

September 22, 2014

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, September 22, 2014 at 7:00 p.m. at the Edward J. Delaney Water Treatment Plant, 1303 Washington Street.

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

All abatements submitted tonight are reviewed and signed.

Motion Made by John Spillane to accept the minutes of September 8, 2014 with the two corrections being made which were change the word feet to inches and adding a hyphen to the word in-law. Second by Ken Fettig. Vote 4-0-0.

Mr. Fettig asks if the delinquent account that was voted last meeting had paid their bill. Mr. Mattson says this person paid \$5000 and asked to pay \$5000 per month until caught up. He told him he would bring it to the Board and unless the Commission has a problem with it, then this is what will happen. There are no comments made.

SUPERINTENDENT'S STATUS REPORT

Mr. Mattson reports that Edgewood Ave./Field Dr. is just about completed with a few services to be connected. Eastland Circle sewer will be the next project for his staff. Morningside Dr./Allston Dr. water main replacement is scheduled to begin on Monday, September 29 and they will begin with Morningside Dr. Mr. Fasanello asks why we are replacing it and Mr. Mattson explains about the tuberculin and the age of the pipe. Mr. Mattson asks if this line feeds the day camp and the answer is no. Mr. Mattson says that Nobis will begin their investigations at the High Plain Street site which will also start on Monday, September 29 and will take about 2 to 3 days. He received the revised estimated cost for this cleanup and it is \$500,000. Mr. Fasanello says it would be a good idea to try to locate and interview Mr. Flower as he was an abutter for so long that he might have pertinent information as to how it got contaminated. Mr. Spillane says this is a moot point and we are responsible for the cleanup.

Motion Made by Ken Fettig to seek approval of \$500,000 for Article 20 for the cleanup costs for the High Plain Street tank site as recommended by the LSP. Second by John Spillane. Vote 4-0-0.

Mr. Mattson then reports that the demand for water is continuously up and it is very dry. We are also expecting a warm week. We need some beneficial rain as the groundwater level is now 40 inches below what it was this time last year but it has been lower.

BD OF APPEALS REQUEST FOR COMMENTS FINDINGS AND VARIANCE, 263 HIGH PLAIN ST.

Mr. Mattson explains that this is a proposal to make one lot into three. The Board reviews and discusses the information provided. **Motion Made** by John Spillane to state that this Board has no comments with regard to this subject. Second by Patrick Fasanello. Vote 4-0-0.

PROPERTY DEED ACCEPTANCE VOTE – HIGH OAKS PUMP STATION PROPERTY

Mr. Mattson tells the Board that this is the property that pump station that we accepted sits on and the Board needs to vote to accept and sign the property deed that the station sits on. **Motion Made** by John Spillane to accept and sign the property deed for the High Oaks pump station. Second by Ken Fettig. Vote 4-0-0.

BD OF SELECTMEN REQ. FOR COMMENTS – AMENDED 40B PLANS OLD POST RD. SHARON

John Lee of Old Post Rd. in Sharon is present for this discussion. The fact that leaching galleys will be used for septic and the Town of Sharon conditions are discussed. Mr. Lee explains that the Town of Sharon Board of Appeals is reaching out to the various boards in Walpole to get a sense of the impact this project would have to the Town of Walpole as it is apparent that it will affect Walpole's School Meadow Brook recharge area more than Sharon. Mr. Fasanello asks where the contractor is getting their water from and Mr. Lee says he is not

sure; they would either have to get it from Walpole or run a line across Route 1 where there would be a question of pressure. Mr. Mattson says our water supply (pressure and flow will not carry this project. There is discussion with regard to the concern of Aquifer Protection. Mr. Mattson says he would not rule out the fact that they may approach Walpole for sewer. Mr. Fettig asks if they are going before fire and police and he is told all departments are providing comments. Mr. Lee suggests that if we provide comments stating concerns it will help the Sharon Board of Appeals. Mr. Mattson says he will find out exactly what Area this is in and provide comments to the Selectmen on the Board's behalf.

MWRA REPORT

Mr. Fasanello says he attended the MWRA meeting at the Boston water and sewer building on September 12. He tells the Board of the various discussions such as recommendations to buy electric cars, turn landfills into solar farms, the SRS Clean Water Trust, SWIMI wrapping up, organic waste going to be recycled and a State law requiring review of rates for an ascending block. Mr. Mattson feels this law will never get through the Legislature. Mr. Fasanello then tells of the revamping costs of Deer Island. He then says that ½ billion gallons of water has spilled over the dam in the Quabbin in the last 2 years.

WATER MANAGEMENT ACT

Mr. Mattson says SWIMI is part of the Water Management Act and is a thorn in the side of most. The most interested are those from NepRWA and he feels they do not really care about the needs of the water suppliers.

SHARON COUNTRY DAY CAMP

Interim Town Administrator Jim Johnson is present for this discussion. Mr. Mattson says this is Article 18 on the FATM Warrant for a purchase price of \$4.5 million. He says there are some concerned parties who are of the understanding that Sewer & Water Commission is not going to allow passive recreation. Mr. Spillane responds that we are not sure if the DEP will allow it. Mr. Fasanello asks for a definition of passive recreation and Mr. Mattson says walking trails, day camp; you cannot develop fields or fertilize. There is discussion on the fact that the DEP can deny us authorization to purchase for water protection using water money. Mr. Mattson says the application is going in tomorrow and it is asked how long they have to decide. The DEP has 45 days which could be after town meeting. Mr. Mattson says 4.5 acres are already conservation restricted and part of this is the fields. There are 20 remaining acres that are not restricted and a private owner could do anything that is allowed in Area 1 (including single family homes) however there is not enough frontage. Mr. Mattson says in moving forward it needs to be clear whether or not this Board is amenable to allowing recreation on this site. There is discussion on the Board having exclusive and total control of the property. Mr. Fasanello asks who would maintain the fields and Mr. Johnson replies that the Sewer & Water Commission would have to figure that out. Mr. Fasanello says this Board is buying this for aquifer protection if the other use (passive recreation) is expected surely the Sewer & Water Commission should not be expected to maintain it. Mr. Mattson agrees and feels that water money should not be used to maintain the camp. Mr. Fasanello says it would be against our oath of office to do this. Mr. Spillane says then we can just let the grass grow. Mr. Fasanello then speaks of the buildings there which would have to be maintained or removed. Mr. Johnson says another option is to lease it out. He says once the DEP acts on the application they will tell us what we can and can't do. Mr. Fasanello then says we need to find out if the property is clean. Mr. Mattson says at the recommendation of the attorney he is looking into this but it will not be a full 21E investigation as he has not budgeted for that so he will only be able to absorb a few holes. Mr. Fasanello asks how many holes and Mr. Mattson says probably each corner and the perimeter, maybe 10. There is discussion on this. Mr. Mattson suggests if the Board is looking for support then they need to give an indication that they are okay with the concept of the property being used for recreation. Mr. Johnson says this has to still go to the FinCom and Board of Selectmen and a lot depends on this Board's interest in allowing a caveat that the Sewer & Water Commission, Board of Selectmen, Water Dept., Parks Dept. and Recreation Dept. could work together to develop a game plan. Mr. Spillane says he would like to see it used for recreation. Mr. Fasanello feels as our agent Mr. Johnson should be giving us a report on how the other boards feel about it being used for recreation. Mr. Johnson advises that there might not be a lot of support if it is not going to be used for recreation and Mr. Fasanello says if the Town wants it for recreation then let them buy it. Mr. Johnson replies that the Town does not have the money. Mr. Johnson feels

maintenance issues can be worked out later. **Motion Made** by John Spillane to agree to use the property for what it was designed for if allowed. Second by Ken Fetting. Vote 3-1-0, Fasanello against. Precinct 6 Town Meeting representative Ken Guyette would like to state that he has a problem with asking Town Meeting to approve an increase to the water rate. Mr. Fasanello says it is to protect the aquifer. Mr. Guyette asks what the water budget is and Mr. Mattson answers O&M is \$1.4 million and Mr. Guyette responds that the property costs 3 times what the O&M budget is. Mr. Guyette then asks when they plan to let the taxpayer know their intentions. There is discussion on this and Mr. Guyette expresses his concerns.

AL MARHAMA ISLAMIC BURIAL SERVICES

Mr. Mattson says he forwarded the Commissioners via email the decision of the DEP with regard to this. Mr. Fasanello says he is very disappointed in this decision. Mr. Mattson says he spoke with DEP and this property and it sits outside of Zone II so the DEP can be of little or no help. We have requested through the Planning Board to require test wells, monitor wells and show the Town how the groundwater moves and at what speed. Bill Hamilton speaks of zones versus Areas and Mr. Mattson tells him the DEP is not concerned with our Areas. Mr. Turner says he is concerned with the groundwater here draining to our aquifer and Mr. Mattson says it absolutely will. Mr. Fasanello asks if we can prohibit it then and Mr. Mattson responds that we probably cannot prohibit it but we can make some strict conditions.

Motion Made by John Spillane to go into executive session under MGL Chapter 30A, Sec 21 (3) to discuss litigation regarding Barberry Homes LLC, Housing Appeals Committee No. 2014-01 and Town of Walpole, et al v Barberry Homes, LLC, Land Court 2014 MISC 481399-AHS and Robertson V. Barberry Homes, LLC, Norfolk Superior Court NOCV2014-000129 involving a proposed 40B Comprehensive Permit for land on Moose Hill Road.. Second by Patrick Fasanello. Vote: Fasanello – aye, Spillane - aye, Turner – aye, Fetting – aye. 4-0-0.

Motion Made by John Spillane to come out of executive session. Second by Patrick Fasanello. Vote: Fasanello – aye, Spillane - aye, Turner – aye, Fetting – aye. 4-0-0.

Mr. Johnson then speaks of the facilities plan budget presentation and says that \$250,000 is coming from the water retained earnings and \$250,000 from the sewer retained earnings to partially fund Article 17 of the Fall Annual Town Meeting. There is discussion. **Motion Made** by Patrick Fasanello not to provide \$250,000 from the water enterprise and \$250,000 from the sewer enterprise for a total of \$500,000 to partially fund the Facilities Plan. There is no second.

Motion Made by John Spillane to adjourn. Second by Ken Fetting. Vote 4-0-0. Meeting adjourned at 8:35 p.m.

Accepted November 10, 2014