

TOWN OF LAKEVILLE
Joint Meeting Board of Water Commissioners/Selectmen,
Water Advisory Committee and Finance Committee
Meeting Minutes
January 19, 2012 - 7:00 PM
Lakeville Senior Center

On January 19, 2012, the Board of Water Commissioners/Board of Selectmen held a meeting at 7:00 PM at the Lakeville Senior Center in Lakeville. The meeting was called to order by Chairman Olivier at 7:00 PM. Selectmen present were: Chairman Olivier, and Selectman Belliveau. Also present: Rita Garbitt, Town Administrator, Christine Weston, Recording Secretary and Cindy McRae, Town Accountant. A representative of Comcast was present and video recording the meeting.

The Finance Committee was present and called to order at 7:01 PM. Members present: Chairman Michael Petruzzo, Norman Orrall, Melissa Hopkins, and Donna Winters.

The Water Advisory Committee was present and called to order at 7:02 PM. Members present: Chairman Sylvester Zienkiewicz, James Gouveira and Joseph Urbanski.

Also present, Mr. Irakli Savas, Dennis Savas, Toby Baird, Lou Gammons, and Phil Demoranville.

Meet with residents about the Bedford Street Water Line Extension

Chairman Olivier gave a brief synopsis of what the Water Advisory Committee Members have been doing since they became appointed to the Committee last summer. They took their Charge and have done a very complete job, meeting every two (2) weeks since July. They have put together a recommended fee structure for the Town of Lakeville and also a pro forma of how the water tower will pay for itself, if implemented. The Town had expected that Sysco was to move into the Town and build last year, however, that did not take place. Nevertheless, the water line has been installed from the Church property at the corner of Bedford Street going along past the Town Office Building to the next plaza. A meeting previously took place similar to this one with the owners along the street where the pipe is now regarding the fact that a betterment will be needed to pay for the water line. The Selectmen had promised that they would come back and discuss with those who had a business or residence along Bedford Street of what the approach was going to be. The Water Advisory Committee is also present tonight to answer any questions that those neighbors may have. The Committee did give a presentation at a Selectmen's meeting a few weeks ago. Everyone that is on that side of Bedford Street did get a copy of the report that was prepared by the Committee. It is hoped that they have had time to read it. Now is the opportunity to ask any questions.

Mr. Zienkiewicz, Chairman of the Water Advisory Committee, took the floor and briefly discussed the decisions that the Committee had to make, the research that the Committee did, along with a comparative analysis. It will take 20-30 years to build the water system in town and residents in another area of the Town should pay for the pipe as it enters their particular area.

The betterment system is the only way that communities can build water systems. The State provides five (5) ways that the betterment formula can be used. The Committee ultimately decided that the fairest way to implement the betterment system was to use a combination of two (2) ways. The frontage and assessment method was decided upon, with 70% being the assessment and 30% being the frontage charge. This area was a very difficult area to make a decision on, since there is quite a mix on the street in terms of business, residential, retail, etc. Now that the water tower is up, if a water line was ever installed in Settlers Drive and Hitching Post Road or, Surrey and Carriage House Drive, those areas will be done through a betterment. However, that will take place when those on the street want it to, and it will not affect anyone else in town. When the majority of the people decide that they want water and can go through the process and the town can do a betterment and give them water, it will happen. It will not be forced on them; they do it when they want it.

Mr. Dennis Savas asked if there was any way that he could see a cost study. A 12" pipe went in, and he is only being charged for an 8" pipe. Why was a 12" put in, if only an 8" was needed? The water quality is terrible. There is too much water sitting in the pipe. and that water is worse than what we had before with our own well. Selectman Belliveau stated that at a later date that pipe will continue on. Mr. Zienkiewicz stated that the Town paid an Engineer for a Master Plan that covered all of Lakeville, and it shows it with a 12" pipe. It will loop around to Heritage Hill, ultimately. The engineer was thinking about the entire water aspect, not just one street. Taunton has a big pump, and Lakeville has a smaller pump and water tower. Chairman Olivier added that aside from the decision of the engineer, if the Town does expand, it will need that flow. The total cost of the pipe was \$323,000. This is a discounted cost of the pipe.

Mr. Savas stated that the Selectmen at the time informed the neighbors that there would be a minimum betterment fee, and I stated that they can use my property to go through. That saved paying a police officer for detail services, and the Town did not have to use flowable fill, since they were just putting the pipe in gravel. That is thousands of dollars we saved the town, and that includes Doug Mills, etc. Selectman Belliveau stated that he was not in favor of the water tower and pipe, etc., but if the pipe had been placed in the street, then the cost would have been a lot higher; and the costs would have been incurred for everyone along the street. So what the Savas' did actually saved themselves money. It is now a matter of how to pay for it. The water was brought down the street, since the water was needed at the Town Hall. I was told it was a mandate by the DEP. The City of Taunton guaranteed Lakeville 300,000 gallons of water per day, but they also should have guaranteed Lakeville the water pressure. That is why the Town started discounting the pipe to the residents, since they took a big bite out of the cost. Mr. Savas asked if the Town Hall did not need the water, would the pipe be there today. Selectman Belliveau stated that it comes back to-Are we going to develop a water system for the Town of Lakeville so that we can get usage on the system to pay for the tower? Mr. Savas asked if a developer paid for the water to be brought in on Bridge Street. Chairman Olivier stated that Mr. Poilluci paid for the pipe to be installed.

Mr. Savas stated that it is paid for by the developer, when they need the water. In this situation, the Town needed the water. We want to pay our betterment, but \$63,000 is a lot, since it was the Town that needed the water. Selectman Belliveau explained that in other scenarios they would have been charged \$99,000 not \$63,000. Mr. Savas stated that their plans for a new

septic system were drawn without water. Monetarily it did not help us at all. Chairman Olivier stated that there was more need for the water than just to the Town Office Building. Mr. Irakli Savas stated that Mr. Bastelli has three (3) pieces of property, 527 feet in total frontage. We have 421 feet, and they are paying more since they are paying more for frontage. But then looking at this with appraised values (\$1,719,000), and they have only a \$33,960 for a betterment fee. The difference is \$300,000 of what they own and what my family owns. We are paying more. Chairman Olivier explained that information also came from the Assessor's office. Mr. Philip Demoranville stated that he noticed that the piece he is involved with has 240 feet of frontage. Chairman Olivier stated that his appraised value is \$129,000. It was suggested that Mr. Demoranville speak with the Board of Assessors regarding the valuation, if he feels it should be adjusted. Mr. Demoranville stated that this is all his fault. Former Selectman Nancy Yeatts had come to me, and I would not sign for the betterment, since I wanted to know what the betterment fee would be. She said if it was not done this way, then the land would be taken by eminent domain. However, they ran out of time, and I signed the contract at the eleventh hour because the Town Hall needed the water, and that is the reason why. Selectman Belliveau explained that using the frontage method Mr. Demoranville pays \$16,000, however, if this was done another way, the cost would have been \$88,000. The Town Hall's share should be a lot larger than it is already. Chairman Olivier explained that the pipe is going along the front of Mr. Demoranville's property. If Mr. Demoranville were to sell his property, and if someone was interested in the property, this will make the property more valuable for whoever may want it. That is the theory behind this. Selectman Belliveau stated that the Town is going to be expanding the system, since that is what the voters decided to do. Not everyone will want water, but everyone that has the pipe going by their house will get charged a betterment fee, since the Town voted to adopt the system.

Mr. Savas stated that he is going to make that statement in court that the Selectmen told me that the cost would be \$18,000 or a minimal betterment fee, not \$63,000. That is why I said I would hook up and signed on, since that was the cost I anticipated. Lou Gammons stated that Nancy Yeatts came into his office and told us how important it was for this water main to be put in due to the contamination in the water, and that the Town Hall would be shut down if this was not done. It was indicated that I needed to sign the papers. I was told this several times and was told that I would have a betterment fee, and that was all. She led us down the line on deceptiveness. I have no problem with my water; it was the Town Hall that needed it due to the DEP issue. If this was all residential, would you be looking for that much? And would the residents be able to bear that? These are business people; this is a tough business time and this comes to us at a harsh time, so it should be shared by all the people in Town. This is an expense made by the Town Hall. It was not for me or Mr. Savas or Mr. Demoranville. We should not pay for any of this construction. It is just not fair that you are taking this from the Church down to the Town Hall and pointing fingers, and who will pay for it. We have been self-sufficient with our water for 30-40 years. It needs to be born by all the people in the Town. That is why I will do anything I can to fight this. Selectman Belliveau explained that the Town cannot charge all the townspeople for the pipe which will only benefit this area. Chairman Olivier stated that if the taxpayers do not expand the water system that we have today, then the cost of the water tower will be borne by the taxpayers. But this is the cost of the pipe that is being discussed for the betterment. Mr. Gammons stated that if each resident was approached, they would not want to pay, since they would all say that their wells are doing just fine. They would not want to lay

out \$20,000-\$30,000, and if they were made to, you would have a lot of foreclosures. Chairman Olivier stated that this is what the taxpayers voted for at Town Meeting.

Mr. Zienkiewicz explained that this is a very good price for the pipe. The contractor was good about the price. A larger pipe was installed, and everyone is being charged for a smaller pipe. I personally think pipes belong in the roadway, but they did what they did and put them in along private property. This did save a lot of costs by doing it that way, and the contractor did not charge a lot for installation. Selectman Belliveau stated that if the Town does not have users for the water, then it cannot pay for the water tower. Mr. Savas stated that if the Town Hall had not been having trouble, the pipe would not be there today. My whole plaza only uses 1,050 gallons a day. I reiterate that had the Town Hall not needed the water, then this would not be happening today. Selectman Belliveau stated that the cost for the pipe was \$323,000, and the Town is picking up \$100,000. Now the Town is hearing that it should be picking up more. Toby Baird-Lakeville United Church of Christ (LUCC) stated that the Church was told by two (2) different Selectmen that there would be no betterment to the Church for the water line. The Church had the ability, when it connected to the parsonage to also connect the Church, but the Church did not take that option. Had the Church done so, we would have already been a user, and you could not charge us a betterment fee. The Church decided to wait to connect through the front of the property, since the back was longer and that would mean the cost of the pipe would be more. Now it will cost us an additional \$18,000 for the betterment. It would not have cost us \$18,000 to run the line from the parsonage to the Church. We made a decision based on what we were told by two (2) separate Selectmen, and now it will cost the Church \$18,000 more.

Mr. Orrall stated that it has been established that if a developer had needed this, that the developer would pay for it. That is why what took place on Route 79 took place, and there were no betterment fees. The water needed to get there, as it did for the Bridge Street property. All I am hearing is that now we are considering portions of developed systems, and we need to charge betterment fees. I am not clear on how this was all brought about. Selectman Belliveau responded that the cost of the line needs to be paid for. Mr. Orrall stated that it was the Town that needed the line, and the Town has taxpayers to pay the bill for the water. I do not see the difference between a private developer and the Town. The Town did receive settlement money to bring water to the Town Offices. Chairman Olivier stated that the settlement money for the MBTE contamination was because water was polluted at the Town Office Building. Mr. Orrall stated then that would leave me to believe that the money would pay for the fixing of the Town's water. What we are proposing is not using that settlement money and charging betterment fees. I am not sure that any of this, or how much of this stands up. Chairman Olivier stated that the settlement money is being used, and has been used, for the construction of the water tower. Mr. Orrall asked if the water tower was necessary. Town Administrator Garbitt responded that the DEP was not allowing anymore connections because of insufficient water pressure and fire protection. Mr. Savas stated that the Town of Freetown had the same issue, and they used booster pumps that supported the pressure of the water equal to what the water tower does now. Town Administrator Garbitt explained that the City of Taunton does not allow booster pumps; that was discovered when things were going to get developed at the Lakeville Hospital property. So, that was another problem. This is a Taunton line right now, until it becomes Lakeville's. Chairman Olivier stated that the Town is in the process of amending the IMA (Inter-Municipal Agreement) with the City of Taunton.

Mr. Orrall stated that he did not see how the Town can charge betterment fees when there was a settlement given for the problem, and it was the business (Town Hall) that needed the waterline. Chairman Olivier explained the MBTE settlement and the State Revolving Fund (SRF) that became available because of the AARA stimulus funds. The money was used to help out the water pressure situation and the water for the Town Office Building. The voters voted on that at Town Meeting along with expanding the Commercial and Business base also. This project did bother me, but it is already built, and we cannot let this fail. The project should run on its own merit and not go directly to the taxpayers and have them pay the bill, because we made a mistake. The right way is to make use of it by maximizing the best way possible without putting any undue hardship on the taxpayers. I do understand the situation and how you feel, but we have to do something, and anything we do sets a precedent.

Mr. Savas stated that the water going by his property did not raise the value of his property by \$68,000. The main problem right now is that everyone on this line was misled, not anything else. The Selectmen at that time said the cost would be about \$18,000-\$20,000 and zero cost for the betterment. Mr. Gammons stated that he expected a cost, but the previous Selectman said no cost to us except for a betterment. Mr. Savas stated that he would gladly pay \$18,000 right now. Mr. Gammons stated that the former Selectman had come into his office 3-4 times. Does this Board condone these actions? The Board represents the Town. We are only looking for what is fair against what was disclosed. We agreed to an increase in the valuation of the tax base for having the water. Chairman Olivier asked if everyone agreed that there should be a betterment. Mr. Gammons stated that there were never any figures provided to the tune that is being discussed this evening. Mr. Savas stated that the former Selectman came to them in desperation about signing an easement to cap off the waterline at their other Plaza, so the water line would not end under the driveway of the Town Hall. We allowed them to do that and did not want any money for it. We did it due to the cost being only \$18-20,000 for a betterment fee. Selectman Belliveau stated that what he understood and agreed with is that the Town should have picked up the costs. How could that person say one person would be charged \$18,000 and the other person not be charged a dime? That is what I do not understand. Mr. Gammons stated that the former Selectman was begging for this to take place or the Town would lose the grant.

Mr. Savas asked about the speculation of future water usage as was said at the beginning of the meeting. Mr. Zienkiewicz then showed the plan for the pipe and further discussion took place for clarification. Selectman Belliveau explained that Mr. Poilluci had to put the pipe in to go to his development on Bridge Street, since he could not get an IMA with Middleborough. Everyone else there is part of Middleborough. He would not have built the condos, if he could not justifiably sell the units and support the costs. Chairman Olivier stated that the Selectmen will take this all under advisement and discuss it again with the Water Advisory Committee. There will be some sort of a betterment, but it will not be zero. That is not a reality. Mr. Savas stated that the Church is unique, since they clearly could have gone onto Pickens Street for the water, but because of what they were told, their strategy was changed. They anticipated saving a few dollars with connection fees and the line coming in. Mr. Baird stated that had the Church been told that there would be a betterment fee, they would have hooked in when the parsonage was connected. Chairman Olivier stated that he cannot speak for what happened then, but only for what is taking place today. That is the line going in front of these businesses, and so there

has to be some cost sharing. I feel badly since you would have taken another approach, but this is what is taking place today. Mr. Savas stated that the Town should step up to the plate due to what the Town said. We would gladly pay a betterment fee, but not \$63,000. Chairman Olivier stated that the person that is being named is not present tonight. We need to get to the truth, since there are two (2) sides to every story. So we will take it under advisement, and we will have to meet again. We will meet again with the Water Study Committee first. Mr. Savas asked if the Town might be able to put pressure on the City of Taunton to flush the pipes. I do not know if I have ever seen the pipes flushed through, and you see this taking place around Middleborough a lot. Town Administrator Garbitt stated that the water at the Town Offices has cleared up a lot since the original connection. She will call the City of Taunton and ask about the water being tested and the water line flushed. The Residents/Business owners exited the meeting at 8:30 PM

Mr. Zienkiewicz stated that Lakeville is only about 1% of Taunton's customers. Chairman Olivier stated that the Town needs people to connect up to help pay for the water tower. Those on the waterline are also benefitting from the water tower with the pressure. Selectman Belliveau stated that the Board needs to determine if it wants the Town to be in the water business or maybe leave it in the hands of Taunton, since they are already in the water business. Maybe they could pick up the note, so there are three (3) scenarios. Mr. Zienkiewicz mentioned that there is still another scenario. The Board has control on what development comes into Town and what does not come into Town, since Taunton was otherwise controlling it, since they controlled the water. Someone needs to control the water and cannot unless they own some part of it. There is a value there, but it does not show up in a decreased economy. Further discussion ensued on the positives, the wants, needs, the benefits, etc. of the water system. Chairman Olivier stated that this should probably go before Town Meeting for a vote, when all the policies and procedures are set, to put this firmly into place. Right now the Selectmen are the Interim Water Commissioners, and this will not be that way forever.

Adjournment

At 8:50 PM, upon a motion made by Selectman Belliveau; with Chairman Olivier stepping down to second and stepping back up to vote it was:

VOTED: To adjourn the Selectmen's meeting.
Unanimous in favor.

Upon a motion made by Mr. Orrall; seconded by Ms. Hopkins it was:

VOTED: To adjourn the Finance Committee meeting at 8:51 PM.
Unanimous in favor.

Upon a motion made by Mr. Gouveira; seconded by Mr. Urbanski it was:

VOTED: To adjourn the Water Advisory Committee meeting at 8:52 PM.
Unanimous in favor.