

**MEETING MINUTES
CHARLTON WATER AND SEWER COMMISSION**

Date: May 22, 2007

Time: 7:00 p.m.

Location: Charlton Wastewater Treatment Facility

Attendees: Jody St. George, Woodard & Curran; Peter Vigeant and Peter Belanger, Charlton Well; Stephen Zeveska; Dan Prouty, POG Realty Trust

Members	Present	Members	Present
Sandra Dam	Y	John Elliott	Y
Paul Gagner	Y	James McIntire	Y
Cheryl McKissick	Y		

Minutes Recorded By: N. Shields-Swindell

Item Business

7:00 p.m.: James McIntire, Chair, called the meeting to order

Sandra Dam moved to accept the Minutes and Executive Session Minutes of May 5, 2007. Cheryl McKissick seconded. Unanimous.

Sandra Dam moved to grant Senior Discount Abatements to Acct. #375 and Acct. #588. Cheryl McKissick seconded. Unanimous.

Sandra Dam moved to grant a Prorated Meter Bill abatement to 191 City Depot Rd (11A-D-10) in the amount of \$150.60 and a Discharge Capacity Re-evaluation abatement to 5 Masonic Home Rd (34A-A-9) in the amount of 426.08. Cheryl McKissick seconded. Unanimous. The Commission signed the Minutes, Warrants and Abatements.

7:05 pm - Peter Vigeant of Charlton Well had contacted the Commission requesting to meet without the Commission's engineer Tighe & Bond present and without informing the Commission of his exact concerns. At the meeting Peter Belanger asked the Commission what was going on with the search for water and why did the Commission want to spend any money on test wells. Ms Dam believed that the proposed bedrock wells would be the size of production wells. Peter Vigeant wanted to know if they were being constructed as public water supply wells. It was explained to him that the search was for a public water supply. McIntire told him that Tighe & Bond, the Commission's engineer for the water supply search, has been doing a very good job and that this was not the venue or the time to rehash all that has taken place. The Commission's minutes contain all that has transpired and are public records available if they were really interested. He said that the next time Tighe & Bond attends a meeting to update the Commission they are more than welcome to attend. Both Mr. Vigeant and Mr. Belanger asked where the bedrock test wells were going to be located. Mr. Belanger then offered anecdotal evidence that wells already in the general area produced large volumes of water. It was explained that a minimum of 14 acres of protected land was required for a public water supply and locations were constrained by this size requirement and current owner access permission. Mr. Vigeant asked if the Commissioners knew where the site was and Ms. Dam said that she had personally explored the site with the Tighe & Bond hydro geologist. Mr. McIntire then asked if they actually had specific questions. At this time Mr. Vigeant said that they only wanted general information. He then said that he wanted to talk to the Commission's engineer. Ms. Dam said that Tighe & Bond has

always been happy to talk to people in the Town, and she had suggested that they be present but Mr. Vigeant had refused to attend a meeting with them. Mr. Elliott asked if the bedrock test well development estimate of \$138,000.00 included engineering costs. Ms. Dam said that the amount was a suggested budget and didn't mean that it would cost that much. Mr. Elliott said that everyone wants to know the details and Tighe & Bond was just going around stabbing holes in the ground. Ms. Dam explained the Tighe & Bond was working diligently and that the DEP had stringent requirements for well development.. Several Commissioners were surprised at this statement, as the DEP has the final say in the permitting of well development. Mr. McIntire again asked Mr. Vigeant and Mr. Belanger what they were specifically looking for. At this time they said that they wanted to do some of the well drilling work and didn't want money wasted on out of state well drillers. Mr. Belanger said that they wanted to make sure it was done right. Mr. Vigeant then told a story about a test well that Charlton Well drilled in Sturbridge, only to have to fill it in and drill another well 5 feet away. Mr. McIntire said that he was hearing accusations that money was just being thrown around and this was completely inaccurate. He said that the Commission meets every other Monday with informed discussions based on expert data and works carefully to make the best decisions for the Town. Dan Prouty asked how the proposed bedrock test well site was chosen. Mr. McIntire said that this was a recommendation based on Tighe & Bond's hydro geologic survey data. Mr. Prouty then said that he had property in the Buffumville area that he thought might have gravel packed well potential and said that he and his partners would spend their own money on a test well. Mr. McIntire said that suggestions were welcome if they were backed up with reliable data, which would gladly be passed on to Tighe & Bond. Mr. Prouty accused bureaucrats and engineers of being nobody's friend. Mr. McIntire said that the Commission had a high degree of confidence in Tighe & Bond. Mr. Prouty claimed it was some kind of conflict of interest for Tighe & Bond to be working on the water supply search project and kept saying that he could do the whole thing much quicker. It was explained to him that, as well as engineering, Tighe & Bond prepared all the governmental submittals required. Ms. McKissick explained that it was the DEP who denied permission to continue with test well development in the Buffumville area and informed him that Tighe & Bond was already planning to go back to the DEP to discuss that option before moving ahead with the bedrock test wells. Mr. McIntire repeated that the Commission has confidence in Tighe & Bond and expects that the new Commissioners will come to share this. Mr. Vigeant said that he wanted to meet Tighe & Bond when they come out to the site. Ms. McKissick will explore the option of Tighe & Bond holding another public information meeting. Mr. McIntire thanked everyone for attending and repeated that the Commission would welcome any applicable data.

7:30 pm - Jody St. George, the Woodard & Curran Plant Manager presented the Monthly Operating Report for April to the Commission. The plant has been making all permit levels and there have been no violations. McDonald's has reported that they have finally received the last signature they required and Joe Diozzi reported to the Interim Superintendent that they have signed an agreement with a contractor for installation of the second grease trap. The Co Mag Pilot Study report has not been received yet. Sludge pump seals have been replaced and the jetting will resume soon. A small cabinet heater was installed in the Burlingame Rd pump station, which seems to have corrected

moisture problems in the transfer switch circuitry. Mr. Elliott asked Mr. St. George about the Commission's contract with the MTA and the limits for B.O.D. and ammonia. Ms. Dam explained that the contract was between the Commission and the MTA and Woodard & Curran was not a party to it. She said that the contract contained no consequences for exceeding limits on these items however the rate study had determined surcharges for limit exceedence, which are billed to McDonald's on a quarterly basis. Loading Surcharge Bills were sent on April 18, 2007, for the MTA Service Areas in the amounts \$41,082.56 for 5E and \$30,079.58 for 6W totaling \$71,162.14. Mr. St. George reported that plant maintenance and training are up to date. Mr. St. George reported on grinder pump alarms and Ms. Dam explained the Commission's Grinder Pump Policy. Mr. St. George thanked the Commission on behalf of Woodard & Curran for a successful first year of Contract Operations.

The Commission had to take out **Flood Insurance** before FEMA would pay for the pump station repairs to the Muggett Hill Pump Station due to the rain event of Oct 15, 2005. This flood insurance costs approx \$1,400.00 and is up as of May 18, 2007. The Town has negotiated a new insurance policy at a great savings to the Town. The coverage includes Flood Damage with a limit of \$5,000,000.00 and a deductible of \$25,000.00. The new insurance company can provide a rider to the Commission for the Muggett Hill Pump Station with a deductible of \$2,000.00, to cover the difference between that \$2,000.00 deductible and the \$25,000.00 deductible from the main policy, for about \$1,300.00. Alternately the Commission could budget a line item of \$25,000.00 to cover the deductible in the event of flood damage. FY 2008 will be the first year that the Commission has paid it's own insurance expense. John Elliott moved to obtain the rider policy for \$1,300.00 from the Town's insurer. Cheryl McKissick seconded. For: McKissick, Gagner, Elliott. Abstained: McIntire. Passed.

After the rain event of Oct 15, 2005, that damaged the Muggett Hill Pump Station, Tighe & Bond gave the Commission an estimate to review the culvert size and, if advisable, replace the culvert for approximately \$30,000.00, including installation. Originally the culvert size was 5 ft. In April 2004 the road collapsed and the Town Highway department had installed a new 4 ft culvert. A storm in April of this year produced 7.35 inches of rain, which resulted in substantial pooling, near the pump station and caused great concern to the Plant Manager. The Highway department does not feel it is necessary to do anything to protect the integrity of the pump station. Ms Dam asked the Commission if it wished to consider an engineering review regarding culvert size and downstream impact. The consensus was to go with the insurance rider at this time.

The **Special Legislation** has been through the three required readings in the Senate and passed. On May 11th it was referred to the House Steering, Policy and Scheduling Committee. Rep. Alicea's office reported that it had been released from this committee today. Mr. Elliott asked what the purpose of the Special legislation was. Ms. Dam explained that it would grant a measure of discretion to the Commission and would create a capital fund for plant upgrades from the fees received from properties not already assessed for the original projects that seek to tie in or increase capacity.

A Discharge Capacity Re-evaluation was performed at **5 Masonic Home Rd (34A-A-9)** which had contained a dentist office and had been assessed a betterment for and was being billed for 800 gpd. A change of use occurred for this property and we received a written request for a review. It was determined to now have the capacity of the

commercial minimum of 200 gpd for office space plus 110 gpd for a studio apartment making its new capacity 310 gpd for current billing and 2 edu's for meter billing purposes. Abatement paperwork has been prepared for the period 2/27/2007 through 6/30/2007 in the amount of \$426.08. A meter application has been received for this property.

McDonald's wants to meet with the Interim Superintendent, the Commission's engineer and rate consultant regarding the recent rate study and the resulting user fees and surcharges. The consensus of the Commission was to go ahead with setting up the meeting.

An **Internal Transfer** was made in the budget to move \$1,200.00 from the Commissioner Salary and \$4,800.00 from Legal Expense line items to the Sewer Salary and Wages line item for year-end expenditures. Mr. Elliott asked Ms. Dam what she was paid and asked if it was legal for her to be both a Commissioner and Interim Superintendent. She explained that because the Commission had been unable to fill the position of Superintendent satisfactorily she had been doing most of the work. She had been asked by the Commission to fill the position on an Interim basis and had checked with the State Ethics Commission to insure that no conflict existed. She pointed out that a Town Meeting vote dating to 1998 allowed a Commissioner to serve as Superintendent. Ms. Dam is salaried at \$15.66 per hour up to 30 hours per week. The Water/Sewer Technical Administrator position was recently approved at the Annual Town Meeting. Mr. McIntire said that in his opinion it was essential to the operation of the Water and Sewer Departments to have someone in this position. John Elliott moved to approve the transfers. Paul Gagner seconded. For: McKissick, Gagner, Elliott and McIntire. Abstained: Dam. Passed.

Ms Dam explained that at various times prior to creation of the Moratorium vague letters were sent to the owners of assorted properties stating that the particular property had access to the wastewater treatment system. Approximately 15 of these properties are still not tied in. Now that the moratorium has been modified to allow properties that have been assessed a betterment to connect, the Interim Superintendent recommends they be sent a letter stating that they now have the same standing as all other properties on the sewer line assessed a betterment. Mr. Gagner said that the betterments should have been suspended during the Moratorium. Ms. Dam informed him she believed that unfortunately this would be illegal. Cheryl McKissick moved to send a letter to the properties remaining on the Pre-Moratorium Approval list giving them the same status as any other property assessed a betterment. Paul Gagner seconded. Unanimous.

The Interim Superintendent attended the monthly **Local Emergency Planning Committee Meeting**. The Selectmen have accepted the regionalization plan and the Town is now a part of the REPC, which will allow for expanded resources for the community and possible increased grant funding. The LEPC voted to go to an every other month schedule due to being a part of the REPC. They continue to work on their volunteer plan. CPR and defibrillator training and certification are required for the new Commissioners.

The new owner of **15 Stafford Street (27A-B-2)** is complaining of the 6 bedroom charge for the 3 family home. He was informed that he could install a meter as per the Commission's policy of Oct. 2006, which discontinued the practice of bedroom inspections now that meters are available.

The Interim Superintendent toured the Marlboro Wastewater Treatment Facility and reviewed two different pilot processes for phosphorous removal. Cambridge Water Technologies wants to come back to the Charlton WWTP with the **Co Mag** process to pilot some process refinements. This will be at no cost to the Town and they will install a meter and pay for their own electricity. Cheryl McKissick moved to allow Cambridge Water Technologies to return to the WWTP with the Co Mag pilot for as long as necessary. Paul Gagner seconded. Unanimous.

An attorney requested information on why the Commission charged a legal review fee. Kopelman & Paige provided an opinion regarding the Commission’s right to charge fees so that the expense does not come out of the Departmental budget as long as the fee charged meets certain criteria. The fee must not exceed the actual cost of the service and must be for a particular benefit to the party charged the fee. Ms. Dam inquired if the Commission wished her to continue consulting Kopelman & Paige on such matters as were needed to conduct normal business. Mr. McIntire said that Ms. Dam has been granted discretion in consulting counsel as she felt necessary. The consensus of the Commission was to maintain this practice and revisit the question at a future meeting, if needed.

Christos Dimopoulos the owner of the restaurant currently named **Zorba’s at 132 Sturbridge (30-D-12)** has asked to attend the next Commission meeting. The property was tied in to the wastewater treatment system in 2003 and is being billed for 125 seats. Their Phase 1 Betterment was for 2,300 gpd or 65.7 seats. Mr. Dimopoulos asked to add an outside deck in April of 2006 and this was allowed, as it was a limited seasonal use. He then asked to enclose the deck and make it a permanent increase to his seating and discharge capacity. This was denied under the Moratorium. Under the current modified Moratorium he could get up to 1,000 gpd of increased capacity. However he is refusing to pay the privilege fee for this increased capacity and wants the Commission to change its policy for him. Mr. McIntire felt that any change in this situation to the Commission’s policy would engender the risk of challenges for the different treatment for Mr. Dimopoulos from people who have been abiding by the policy.

Sandra Dam moved to accept the **Right Of Entry** agreements for **210 Sunset Dr (12A-A-4.5)** and **220 Sunset Dr (12A-A-2)** John Elliott seconded. For Dam, McKissick, Elliott & McIntire. Abstained: Gagner. The Commission will need to make a decision regarding what to do about new properties requiring grinder pumps. There is no longer any Phase 2 money left to pay for them.

Nichols Enterprises will be finishing the **Old Line Decommissioning** prior to the end of the fiscal year. They will be removing manholes and making infrared patches to the pavement.

Tie In Permits were issued for:

- 21 N Main St (35-C-10) B.O.H. Title V Failure
- 62 Hollywood Dr (16A-A-40.1) B.O.H. Waiver

A B.O. H. Title V failure notice was received for: 80 Osgood Rd (12B-K-11)

An Existing Meter Application was received from:

45 BACH JONATHAN F	17-D-1.73B	107 CENTER DEPOT RD #2
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New Meter Applications were received from

BILLY HUI	16A-A-40.1	62 HOLLYWOOD DR
62 ELINOR WASKEVICH TRUSTEE	34A-A-9	5 MASONIC HOME RD

