

**January 13, 2020**

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, January 13, 2020, at 7:00 p.m., at the Edward J. Delaney Water Treatment Plant, 1303 Washington Street.

Present: Glenn Maffei, John Spillane, Patrick Fasanello, William Abbott and John Hasenjaeger.  
Also, Bernie Marshall, Supt. of Sewer and Water and Rick Mattson, DPW Director.

All abatements submitted tonight are reviewed and signed.

There are a few minor amendments to the minutes of December 16, 2019. **Motion Made** by Glenn Maffei to accept the minutes of December 15, 2019 with amendments. Second by John Hasenjaeger. Vote 5-0-0.

#### **SUPERINTENDENT'S STATUS REPORT**

Mr. Marshall reports that Water Technician has turned in his resignation and they will be looking to replace him. They have interviewed for a pump station operator and have another interview tomorrow. Last week they chose 4 to be interviewed for the laborer position. D.L. Maher is working on well cleaning of Mine Brook 2. There was a problem with the pump and column at the Texaco Booster Station and this has been rebuilt. There were 2 major water main breaks on Washington Street. Wright Pierce is working on the Delaney waste basin. There is an RFQ to review the SKADA system. Weston and Sampson have gone out to bid for the Chandler Ave. and Leonard Rd. sewer stations. Baker St. is completed and would like to say P.J. Hayes did an excellent job. Water distribution is continuing with maintenance of the system. The Septage Facility roof on Robbins Rd. and due to the weather being so good they will be starting mid-week. Filter 8 has been down and in need of total rehabilitation and is being worked on through Roberts Filter so they are down one filter. Mr. Abbott asks if the money is in the budget for this and the answer is yes. Mr. Maffei asks how long it is expected to be down and the answer is 4 to 6 weeks.

#### **PLANNING BOARD – REVISED PLANS #4 NEW POND VILLAGE SITE PLAN**

Mr. Fasanello would like to be sure there is a connection to Bullard Street and Mr. Mattson says there is already a connection there.

#### **CONCOM – ANRAD PINNACLE POINT**

Mr. Hasenjaeger says this is his property and recuses himself from the discussion. There is no action taken.

#### **CONCOM ORDER OF CONDITIONS AMENDMENT 767-777 EAST ST., PULTE HOMES**

There is no action. Mr. Mattson reminds that there has been a club house to be built and they will be charged the normal connection fees. Josette Burke of the Finance Committee inquires about the club house and she is told that it has been added to the plans.

#### **BURNS AVE. 40B WAIVER REQUESTS**

It is asked that a letter be sent to the Community Planning Director to reiterate that this Commission is opposed to waiving any water and sewer fees related to the above subject.

#### **UPDATE – WATER & SEWER RATE REVENUE –FY 2020 – SHORTFALL**

Mr. Abbott says this is his update on pumping less water. No action is taken.

#### **7:15 LEGISLATIVE DELEGATES – WATER WITHDRAWAL PERMIT DISCUSSION**

Mr. Abbott says the legislative delegates were invited to the meeting to make them aware of the Town's Water Withdrawal Permit that's coming up. He asks Mr. Hasenjaeger to take the lead on this as he has a particular interest. Mr. Hasenjaeger says their water withdrawal permit expired in 2018. He is concerned because the State is not taking into consideration their growth. Walpole is in the early growth curve and we have an influx of residential units coming on line. He does not want to be hit with a figure and have to dig out of it. He would rather be proactive and at least make the legislature aware of the figures. He feels a mysterious letter will show up some day with a figure and if someone is shaping a figure this Board would like to know who it is and what they are up to. He wants this Board to have input to the DEP so they understand the needs of Walpole. The mission of this Board is to make sure there is adequate water for all in Town. Mr. Hasenjaeger wants to make the delegates aware and was hoping for some guidance and recommendations. He is asking for their expertise to help us in this matter. Mr. Abbott asks if they are aware of the Water Management Permit and if they have run into this with other communities. Senator Feeney says regionally no. Mr. Abbott asks all the delegates to introduce themselves for the public and this is done. Senator Feeney continues that regionally they have not run into this but he feels different communities are in different phases not only with what they withdraw but also what they see for economic development down the road. He says across the Commonwealth this has been an issue with the DEP rolling back because of concern of over pumping. He recently had a discussion with DEP who mentioned DCR was working with the Town to get information back to the DEP on what the future of Walpole looks like and the concerns the community had. His understanding is that this is ongoing and the DEP has not made any decisions yet. The DEP has said there is a process after the information is received from DCR and they asked DEP if the legislature could be involved in this process to make sure the Town had a seat at the table beyond the DCR conversations. He feels each of the delegates is aware and will continue to advocate but they would like a number from the Town so they can have an idea what they are advocating for. Mr. Hasenjaeger feels it is unusual that the DCR which is the Department of Conservation and Recreation is the ones collecting the information rather than Economic Development who understands what towns have and what towns are built out and so forth. He is concerned that someone whose specialty is recreation is asked to assess and forecast the need for water in a business community. He feels perhaps the staff knows more than the Board but they have never been a formal meeting or been asked to write up a report and provide a list of all the upcoming projects. Mr. Marshall says there has been constant dialogue with the DCR since probably June. Some of the projects were in the planning stages and some were actually being built. He says he received an email this morning and in September he gave them an updated list of the projects and how many million gallons per day they would be using. In anticipation of tonight's meeting he reads the email he received from DCR this morning which basically says they have all the information they need and will be putting things together and getting back to him in the next couple of weeks. He says what will happen is the DCR will submit a draft to us and we will take a look at it. The report will be forwarded to DEP who will look at it and make a decision and we will then be issued an order to complete. At that time we can address anything we have an issue with. This could go either way. He adds that we also have our engineers Wright Pierce who is involved in the process. This has been an ongoing thing for many years and we do have our ducks in a row. Mr. Abbott asks if we have an average daily demand on our list of projects and the answer is 2.74 mgd. Mr. Abbott believes DEP is thinking more in the lines of 2.53 mgd which we have not exceeded but have come close looking back on the last few years. Mr. Hasenjaeger says the staff is obviously complying with all the regulatory requisites and landscaping however it is clearly goes beyond that. Philosophically there is plenty of water and if it is not pumped it goes to the ocean. He feels the concept to conservation is a delay tactic and does not provide a solution. He says the MWRA wants the water used and it is unfortunate that there is no mechanism to avail ourselves to that. He then speaks as being on Economic Development and says we have a new planner who is really an economic developer and she has told him that she really hasn't given any information and doesn't really know it as she is new. He says the Economic Development Committee has never been asked what might be coming, what our plans are or what the zoning issues are on Route 1. He feels this Board has not done a good job in educating the public of how to avail ourselves for the future. Some people use water as a weapon for anti-development. He feels the State should have some ability to give them access to MWRA

water as a backup. Mr. Hasenjaeger says it sounds like the staff has been moving a little faster than the Commission has been made aware of and it sounds like the number is coming up low. Senator Feeney says that it does seem that way and the DEP has looked at previous numbers and stated to him that Walpole has not yet reached their projected draw. He feels we don't want our numbers to be projected by what was historically used. Mr. Feeney says the message is loud and clear but according to statute there may not be much they can do. He says if DCR comes back with numbers that are unrealistic they will get right on it whether it be to bring DEP here or have the Commissioners go into Boston and meet and talk about the individual proposal and projects. Mr. Hasenjaeger says he is confused about the role. Someone is putting together a recipe and no one else knows what's going into it. If someone is doing this he would like them to come here and talk to us. He has a problem with Recreation determining the future of Walpole. Mr. Feeney says he believes the DEP seems to be very formula oriented, it is bureaucratic, and it seems that DCR was brought into it to be an extra layer to make sure the Town has the opportunity to provide input and not just use the formula that DEP has. He's not sure it will be bad for us until there is a report back from them. For the delegates to understand the process is key, the delegation will go back and see if this is etched in stone or if there is any leeway. Mr. Hasenjaeger says if this individual is assigned to Walpole then he would like to know who it is and communicate not just with the Town staff but with the elected Water Commissioners. He believes that they have a different philosophy and a different basket of information than the Town staff has. Typically with his experience the staff has to worry about protocol and the rules rather than the big picture. Mr. Mattson asks if he has information why he would keep it from the staff and Mr. Hasenjaeger says because he did not know they were working on a list. He adds the Board did not know about the list until tonight and Mr. Mattson says this is not true. Mr. Maffei says he saw the list and Mr. Mattson adds that it has been public for many years. Mr. Mattson says there has been a demand/projection process for the last ten years. Mr. Mattson says he takes offense to Mr. Hasenjaeger throwing stones at the staff and Mr. Hasenjaeger says we should not talk about this now it can be hashed out later. Mr. Mattson feels Mr. Hasenjaeger is throwing innuendos and basically saying the staff is keeping secrets. Mr. Hasenjaeger denies this. Mr. Fasanello asks Mr. Feeney why the State Legislature would give the DEP this type of authority and he responds that it predates him and he does not know. Mr. Fasanello speaks on the Town of Ipswich pumping their water dry and how it set off all kinds of alarms. He feels the DEP thinks we will pump the Neponset River dry and they have records that show that there is a bigger flow now than there was over 100 years ago and we've been pumping. He wonders why they would put a restriction on us as he is concerned with the quality of life in his Town. Mr. Feeney says we have not seen the permit yet so we don't know the answer yet. He feels the DEP is trying to prevent other communities from experiencing what Ipswich did and permit municipalities to use what should be. Mr. Fasanello says we have been running the Water Department for over 100 years and if they decide to restrict our water use then that will affect our revenue which means we have to raise the rates. Mr. Feeney says we work for you and if you tell us the numbers aren't right then we advocate for you. Mr. Fasanello would like to know in reality what the delegates can do for us. Mr. Feeney says the action item for them is to work with the Town, if DEP comes back numbers that don't work for Walpole then they need to come up with a strategy on bringing DEP down with a series of meetings. He just feels that we are not at that point in the process. Mr. Maffei would like to drive home the point that we are not yet at the 2.53 so DEP might feel that they can lower us to the 2.53 but this number is so low because of the efforts we have put in to encourage conservation. We don't encourage reckless water use and we have a new block rate so that the more you use the more you pay and this is almost to the detriment to our budget but it has worked really well. We have a tight system, we spend money on our infrastructure and it almost feels like we have gotten to that point where DEP is penalizing us for being responsible. He feels we should be rewarded for the efforts we have taken and not treat us like other towns that have been reckless. Mr. Marshall agrees with Mr. Maffei. Mr. Abbott speaks of how our unaccounted for water has been reduced. Mr. Mattson feels the DEP numbers are arbitrary and it has not been given a lot of logic or thought. He adds this Town has spent a lot of money on infrastructure and we may have been better off not fixing any leaks and having 30% unaccounted for water and then we would have a goal to work for. We really have nowhere to go because we are pretty much at the top. Mr. Spillane would like to thank the delegates for now and in the

future. There is discussion on the growth factor of Walpole and how it will affect water pumpage. The delegates and aides are thanked for coming and Mr. Feeney tells the Board to keep them informed and they will work with and advocate for the Town.

#### **RELIEF FOR WATER CHARGES REQUESTED – 291 EAST ST.**

The request by Mr. Crippen of 291 East Street as well as backup information from the staff is reviewed and discussed. Mr. Abbott says this appears to be a toilet malfunction and the water went through the meter. Mr. Maffei says he is sympathetic to the situation and suggests that the entire water usage be billed at the first tier. Mr. Abbott expresses concern over this thought and there is then discussion about whether or not there is any culpability on the Town. **Motion Made** by William Abbott to send a letter to Mr. Crippen stating that this Commission is sympathetic however the policy is if the water passes through the meter it must be paid for. Second by John Spillane. Vote 3-2-0, Fasanello and Maffei against.

#### **DEMAND FOR COMPROMISE ON WATER BILL – 104 PINE ST.**

Mr. Scigliano has sent a letter with a check of \$202.51 stating the town should accept this as full payment although his bill is \$1,140.69. Mr. Scigliano is also present at the meeting but states he has no comment. Backup information from the office staff is reviewed and apparently the homeowner has used the water mostly for irrigation. Mr. Scigliano's letter claims that the Town was "negligent and deceptive" in their billing and feels his check is a compromise. There is discussion on the usage and is apparent that the summer usage showed a pattern that is quite high. Mr. Abbott feels it is obvious there is something wrong with his irrigation system. Mr. Marshall tells that the meter was tested and came back at 99.7%. **Motion Made** by John Spillane not to accept Mr. Scigliano's check as full payment and return it to him and if necessary lien the property. Second by Glenn Maffei. Vote 5-0-0.

#### **OUT OF TOWN DELINQUENT ACCOUNT – 2 WASHINGTON ST. FOXBORO**

The Board is told that this account was paid in full today so no action is necessary.

#### **UPDATE REGARDING RATE CONSULTANT PROGRESS AND ESTIMATED TIMELINE**

Mr. Maffei he would like to hear from the Superintendent to see if he has any information to pass on. Mr. Marshall says there is nothing to pass on, there was supposed to be a conference call that was cancelled. Mr. Maffei says it does not have to be complicated; he would just like to know that their list is still being worked on. His issues of concern are that he wants the rate consultants to analyze our block rates, give an analysis on whether it is a good idea to shift the indirect costs to an administrative charge and how they should go about doing that, whether a rate increase is necessary, how much and the question of multi units and how they can be billed in a fair and equitable way and if the 88 million number is accurate. Mr. Abbott says he has spoken to the assessor to see how many condo units there are to see with his proposal how much it would impact the revenue.

Mr. Spillane asks Mr. Marshall to instruct the staff on how to lock the gate on Jarvis Farm and he agrees. He says he had a couple of complaints.

**Motion Made** by John Spillane to adjourn. Second by Patrick Fasanello. Vote 5-0-0. Meeting adjourned at 8:15 p.m.

*Approved January 27, 2020*