.

Dan San Clemente asked if there was a time frame to file an appeal.

Chan Rogers explained that abatements were due within six months of the date of the letter that went out in October 2012, and that appeals had to be filed within thirty days of the date on the abatement request letter with the Commissioner’s response from tonight’s meeting.

Tom Holder added that the Town had ten days to notify each resident of the Board’s decision. And that notification would come in the form of a signed abatement request application with a date that is the beginning of the thirty day allowed for an appeal.

**1 & 2 Mayflower Lane**

Dan San Clemente and Sean McDowell were called up to present their abatement request to the Board. They are the owners of 1 Mayflower Lane, and 2 Mayflower Lane, respectively.

Dan San Clemente explained that they shared the same issue as they are the two homeowners on this private way. They had three concerns. First, their private road, Mayflower Lane, connects onto Village Street, which has an existing sewer main running right by their street. Prior to the new sewer line going in, they had gone to the Town requesting the ability to connect to the sewer main on Village Street and were told to hold off until the new line went in. Secondly, the new sewer stub is in their neighbors property and so they would need an easement to connect. They had asked for easements from the Town back at the start of the project in 2008 and were not granted any. They feel it is unlikely that this neighbor would ever give them one as he has landscaped the area and is essentially non-accommodating in this matter thus far. Thirdly, they had a preliminary cost-analysis done and found it would cost them at least \$30,000-\$40,000 to connect as they would need pump systems. They feel that for these reasons they are not being bettered at all.

Chan Rogers said he was aware of their concerns, having spent some time with Tom Holder going over these matters and would like to table the rest of the discussion until after all the rest of the abatements were heard, due to this being a more complex matter.

Tom said that he could confirm based on a site visit that there is indeed a sewer system on Village Street passing Mayflower Lane.

Robert Wilson said he would like to see some more documentation before rendering a decision.

### 15 West Street

Mr. D’Innocenzo of 15 West Street was called up to present his abatement request to the Board.

Mr. D’Innocenzo explained that his business, Mobile Excavating, would have to connect to the sewer main by passing by a gas main and having a pump system which is not an affordable or easy job. He did not understand why they placed the pipe at this grade. His company does excavations but even this job was too challenging for them.

Tom Holder did confirm that the pipe was laid at a shallow depth, however he was of the understanding that all property owners were given the chance to select the placement of their stub. He said that in light of the complicated placement, the Town would be receptive to him placing his lateral connection in another location through his frontage directly into the sewer main to allow for a gravity connection.

Mr. D’Innocenzo asked who would pay for this connection.

Tom Holder explained that the resident pays for their own connection.

Chan Rogers read the statement from legal counsel “The owner would need to demonstrate that the connection is not possible by reason of its grade or level or any other cause cannot be drained into such sewer”.

Mr. D’Innocenzo asked if he really had any recourse in this matter.

Tom Holder explained that we could not assess his property on any other circumstances other than frontage.

Peter Gluckler requested clarification that the option to tie into another location with a gravity line does not affect the abatement.

Tom Holder answered that that was correct, it would just potentially lower the cost for the resident to connect.

**Robert Wilson made a motion to reject the abatement request for 15 West Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

### 12 Alder Street

Paul McGann was called up to present his abatement request to the Board.

Paul McGann stated that he was only there to discuss the damage the project caused to his stone wall.

Chan Rogers explained to him that his complaint against the Town with regards to his stone wall damage would not have any bearing on a betterment abatement. It is a separate issue.

Tom Holder further explained that we cannot reconcile another claim against a betterment assessment.

Paul McGann stated that he was never asked where he would like the location of his sewer stub to be.

Tom Holder said he understood that was supposed to be the approach.

Paul McGann asked for direction from the Board on handling his damage claim.

Robert Wilson told him to deal with Tom Holder on the matter.

Tom Holder said we would mail him a claim form and a copy of the abatement form.

Chan Rogers asked him if in light of his claim being a separate issue, if he would like to withdraw his request for abatement.

Paul McGann signed for a withdrawal of the abatement.

#### 79 West Street

Jim Boyan was called up to present his abatement request to the Board.

Jim Boyan explained that his property has 74 feet of frontage on West Street, and 40 feet frontage on Granite Street. The sewer runs on West Street so he does not feel he should be charge frontage on Granite Street as well. If we were to remove the 40 feet the abatement request would be \$1,898.40. This would leave his betterment amount at \$3,512.04.

**Robert Wilson made a motion to abate 79 West Street for the amount of frontage on Granite Street which does not have the new sewer line.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

Jim Boyan asked how he would get the reduction off the deed.

Tom Holder told him that the Town Treasurer and Assessor would take care of that.

#### 14 & 16 Granite Street

George McMains and Joan McDonagh of 16 and 14 Granite Street, respectively, were called up to present their abatement request to the Board.

George McMains explained that they would need to connect through wetlands, but he has heard that Mr. Holder spoke with the Conservation Agent, who says the connection is allowable.

Chan Rogers stated that wetlands do not prevent access.

George McMains further explained that when he met with our Conservation Agent, Karon Skinner-Catrone, she told him he would need to file a Determination of Applicability with the Massachusetts Department of Environmental Protection (DEP) to get their permission. This is not a guarantee that permission will be granted. Also spoke with Trufant & Sons to get a quote on the job and they stated to him that just to lay the pipe would be at least \$40,000 and in addition they

would need to deal with the rocky terrain, put in a temporary access road, and run an electric pump in the wetlands. They would not even estimate the whole job due to their feeling that it was not worth their time to do this job. His realtor told him that the \$40,000 alone to lay the pipe was already far greater than what his property value would become with a sewer connection. He could not afford to hookup this way and neither could his neighbor, Joan McDonagh.

Chan Rogers requested any plans that might have been submitted to show his property.

George McMains provided a full size drawing.

Tom Holder noted to the Board that this may be a circumstance where the property owner can demonstrate that the cost to connect is in excess of the benefit received.

Peter Gluckler requested that they provide the board with an estimate for a new septic system to compare to the cost of a Town sewer connection.

Joan and George claim that it would probably be about \$10-\$15k and is not in the wetland buffer zone.

Peter Gluckler requested a market analysis to see the improvement to the property value should they be on Town sewer.

Robert Wilson asked them to get a full estimate of the cost of connecting to the sewer.

Tom Holder offered to provide them with a list of drain layers to request quotes from.

**Robert Wilson made a motion to postpone these abatements until requested documentation could be provided.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

#### 18 Alder Street

Mr. Mele of 18 Alder Street was called up to present his abatement request to the Board.

Mr. Mele stated that his betterment was for \$71,091.08. At early pre-construction meetings he attended, it was mentioned that the Town would fund more of the project than the homeowners. Also they said betterments would be not to exceed \$15,000 per homeowner.

Tom Holder explained that the Town did fund 50% of the cost of the project.

Chan Rogers explained that the Town used lineal footage per the state statute to proportionately assess the betterment amounts.

Tom Holder further explained that the decision to go with a unit price assessment was transparent in several Board meetings, including a vote at Town Meeting. The formula was to take 50% of the cost and divide it against the total linear feet of frontage on the project.

Robert Wilson asked if his lot was sub-divideable.

Mr. Mele answered probably, but that with the betterment he would probably have to sell his whole parcel.

Chan Rogers requested that Mr. Mele offer the Board an alternative betterment figure to consider. He asked what Mr. Mele felt was a reasonable value.

Mr. Mele said he would get his property appraised and determine from the zoning by-laws, how many lots could be sub-divided from his total parcel, and then come back to present it to the Board.

All members of the Board of Water/Sewer Commissioners approved this and tabled the vote on his property.

Tom Holder said that the six months from the date of the betterment letter would be up by April 1, 2012 and so he would have until then to provide this documentation.

Mr. Mele stated that he planned to retain legal counsel as well. He asked how this would affect his taxes in the interim.

Tom Holder explained that there would be no interest to the 20 year apportioned betterment in the first year.

#### 49 Alder Street

Jim and Keith Lawrence of 49 Alder Street were called up to present their abatement request to the Board.

Jim Lawrence explained that they were assessed for 250 feet of frontage but the Town owns 160 feet of it through an easement. There is nothing they can use that land for.

Robert Wilson stated that based on the opinion of our legal counsel there is not much we can do for you with regards to an abatement.

Keith Lawrence asked if the Town's legal counsel understood the type of un-useable easement this was.

Robert Wilson told them that they can always apply for an appeal at the Norfolk County District Court.

Keith Lawrence asked who the Town's legal counsel was.

Chan Rogers answered Barbara St. Andre.

Tom Holder answered that she was from Petrini & Associates.

Jim Lawrence claimed that this easement is not a simple easement, it has affected a lot of how they can use the land around it.

Chan Rogers told them that they had to prove that the cost to connect to Town sewer is in excess of the benefit received.

Keith Lawrence said he felt that the 95 ft of frontage not on the easement is what is fair for them to pay.

Robert Wilson explained that they still physically own that frontage.

**Robert Wilson made a motion to reject the abatement for 49 Alder Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

#### 4 Granite Street

Natalie Hudon of 4 Granite Street was called up to present her abatement request to the Board.

Natalie Hudon explained that her property has the Algonquin gas main running through it, and possibly a vernal pool. She spoke with the Conservation Agent, Karon Skinner-Catrone, who said that she would need to file a Determination of Applicability with the Massachusetts Department of Environmental Protection (DEP) to get their permission to connect through the wetlands.

Robert Wilson reiterated that legal counsel says that wetlands do not prevent a connection.

Chan Rogers asked if she knew what it would cost to connect and if she was requesting a full abatement.

Robert Wilson stated that the sewer pipe can be run under the gas main in most cases and through the wetlands. He requested they provide an estimated cost of connection much like was requested from 14 and 16 Granite.

Chan Rogers agreed that the Board would be willing to see documentation that could prove that the cost is in excess of the benefit received.

### 66 West Street

Michael Robinson of 66 West Street was called up to present his abatement request to the Board.

Michael Robinson explained that he had been at the last meeting in disagreement that an easement should be counted. I now understand from what I have heard here tonight that easements are counted in frontage.

Tom Holder stated that wetlands will not have any bearing on this abatement but the frontage calculation is in question. Of the 340 feet of frontage assigned there is in fact a 150 foot sliver belonging to Williamsburg Way. We should reduce the assessment by the 150 feet, leaving 190 feet. This reduces the assessment by \$7,119.00

Chan Rogers reiterated that Tom Holder had confirmed that 150 feet of frontage is not Michael Robinsons and so they could abate it. He requested to see a drawing of this property.

**Robert Wilson made a motion to abate \$7,119.00 from the assessment for 66 West Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

### 9 & 11 Waterview Drive

Caroline Anderson and Joseph Lusk, own 11 and 9 Waterview Drive, respectively, and were asked to present their abatement request to the Board.

Joseph explained that because their properties are on a rounded corner it creates a larger frontage which is much higher than our other neighbors with the same size lots.

Peter Gluckler asked the Board to consider whether or not the formula applied created a reasonable assessment.

Mr. Lusk suggested that they are assessed the average of all their neighbors, excluding their own assessment. This would come to \$7,292.00.

Tom Holder explained that the linear frontage approach is used to be fair because we cannot come up with an arbitrary estimate for assessments.

Mr. Lusk said that their properties are small.

Robert Wilson answered that the betterment is not based on lot size.

Tom Holder suggested that one consideration would be to revert the assessment to the original single family residence amount of \$12,000.

Mrs. Anderson read the law stating that the cost cannot be in excess of the benefit received or disproportionate to similar properties. She felt it was not proportionate.

Tom Holder felt that if the Board was to average one neighborhood they would have to apply this same logic to all neighborhoods.

Peter Gluckler recommended that we go back to Town Counsel with this and ask them about the possibility of treating these like corner lots.



Tom Holder said that Town Counsel was pretty clear on this issue and will unlikely come up with a different opinion on it.

Robert Wilson stated that these properties are simply not corner lots.

**Peter Gluckler made a motion to have Town Counsel do a draft motion of whether these properties are comparable to a corner lot.**

**Tom Holder made a friendly amendment to also have Town Counsel evaluate disproportionality of assessments.**

**Robert Wilson seconded.**

**Motion approved, unanimous vote, 3-0**

1 & 2 Mayflower Lane (continued...)

Chan Rogers explained the need to wait until the end to revisit this matter due to its complexity so as not to tie up the other residents. Please brief the other members on your abatement request.

Sean McDowell presented a map of Mayflower Lane.

Robert Wilson asked how much each of their betterments is for.

Sean McDowell answered \$7,119.00.

Dan San Clemente answered \$12,007.38.

Tom Holder said that the primary evaluation is that they have the ability to connect to Village Street and had this ability prior to the project. The stub is near the 383 Village Streets property and is not practical for them to use. The owners could make a direct connection to the sewer main in Village Street at Mayflower Lane.

Sean McDowell stated that because the sewer line existed in Village Street when they bought their property, they were already bettered.

Tom Holder said that he would include a caveat to the abatement, if approved, that these properties cannot ever connect to the newly installed line. We could get Town Counsel's opinion on this.

**Robert Wilson made a motion to contact legal counsel to get an opinion as to whether the betterment was already applied here through Village Street and whether the aforementioned caveat could be enforced.**

**Peter Gluckler seconded.**

**Chan Rogers said Nay.**

Dan San Clemente said we have letters sent to Barbara St. Andre from years ago to which she never responded. When we finally got a response it was not much of an answer at all.

Tom Holder said that he realized that we would be making it more complicated to add in the aforementioned caveat. We will get an answer from Barbara.

**Chan Rogers made a motion that the previous situation allowed them to hook up to the sewer originally so the new sewer is not a betterment and full abatement should be approved.**

**Robert Wilson seconded.**

**Peter Gluckler said Nay.**

**Motion approved, 2-1**

33 Alder Street

Tom Holder explained that this abatement request is based on a claim that the town never paid him for an easement.

Robert Wilson said this has no bearing on a betterment and cannot be reconciled against it.

**Robert Wilson made a motion to reject the abatement request for 33 Alder Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

14 Holbrook Street

Tom Holder explained that this request is similar to 14 and 16 Granite Street. They have frontage on West Street with wetlands to cross to connect, but are addresses on Holbrook Street due to a common driveway.

Robert Wilson read that they claimed a Town Engineer said they could never hook up to the sewer system.

Tom Holder said he has no verification of this but could reach out to see if it was Tata & Howard who said this.

Robert Wilson felt this should be investigated further before deciding.

Tom Holder showed them a map of this property.

**Robert Wilson made a motion to contact the owners and request a cost estimate to connect to Town sewer to see if it is substantially more than the benefit received, and for the DPS to look into the Engineer's opinion, and then they could consider abatement afterwards.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

260 Main Street

Tom Holder explained that 260 Main Street had a new septic system installed as their argument for a full abatement.

Robert Wilson said that he feels this does not apply.

**Robert made a motion that this septic system has nothing to do with the betterment itself and is rejected.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

395 Village Street

Tom Holder explained that 395 Village Street is not part of the betterment but 1 Ron Way is and the town made a mistake and assessed the wrong parcel.

**Robert Wilson made a motion to abate 395 Village Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

72 West Street

Tom explained that 72 West Street has a certified vernal pool making it an unbuildable lot.

**Robert Wilson made a motion to abate 72 West Street.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

#### 84 & 86 West Street

Tom Holder explained that the Algonquin gas main runs through these two properties, as it does to many of the properties. They do have stubs to connect to the new sewer line. He showed the Board a map.

**Robert Wilson made a motion to reject the abatement.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

#### 93 West Street

Tom Holder explained that 93 West Street is another wetlands issue and so the cost of connecting would have to be proven to be more than the benefit received. The frontage has wetlands, and this home is on a common driveway. He showed the Board a map.

**Robert Wilson made a motion that we request documentation from the homeowners as to the cost in order to consider the abatement further.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

#### Next Meeting

**Robert Wilson made a motion to meet on January 14, 2013 in Sanford Hall.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

**Robert Wilson made a motion close the meeting at 9:10pm.**

**Peter Gluckler seconded.**

**Motion approved, unanimous vote, 3-0**

**Sarah Pawluczonek  
Executive Assistant  
Department of Public Services**