

April 23, 2018

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, April 9, 2018 at 7:00 p.m. at the Edward J. Delaney Water Treatment Plant, 1303 Washington St.

Present: John Spillane, William Abbott, Patrick Fasanello, John Hasenjaeger and Tom Brown. Also Rick Mattson, Supt. of Sewer and Water.

**Motion Made** by William Abbott to accept the minutes of April 9, 2018. Second by John Spillane. Vote 5-0-0.

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

Mr. Mattson reports that the pipe cleaning started today on Stone St. and it went well once they were able to get the water shut down. They cleaned from Washington St. to Clarks Pond and Wednesday they will clean from Clarks Pond to Ellis St. He says they will be doing the different areas until May 14 on Mondays, Wednesdays and Fridays. Mr. Hasenjaeger asks him to explain the process and he does. Once done with Stone and School Streets they will move to West St. and Lincoln Rd. There is discussion and Mr. Hasenjaeger asks if they are able to locate the gates. Mr. Mattson responds that this is something they do in advance and mark them. He then reports the water connection between Harding Rd. and Barstow Rd. pressure tested okay and once the water samples come back they will put it in service. He says the prepping for the pigging has kept them very busy.

#### **BOARD OF APPEALS COMMENT REQUEST – 20 MARILYNS WAY**

Available information is reviewed and discussed. This is considered read and noted.

#### **REQUEST FOR REIMBURSEMENT, CUQUA, 150 COMMON ST.**

Mr. William Cuqua and his father in law are present for this discussion. Mr. Brown asks Mr. Cuqua if he would like to speak and he says yes. Mr. Cuqua says he will address this first and then he would like to speak on another matter. Mr. Cuqua says he agreed to put in the deed that he would install a separate water line should the property be sold and he has already paid the entrance fee. Since he did not install the separate line but did what the Board asked so he is looking to have the entrance fee that he paid returned to him. He is told that the document he provided to the Town does not show that this was recorded at the registry. Mr. Cuqua says it was recorded and will bring a copy to the Superintendent. He asks that the Board vote to return his entrance fee once he provides the document spoken of. **Motion Made** by Tom Brown that once Mr. Cuqua provides a copy of the recorded deed restriction as previously spoken of that he be reimbursed the water entrance fee that he previously paid. Second by John Hasenjaeger. Vote 5-0-0.

Mr. Cuqua then would like to speak about the difficulties he had obtaining his occupancy permit and issues he had with the Zoning Enforcement Officer. He says he was forced to spend a lot of additional time and money plus over \$600 in fines. He was never provided a receipt and was told that his cashed check would be his receipt. This is something he will have the Board of Selectmen deal with. Additionally, he would like this Commission to know that the Zoning Officer stated that it did not matter what the Sewer & Water Commission voted as his decision supersedes any vote this Board takes and therefore his occupancy was held up and he had to spend a lot of additional money to have his engineer amend his plan 3 times. Mr. Cuqua says he is running for Sewer & Water Commissioner because he is so angry about what has transpired with his property. He feels his occupancy was held up when it should have been good. Mr. Brown asks if he received any type of letter explaining his fine and the answer is no. Mr. Brown feels a letter should go to the Building Commissioner asking to explain the fine and what makes him think he can supersede the decision of the Sewer & Water Commission. Mr. Brown asks if the Building Commissioner ever physically went to the house and the answer is no. Mr. Cuqua says he is composing a letter to the Board of Selectmen and he will let them handle this, he just wanted the Board to know the sewer issue was the only thing that held up his occupancy permit.

## **7:15 APPT. TOWN COUNSEL, COMMISSIONS AUTHORITY TO ENTER INTO CONTRACTS**

Jackie Cowin is present from Town Counsel. Mr. Brown says he has read the Charter regarding the Commission's powers and duties. Based on this he does not see how the Board's decisions need to go before other Boards or Committees for approval. As an elected Board he assumes appointed Boards should not be able to override their decisions. Mr. Hasenjaeger says as an elected official they are mandated to operate the water supply through the Town Administrator. Ms. Cowin asks how the Commission was developed and Mr. Fasanello replies that the water used to be under the Board of Selectmen and there was just a Sewer Commission, however this was changed. Mr. Brown wonders why, if this Board voted to spend \$250,000 to paint a water tank why it would have to go to FinCom and Mr. Abbott replies that the FinCom is a committee that recommends to Town Meeting. Ms. Cowin explains that any money that is to be spent by the Town must be approved by Town Meeting; the Sewer & Water Commission is not separate from the Town unless there was a special act at some time. She adds this is a department of the Town so to spend money, Town Meeting approval is needed. Mr. Hasenjaeger does not see why this Board should be second guessed by an appointed Board. Ms. Cowin points out that part of the powers and duties of the Board of Selectmen is having final approval of all contracts. Mr. Hasenjaeger says this Board has a lot of experience and background and the FinCom is questioning our policies and decisions. The FinCom does not trust the MWRA. Mr. Brown adds, that one member of the FinCom actually said the Quabbin Reservoir is going to dry up. Ms. Cowin says they have a right to exercise their opinion under the first amendment as does this Commission. Mr. Hasenjaeger says by not approving our request for funding they are shutting us down. Mr. Abbott says if we don't agree with the recommendation of the FinCom we can always put in a substitute motion. Mr. Fasanello says this is not tax money, it is revenue from our customers and this is for customer protection. He does not see the need for the FinCom to get involved in our business. The people want us to protect their water not using tax money but by using our rates. Ms. Cowin says this argument can be presented to Town Meeting. Mr. Fasanello speaks of his interpretation of the Town Charter. Mr. Hasenjaeger feels we have every right and the responsibility to go as far as we can go to achieve this connection to the MWRA and if we are denied funding then it would not be because we did not do our part. There is discussion on having a representative from the MWRA at Town meeting to answer a lot of the questions and Mr. Mattson says he already has a lot of the answers and the FinCom is having their public hearing on May 3<sup>rd</sup> so the Board could bring the answers then.

Mr. Brown then brings up Jarvis Farm and explains how there is an 80/20 split between Recreation and this Board. He would like to know if we can lease the property to the Town so the ratepayers can see a better return. There is discussion on this and Ms. Cowin says that is would be the Town leasing to the Town and Mr. Fasanello says we are not the Town; we are the Sewer & Water Commission. Ms. Cowin restates that unless there was a special act where the Commission became a separate entity this is not true. Mr. Spillane says the Town owns Jarvis Farm and the Sewer & Water Commission controls it. Mr. Fasanello and Mr. Brown disagree with this statement.

**Motion Made** by Tom Brown to go into Executive Session to discuss potential litigation to recover costs for contamination of Washington Well #6, because the Chair has declared that discussing the matter in open session may have a detrimental effect on the litigating position of the Town, with the Commission to return to open session. Second by John Spillane. Roll Call Vote: William Abbott - Aye, John Spillane – Aye, John Hasenjaeger – Aye, Tom Brown – Aye, Patrick Fasanello – Aye.

**Motion Made** by Tom Brown to come out of Executive Session and return to open session. Second by John Spillane. Roll Call Vote: William Abbott - Aye, John Spillane – Aye, John Hasenjaeger – Aye, Tom Brown – Aye, Patrick Fasanello – Aye.

## **WATER MANAGEMENT POLICY FEEDBACK LETTER**

This is read and noted.

## **ENGINEERING SERVICES FOR INTERCONNECTION BETWEEN WALPOLE & NORWOOD**

Mr. Mattson explains this is what the Town of Norwood is looking for to determine whether or not this MWRA connection is viable and what would have to be done to achieve this. Mr. Abbott suggests waiting until we see if Article 7 is approved. There is some discussion and it is decided to go along with Mr. Abbott's suggestion.

## **WATER DEPT. OUTSTANDING PERFORMANCE AWARD**

Mr. Brown reads the award and thanks Mr. Mattson and the water and sewer employees for an outstanding job. The Board agrees with this.

## **INITIAL SWIMI IMPACT REVIEW AND WMA DEMAND PROJECTIONS**

Mr. Mattson says this is informational to see what is coming with regard to Water Management Permit. Mr. Fasanella says in looking at the charts usage has dropped since 1999 and the use going down the rates go up. Mr. Abbott says rates also go up due to improvements as well. Mr. Brown adds that there could have been more leaking pipes in 1999 also. Mr. Mattson says the documents are intended to give the Board a hint of what they are up against for permitting at the end of this year. Mr. Mattson says his interpretation of the permit is that whatever level the DEP decides for withdrawal, they don't care where we get it from we must abide by it and this includes the MWRA water. Mr. Fasanella disagrees; he says the MWRA is exempt from the Withdrawal Permit. He believes Mr. Mattson's statement is not right. Mr. Hasenjaeger speaks of the bureaucrats in Boston deciding our water use. Mr. Mattson stands by his statement although others disagree.

## **INCLINING BLOCK RATE**

Mr. Abbott wants to make sure the Board agrees that this will go into effect July 1, 2018 and then he will adjust the rates for FY19. There is discussion. **Motion Made** by Tom Brown to implement the inclining block rate on July 1, 2018 (FY19) pending the Finance Department's ability to do this. Second by William Abbott. Vote 3-1-1, Hasenjaeger against, Fasanella abstains. Mr. Mattson says the Board needs to determine the frequency of billing. Mr. Abbott believes they would have to continue to bill every 60 days. There is further discussion and Mr. Fasanella would like to see monthly billing. **Motion Made** by Tom Brown to bill quarterly if the Finance Department feels it is feasible. Second by John Spillane. Vote 3-2-0, Fasanella and Hasenjaeger against.

Mr. Mattson reminds that the public hearing of the Finance Committee is scheduled for May 3<sup>rd</sup>.

**Motion Made** by John Spillane to adjourn. Second by Tom Brown. Vote 5-0-0. Meeting adjourned at 9:20 p.m.

*Accepted June 11, 2018*