

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
December 15, 2020

The statutory requirements as to notice having been complied with, the meeting was convened at 5:02 PM.

Members Present: Chairman Joshua M. Fox, and Commissioner Robert H. Sheldon and Commissioner Robert E. Boyd Jr.

Members Absent: None

Others Present: Treasurer Thomas S. Travers, Executive Director Vincent J. Roy, Assistant Treasurer Karen Moretti, Dick Hingston of Giusti, Hingston and Company, and Tomaz Schellenberg of 7 Babe Ruth Drive, Sudbury

Chairman Fox called the meeting to order.

1. REVIEW MEETING MINUTES

The Commissioners approved the Minutes for the Meeting of December 1, 2020 as amended. The motion for approval was made, duly seconded, and approved by roll call:

Joshua M. Fox, Chairman - Yes

Robert H. Sheldon, Commissioner – Yes

Robert E. Boyd, Jr., Commissioner – Yes

2. REVIEW DIRECTORS OCTOBER 11th REPORT

Director Roy presented his bi-weekly report to the Board and addressed questions regarding several topics:

136 Boston Post Road (Bear MT Sudbury, LLC) property lien:

Treasurer Travers requested an update from Mr. Roy on the property lien for 136 Boston Post Road, to which Mr. Roy responded that the District had not heard a word from the responsible parties that were sent notification of the lien. Mr. Roy stated that he was informed from District Counsel that due to Covid-19 and increased State restrictions, most offices are either fully remote or are maintaining skeleton staff. The District's options are limited to the usual methods of shut off because the facility with residents over the age of 65. Mr. Roy also stated that District Counsel would follow up on a response with direct communications to the responsible parties. The next logical step if the District does not receive payment or payment assurance will be to proceed with a collection action in Superior Court.

Cold Brook Crossing (Quarry North/Melone Property):

Director Roy provided the Commissioners with a brief update on proposed Cold Brook Crossing development (Melone Property). Mr. Roy stated that Quarry North had received a second appeal notice from North Woods Condominium Association and requested a delay with the closing schedule until further notice. Mr. Roy also informed the Commissioners that he had a conversation with the Town of Concord's DPW Director regarding the proposed development (six individual homes) of Melone Concord and the process to expand the Water District to include the proposed homes in Concord. Commissioner Sheldon asked Mr. Roy if the Condominium Association was appealing the Planning Board decision, in which Mr. Roy responded yes, but did not know the reasoning for the appeal. Commissioner Sheldon also asked Mr. Roy if the closing schedule change was due to the recent appeals, in which Mr. Roy responded yes, and that he had already requested a revised schedule from attorney Jillian Bargar of Anderson & Kreiger.

Hop Brook Beaver Dam at Saxony Drive:

Director Roy informed the Commissioners that the District conducted two site visits this past week; the first on 12/8 with members of the Conservation Commission to view the high water level and encroachment toward Well # 3. The site visit was attended by Mr. Roy, Commissioner Sheldon, Lori Capone, Conservation Agent and all members of the Conservation Commission. The second site visit was held on 12/10 with Jim Persky of MassDEP, along with Commissioner Sheldon, Ted McAuliffe, Operations Manager and Mike Abbondanzio, Treatment Plant Operator. The 12/10 site visit was in response to the District's request for determination as to whether or not a threat to the public water supply exist because of the beaver and muskrat activity. Mr. Roy informed the Commissioners that MassDEP notified the District on 12/11 in writing that in accordance with its authority under 321CMR 2.08(9), MassDEP determined that beaver activity in Hop Brook poses a threat to Sudbury's public water supply and public health and supports the District's method for the elimination of the threat.

Commissioner Sheldon asked Mr. Roy if he had attended the Conservation Commission meeting held on 12/14 in which Mr. Roy responded yes, that the District was on their agenda with its request to breach the dam (one foot by two feet wide) in order to trap beavers. Mr. Roy also stated that the Conservation Commission issued an emergency order to breach the dam but held off on issuing an Order of Conditions until the next scheduled ConCom meeting date of 1/18/2021. Mr. Roy also informed the Commissioners that the licensed trapper would be on-site Wednesday, 12/16 to breach the dam as prescribed by the Conservation Commission.

3. PRESENTATION OF FY 2020 FINANCIAL REPORT BY GIUSTI, HINGSTON AND COMPANY

Dick Hingston of Giusti, Hingston and Company presented the Fiscal Year 2020 Financial Report to the Commissioners.

4. OFFER TO CONVEY CERTAIN PARCEL OF LAND (APPROX. 3.7 ACRES) LOCATED AT 16 NORTH ROAD TO THE BOARD OF SELECTMEN OF THE TOWN OF SUDBURY:

Director Roy informed the Commissioners that this item has been deferred to the next Commissioners Meeting, scheduled TBD.

5. 7 BABE RUTH DRIV – APPEAL DECISION FOR REIMBURSEMENT AMOUNT :

Director Roy provided a brief overview of the incident which occurred on 8/29 at the home of Mr. and Mrs. Schellenberg of 7 Babe Ruth Drive. Chairman Fox introduced himself to Mr. Schellenberg along with Commissioners Sheldon and Boyd to present his appeal to the Board. Mr. Schellenberg presented his theory to which alleged that District staff caused damage to a glass door while placing a Water Restriction violation notice on the door, the alleged damage being scratched glass surface of an area between 2 and 3 inches wide. Commissioner Sheldon asked Mr. Roy how long the District had been using this type of violation and had the District ever experienced any issues prior to this incident. Mr. Roy stated that the District had been issuing these notifications for approximately 20 years with no incidents ever occurring. Chairman Fox asked Mr. Schellenberg if he had used an abrasive cleaner or sponge to clean the glass surface, in which Mr. Schellenberg's response was no. Mr. Schellenberg stated that when he removed the sticker, the scratches were already there. Commissioner Boyd asked Mr. Schellenberg if he had already fixed or replaced the glass door. Mr. Schellenberg responded that he had already replaced the glass door. Chairman Fox stated that the Commissioners would take this under advisement and provide a response in two weeks. Mr. Schellenberg thanked the Commissioners for their time.

6. REVIEW REVISED SWD REGULATIONS AND STANDARDS AND SPECIFICATIONS:

Director Roy informed the Commissioners that this item has been deferred to the next Commissioners Meeting scheduled TBD.

Chairman Fox moved to conclude the open meeting and to move into executive session for the purpose of discussing the purchase, exchange, lease or value of real property with AT&T. The chair confirmed that having discussion in an open meeting may have a detrimental effect on the negotiating position of the District with AT&T Wireless Communications pursuant to General Laws chapter 30A, §21(a) (exception 6). The motion was seconded by Commissioner Sheldon and approved by unanimous roll call:

Joshua A. Fox, Chairman
Robert H. Sheldon, Commissioner
Robert E. Boyd Jr. Commissioner

There being no further discussions the meeting adjourned at 5:50 PM