

September 28, 2009

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, September 28, 2009, at 7:00 p.m. at the Edward J. Delaney Water Treatment Plant, 1303 Washington St.

Present: John Spillane, Roger Turner, Kevin Muti, Patrick Fasanello and Ken Fettig. Also, Rick Mattson, Supt. of Sewer and Water.

All abatements submitted tonight are reviewed and signed.

Motion Made by Patrick Fasanello to accept the minutes of September 14, 2009. Second by Roger Turner. Vote 3-0-2, Fettig and Spillane abstained.

Mr. Mattson asks about the RFP for the rehabilitation of the Delaney Water Treatment Plant. He asks for a response as timing of when the plant would be shut down is critical. Mr. Muti asks that everyone email a response to Mr. Mattson as quickly as possible.

WEBSTER TRUCKING – REQUEST FOR CONSIDERATION – 25 INDUSTRIAL RD

All information is reviewed and discussed. It is agreed that the water passed through the meter and they must remain consistent with their policy and they feel they cannot accept responsibility for a malfunctioning toilet. **Motion Made** by John Spillane to deny this request for consideration. The applicant should be made aware of the payment arrangement that is available with the Finance Department should he feel it is necessary. Second by Patrick Fasanello. Vote 5-0-0.

IMPACT ENGINEERING, 3 EAST ST. METER CHANGE PROBLEM

Mr. Mattson explains that this was on the last agenda and there was more information needed for the Board to make a decision. He says our meter maintenance person was out to replace the meter and was unable to do this because the meter was screwed directly to the plumbing and there is no tailpiece. The property owner was advised that he would have to get a plumber to remedy this and he refused. **Motion Made** by John Spillane to notify the owner that he has 10 days to correct this and receive a new meter or the water will be shut off at this address. Second by Patrick Fasanello. Vote 5-0-0.

T. MOBIL/WAGON RD ANTENNA BID PROPOSAL

Mr. Mattson explains that before them tonight is the lease agreement in which they have agreed to \$36,000 annually or \$3,000 per month for a cell tower at our Wagon Road water tank site. They are also willing to give us an additional \$5,000 to do what we need to do. There is some discussion. **Motion Made** by Ken Fettig to accept the agreement as written. Second by John Spillane. Vote 5-0-0. Mr. Mattson reminds that as in the past this is a 50-50 split with ½ to the Town's general fund and ½ to the Water Department. Mr. Fasanello responds then he wants this amount deducted from the indirect charges we incur.

SUPPORT OF CONCOM RE: FATM ARTICLE 21 WRPOD AMENDMENT

This is a letter from the Conservation Commission stating that they voted to support the position of this Commission in not supporting Article 21 of the Fall Annual Town Meeting relating to amending the WRPOD which is a petition of Donnell Murphy. This is a read and noted.

FATM ARTICLE 5 BACK UP INFORMATION

Mr. Mattson explains that this is the back up information that went to the FinCom and for Town Meeting members. He and Mr. Muti went before the FinCom last Thursday. Retained earnings will pay for Washington #2 and #3, which was voted favorably by FinCom and they also voted favorably to use the \$100,000 of retained earnings that will be applied to the water rate. This too is a read and noted.

PLANNING BOARD PUBLIC HEARING NOTIFICATION - ZONING ARTICLE

This correspondence is read and noted and there is then some discussion. **Motion Made** by Patrick Fasanello to send a letter to all involved parties stating that the Board of Sewer & Water Commissioners does not support the Use Table that is on the Fall Annual Town Meeting as he believes it is a detriment to the Town's water supply and is not in the Sewer & Water Commission's interest to approve it. Second by Roger Turner. There is further discussion. Mr. Fettig asks why he would say this and Mr. Fasanello responds that the table is reserving industrial sites that are in our aquifer and in a non industrial town. He feels we already know what an industry can do to our water supply. Mr. Fettig says if it is in our aquifer protection areas then they have to come before the Board anyway. Mr. Fasanello speaks of ancillary uses such as delivery trucks and the potential for spills. Mr. Fettig says he disagrees that this is a residential Town. He recalls when the vote was passed to encourage industrial development and that does not indicate a residential town. Mr. Turner says he would like to interject that for the protection of the water supply the use table should not give anyone a blank check to do what they want. Mr. Fettig responds that even with the use table they still have go through the same process. Mr. Turner answers that the use table authorizes different boards the ability to allow. Mr. Fasanello says he really does not understand the use table and Mr. Turner agrees with him. Mr. Turner adds that Mr. Fasanello is very educated in science and if he cannot understand it there is something to question. Mr. Fettig says there were 15 people on the Use Table Committee and only 2 voted against it with Mr. Fasanello being one of them. He is sorry he voted in favor of Mr. Fasanello being the Sewer & Water Commission's representative on this Committee as it appears that Mr. Fasanello is against any development. Mr. Fasanello asks Mr. Fettig if he is putting words in his mouth and Mr. Fettig responds that he is merely inferring that he is against industry. Mr. Fasanello says it depends on the size of the industry, he is against heavy industry, as we use the groundwater and heavy industry uses a lot of cleaners. Mr. Fasanello says he took an oath as a Sewer & Water Commissioner to protect the aquifer and he will not vote for something that he feels would hurt the water supply. There is further discussion Mr. Fasanello says he made a motion and he would like the Board to vote on it. Vote on the motion 4-1-0, Fettig against.

7:15 APPT. ED SCIABA – ALLIED RECYCLING

It is explained to Mr. Sciaba that he was asked to come to this meeting to get more detail on how he was proposing to manage things. Mr. Sciaba has brought an illustration of the Smart tanks and explains that this is the brains for his storage. Mr. Fasanello asks what he storing and Mr. Sciaba answers both off road and on road diesel fuel. He explains that it is cheaper in bulk and reduces the amount of time on the trucks. He says he is proposing 4, 000 gallons of the off road for onsite equipment and 4,000 gallons for on road which requires he pay the tax on. He explains how the fuel is used. Mr. Fasanello asks why

he is not storing above ground and Mr. Sciaba says this is above ground. Mr. Sciaba goes on to explain the double walled tanks, where if the first wall fails an alarm goes off and it shuts down. Mr. Fasanello asks if the tanks are in a basin and Mr. Sciaba answers that because of the double wall, the Fire Department has requested to put them on a concrete slab large enough to handle any way the hose goes. They have also required walls around them. There is further discussion on where they are located which is 600 feet from the wetlands and below Route 1A, about 1000 feet away. Contact information is also discussed however Mr. Sciaba says the Smart tanks are the protection. Mr. Fettig asks the hours of operation which are Monday through Friday from 7 to 6. The Board would like Mr. Sciaba to provide them with the additional information on the Smart tanks which they do not have and he says that he will send it to the office. Hazmat training and proximity to Cedar Swamp is discussed by Mr. Turner.

Motion Made by Ken Fettig to approve the application for a fuel storage license for Allied Recycling of 1901 Main Street conditional upon him providing the Board with the additional information that they have asked for tonight. If they do not receive this information, the Commission reserves the right to revoke this license. Second by John Spillane. Vote 5-0-0.

SECOND EIR UPDATE FOR MOSQUITO CONTROL PROGRAM

There is some discussion on spraying versus prevention and then this is considered a read and noted.

SITE PLAN AND SPECIAL PERMIT – CVS PHARMACY

Mr. Fasanello briefly speaks on the drainage in this parking lot and Mr. Turner enlightens the Board on the position of the Conservation Commission. Mr. Muti asks if there is any reason for this Commission to act and Mr. Mattson says no.

7:45 APPT. DAN MERRIKEN RE: FATM ARTICLE 21 WRPOD AMENDMENT

Donnell Murphy, owner of Walpole Park South; Dan Merrikin, Engineer for WPS and Ray Johnson, Hydrogeologist for WPS are all present. Mr. Merrikin says he believes that Weston and Sampson does not have as much information as is needed and asks that they be allowed to meet with them and invite them for a site visit. Mr. Merrikin goes on to explain that he feels that the issue is meeting the standards of the definitions of the different areas and applying the property that fits into the area. Based on the definitions he feels the property in question fits into Area 3 not Area 2 which is what it is in. He adds that Area 1 is delineated and he is not sure why our consultants are even going there. Mr. Muti says that our perspective is to rely on our hydrogeologist and engineer and they are not inclined to meet with them. Mr. Muti says we can duke this out at town meeting. Mr. Muti adds that at the previous meeting there was a unanimous vote not to support this article based on what our hydrogeologist and engineer have said and unless there is a motion to reconsider this vote stands. Mr. Fettig says he would like to vote to reconsider and Mr. Muti responds that he was not a voting member at the last meeting so he cannot do this. Mr. Merrikin continues to speak of the stratified drift and not meeting the criteria established. He feels that Weston and Sampson does not have all the information and asks why they would not be allowed to share the information that they have. Mr. Muti says they can communicate at town meeting. Mr. Fettig says he feels denying this is ridiculous. Mr. Muti says Weston and Sampson has seen all the data, has reviewed it and commented on it. Mr. Fettig says but they have not seen the site and Mr. Muti responds that they know what the site is. Mr. Fettig says they have not observed the dug test wells and since the Board hires consultants at the drop of a dime, why not hire them to look at the site. Mr. Fasanello says he feels the Chairman is right; there is a definitive report of the aquifer of our town. Mr. Fettig says they have not checked the test wells at this property and Mr. Fasanello says they have the data. Mr. Murphy adds that as owner of the property he is confident that our consultants

have not entered the property or visited the test wells. There is further discussion and Mr. Fasanello says the majority of this Board is satisfied with what Weston and Sampson has done and feels it is now up to town meeting to decide. He feels changing things could open a Pandora's Box. Mr. Merrikin asks Mr. Fasanello what he is afraid of and he responds that changing one word could cast a lot of problems as they can be subject to new interpretations. Mr. Merrikin says they are looking to change the map not the words. Mr. Merrikin says Weston and Sampson has not reviewed the IEP Report and has not seen the property. Mr. Fettig speaks about be given the ability to take another look at things and a site visit. He also talks about the Iorio Ice Arena across the street that was able to be built by changing it from Area 2 to Area 3. He feels that it is very unprofessional not to have the consultants meet. Mr. Merrikin says he has not been given the opportunity to respond to Weston and Sampson's comments. Mr. Muti asks if there are any further comments from the Board and since there are none, this appointment is ended.

SITE PLAN AND SPECIAL PERMIT DECISION – CVS PHARMACY

Mr. Mattson says the site is remaining in the same place and the correspondences before us are the decisions by the Planning Board. He says there are no changes to the water and sewer so it should be considered a read and noted.

REVISED FY 10 CAPITAL EXPENDITURE REQUEST

This is read and noted.

FY 10 ESTIMATED WATER AND SEWER RECEIPTS

This table is reviewed and discussed and the Board is in agreement that this is what they are looking for from the Finance Department. They would like to receive this report on a monthly basis and asks that it be received on the second Monday of each month. A request for this will be sent to the Finance Department.

Mr. Fasanello asks that he be put on the agenda under discussion on the last meeting of each month to update the Board on his meeting with the MWRA. He goes on to explain that his last meeting was in Wellesley. There will be vote taken at their next meeting which is whether or not to prohibit all private boating at the Quabbin Reservoir. He explains that this is up for discussion because of the concern for zebra mussels and milfoil being brought in from places like Lake Champlain. The MWRA's thoughts are if they let the private boats in they will have to be sterilized and the motor flushed and tagged. The other option is to buy some boats, rent them and not allow them to leave the parking lot. He says the people in the western part of the state are outraged because of the fishing. Mr. Fasanello takes a poll of the Commissioners to determine how he will vote as their representative.

Mr. Muti says he has spoken to Michael Boynton regarding the outstanding bills and putting a plan together to issue letters to those who have outstanding bills over 120 days old. The Finance Director Mark Good will be consulted regarding this. It is asked that this be added to the agenda.

Motion Made by Patrick Fasanello to adjourn. Second by John Spillane. Vote 5-0-0. Meeting adjourned at 8:20 p.m.