

**Minutes
Of
The Foxboro Water and Sewer Commissioners
October 12, 2010**

Members in Attendance: Chairman Phillip Henderson, Vice Chairman Michael Stanton, Clerk Bill Euerle, Superintendent L. Potter, Town Counsel Paul DeRensis, Finance Director Randy Scollins.

The Chairman opened the meeting at 7:00 p.m.

A letter has been received from Town Counsel inquiring if the Board has any conflicts as they have just been appointed Mansfield Town Counsel also. They are asking the Board to sign a Waiver of Conflict of Interest.

Atty. DeRensis explained that this is for the Intermunicipal Agreement only; the party in negotiations is Anderson and Kreiger, who are representing the Authority. Atty. DeRensis feels it puts the town in a better position to serve the two towns interests than one town at a time. Atty. DeRensis stated that his firm's first obligation would be to Foxboro.

A motion to give ascent to Town Counsel's waiver request regarding the potential conflict of interest in representing Foxboro and Mansfield in the regional wastewater agreement was approved 3-0.

The Board then met with Finance Director Randy Scollins to review the Betterment Accounts. The Board requested this meeting to have retained earnings, betterment accounts and currently bonded monies reviewed.

Mr. Scollins reviewed the Department Balance Sheet with the Board, including Debt Services and Betterments. Mr. Scollins did note that due to rate increases and positive management, the department is in a good position, a few years they were not in a very good position.

There is an imbalance in sewer betterment accounts that needs to be corrected, there will be \$932,000 in debt services over the next fifteen years, with only \$390,000 collected over that same time which leaves a \$535,000 imbalance.

There is \$124,000 available in sewer retained earnings that could be earmarked for betterments. An additional \$35,000 could be added to it every year to start correcting the imbalance.

There is also a question on how to fund the unfunded health costs of the department in the amount of \$47,500. R. Scollins is looking into whether this was already covered in the annual administrative charge. The Board needs to decide how to approach this.

A motion to earmark \$125,000 from sewer retained earnings to betterments was approved 3-0.

The minutes of September 7, 2010 were approved 3-0.

A motion to approve payment to Mansfield for Foxboro's share of the Capital Improvement SCADA Phase II project in the amount of \$33,272.90 was approved 3-0.

A motion to approve payment to AECOM for the wastewater evaluation program from June 26th to Sept 24th in the amount of \$1,316 was approved 3-0.

A motion to approve payment to AECOM for the hydrologic and wetlands monitoring from June 26th to Sept 24th in the amount of \$6,055 was approved 3-0.

A motion to approve payment to AECOM for the Oak Street design phase from August 28th to Sept 24th in the amount of \$20,000 was approved 3-0.

One more application for the Superintendant position has been received.

There was no interest in the RFP for the Comcast Tower. A motion to have L. Potter send a letter to Comcast that they can proceed with the dismantling of the tower was approved 3-0.

W. Euerle will not be here for the October 26th meeting.

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Diana Gray

These minutes of October 12, 2010 were approved as amended on December 7, 2010.


William Euerle, Clerk



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September 27, 2010

VIA E-MAIL AND FIRST CLASS MAIL

Mr. Phillip W. Henderson
Chair
Foxborough Board of Water and Sewer
Commissioners
40 South Street
Foxborough, MA 02035

RE: Review of Agreement for Regional Wastewater District

Dear Phil:

You have asked that we review and comment on the draft Agreement for Regional Wastewater District prepared by the law firm Anderson & Krieger. As you know, we are also now representing the Town of Mansfield generally regarding the regional wastewater district and we have been asked to review the same agreement on Mansfield's behalf as well.

Although there may be a potential conflict of interest in our representing both Towns in this matter, we do not believe that an actual conflict exists because the interests of the two Towns are substantially the same on this particular matter. Accordingly, we ask that you expressly waive this potential conflict of interest by countersigning this letter as provided below and returning that copy to me. We are sending a similar letter and request to the Town of Mansfield.

If both Towns waive this potential conflict, we will undertake this contract review on a joint basis. If both towns do not waive the conflict or if, during the course of our representation, it appears that there is an actual conflict of interest, we will promptly notify both Towns and continue our representation only of the Town of Foxborough in this matter.



Mr. Phillip W. Henderson
September 27, 2010
Page 2

Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rodney G. Hoffman', written over the typed name below it.

Rodney G. Hoffman

Letter acknowledged and waiver granted by:

Foxborough Board of Water and Sewer Commissioners

By: _____
Phillip W. Henderson, Chair

RGH:cjb

cc: Paul DeRensis