

**Minutes  
Of  
The Foxboro Water and Sewer Commissioners  
January 28, 2013**

Members in Attendance: Chairman W. Euerle, Vice Chairman M. Stanton, Clerk R. Pacella, DPW Director R. Hill, Water Superintendent R. Worthley, B. Garber, Special Town Counsel S. Madaus, Planning Board members B. Greider and G. Greene, Board of Selectmen G. Coppola, Mayfair Realty K. Weinfeld and R. Feeley, Patch J. Smith

The meeting was called to order at 7:00 p.m. by Chairman Euerle.

The notice for the Public Hearing for proposed reuse water and sewer rate increases was read. The rate was advertised as Water rates increase up to 6% and Sewer rates increase up to 7 ½%.

Mr. Stanton made a motion to raise water rates by 6%.

Rich Feeley of Mayfair Realty presented the Board with pictures of discolored water and bathtubs full of discolored water from last Friday at the apartment building on Chestnut Street across from Pumping Station Road. He stated that this is the worst water quality he has seen and it is affecting 400 families. He feels it is not right to raise rates when the water quality issues are so bad. He asked if there will be any kind of rebate program for the residents with the worst water problems. The Board has not been issuing any rebates or abatements for discolored water.

Mr. Worthley explained that most of the discoloration is due to accumulation of sediments in the water lines that are being stirred up. Due to the freezing conditions this time of year, no flushing can take place. In the spring, a sequential flushing of hydrants will be started that will help. The Chestnut and Mechanic Street areas are the oldest parts of the water system.

Ms. Coppola asked if the rate increases could be delayed until spring. The Board members need the increase to cover costs for this fiscal year as not enough revenue is being raised. A reserve fund transfer may be needed to cover this years cost. The state mandates water restrictions which result in less water sold.

Mr. Pacella asked if a smaller increase could be considered now and another in 6-12 months. If this is done, then more money will be taken from reserves to cover costs.

Mr. Worthley had comments from resident Dennis Naughton from 4 Everett Lane, he states that the actions of the Selectman have raised his tax bill by \$300 and a raise in the water rates is too much. He also asked if water for growing vegetables should be at a lower rate than for watering grass and would like a chart of 10 years of rate history.

Mr. Euerle will contact Mr. Naughton.

Mr. Euerle called for a vote for the motion on the table. The motion to raise water rates by 6% was approved 3-0.

Mr. Stanton then made a motion to raise sewer rates for existing customers by 7 ½%.

Ms. Coppola asked for the justification. The enterprise fund does not have enough funds to cover costs;

there are costs for repairs to the system also.

Mr. Euerle called for a vote for the motion on the table. The motion to raise sewer rates for existing customers by 7 ½% was approved 3-0.

The Board closed the Public Hearing.

A resident from 63 Mechanic Street came before the Board; she is still having dirty water issues and has been having them since October.

The Board met with new Special Town Counsel Stephen Madaus who will be working on the IMA. He has experience with Municipal Law and worked with the city of Worchester on a water filtration plant.

The Board would like him to work on articles for Town Meeting and the establishment of the sewer district as well as definitions of the district.

The Board discussed how they would like the district to be set up and how access to future flow would be granted. Atty. Madaus suggested that a map be created which shows the potential district for reference.

Mr. Grieder stated that the Planning Board, as part of their work on the Master Plan, conducted surveys which show that the downtown and lack of sewers are having an economic impact on the town. They have proposed a Downtown Core District as a priority area. The Planning Board is requesting that reserve capacity be held for this district which would be for residential, business and multi-family buildings. The MAPC may be able to help through grants with the creation of this district. Mr. Greene is concerned with getting the IMA passed for the vibrancy of the downtown area. They are willing to come to a future meeting for more discussions on this after the Board has considered it.

Atty. Madaus will review the IMA language to find out who has the authority to allow new users in the district once it is established. He does not feel it needs to go to Town Meeting as the Special Act Legislation may have already given the authority.

The Board discussed how infrastructure costs would be handled.

The Board would like Atty. Madaus written opinion on a verbal opinion given by previous counsel that the Board has the right to sell freed up capacity once the IMA is signed.

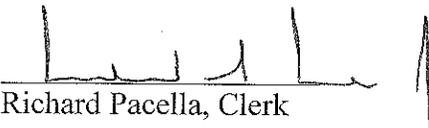
The meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Diana Gray

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These minutes of January 28, 2013 were approved as amended on March 4, 2013.

  
Richard Pacella, Clerk