

Town of Newton Utility Advisory Board
March 18, 2014

The regular meeting of the Newton Utility Advisory Board was held on March 18, 2014, at 7:30 p.m. at the Newton Municipal Building, 39 Trinity Street, Newton. Chairman Lawler called the meeting to order and the following members were present: Mr. Pham, Mr. Vrahnos, and Chairman Lawler. Mr. David Simmons, Engineer, Mr. Paul Baldwin, Water/Sewer Supervisor, Mrs. Jacki Shackleton, Utility Collector, Mr. Martorana, Mr. G. Martorana, and Mr. Tom Donahue, Engineer for the Martorana's, were also in attendance. Ms. Unhoch was excused.

Chairman Lawler read the Open Public Meetings Act statement and then invited the Martorana's and Mr. Donahue into the meeting. Chairman Lawler explained that they were on the agenda in order for the Board to vote on their Townhouse application. Mr. Donahue explained that he was present to answer any questions. Mr. Lawler explained that approval was contingent upon conditions listed on the Interoffice Memo dated June 20, 2013. Mr. Simmons stated that the DEP application still has to be signed. Mr. Donahue stated that some of the conditions were not part of the Planning Board approval. He said that the Planning Board approved a dead-end line in Phase 1 of the project. Chairman Lawler stated that the loop was discussed at prior meetings and Mr. Donahue stated that the applicant was unaware of said loop. Mr. Baldwin informed Mr. G. Martorana that he was present during said discussion and Mr. G. Martorana stated that he does not remember. Mr. Martorana stated that the Fire Marshal approved the hydrants and he does not understand why the Utility Board has issues. Chairman Lawler explained that the Board had laid out parameters that need to be met in order for approval.

Mr. Donahue said that it needs to be looped in phase two because there is a building in the way and Mr. Baldwin suggested leaving a "T" in place for when the building is removed. Mr. Donahue said that phase one has a temporary cul de sac with a water line from Sparta Ave to the temporary cul de sac. Phase two constructs two buildings and connects the water line. This is the way it was designed. The warehouse will come down in phase two and the water line will be extended to the street. Phase three will construct the remaining buildings. The temporary cul de sac will be paved for emergency vehicles. Mr. Simmons asked why the warehouse cannot be demolished in phase one and Mr. Donahue said that there are tenants in the warehouse that need notice in order to relocate. Mr. Simmons clarified that the building is mostly storage and Mr. Martorana answered affirmatively. Mr. Donahue stated that the project is being done in phases because of the tenants. Mr. Baldwin stated that the Water Department is opposed to a dead end main because if phase two never happens, they will have to deal with stagnant water at the dead ends. Mr. Martorana stated that there are bonds in place to cover completion of the loop job and Mr. Baldwin inquired about the time frame. Mr. Martorana told him that they have five years and all three phases are bonded to guarantee completion. Mr.

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Simmons asked if the bonds have been posted and calculated. Mr. Martorana said that there are resolutions in place regarding the bonds. Mr. Simmons asked if the bond includes demo of the building and Mr. G. Martorana said that it does. Mr. Simmons suggested that they accelerate removal of the tenants since it is mostly storage. Mr. G. Martorana expressed concern of litigation from acceleration of removal of the tenants and stated that a certain ratio of units needs to be sold before they move to phase two.

Mr. Simmons asked if the storage building is climate controlled and Mr. G. Martorana stated that there is no heat, but air conditioning in the front. Mr. Pham asked about the water in the dead end being stagnant, and Mr. Baldwin stated that the hydrant would need to be flushed often, resulting in wasted water. Mr. Pham asked if the bond will cover in the event they can't sell the units. Mr. G. Martorana said the bond will kick in in five years and as each phase is completed, the bond will be released.

Mr. Lawler explained that he felt that a miscommunication had taken place. Mr. Simmons said the motion was contingent on Town Council requiring a looping in phase one with a bond for phase two. He stated that he has not yet seen the bond. Mr. Baldwin asked if the bond will cover hook up if phase two never gets done and Mr. Simmons asked if the high metal building is climate controlled. Mr. G. Martorana stated that there is heat in there. Mr. Donahue said that they are going to construct the roadway and Mr. G. Martorana said that they cannot do the water line. Chairman Lawler stated that the Board is going to have to table its decision pending communication with the Town Manager, Town Council and Planning Board in order to decide how to proceed.

Mr. Donahue stated that after consulting with their attorney, they needed to abide by what the Planning Board had approved about looping the water line in phase two. Chairman Lawler stated that there was disconnect between the Boards and he intended to find out where the Boards had deviated. Once the Board is able to work this out, they will vote. He apologized on behalf of the Utility Advisory Board. Mr. G. Martorana clarified that they cannot proceed until the Board votes and Mr. Simmons told him that he was correct. The applicants and their engineer left the meeting at that time.

Mr. Chairman then moved to approval of the minutes from the February 18, 2014 meeting. Chairman Lawler motioned to approve the minutes and was seconded by Mr. Vrahnos. The minutes were unanimously approved by an "aye" vote.

The first request from a utility customer was for Floyd Straway of 11 Ridgewood Ave. who was requesting and adjustment of his bill due to a toilet leak. Chairman Lawler motioned to deny his request in order to be consistent with prior appeals. The motion was seconded by Mr. Pham unanimously denied by an "aye" vote.

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The second request was for Timothy Kochanski of 32 New Hampshire St. for an adjustment of his charges due to a water leak in the ceiling. Chairman Lawler clarified that the excess charges were for water that did not go through the sewer. Mr. Vrahnos motioned to approve waiver of sewer charges on the excess gallons and it was seconded by Mr. Pham. The request was unanimously approved by an "aye" vote.

The next request was for Jim Ciarvalo of 124 Spring St. who was requesting credit for sewer charges since his building is being rehabbed and is not yet hooked up to sewer. In order to be consistent with the request from the prior meeting, Chairman Lawler motioned to approve waiver of the sewer charges and was seconded by Mr. Pham. The request was unanimously approved by an "aye" vote.

The next request was for Dennis Jones of 16 Douma Drive who was asking for credit due to a discrepancy between the inside meter and outside readout when the meter was changed. Chairman Lawler asked which reading would be used and Mr. Baldwin explained that the inside meter was the true reading and that would be used. He further stated that they have the right to have the meter tested for a charge of \$250. Chairman Lawler motioned to deny the request and was seconded by Mr. Vrahnos. The request was unanimously denied by an "aye" vote.

The final request was for Charles Brand of 6 Hampton St. requesting credit for excess sewer charges resulting from a leak due to a broken pipe. Mr. Lawler motioned to approve the request and was seconded by Mr. Vrahnos. The request was unanimously approved by an "aye" vote.

Chairman Lawler asked Mr. Baldwin about the water plant and he stated that the ice is melting and everything is running smoothly. Regarding the Wastewater Treatment Plant, Mr. Baldwin stated that a new climber screen has been installed that was budgeted for last year. Chairman Lawler inquired about toilet wipes and a brief discussion took place regarding same.

Mr. Simmons gave the engineer's report, stating that the allocation increase is progressing and some issues are being addressed. He continued on to report that the Fox Hollow application has been submitted to the U.S.D.A and the Glen Lake blow off is out to bid with DEP approvals. Chairman Lawler asked if the water restriction was still in place and Mr. Baldwin stated that it was.

There being no other business to discuss, Chairman Lawler made a motion to adjourn the meeting and was seconded by Mr. Vrahnos. The meeting was adjourned at 9:15 p.m.

RESPECTFULLY SUBMITTED,
Jacki Shackleton