

## **Board of Water and Sewer Commissioner's Meeting October 6, 2021**

Present: Scott Zajkowski, Robert Sullivan, Jay Spahl, Tom Fournier, William Conley, Jennifer Cournoyer  
George Patrinos came into the meeting late during 17 Fairview Ave

Also in Attendance: Jeff Faulkner from Tighe and Bond, Scott Hemming, Bob Kunkel, Paul and Patricia Fournier, Joe Nierodzinski and Ora Finn.

Scott opened the meeting at 6:30 pm with the Pledge of Allegiance

**Accept the minutes of the September 1, 2021, public meeting: *Jay made a motion to accept the minutes as presented, Bill seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.***

### **36 Pine Street – Scott Hemming – looking to waive water connection fee:**

**Scott Hemming:** I requested to have water researched when purchased the property. When purchased, the listing stated water was available in front of house. He was then told by the Water Department that the water line had to be brought up in front of his house. He then was going to do a well, applied for a Well Permit for \$100.00 through Board of Health and then was told if he did a well could only have a one (1) bedroom house so he decided to go back to Town Water and the cost of the well permit is non-refundable. He spoke with Bob Mason, and it would cost him \$25,000 and change to bring the water main up. In the meantime, he hired a lawyer for \$1500.00 to try to recoup part of the \$25,000. He then paid the \$350.00 for permit fee for the water. When Bob Mason started digging, he found the line in front of the property and then called Brian from the Water Department. They were able to shut off the gate down on Pine and it shut off the water to all the houses so they were able to determine it was an active line and could be used. He is now looking to have the \$2000.00 water connection fee waived because he paid Bob Mason half days pay to find the water main.

**Jay Spahl:** for years we have been told there is no water main there

**Bob Sullivan:** problem is we don't get recorded drawings without an engineer's oversight. I was in a couple of towns where someone was told they could connect to water because they believed water main ran in front of the property, but then they found there was no water main there. In the old days they didn't keep records the way they should, it's not uncommon to not know. My guess would be it's not tied in, we don't know what is in the road. We have a lot of AC pipe in town.

**Bill Conley:** What is the tie in fee?

Jennifer, Admin replied \$2000.00 to connect and \$400.00 meter fee.

**Jay Spahl:** I think this is on us.

**Bill Conley:** I agree, and I recommend waiving the \$2000.00 connection fee due to the situation but keep the \$400.00 meter fee.

**Tom Fournier made a motion to waive the \$2000.00 connection fee but keep the \$400.00 meter fee, Bill Conley seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.**

**25 Progress Ave- Robert Kunkel- permission to tie into sewer:** Robert Kunkel is looking to connect to sewer. He spoke with Mike Krajcik and was told he can connect into the pipe, and he will have to install a check valve. This is a two (2) bedroom home.

**Tom Fournier made a motion to allow Robert Kunkel to tie into to sewer at 25 Progress Ave,** Bob Sullivan then presented a question to if connecting to town water as well? Mr. Kunkel replied, no it would be too expensive, they will be putting in a well. **Bob Sullivan seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.**

#### **17 Fairview Ave – Dudley Water Department Easement – Joe Nierodzinski**

Mr. Nierodzinski states that last week Jeff Faulkner came down to my property regarding the possible Water Department Easement. Mr. Nierodzinski had a question concerning the easement, while talking he asked if this was part of a feasibility study, Jeff Faulkner said no it is not. Currently Mr. Nierodzinski does not see this easement happening.

Mr. Nierodzinski states that there was a previous discussion in November and in his mind it would be a clear shot down Progress to Fairview and going down the cart road. That is what Mr. Nierodzinski thought was going to happen. Over the winter into early spring, Mr. Nierodzinski bumped into Scott Zajkowski at a local coffee shop and discussed with Scott Zajkowski and still Mr. Nierodzinski thought it would involve the back part of his property. In April, George Patrinos, Superintendent took a ride down to Mr. Nierodzinski's property and had a short conversation about the easement and Mr. Nierodzinski states that he was still on board and there was no mention of using his driveway for the pipe. The End of July, beginning of August, Jeff Faulkner and 2 other unknown persons along with Luke Asselin from the Water Department came down to walk Mr. Nierodzinski's property. That was the first time that Mr. Nierodzinski was told that the line was coming down his driveway, Mr. Nierodzinski was blown away. Then last week the conversation with Jeff Faulkner and Mr. Nierodzinski resulting in this was not a feasibility study, this was the actual. Mr. Nierodzinski states that he does not see this as a realistic way of doing the easement. Mr. Nierodzinski then asked what the timeline was for doing this easement?

**Scott Zajkowski:** The timeline for the funding is mid-October

**Joe Nierodzinski:** There are a few reasons I don't think it will work. First is you really must see my driveway and how close it is. There is a straight shot through my land rather than ripping up my driveway. It's the arc that you swung when you took the land back in '93. If you go down my driveway and hug the wall to get to my land that is the only access to my 15 acres, and this would kill it. It is a buildable lot, and this is the only way to get over to that property. There are better ways of doing this than going down my driveway.

A discussion and review of the plans by the board occurred at this time.

Bob Sullivan asked Jeff Faulkner, from Tighe and Bond if he wanted to discuss anything at this time.

Jeff Faulkner from Tighe and Bond stated that this was his third time meeting Joe Nierodzinski, the first in July while surveying the wetlands. The discussion that Mr. Faulkner had with the town was to only use the #17 parcel on Fairview Ave because it has direct access from Fairview Ave to the Well #6 site. Any other route would involve several other properties. These were the discussions that occurred at the design meetings over the past months.

**Jay Spahl:** What's the feasibility of a duplicate treatment plant at Station #1?

**Jeff Faulkner:** You could do a treatment plant at the site for treatment of Station #3 and Station #6 and consider a separate plant at Station #1. That does incur another level of construction and more expenses.

**Bob Sullivan:** If we don't upgrade, then water mains that need the upgrading don't get done.

**Tom Fournier:** This was the way it was though of because it only effected one lot, but maybe we should look at going through other people properties.

**Bob Sullivan:** The way I try to establish easements is to try to hug the property lines.

Another discussion occurred over the map and different ways to try to get to the Town of Dudley property. Mr. Nierodzinski stated that he also had concerns that part of the driveway is from the original Grand Trunk and when you dig it up there would be concerns about it washing away.

Jay Spahl stated to Mr. Nierodzinski, to sum it up your recommendation is to approach your neighbor and use the neighbor's property and the back of your property? Mr. Nierodzinski stated that is correct.

Bob Sullivan asked Jeff if this would have to go to Town Meeting again, as this passed at the Spring Town Meeting and would there be a delay. Jeff Faulkner from Tighe and Bond stated that there would be a delay because there is no survey on the second property. Bob Sullivan then asked if the delay would cause a problem with the funding, Jeff Faulkner stated that it would complicate things, the deadline is October 15, 2021.

Bob Sullivan stated that he feels the only other option without involving other private owners is to go down George Street to Schofield Ave. Jeff Faulkner stated that there would still be complications with that as well. Jeff stated that Mr. Nierodzinski's driveway does pitch and in realm of construction we can design and restore it as needed.

Mr. Nierodzinski stated that he still did not feel comfortable with this going down his driveway. This was not something that was in his vision from the get-go, I never though about the back parcel.

Tom Fournier asked if it feasible to keep this project going. Jeff Faulkner, stated from a design approach yes, but we haven't reached out to the homeowner.

George Patrinos stated that he has been in touch with a couple of other property owners that may be possible to use for an easement. Jay Spahl states then we are going through three (3) parcels.

Ora Finn then stated, you brought a design to the Town Meeting floor to have a vote on it. It would have been nice to inform the property owner by letter of something not at a coffee shop. Ora Finn also stated that Joe Nierodzinski doesn't want this coming driveway because it's a big old no to coming down his driveway.

Jay Spahl stated that now it's up to the engineering company to find a way. George Patrinos states he sees two (2) options, first with two (2) easements or second with three (3) easements. Bob Sullivan stated the only true option is coming down a public road, we are relying too much on a free easement.

Jay Spahl stated that he thinks we made a big mistake at the Town Meeting. Tom Fournier stated to Mr. Nierodzinski that the whole board agrees, we are sorry. Mr. Nierodzinski asked so is this a done deal, you are not coming down my driveway? Scott Zajkowski stated we are not coming down your driveway, Mr. Nierodzinski then asked if he could get that in writing? Scott Zajkowski stated there are two (2) ways that we would come down your driveway, either you agree, or we take it, and we are not taking it.

#### **Tighe and Bond – Jeff Faulkner**

##### **a. Temporary PFAS Treatment Well #7**

- 1. Construction Contract Status:** The bids opened, and low bid contractor was Barbato Construction. The awards were signed, and contracts are in development. We are awaiting an insurance certificate. Once the contract is executed a preconstruction meeting perhaps on 10/14/2021 in the morning.
- 2. Construction Phase Engineering Amendment:** Engineering will be overseeing the punch list and project. The amendment is to go from the start up to the end of the project. Jay Spahl asked how long is it a temporary project? Jeff Faulkner stated calling in temporary vessel because moving to permanent in 15-18 months to construction complete at end of 2023 to permanent and set to come on-line. Jay Spahl then asked why we can't just continue with the blending. Jeff Faulkner stated the blending is currently working but it is a precarious situation.  
Scott Zajkowski stated that this part of the original cost. A discussion occurred; Jeff Faulkner stated that the engineer would be Bill Brout who has been on some of the projects already.

***Jay Spahl made a motion to approve \$42,000.00 for task #4 and \$17,000.00 for task #5 for a total of \$59,000.00 for engineering oversight for the temporary PFAS treatment plant, Tom Fournier seconded the motion, a discussion occurred; Bill Conley states that we ran into problems with oversight on the Mason Rd project, will this be different? Bob Sullivan stated that some of that was misrepresented, kind of blindsided and didn't want to get into a confrontation. No further discussion, a vote was taken, all in favor, passed unanimously.***

- b. I & I Mitigation Project – Discuss/Approve change order #1/Increase SRF loan amount:** Jeff Faulker states, I & I contractor Insituform when bid the job, the bid was low, now a discussion to add a few other roads: Alton Drive, Budd Drive, Susan Drive, Francis Drive and Pineview Rd. Change order is about \$179,000.00 funding for the project was \$1.3 million, bid came in very low at \$481,000.00. SRF loan of \$736,000.00 we can then ask to increase the SRF loan and add in change value, but it is still under the \$1.3 million appropriated. Jeff Faulkner is here to get the boards opinion and agreement and then the Town Administrator's signature. Prior to that we would need to get approval from SRF. Bob Sullivan asked if the engineering cost would go up? Jeff Faulkner said maybe a little at end, but I think we can work within. Jay Spahl stated he was in favor of this.

***Bob made a motion to recommend approving change order #1 in the amount of \$179,200.00 to increase SRF funding, Jay seconded the motion, Tom stated he would abstain from this vote because it involves a street he lives on. A vote was taken, 4 in favor, 1 abstained, voted passed.***

- c. **Pump Station #1 Rehabilitation -Discuss/Approve change order #1:** Jeff Faulkner stated that there are a few changes, the analyzer was changed to a Krone, which is about a \$2000.00 upcharge. There is a leak on the water main that exits Pump Station #1 so would install replacement pipe the first 100 ft. Three gate valves were added to the well field in the back. The change order is about \$41,000.00 and change. A discussion occurred. Bob Sullivan asked how this would affect putting a second treatment plant there? Jeff Faulkner replied with if you did a new treatment plant raw water piped to building, the treated water pumped out. Bob Sullivan asked what was that amount for the water main? Jeff Faulkner stated \$35,000.00. Another discussion occurred about the upcoming projects and costs. Bob Sullivan stated that change orders are common, and they are recommendations from the town.

***Bob Sullivan made a motion to approve change order #1 in the amount of \$41,344.17 for Pump Station #1 Rehabilitation Project, Bill, and Tom both seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.***

d. **Mason Road Water Main:**

1. **Discuss/Approve change order #1:** Jeff Faulkner presented, stating Mason Rd connection is complete they have given the contractor a punch list of items to be addressed. Change order #1 is in the amount of \$114,582.57 for replacement of the pressure reducing valve and vault at Sawmill Rd/Mason Rd and the culvert casing pipe. There will be no change to loan or borrowing.

***Bob Sullivan made a motion to approve change order #1 for \$115,282.57 on Mason Rd Project, Tom seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.***

e. **Water Contract 2 Mason Road Water Main, discuss contact 2 substation completion:**

Scott Zajkowski then stated that there has been talk about putting sidewalks on part of Mason Rd by other departments in the town, based on a grant. Tighe and Bond has been involved in the planning of sidewalks, will the sidewalk project affect final paving? Jeff Faulkner stated it could if the sidewalk project gets funded. Construction would begin in Spring into Summer and the other departments may ask to hold off on paving. Scott Zajkowski asked how that would affect the current contract and project? Jeff Faulkner stated they have a one (1) year warranty on project from the time of substantial completion, which may cover it. Bob Sullivan posed a question, let's say contractor doing sidewalks and breaks a concrete curbing, how do we determine who's responsible? Jeff Faulkner stated the Tighe, and Bond is not technically involved yet, but could do a pre-construction video. Bob Sullivan stated we would want to include other areas, not just where they are doing the sidewalks. Jeff Faulkner stated he would suggest a design meeting to coordinate between departments. Bob Sullivan asked if it results in change order and prices go up, we don't to be responsible cause we didn't delay.

f. **PFAS WTP**

1. **Design Update/Schedule:** Jeff Faulkner states that moving forward with design submittal to SRF by 10/15/202. Follow up with permit submittals in front of Water Sewer, Planning and

Conservation. Permitting with DEP, MEPA process and get lined up for the end of December beginning of January. Contractor by 6/3/22

**2. Potash Brook study proposal:** Jeff Faulkner stated that Station #6 flooded last month. Station #6 flooded out last month, MEPA process will be on this project. Proposal to do an analysis of Potash Brook. George Patrinos stated that highway removed a head wall and that caused the back up. A discussion occurred about the back up of water and who is responsible for it. Jeff Faulkner stated that we are asking to move forward today, or the permitting will be held up. George Patrinos stated that Jeff Faulkner was right on the problem has already occurred and we need the answers and to see the report. Scott Zajkowski stated we need to do this study. Bob Sullivan stated there needs to be a discussion about the funding, but we do need to go forward with the study. A discussion occurred as to where the funding would come out of either Capital or Projects. George Patrinos stated he has the money to cover the funding. Bob Sullivan stated he would like to try to keep it all with the funding of the projects, and still feels it shouldn't be funded by us.

***Tom Fournier made a motion to approve the Potash Brook Hydrologic and Hydraulic Analysis in the amount of \$17,800.00, Bill Conley seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.***

- g. Asset Management Plan- Vote for Town Administrator authorization:** Jeff Faulkner is looking to have the authority to file the plan and have the Town Administrator sign the plan and then the certifying authority to file from the Town Clerk. Bill Conley recommends that we allow the Town Administrator of Dudley to sign the Asset Management on our behalf.

***Bob Sullivan made a motion that the Town of Dudley Town Administrator is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application, Tom Fournier seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.***

- h. Emergency Response Plan:** Jeff Faulkner presented, completed Risk and Resiliency the second step is to update the Emergency Response Plan by 12/30/2021. Jeff Faulkner is questioning if the board is ready to move forward? Bob Sullivan asked what the price plan was, Jeff Faulkner stated about \$15,000.00. A discussion occurred regarding the need for the Emergency Response Plan. Jeff Faulkner explained that the temporary treatment must be a component of the Emergency Response Plan and then update when you have the treatment plant.

***Tom Fournier made a motion to approve the Emergency Response Plan and not to exceed \$15,000.00, Bob Sullivan seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously.***

Bob Sullivan then asked Jeff Faulkner if we are going to need another meeting regarding the easement? George Patrinos stated he would like to try and go with two (2) easements. Jeff Faulkner stated that if we don't meet the deadline, it effects the principal forgiveness. We can talk about designs and the keep in mind the window is shortening.

**Accounts Payable and Response from Treasurer and Indirect Costs:** The board had copies of FY2021 and FY2022 indirect costs for review. Scott Zajkowski asked the other board members to please review and have any questions proposed for the next meeting. The administrative assistant was asked to try to research information on when the Enterprise was created.

**Policy Review for Backflow and Cross Connection and Permit Connection:** This will be tabled to the next meeting.

**Moratorium and Water Ban:** No need to consider at this time, due to the increase in the rain lately, but will keep on monthly meeting agenda.

**Possible new lawn mower:** This will be tabled until next meeting.

**Proposed future garage expansion:** This will be tabled until next meeting.

**Superintendent's Report:** George Patrinos presented his report to the Commissioners and asked if there were any questions on it. Scott had one question regarding the Cybersecurity at Main Station. George Patrinos explained that the town was putting up cameras to be able to see the beach. A discussion regarding the cameras and town occurred.

**Public Comments:** None

**Board Comments:** Bob Sullivan had a question to George Patrinos regarding the pumping levels and a discussion occurred about the pumping levels and the approved pumping levels from DEP.

***Tom Fournier made a motion to adjourn, Jay Spahl seconded the motion, no further discussion, a vote was taken, all in favor, passed unanimously. Meeting adjourned at 9:20 pm.***

Respectfully Submitted,  
Jennifer Cournoyer, Administrative Assistant