

Board of Public Works

01/14/21 – Minutes

“Go To Meeting”

Present via remote login:

DPW Board Members: Chair – Tom Nephew, Paul Brinkman (joined late), Pat Harrington, Lewis Lunn; DPW Director – Ken Kalinowski, W/S Supt - Joe Jordan, Shari Jensen (Fairlane).

Call to Order at 5:30 p.m.

Chairman Tom Nephew called the meeting to order at 5:32 p.m. and announced that it was being broadcast and recorded.

Acceptance of Meeting Minutes:

- **October 29, 2020 (Regular)**
- **December 10, 2020 (Regular)**

Lewis Lunn made a motion to accept the minutes from September 17, 2020 as amended and December 10, 2020 as presented. Pat Harrington seconded the motion. The following roll call vote was taken:

Pat Harrington – Aye

Tom Nephew – Aye

Lewis Lunn – Aye

The motion passed unanimously.

(note: there was a follow up question and discussion about the current status of the customer account for 1 Chestnut Street, which was an abatement referenced in the approved minutes. It was stated that the customer would be sent a notice reminding them of the significant past due balance and the possibility of termination of service for non-payment as per the department policy, and that there was also a policy in place for actual termination which includes multiple notices and service by a constable).

Abatements:

28 Chestnut Street (Fairlane). Ken noted that this item was a continuation from the December 10th BPW meeting which was terminated prematurely due to technical issues. Tom offered the applicant to pick up where they left off with regards to the delay in applicant applying for an abatement. Although the applicant was logged into tonites meeting via phone, the Board was unable to receive any communication. Tom Nephew requested that the Board end discussion and move on.

(at this point, the cable provider tech rep stated that the applicant was having issues logging in and suggested that she disconnect and reconnect. The Board moved on to staff updates pending the applicants return to the meeting).

- **Bemis Treatment Facility.** Joe Jordan informed the Board that the project was moving along despite delays on the part of National Grid. The biggest hurdle remaining was the final wiring, and the general contractor was pressuring the electric sub contractor to pick up the pace. The staff is still hopeful that a March start up would be possible.

(At this point, the applicant from 28 Chestnut Street was able to reconnect via phone and the abatement hearing was restarted).

Sheri Jenson stated that Walsh had completed the work on time, but she assumed the Town was aware of this due to unrelated complaints made by park residents to the Town. She also stated that she had recently submitted the 90-day's of consumption records, and had no explanation why the as-built plans were so late.

Ken clarified that the town (Board of Health) had been notified for drainage / puddling issues in driveways, but nothing related to the water line installation. Ken also stated that this was the applicants 2nd abatement request for the same problem, ie, a badly leaking main, with the 1st being for water (2017) in excess of \$21k, and this one was for sewer charges that covered a different period.

Sheri insisted that the work was completed in the required time frame, but Joe stated that there were still connections remaining as late as January 2020. Sheri confirmed this, but placed the blame on park tenants interfering with the meter installation. She then went on to blame Covid for contractor delays, but this all occurred well past the November, 2019 completion date in the agreement. Joe did confirm that the consumption numbers did

appear to decrease significantly after the water main was replaced. Pat asked how much work occurred during the pandemic, and she stated it was minimal. She also stated the work was complete just after she spoke with Joe Jordan in January, 2020. Joe agreed that there were less than 5 units (of the 60 total) left to connect (including meter installations) in January. Tom asked why it took so long to ask for the abatement to be processed after completion, and she gave various answers such as she had, she wasn't responsible for the project, there was a change of attorneys,... Ken reminded the Board that the agreement clearly stated that the owner shall contact the town, and that the town had no control or interest in the parks management structure, but someone at the park should have expressed some interest in pursuing this with more than \$50k being on the line.

Tom stated that he felt the applicant had met the spirit of the agreement by achieving the desired goal (water use reduction) in approximately the desired timeframe, but was puzzled as to why they did not move expeditiously to claim the \$50k savings. Ken reminded the Board that they did not move with haste to resolve the issue back in 2017 after being granted \$21k in relief for the leak. Sheri then made the claim that she was not in the office all summer due to personal reasons. Tom asked why the 90-day use comparison was not completed, and Joe stated that we were not notified of the start date of Fairlane's readings, therefore we did not have readings for the same corresponding 90-day period.

Tom recapped the situation from the Boards perspective and said the question was whether the Board felt that the applicant met the conditions and thus should be granted the relief. He then asked if there were any concerns about releasing the abatement as agreed to by the Board when the agreement was written. Lewis Lunn did have an issue with the leak having been active for so long without the applicant remedying it. Joe recounted that their account indicated that the consumption had been steadily decreasing in 2020 indicating that the work had been going on. Pat Harrington noted that the 2017 abatement was for the water leak and that work should have been started then to affect a fix. He also confirmed that the work was 100% complete at this time. Paul Brinkman said that by his review of the records, the work was not completed until February of 2020, and that the letter was written with very strict rules and timelines for a reason, and that he was reluctant to entertain this abatement. He noted that they were very willing to meet the conditions in the agreement, and failed to meet them. Sheri stated that the work was complete except for the meters.

Tom then summarized the possible scenarios for the Board to consider – full relief, no relief, partial relief. Pat felt that partial relief merited discussion and Lewis agreed. Paul felt that

there should not be any relief. Tom felt that they met the spirit of the agreement and that the question is what portion of this abatement request, from 0-100%, should be granted. Lewis felt that they should not get any relief. Pat stated the letter was clear in the requirements, but that they worked it the spirit of the agreement. While he agreed that the 1st abatement should not have any relevance on this request, he was disappointed that there was not more urgency on the applicant's part to fix the leak before applying a 2nd time. Pat offered for discussion that perhaps 75% relief should be granted. Tom agreed with the 75% figure based on the fact that the work did achieve the desired objection which was a reduction in consumption. Paul added that he still questioned the validity of the applicant's assertion that the work was done on schedule based on the consumption figures reported after the deadline. Sheri claimed her proof was that she made her last payment to Walsh Bros. in October of 2019.

Pat Harrington made a motion to abate 75% of the requested amount (\$51,420.28). There was no 2nd or discussion and the motion did not advance. Lewis Lunn made a motion to grant 50% of the requested amount. Pat Harrington seconded the motion. The following roll call vote was taken:

Paul Brinkman – abstain
Lewis Lunn – Aye
Pat Harrington – Aye
Tom Nephew – Aye

The motion passed unanimously.

Water / Sewer updates (con't.)

- **65 Brookline Street.** Ken reported that Towns Counsel agreed with the conditions set by the Board for approval of the connection request, and that the required actions and plan revisions had been made by the applicant and his engineer. Ken also noted that the applicant had approached the BoH to get an extension to use the septic system until the spring in order to better schedule and construct the connection.
- **2021 Water / Sewer rates (preliminary discussion).** Ken updated the Board with regards to various factors that would be impacting the requested rate increases for water and sewer this year, including new debt for both Enterprise Funds. Ken noted that revenue levels were off this year, which was most likely a result of our decision to not pursue service terminations during the pandemic. Joe added that we were likely to see a \$250k reduction in FY21 revenue due to limited collection actions. Joe

also noted that we had recently been awarded \$500k in principle forgiveness on the Bemis project, dropping the loan amount to approximately \$8M which equates to an annual reduction in payments of approximately \$100k. This principle forgiveness program varies from year to year and there is no guarantee that any community will receive relief. Lewis asked if there was consideration for the elderly or handicapped with regards to water shut offs. Joe replied that our intent is to work with all of our customers to get their accounts current, and that terminations are typically reserved for recalcitrant customers.

- Joe Jordan announced that he will be retiring in the summer of 2021, final date TBD. Ken and Board congratulated Joe and thanked him for his efforts. Lewis asked if there was any chance for someone advancing within the organization to replace him. Joe replied that there was no interest from the current staff, and further, that it was likely the focus of the recruitment would be more for someone with municipal finance experience rather than water and sewer operators' licenses.

DPW

- **FY22 Budgets.** Ken provided the Board with a brief overview of the budget process, including the desire to keep the enterprise fund adjustments in close conformance with the general fund guidelines. He added that notwithstanding the new debt and contractual obligations, there were no major deviations from past budgets. After making a preliminary pass with the Town Administrator and Fin Comm, the budgets would be presented to the Board. The budgets are fluid up until the vote at Town Meeting.

Commitments:

Paul Brinkman made a motion to allow Tom Nephew to sign the October, November and December commitments on behalf of the Board. Lewis Lunn seconded the motion. The following roll call vote was taken:

Paul Brinkman – Aye

Lewis Lunn – Aye

Pat Harrington – Aye

Tom Nephew – Aye

The motion passed unanimously.

Ken reminded the Board that there were 2 abatements voted at the December 10th meeting, but the meeting was terminated before the Board could vote to authorize a representative to sign on their behalf. Paul Brinkman made a motion to allow Tom Nephew to sign the abatements voted at the December 10, 2020 meeting on behalf of the Board. Pat Harrington seconded the motion. The following roll call vote was taken:

Paul Brinkman – Aye
Lewis Lunn – Aye
Pat Harrington – Aye
Tom Nephew – Aye

The motion passed unanimously.

Commissioners Comments:

None

Next meeting date:

- January 18, 2021, a working session to be posted but not broadcast live. Tom asked that the rate scenarios from last year be provided to the Board along with the projections for this year.

Adjournment:

Lewis Lunn made a motion to adjourn. Pat Harrington seconded the motion. The following roll call vote was taken:

Paul Brinkman – Aye
Lewis Lunn – Aye
Pat Harrington – Aye
Tom Nephew – Aye

The motion passed unanimously and the meeting was adjourned at 7:02.

Respectfully submitted,
Kenneth Kalinowski, PE
Director of Public Works

