

**September 23, 2019**  
**Amended**

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, September 23, 2019 at 7:00 p.m., at the Edward J. Delaney Water Treatment Plant, 1303 Washington St.

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

All abatements submitted tonight are reviewed and signed.

**Motion Made** by Glenn Maffei to accept the minutes of July 22, 2019. Second by John Hasenjaeger. Vote 4-0-1, Fasanello abstains.

**Motion Made** by Glenn Maffei to accept the minutes of August 12, 2019. Second by John Spillane. Vote 4-0-1, Fasanello abstains.

**SUPERINTENDENT'S STATUS REPORT**

Mr. Marshall reports that the Abraham Group is working on the rate study, and was in the office today downloading information. The Board is given some dates that the Group can meet to update them. It is decided to meet on Thursday, October 10<sup>th</sup>. Meetings will also be posted before town meeting in case needed. Mr. Maffei asks Mr. Gustafson about the visit to Wellesley and he responds that they have not met yet. Mr. Maffei then asks about the Town of Sharon taking back Mick Morgan's, the Econo Lodge and the 3 residences and Mr. Marshall says they are working on it but it has not been done yet. Mr. Marshall then reports there has been one service renewal, one leak and a ring crack. He then gives the status of the SRF for the GIS and tells that they should see in the fall if we make the list of eligibility which would then require a town meeting article. The Willis temporary/permanent curtain is installed and appears to be working. The Baker Street project is moving along, Common Street main is replaced and they are now going down Baker Street. His staff continues with maintenance of the system. He tells how he has asked the State reps reached out to the State reps to come into a meeting for the Water Management Permit but no one has responded. Mr. Maffei says he met with Paul Feeney. Mr. Marshall informs the Board of the newly proposed 300 unit 40B on Summer Street. Mr. Gustafson says he has nothing to add.

**7:15 DAN MERRIKIN RE: 623 BOSTON PROV. HWY – BID CARS BOSTON**

Mr. Merrikin explains that this is an existing used car lot that his client is looking to knock down and rebuild. He reviews the utility plans with the Board and tells he will be using the existing water service and the property is on septic. Mr. Fasanello asks how many cars and the answer is 209. **Motion Made** by William Abbott to send a letter to the Board of Appeals, Planning Board and Conservation Commission stating that this Board met with the applicant's representative for this subject and has no comments or concerns. Second by John Hasenjaeger. Vote 5-0-0.

**DEF. PLAN FOR INDUSTRIAL SUBDIVISION – BRISTOL BROS. DEVELOPMENT CORP.**

Mr. Marshall reminds that we previously have sent correspondence to the various Boards stating that this Commission is requiring Scenario #3 of the Weston & Sampson report regarding this. **Motion Made** by William Abbott to send a letter to the Planning Board and Conservation Commission stating that the comments in our August 13, 2019 correspondence continues to be this Board's comments for this subject. Second by Glenn Maffei. Vote 5-0-0.

**REVISED PLANS AND NOTICE OF INTENT - BURNS AVE. 40B**

The correspondence from this Board dated August 13, 2019 is still the position of the Commission. **Motion Made** by William Abbott to send a letter to the Board of Appeals and Conservation Commission stating that this Board stands by the comments that were in their memo dated August 13, 2019 with not additional comments. Second by Glenn Maffei. Vote 5-0-0.

#### **SEWER PIPES ON PRIVATE PROPERTY – JOHN SHALBEY, 2180 BOSTON PROV. HWY**

Mr. Marshall says there are two sewer lines one is dead. He presents a drawing and says it does appear that a portion of the sewer is on Mr. Shalbey's property. Mr. Mattson feels that MA Highway may have changed the layout of the land at some point and feels the layout should be confirmed before any decisions should be made. It is still being investigated as to whether or not it is Town property. He feels the fact that there are two lines should send up a red flag. There is discussion and this will be further investigated before any decision is made.

#### **SEWER ABATEMENT REQUEST – ED BURNS 180 SUMMER STREET**

Mr. Burns writes a letter asking for a sewer adjustment due to an outside hose running while away. He is asking for a credit of \$343. Mr. Spillane notices the abatement form submitted by the Water Department shows a credit of \$430.73 and would like to know why the difference in amounts. This will be put on hold until the Commission gets an explanation on the differences.

#### **2019 FATM ZONING ARTICLE – PLANNING BOARD PUBLIC HEARING**

No action is taken, it is read and noted.

#### **SEWER ABATEMENT REQUEST – CJ VASANI, 14 ANDERSON WAY**

Mr. Vasani writes a letter asking for a sewer adjustment due to a leaking hose in his backyard that went undetected for a length of time. **Motion Made** by William Abbott to abate \$110.79 sewer charges which is the amount calculated by the Water Department. Second by John Spillane. Vote 5-0-0.

Town Administrator Jim Johnson arrived at this time (7:40 p.m.).

#### **7:30 JOANNA HILVERT RE: OPTIMA – 990 BOSTON PROVIDENCE HIGHWAY**

Also present for this discussion is David Johnson from Norwood Engineering. Ms. Hilvert gave a brief recap of their last meeting in August of 2018. At that time she requested the Board to vote to allow them to move forward subject to a mitigation agreement. The Board of Selectmen has already signed an intermunicipal agreement. Fifty five percent of the building is in Walpole for a tax revenue of \$92,000; Sharon is willing to give 50% of their room taxes, and the applicant has agreed to pay \$100,000 mitigation. They have waived their right to challenge fees for water, sewer and inflow and infiltration. There was some follow up that the Board had asked for and Ms. Hilvert reviews the issues. The Commission wanted to make sure that Walpole's out of town fees would be charged to any properties not in Walpole and this was added to the agreement. The mention of a sewer pump station in the agreement was removed as requested. Ms. Hilvert then refers to the MGL Ch. 83§3C and tells that this was added by KP Law and is a standard agreement where no additional connections are allowed. Mr. Hasenjaeger feels since we have no rights to Sharon it would only apply to the Town of Walpole and therefore needs to be defined. Ms. Hilvert says it was vetted by KP Law and the sewer line is in Walpole and Sharon would have no rights. Mr. Abbott says he is satisfied. Mr. David Johnson shows the sewer line drawing to confirm that it is in Walpole. There is discussion on the fact that the 2 hydrants are on Sharon property. Mr. Hasenjaeger would like them on Walpole property. Mr. Johnson says they were put there for convenience of the location and it is not far from the Walpole line and they have no problem moving them. Ms. Hilvert says they have not gone for site plan approval yet and suggests that this could be one of the Board's comments at that time. Mr. Hasenjaeger says there are at least 3 Board members that want them in Walpole. Ms. Hilvert then talks about the infrastructure. Weston and Sampson did a sewer study and found 3 segments of pipe that are already deficient. They contracted with Weston and Sampson for the construction documents and then went to P.J. Hayes for a ballpark estimate for this which came back at an estimated \$300,000. They

will be able to get a better price than the Town and is therefore looking for a credit on their I/I fee. Mr. Mattson says the pipe is undersized right now. There is discussion on the flows and pipe replacement. Mr. Mattson says there was the option to line the pipes but the decision of the Town of Walpole was to replace them. Ms. Hilvert says the agreements were vetted by Town Counsel, Jim Johnson and Rick and she would appreciate endorsement. Mr. Fasanello asks if there is a limit to the amount of water the hotel can withdraw and the answer is yes and it is pointed out in the agreement. Mr. Fasanello asks about the agreement running with the land and not with the building which Ms. Hilvert confirms and he would like to know why. Ms. Hilvert tells him it was previously discussed and he would like to know when it was discussed. Ms. Hilvert explains that the last time they were there the subject had come up as well as the large investment of installing all of the infrastructure that is involved with the property. She says it is tied to this specific plan. She adds, in the preamble it discusses the plan and it is tied to this hotel. She says, that being said, if the owner, as with any permit – a special permit, site plan with the Planning Board; if the owner sells the hotel to a new owner, it is a land use, it needs to travel with the land. Mr. Fasanello asks how long it would run with the land and Ms. Hilvert answers indefinitely. She adds that if there were to be a different use, if the hotel were to be torn down to build multi-family housing then they would have to come back as the agreement only covers the hotel not a multi-family. Mr. Fasanello states that if it runs with the land and the land is in Sharon, then this piece of Sharon will have sewer forever and Ms. Hilvert confirms this. Mr. Fasanello wants to know why we are only getting 50% of Sharon's room tax and not 100%. He feels by putting sewer into Sharon the property is more valuable and would pay higher taxes; Walpole does not. Additionally, by allowing this hotel to go in Sharon we are taking business from the Walpole hotels. Mr. Maffei feels we need to focus on what we are getting for this. Mr. Fasanello says he is seeing one sewer line serving 2 buildings and our policy does not allow this. Ms. Hilvert responds that she cannot speak on the technical plan as she has not looked at the site plan. Mr. Maffei says there is sufficient water supply capacity to protect the homeowners; in fact we are not near or close to capacity. Mr. Mattson adds that Mick Morgan's and the Econo Lodge will be leaving our system so we will gain that capacity. Mr. Maffei adds that we will be getting the property tax and personal property tax increase and Pleasant Street needs these improvements and to do nothing is worse. Mr. Spillane does not like Walpole water going to another town as he feels we are not getting enough money. Mr. Hasenjaeger likes the idea of the I/I adjustment to improve the sewer line however he would like the 2 fire hydrants to be in Walpole. Ms. Hilvert says that would be up to the Fire Department. Mr. Marshall reminds that the site plan has to go to the Planning Board and we can make comments at that time. Town Meeting member Joe Moraski then speaks. He recites the Commission's Town Report. He feels with the new growth brings the Town close to their withdrawal limit. He says the most important responsibility is to the Town and they can't water lawns and yet we are giving water to out of towners. He does not want to submit to overextending. Cliff Snuffer then speaks on the matter. He feels this Commission is the most important Board in the Town. He had attended many SWIMMI hearings and saw that this Town had a target on its back and how they were looking to lower our withdrawal permit. Although he is hearing that there is plenty of water, consideration needs to be given to Walpole's growth. Our greatest potential harm is Foxboro. Mr. Hasenjaeger says it is ironic that Mr. Snuffer is alluding to a water crisis since he opposed the article at town meeting to investigate the MWRA. He also feels Mr. Moraski's quote or our town report has been misportrayed. He believes comments made tonight are purely political. **Motion Made** by Glenn Maffei to approve the sewer and water agreements for Optima. Second by John Hasenjaeger. Vote 3-2-0, Spillane and Fasanello opposed.

#### **8:00 JAMES BERNADINO RE: 160, 170 -180 MAIN ST. NEW POND VILLAGE REVISION #1**

Mr. Bernadino explains the expansion of New Pond Village. They are proposing a building addition 3 stories high, 39 new independent building units and 8 duplexes. There is a 12" main from Main St. to Bullard St. and they propose to relocate an 8" main and install an independent service to the new building. There will be a 6" water service and a 6" fire service. There will be individual services to each living unit, each will have their own domestic and fire service. Mr. Fasanello can see nothing wrong with plan. He asks if they have rights to New Pond and the answer is no. He then asks if they have considered wells for irrigation purposes and they have not.

**8:30 ERIC CORDIS RE: 110 NORFOLK STREET ROLLS ROYCE**

Mr. Cordis explains their plans for an expansion of their building. Mr. Abbot asks if there will be any new hazardous materials since it is in our aquifer and the answer is no. There is discussion. **Motion Made** by William Abbott to send a letter to the Planning Board stating that this Board concurs with the comments of the Town Engineer. Second by John Hasenjaeger. Vote 5-0-0.

Executive Session under G.L. c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property located on Darwin Lane, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town.

Chairman Abbott so declares

**Motion Made** by William Abbot to go into executive session under G.L. c. 30A, §21(a) (6) to consider the purchase, exchange, lease or value of real property located on Darwin Lane, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town, with the Board not to return to open session. Second by Glenn Maffei. John Hasenjaeger recuses himself from this session. Roll Call Vote: Glenn Maffei – Aye, John Spillane – Aye, Bill Abbott – Aye, Patrick Fasanello – Aye.

**Motion Made** by William Abbott to come out of executive session. Second by Glenn Maffei. Roll Call Vote: Glenn Maffei – Aye, John Spillane – Aye, Bill Abbott – Aye, Patrick Fasanello – Aye.

**Motion Made** by John Spillane to adjourn. Second by Patrick Fasanello. Vote 5-0-0. Meeting adjourned at 10:05 p.m.

*Accepted November 25, 2019*