

December 14, 2009

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, December 14, 2009 at 7:00 p.m. at the Edward J. Delaney Water Treatment Plant, 1303 Washington St.

Present: Kevin Muti, John Spillane, Ken Fettig and Patrick Fasanello. Also, Scott Gustafson, Asst. Supt. of Sewer and Water.

All abatements submitted tonight were reviewed and signed.

Mr. Muti says he received the latest report for Walpole Park South from Ray Johnson of Tetra Tech Rizzo. This is supposed to be on the website and at the Library and Mr. Muti asks that it be looked into to make sure this has been done. He would also like to know if all those who are on the PIP received the letter that he got.

Motion Made by Patrick Fasanello to accept the minutes of November 16, 2009. Second by Ken Fettig. Vote 3-0-2, Muti and Spillane abstain.

DEED AND DEDICATION – BAKER STREET SEWER MAIN

Mr. Fasanello says he would like to make sure this sewer line is at the best possible grade so that others in the area have the ability to connect if they wish to. Mr. Turner suggests holding the document until Mr. Fasanello can look at the as builts. The Commission discusses how they feel the wording in the documents are very hard to understand. Mr. Turner would like to know if Town Counsel had seen the documents at all and the answer is yes. Mr. Fasanello expresses concern over the wording in the third paragraph where it states “are seized of the Sewer Facilities”, as in his opinion seized means to take and he is concerned that the wording is not in the best interest of the Town. It is asked that the Town Engineer be notified that the Board will not sign the documents until they can see the as builts and invite her into our next meeting to explain them and to tell her that the deed and dedication document needs some explaining. This will be done.

GEOINSIGHT – NOTICE OF ENVIRONMENTAL SAMPLING (PARKER HANNIFIN)

Mr. Fasanello says this land was subdivided years ago and the Town of Sharon was hesitant about the subdivision but it was done. There is discussion of monitor well 12 showing 21 concentration of trichlorethene. Mr. Fasanello says it has made our Washington #6 appear “shiny” because this is a cleaner. Mr. Fasanello says he would like to see a picture of the well and Mr. Gustafson explains that this would not be possible but he would check to see if we have a video of it. Mr. Muti asks if it is in the raw water or does it go into our distribution system and Mr. Gustafson answers that it is in the raw water and our aeration towers take care of it before it goes into our distribution system.

OPEN AND CLOSE DATES FOR SPRING ANNUAL TOWN MEETING

This is read and noted and the Board expects that the Superintendent will come back with some suggestions.

WATER AND SEWER OUTSTANDING RECEIVABLES

Mr. Muti says this is exactly what he has been looking for. Mr. Fasanello says it is good information. The rest of the Board agrees. It is asked that Mr. Good and Mr. Boynton be told that they are pleased with the information and state that they will be looking for more of the same in the future. They should also be thanked for providing the information.

Mr. Spillane had to leave the meeting at this time for another appointment.

7:15 APPT. CHARLES JONES, 43 CAMPBELL ST., NORFOLK

Mr. Jones explains that he is before the Board because he receives a \$25.00 surcharge from the Town of Walpole every bill and although he is a Norfolk resident, a portion of his land is in Walpole and he pays taxes on it. He is also assessed a surcharge from the Town of Norfolk for processing the bill from Walpole. He feels that since this is the case that he should not be charged the \$100/year. There is discussion and Mr. Fasanello explains that every out of town connection to Walpole water receives a surcharge. The reason for doing this is because the people in Walpole are paying to supply water to a non resident and since ½ of Mr. Jones' property is in Walpole, Mr. Fasanello feels we should charge ½ the surcharge. Mr. Jones is asked if any of the building on his property is in Walpole and the answer is no. Mr. Muti asks if any other properties out of town that we supply water to are partly in Walpole and Mr. Fasanello says no. Mr. Fettig says the gentleman is a resident of Walpole and should not be assessed a surcharge and Mr. Fasanello says he is not a Walpole resident he is a Norfolk resident. Mr. Jones is asked if water is available to him in Norfolk and he answers that it goes by the front of his property and the Town of Norfolk had offered to connect him at no charge, however he declined. He is then asked if it would be cheaper for him to have them connect him and pay for Norfolk water rather than to keep Walpole water and pay the surcharges. Mr. Jones says he does not know as he does not know what Norfolk charges for water. His bill is reviewed however it is determined that the bill is based on Walpole rates. It is suggested to Mr. Jones that he investigate further which way is cheaper for him and if necessary come back to the Board. Mr. Jones agrees to do this.

7:30 APPT. MELISSA METCALF, 9 ELEANOR RD. - REQUEST WAIVER OF PAST SEWER

Ms. Metcalf is before the Board for the second time to ask the Board to waive sewer charges that were applied to her account after finding out that she was connected to sewer and never billed for it. She says she has been going through a nasty divorce which includes a retraining order, selling her car and being forced to sell her home at 9 Eleanor Road that she purchased in August of 2005. She said she found a buyer for her home but was forced to take a loss because she could no longer pay the mortgage. She says she never realized that there were never any charges for sewer use on her bill. When the buyer of her home asked for proof of sewer a dye test was done and it was determined that there was sewer service to this property. A prorated bill was produced from the Water Department showing that she owed sewer charges for the past four years in the amount of \$1907.45 plus the current charges of \$612.57 for a total amount due of \$2520.02. She feels that she is being unfairly treated as the last time a dye test was done was 21 years ago and so there was either an administrative error or a deception by another family who illegally connected her home to the sewer. Ms. Metcalf says in an effort to continue with the sale she borrowed the money from her sister, whose husband is now unemployed and she is appealing to the Commission to give her back the sewer charges from at least 2005 to 2008. She says with Christmas here and three children, she is barely surviving. Mr. Muti would like to confirm that she did not know she was hooked into sewer and she responds that she got a bill but never knew there were no sewer charges on it. There is some discussion. Mr. Fasanello asks why she did not let

the home go into foreclosure and she responds that she did not feel that would be a good decision if she is raising 3 children as it would have ruined her credit for the next 10 years. Mr. Fasanello does not feel we can abate the charges since they were already paid. Ms. Metcalf disagrees and says that every department can reimburse. She says she has gotten nothing but the run around from the Water Department. Mr. Fasanello asks who has given her the run around and she responds that the Superintendent has shown her nothing but anger and hostility and would never return her phone calls. She is told in defense of the Superintendent that her phone calls were not returned because he was on vacation. There is some discussion on how to approach this and she is told that she may have to go through the Department of Revenue. Mr. Muti explains that she may be approaching the wrong Board for this as there is no mechanism that he is aware of that can allow them to give her the money back. Ms. Metcalf says she will go to whomever she needs to in order to get the \$2500 back. It is explained to her that only \$1907.45 is past sewer charges the rest of the money is current charges and she says she will take whatever she can get back. Mr. Muti says the Town Administrator may have a solution to the problem. It is explained to Ms. Metcalf that it may be possible that should the Board choose to issue the money and able to find a way to do this, it would probably have to be issued to the party that issued the payment and then she would have to resolve it with this party. Ms. Metcalf says Mr. Mattson and the Commissioner's secretary cannot get it through their head that she is the one that paid this money by giving it to her lawyer and they gave it to the buyer's lawyer, who then in turn issued a check for this bill. It was her borrowed money that paid the bill. This was not what was being explained to her; it was how the process would most likely occur should the process move forward. The Board says we need to get ask the Town Administrator who if necessary can check with Town Counsel on who she should be seeking this money from. Ms. Metcalf asks who she will be hearing from regarding this and she is told their secretary will contact her when they get the information they need.

FY 2011 SEWER AND WATER CAPITAL BUDGET SUBMITTAL

This is read and noted. Mr. Fetting cautions on overspending in case there are unforeseen payouts required and it is explained to him these forms are a "wish list" that are filled out annually and changed all of the time. He just wants to confirm that none of this spending will take place without coming before the Board again.

8 CHICATABUT DR. – BILL COMPLAINT

The Board is in receipt of a letter dated December 4, from Mr. Sullivan of 8 Chicatabut Dr. in which he is challenging the charges on his bill and disputing the bill. It is explained to the Board that this is the typical remote slowing down while the meter is still recording water use in which charges were never applied to the account until now because we did not get a meter reading until we replaced the meter with our new system. This is not the only incident of this type, as the Board is aware, we have been finding many of these which is one of the reasons that it is good that we are replacing this type of recording of water use with our new system. Mr. Sullivan's bill was subsequently prorated over that 19 years that this water and sewer was used which reduced the bill by \$1973.19. Mr. Sullivan is not happy with the original bill or the adjusted bill and feels he was treated unfairly. The Board is in agreement that we should remain consistent and follow past practice in these cases. Therefore, Mr. Sullivan should be given the opportunity to come to the office to view the meter and remote reader. After this, the meter should be sent out for independent testing. Should the meter come back within the AWWA standards the bill will stand otherwise the Board will be happy to revisit the charges. Mr. Sullivan will be notified of this practice.

Mr. Fasanello reports that yesterday he noticed water spurting up from the ground at 39 Baker St. After unsuccessful attempts to notify the Water Dept. because it was Sunday, he contacted the homeowner. He just wanted to have it on the record that their sprinkler system was leaking and he was witness to it should the bill be questioned in anyway.

Mr. Muti says based on the last meeting with representatives for Mr. Murphy on Walpole Park South and our consultants, Weston and Sampson, he would like to move forward scoping service for the WRPOD review as discussed. He would like either the Superintendent (or he will do it himself) to contact Weston and Sampson to set up a scope of service and then we can put out the RFP. Mr. Fettig says he will not approve it if it is going to cost us any money and the next time Weston and Sampson comes before him with anything he will not vote to approve it.

Motion Made by Kevin Muti to go into executive session for the purpose of discussing potential litigation. Second by Patrick Fasanello. Vote Fasanello-Aye, Turner-Aye, Fettig-Aye, Muti- Aye (4-0-0).

Motion Made by Patrick Fasanello to come out of executive session. Second by Patrick Fasanello. Vote Fasanello-Aye, Turner-Aye, Fettig-Aye, Muti- Aye (4-0-0).

Motion Made by Ken Fettig to adjourn. Second by Patrick Fasanello. Vote 4-0, meeting adjourned at 8:15 p.m.