

**MEETING MINUTES
CHARLTON WATER AND SEWER COMMISSION**

Date: June 4, 2007

Time: 7:00 p.m.

Location: Charlton Wastewater Treatment Facility

Attendees: Dan Prouty; Peter Vigeant, Charlton Well; Terek Mroczkowski; Ted Mroczkowski; Steve Zeveska; Mike Lally; Christopher McClure; Christos Dimopoulos Zorba's; Kevin McManus; Kathleen Walker, Board of Selectmen.

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.

John Elliott took exception to his remark about the DEP recorded in the Minutes of May 22, 2007 and asked to have it stricken. Paul Gagner moved to accept the Open Session minutes of May 22, 2007 as modified and the Executive Session Minutes of May 22, 2007. Cheryl McKissick seconded. Unanimous.

The Commission signed the Minutes, Warrants and Payrolls. The new

Commissioners were reminded to turn their paper work into the Treasurer's office.

Sandra Dam reported that the remainder of the Betterment originally assessed to Parcel **12-B-4.10**, in the amount of \$6,560.00, has been assessed to **164 City Depot Rd (12-B-4.20)** currently owned by David & Sandra Woods. The portion of the original property with access to the sewer was sold in January of 2003. A Certificate for Dividing Sewer Betterment Assessment was approved by the Commission at the Meeting of May 22, 2007. The Woods have verbally waived notification requirements.

Sandra Dam moved to assess an Omitted Betterment to Parcel **12-A-1.30 47 N**

Sturbridge Rd. the owner of which is adding a third dwelling unit. This third betterment had been approved by the Commission on June 6, 2004. John Elliott seconded.

Unanimous.

The **Special Legislation** is still in the House of Representatives. Ms. Dam is keeping in touch with Representative Alicea's office, which is mindful of the legislation.

A letter was sent to Mr. & Mrs. Armand Carpentier stating that the Commission is in agreement that parcel **41-A-9** located on the Baypath Sewer Extension has sewer access. The property was planned for on the extension, however it has never been assessed a betterment and Counsel recommends against allowing them to connect as the current Moratorium states that only properties that have already been assessed a betterment may connect. The Commission must wait until the Special Legislation has passed to consider this lot.

The Interim Superintendent, Robert Peirent from Tighe and Bond, the Commission's engineer, and Steve Alcott from Alcott Associates the Commission's rate consultant met with Joe Diozzi, facilities manager, for **McDonald's** at the MTA Service Areas and their rate consultant Chris Woodcock. The issues that McDonald's has with the current rate

structure were reviewed. They also asked about more sampling, which in cases of high BOD may help them, as currently only 2 sampling days are taken each month. They were informed that more frequent sampling would be acceptable as long as they covered any increased cost. They will send a letter agreeing to this arrangement. At this point the information regarding their contracted discharge capacity amount can only be addressed by the MTA.

Mr. McIntire explained the history and need for the position of **Water/Sewer Administrator** and asked the Commissioners to read the new job description for discussion at the next meeting. Mr. Gagner asked how the position would be advertised. Mr. McIntire said that it would be posted in several newspapers. In the past a Committee has been formed to review applications. Mr. McIntire said that the Committee will consist of Commissioners and related professionals for technical assistance.

Christos Dimoupolos asked to address the Commission regarding his restaurant, **Zorba's, at 132 Sturbridge Rd (30 D 2)**. Mr. McIntire asked him to provide background on his issue. Mr. Dimoupolos said that last year he had built an outside patio and wanted to close it in to make an additional permanent dining area. He was prevented from doing this by the moratorium. He also feels his bill is unfair and he wants to be billed according to usage. Contrary to Mr. Dimoupolos' statement the property is currently billed by meter. Mr. McIntire asked how much increased seating Mr. Dimoupolos was looking for. He said about 50, which is what the patio contains. Mr. McIntire explained that any capacity given to a property is taken out of the system and cannot be reassigned seasonally. Ms. Dam explained that according to the modified moratorium Mr. Dimoupolos was entitled to receive an additional 1,000 gpd of discharge capacity, the equivalent of 28.5 seats, subject to a privilege fee. Ms. Dam pointed out that his original betterment was only based on about 70 seats and according to Commission records the restaurant has 125 seats. Mr. Dimoupolos claimed that the restaurant had 170 seats when it was on a septic system. Ms. McKissick asked him if his system had failed a Title V evaluation or he had decided that he wanted town services. He said that his septic system had been fine and he had tied in as a business decision. He began to complain about his bill again and told the Commission about another restaurant in another town which paid less. Ms. McKissick pointed out that it was a larger town with more users and could not be compared with Charlton. He complained that no one had told him he couldn't enclose his patio before he applied for a building permit. He was reminded that both the Interim Superintendent and the Building Inspector had informed him of the moratorium restrictions. It had clearly been explained to him that the Commission granted permission for the limited seasonal use of the patio in an effort to be helpful. Mr. Dimoupolos asked if the Commission was supposed to have done him some kind of favor. He continued to complain saying that he had bought all his material before attempting to secure his permits. Mr. McIntire repeated that anyone coming before the Commission wishing to add discharge capacity must pay a privilege fee. Ms. Dam pointed out that after the moratorium is lifted he could apply for more capacity. She assured him that the Commission is not suggesting that he be charged for the difference between his original betterment and the actual number of seats in the restaurant. The Commission is only looking for the privilege fee on increased discharge capacity. Mr. McIntire said that the Commission is sympathetic; however, a Town Meeting vote set the privilege fee policy. Mr. Dimoupolos asked if the Commission was telling him to sue the Town because no on

told him anything. Mr. McIntire said that Mr. Dimoupolos had three options that he could see: 1. Add the 28 seats and pay the privilege fee, 2. Wait to add the seats, 3. Go to a Town Meeting. Mr. Gagner asked what the privilege fee would be. He was told about \$2,000.00 per year for 20 years. Ms. Dam pointed out that the Commission may not have been correct in allowing him to use the patio for increased seating and counsel had suggested that if the Commission had committed an error it should correct it. Mr. McIntire said that once the Commission becomes aware of a situation it must act on it. Ms. McKissick suggested, as a compromise, that he enclose only the portion of the patio that would hold the 28 seats and keep the excess seats outside. Mr. McIntire said that it is up to Mr. Dimoupolos to make the decision that is best for his business, and that the Commission is legally restricted in the action it can take. Mr. Dimoupolos left at 7:45 pm. Ms. Dam distributed a draft of the **Order & Notice with respect to the Phase III Privilege Fee** along with a vote and fee calculation form that was received from the Commission's counsel this afternoon. Mr. McIntire explained that this was a basic format to insure privilege fees were assessed correctly and protect the Commission. Mr. Elliott asked why the privilege fee didn't go down. Ms. Dam explained that \$8,200.00 was the amount approved by the Commission and used to calculate the upgrade project. Mr. Elliott then asked why people who had already paid a betterment were being charged again and called it double dipping. He mentioned the Carpentiers specifically. It was pointed out to him that the Capentiers had never been assessed a betterment. Mr. Elliott then said that people wishing to increase their capacity should receive a credit. It was explained that users wishing to increase their capacity were receiving an increased benefit. If more users were tied in that would have an effect on the rate charged as user fees. Mr. Elliott said that houses were not using 330 gpd. Ms. Dam agreed and pointed out that for betterment calculations the Title V estimate for dwelling units was 200 gpd. Mr. Gagner then asked for clarification on the number of seats in Zorba's restaurant. Ms. Dam explained that according to her calculations from the Phase I Betterment Certificate, the betterment capacity of 2,300 gpd received by Mr. Dimoupolos divided by 35 gpd, the per seat Title V estimate, broke down to 65.7 seats. Mr. Gagner asked if he actually had that many seats. Ms. Dam said that this was the amount he received a betterment for and she had no way of knowing what existed at that time.

At the meeting of May 22, 2007 several local well drillers raised questions regarding the **Drinking Water Search**, which were forwarded to Tighe & Bond. They replied that optioning property is a good approach if time allows, however the process is usually long and involves legal issues. Also options typically have a time limit and DEP approval of well sites often takes a long time. They said that it was a gamble to start off a test well with the final production well design and they will provide the Commission with comparison numbers for their deliberation. According to Omer Dumais a power supply to a site 2,000 ft in distance may cost \$50,000.00 to \$75,000.00. Adding phone and maybe signal wires could add another \$40,000.00 so site utilities could be on the order of \$100,000.00. The proposed Bedrock test well site has the advantage of being much closer to the existing water main on Rte. 20. Tighe & Bond expects that actual land cost will be the major financial challenge. Mr. Prouty said that it was his opinion that the Commission should get an option in writing before testing. Ms. Walker said that if water was found on the property the owners could write their own ticket. Mr. McIntire said that these were valid points and the Commission would certainly discuss the issue. Mr. Prouty suggested

purchasing an easement, not the entire property. Mr. Gagner agreed with the idea of getting an option and then asked if the Commission offered any compensation to land owners for testing on their property. Ms. Dam said that the access agreements offer no financial compensation, they do promise to restore the property to its pre-existing condition to the best of the Commission's ability. Ms. McKissick asked who had prepared the access agreements, and why didn't anyone mention options before this. Tighe & Bond had prepared the agreements and up until this time testing was planned for Army Corps of Engineers land. Mr. Elliott then read from an e-mail from Mike Zylich, the Tighe & Bond hydro geologist, that stated that the Bedrock site had a low probability of producing adequate water. It was explained to him that Mr. Zylich was asked to write that letter on behalf of the Commission in hopes that the DEP would reconsider the Buffumville site, 30-66. Mr. Elliott then asked if the DEP had denied permission to develop Buffumville. Mr. McIntire explained that the DEP had denied permission to develop a test well at site 30-66 because it was in a flood prone area, even though Tighe & Bond felt that proper construction of the wellhead would prevent surface water contamination. At that time the Commission was instructed to explore other potential well sites. Ms. Dam explained that a meeting with the DEP has been requested as soon as possible to discuss this issue. Mr. Elliott then said that the Commission should contact other towns as potential water sources. It was explained to him that this was being done regularly. Ms. McKissick asked if Tighe & Bond had misled the Commission and failed to get DEP approval for the Buffumville site. Mr. McIntire asked her if she had information the other Commissioners were unaware of. She asked if the Commission had a signed document from the DEP granting permission to drill test wells at Buffumville. It was explained to her that test well site 30-66 was a pre-existing site not a new site needing to be drilled. It was also explained that Tighe & Bond acted under the direction of the Commission. Ms. McKissick said that she was told to request a signed document from the DEP granting permission to drill test wells at Buffumville. The Interim Superintendent stated she was unsure of the particular document Ms. McKissick wanted but would be happy to review the files. Mr. McIntire suggested that, in the future, document requests made prior to the meeting would be more productive. Mr. Prouty said that if the DEP wanted the Commission to explore bedrock wells he would be happy to have them look at property he and his partners owned. He then said that he felt Tighe & Bond was picking someone's pocket when the private sector could do it for less. He stated that he could do the work without having to go out to bid. He also said that the DEP is not taking Charlton seriously and had granted other towns with less need interbasin transfers. Mr. McIntire replied that the DEP does place a lot of restrictions on towns searching for water sources, Southbridge was balking at supplying more water to Charlton and looking for help with their system upgrades. Mr. Elliott said that Southbridge was not asking to upgrade their system. Mr. McIntire informed him that Charlton would be expected to pay for upgrades necessary to the interconnection. Ms. Dam asked Mr. Prouty if the property that he was referring to was one already investigated by Tighe & Bond. He said yes, for a gravel packed well, but now he was suggesting they investigate it for a bedrock well. Mr. McIntire suggested that Mr. Prouty speak to Tighe & Bond. Mr. Prouty said that he was only here to help the search move forward and that he had been promised water by 2001. Mr. McIntire suggested taking the formation of a sub-committee to research water options under advisement. Mr. Vigeant,

from Charlton Well, then said he wanted a second opinion on the engineering and he had brought Christopher McLure, a professional engineer operating on his own, from Southbridge, to the meeting. Mr. McIntire said that he would certainly take the recommendation under advisement. Ms. Walker suggested that the Commission consider holding its meetings in the B.O. S. meeting room. She then asked what was happening with the IMA. Mr. McIntire informed her that these were issues for discussion in Executive Session. Ms. Walker said she had forgotten about that. Mr. Lally agreed to the concept of a sub-committee to assist in the process. Mr. McIntire just asked anyone interested in helping to be careful of any perceived conflicts of interest. All the remaining attendees left at this point.

Sandra Dam moved to grant a **Senior Citizen Discount** abatement to Acct #702. John Elliott seconded. Unanimous.

A Tie In was completed at **62 Hollywood Dr (16A-A-40.1)**

133 **Demand Notices** were sent to overdue Sewer User Accounts.

The Interim Superintendent reported that **Gabriel Berthiaume** has inquired into installing an extension to the wastewater treatment system to connect a property he wishes to buy on N Sturbridge Rd. This was a property that had been on the original plan for an approved North Sturbridge Rd Sewer Extension. This extension was defaulted on when one of the developers had reneged on his portion. It is currently considered an illegal extension as the developers failed to fulfill the DEP and Commission requirements. The remaining developer, Clifford Leinonen, finished his section of the extension and is working to come into compliance. Currently the Moratorium does not allow extensions to the system, however, if the Commission should allow this extension to be continued in the future the property would receive a charge proportionate to the benefit it received.

William Sebok the owner of **5 J Hammond Rd (19-C-9)** also inquired whether his property could connect to the system. It has failed a Title V evaluation and is in an area of high groundwater. The Interim Superintendent researched the property. It is located on a force main connecting the 6W Service area to the gravity sewer. Normally these properties are not allowed to tie in to the system and therefore they were not charged betterments. With the appropriate engineering to determine pressure and construction, including check valves, the physical connection to the force main may be possible. The Contract Operator does not recommend allowing connections to the force main. At this point in time Mr. Sebok is also prevented from connecting by the modified moratorium as the property was never charged a betterment. John Elliott moved to allow force main connections after the Special Legislation has been enacted, in the case of system failures and other emergencies, subject to the submittal of engineered plans, an engineering review and a privilege fee. Paul Gagner seconded. Unanimous.

Sandra Dam moved to go into **Executive Session** to comply with Exception 3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with non-union personnel, to conduct collective bargaining sessions or contract negotiations with non-union personnel and reconvene in Open Session. John Elliott seconded. For: Cheryl McKissick, Paul Gagner, John Elliott, Sandra Dam and James McIntire. Unanimous.

