

November 5, 2018

A regular meeting of the Board of Sewer & Water Commissioners was held on Monday, November 5, 2018 at 7:00 p.m., at the Edward J. Delaney Water Treatment Plant, 1303 Washington St.

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

All abatements submitted tonight are reviewed and signed.

Motion Made by John Spillane to accept the minutes of October 1, 2018. Second by Glenn Maffei. Vote 5-0-0.

SUPERINTENDENT'S STATUS REPORT

Mr. Mattson reports on the water demand which was 2.15 mgd in October and down from the 2.54 mgd in September. The average was right at 2.47 which would he believes put the revenues in line with water pumped. The water main project at Pleasant, Marston, Calvert and Burns are completed and awaiting test results to activate. The Common St. area is active now with taps to Riverside and Clark area. When this is complete they will be mobilizing to the area of this treatment plant. Rehabilitation of the two sewer pump stations that were budgeted for (Walpole Park South and Eldor Dr.) are complete and Weston & Sampson Engineers will design the Leonard Rd. and Chandler Ave. pump stations to hopefully be constructed in early spring. There is still an ongoing water quality issue on Baker Street that they are still trying to resolve. Mr. Mattson then says that the inclining block rate is absolutely doing what it was supposed to do. It has targeted the high water users and the office has received several calls and the majority is due to irrigation.

REQUEST FOR ASSISTANCE, 73 ALTON ST., SAYAD

Ms. Sayad had a toilet leak while out of the country and received a very large bill. She is asking the Board to consider reducing the charges. There is discussion and the Board agrees that the water was used and they must remain consistent with their policy that all water that passes through the meter must be paid for whether used or wasted. There will not be any adjustment to this bill.

ENGINEERING SERVICES AGREEMENT – EMERGENCY GENERATORS, AP ASSOCIATES

Mr. Mattson says this agreement is for design and bidding for the generators at Washington Well #6 and the Washington Booster. Mr. Abbott says he thought that the generator at Well #6 was also going to handle wells #3 and #5 and the booster generator was also supposed to handle well #2. Mr. Mattson explains that well #2 is not a good well and not run often. To go with the larger generators would drive up the cost significantly. Mr. Spillane asks what we are getting for the \$47,000 and Mr. Mattson says this is for design and bid. The generators will be natural gas fueled and there is discussion where the gas line is and Mr. Mattson says it runs right down the road and is our line.

REVISED PLAN COMMENT REQUEST – ROJO CAR WASH, ROUTE 1

Mr. Mattson says he still not been able to confirm the applicants claim for such low water usage per day. Mr. Abbott says he watched the applicant's hearing with one of the other Board's and it was explained that they recycle all of their water which could explain the small amount. Mr. Spillane asks how much Lexus uses as they must recycle also. Mr. Mattson is going to find out. There is also the issue of the sewer odor being under control. Mr. Mattson says our sewer consultants are performing a peer review for sewage flow, potential odor issues and the possible need for a pump station. Mr. Fasanello says he was approached by a woman that lives in the area and she was looking for assurances that the odor problem is under control. Mr. Mattson can't guarantee it but he will assure that it will be investigated.

BRISTOL BROS. – RENMAR AVE./WEST ST. REFILE COMMENT REQUEST

Mr. Abbott says this hearing with the Planning Board has been rescheduled for December 6th. Mr. Mattson says Wright Pierce is currently looking into the best route to connect the water. Mr. Abbott says he is not sure why they have submitted a refile but he believe we will get another request for comments. Mr. Hasenjaeger says he noticed the delineation of the area is Residence A.

QUESTIONS ON I/I POLICY, 95 WEST ST.

Mr. Mattson says he has responded to some interrogatories. Mr. Fasanello asks what our policy is and he is told that it is what is in the fee schedule. Mr. Abbott suggests that this topic is currently in litigation and Mr. Fasanello says he just wanted to know what our policy is at this time.

7:30 KEN TRACY, 938 EAST ST., APPEAL OF CHARGES

Mr. Tracy says he has been trying to resolve this bill for the past 4 months and has not gotten any satisfaction. It was suggested that he come before the Board which he feels is a lot of work and perhaps the Board should give the Superintendent the authority to make this decision. He says he spoke to the ladies in the office who appeared confused. The meter in the building was changed and he was told this was a catch up bill however they could not explain what that meant. The old meter was recalibrated and was found to be running at 98%. He says his water bill doubled and now is back to normal and it makes no sense. Mr. Mattson says he looked at all ways and he only knows that the water went through the meter. Where and when this happened, he is not able to pinpoint. Mr. Abbott says usually if a meter is faulty it tends to under read and in the past if it went through the meter it must be paid for. The only exception would be in a case where it is shown that it did not go through the sewer such as an outside hose running and then we would adjust the sewer charges accordingly. Mr. Mattson is asked to explain what a catch up bill is which he does. Mr. Spillane says if it went through the meter then it needs to be paid for. Mr. Tracy says this is a comedy of errors and he can't believe he went through all of this and ends up with nothing. Mr. Mattson says he believes there was a leak somewhere in the building that went undetected and subsequently fixed. He adds that it is physically impossible for the meter to move unless water passes through. Mr. Tracy disagrees with this and Mr. Mattson says based on past history and past experience he believes this to be so. Mr. Tracy is told the charges will stand as billed and he thanks the Board for nothing.

SPECIAL PERMIT DECISION – PULTE HOMES

This is read and noted.

SITE PLAN DECISION – PULTE HOMES

This is read and noted.

1983 LEGISLATION BETWEEN THE TOWN OF DOVER AND TOWN OF WALPOLE-TEXACO

Mr. Mattson explains that the reason this is on the agenda is because he was contacted by a Dover resident stating that he should be charged the same rate as Walpole residents per this Legislation. **Motion Made** by Patrick Fasanello to abate the charges for out of town rates on this person's next bill. Second by Glenn Maffei. Mr. Maffei would like to confirm that all Dover residents included in this Legislation will be charged the same as Walpole residents and the answer is yes. Vote 5-0-0.

WATER AND SEWER ENTRANCE FEES

Mr. Mattson says he asked this to be put on the agenda to speak about Edgewood Development. They have escrowed sewer and water fees and for sewer they escrowed \$253,800. This property was previously assessed and based on our fee schedule their fee would be \$22,800. They are asking, other than the \$22,800, that their money be released. Mr. Abbott sees no reason why we shouldn't release all but the smaller amount as the Board has a rate for those who have been assessed and those who have not. Mr. Hasenjaeger asks how the larger amount was determined and he is told that it was the number of units times the non-assessed connection fee of \$1670 and if you take the non-assessed of \$150 times the 152 units it is \$22,800. Mr. Mattson explains that the property was assessed previously. Mr. Hasenjaeger says the previous assessment was based on one unit

and now there are 152 units and he does not agree that there should only be one assessment for all these units. Mr. Fasanello says he can see getting a benefit for one unit at assessed but not 152 units. Mr. Mattson explains that the units were not assessed it was the property that was assessed. There is discussion on property versus units. Mr. Mattson says he believes this property paid 3 betterments over the years, most recently in the 80's. Mr. Hasenjaeger feels that someone is looking to give a benefit to this company and it needs to be looked at. Mr. Fasanello feels they need to pay for the units they put in at least. Mr. Abbott says this is not what our rules say. Mr. Hasenjaeger says this is how it has been done in the past and he has paid these many times. Mr. Mattson tells Mr. Hasenjaeger that he does not believe he has ever built a house on a bettered property and Mr. Hasenjaeger says he believes he did on North St. Mr. Fasanello says he would like the professionals look at this as legally we need to be sure what we are doing is correct as it doesn't seem right that they pay one entrance fee for this big gigantic piece of property. Mr. Abbott responds that our rules on a number of things do not take into account the types of developments that are taking place and that is where he believes and that is where he believes we need to discuss our water and sewer entrance fees and perhaps add an address. Mr. Fasanello says we can approve or reject whatever administration tells us but they need to come up with some plans, ways or methods for us to look at and we will make the final decision. He feels we are not capable of figuring this all out. Mr. Hasenjaeger confirms they have paid 3 betterments with 152 services and then says the logic to him is they get credit for 3 and pay for the other 149. Mr. Abbott understands what he is saying but our regulation says property not units and if we want to change it we would change it going forward. Mr. Mattson says this needs to be resolved because the other 2 major projects have also paid betterments. Mr. Maffei says he believes it has been resolved retroactively as we have a policy in place and if we want to change it we can do that moving forward. He is always open to reconsidering for future projects. **Motion Made** by Patrick Fasanello that Town Administration takes this problem into consideration and come up with different scenarios for this Board to consider and present it to us at our next meeting or the meeting after that so we can approve or reject them. We would like them to find a fair and equitable way to deal with these situations. Mr. Abbott would like to confirm that this motion is for looking forward with our regulation and dealing with this current situation that Mr. Mattson is proposing to send to Counsel is a different issue and Mr. Fasanello says yes. Mr. Spillane wonders if it would be better to have Town Counsel look at it and Mr. Mattson agrees that sending our regulation for Counsel to look at it would be the cleanest method. Mr. Hasenjaeger would like to discuss further. He says he does not agree with this and it is a matter of semantics and centered on the term property. Mr. Abbott says this is a whole separate issue and has nothing to do with Mr. Fasanello's motion, which is looking into the future suggesting different scenarios on how to approach these situations. Mr. Fasanello adds that we have never run into these situations so we focused our regulations on single family homes so this is new and different. Mr. Abbott adds that Board members are welcomed to provide input. Mr. Hasenjaeger says the Town Administration and Town Counsel should not make decisions for us we are the water commission. Mr. Maffei says they are just making recommendations. Second by John Spillane. Mr. Maffei would like to confirm that until such time that we vote to change it that we will follow the policy that is in place and the Board agrees. Vote 4-0-1, Hasenjaeger abstains. It is asked that this be put on the next agenda or the next after that. Mr. Abbott then speaks of the 3 large developments before us now. **Motion Made** by William Abbott to request Town Counsel's opinion as to what these developments should be charged for sewer entrance fees. Mr. Fasanello says the problem with this is we are the ones who make the policy and we should not be asking Counsel to do this for us. If we give her a policy we can ask if it is legal but she should not be setting the policy. Mr. Abbott says his motion is based on our current policy and what should we be charging. He adds, he reads it as being a property and Mr. Hasenjaeger adds that he reads it as a residential property and the language may be imperfect but the intent is what dominates and it is our intent. Mr. Hasenjaeger feels Town Counsel will give us nothing they do what someone tells them to do. We can give Counsel our definition of residential property and if they say this is not clear enough then we can take it into consideration, it is our definition and our decision and should not let someone else decide. He feels they are not the authorities and do not have the power to do it. Mr. Spillane says he wants to know if it is legal or not. Motion seconded by Patrick Fasanello. Mr. Maffei says we will not be any worse off by asking Town Counsel, we will just have a little bit more information. Mr. Hasenjaeger says we are the ones that should make the decision and Mr. Maffei says we are just getting more information and then we will make the decision. Mr. Abbott is willing to amend his motion to include we ask that we get the definition for the word property and Mr. Fasanello agrees to the amendment for

his second. Mr. Fasanello asks Mr. Hasenjaeger if this is his question and he answers that it is not a question. He continues it's like asking your mother and there is no mother up there; you are the boss, you and I are Commissioners and there is no one else telling us what to do. She is not competent to do this, he is the expert, she has nothing to do with this and we are just kicking it to someone else. He feels we should be the one defining the words in our regulation not Town Counsel. Vote on the motion 3-0-2, Hasenjaeger and Spillane abstains.

Motion Made by Patrick Fasanello to adjourn. Second by John Spillane. Vote 5-0-0. Meeting adjourned at 8:00 p.m.

Accepted November 26, 2018