

SPECIAL WATER COMMISSIONERS' MEETING

November 20, 2002

6:30 P.M.

Meeting held for the purpose of discussion on the formation of a district.

MEMBERS PRESENT: David Dunbar and Francis McNamara; Samuel Briguglio was absent.

GUESTS PRESENT: Superintendent Paul Rafuse, Attorney Jacob Diemert, Attorney June Riddle, Selectmen Paul Concemi, Peter Collins and Dan Murphy, also in attendance was Town Administrator, Jim Johnson, William Nunnery, Earth Tech, Pierre Comtois, Nashoba Publishing and Brenda Boudreau, Clerk.

Chairman Dunbar opened the meeting at 6:25 p.m.

Attorney Diemert reported that he had investigated at length the sub-division a Witches Brook and discovered that the town may have water rights within the cluster of land. There are eight sections of this sub-division and that they never did section 6 and redesigned it section 7. Attorney Diemert met with Kathy Araujo, Planning Board.

Attorney Diemert and Attorney June Riddle discussed/reviewed the possibility of changing the language in the current draft in a few places yet to be determined. Attorney Riddle said there was a reservation of water rights in some file.

There was a lengthy discussion on Section 1 Paragraph (a). Dan Murphy and Peter Collins noted that he is opposed to possible taxation of private citizens within the district whether or not they are water takers. Attorney Diemert responded that the taxation clause is valid and in fact a right of the District. He then told the board that he has never seen another town act upon this law, and it is there merely to serve the purpose of borrowing money with bonds. If the rates are insufficient then the district would go to tax levy. It would limit access to the debt market. Paul Concemi is in favor of a district. Attorney Diemert doesn't want to get hung up on taxes. Also, he suggested that before we strike it from the current draft he would confer with bond counsel to get an expert opinion on the taxation issue and whether or not it will effect our borrowing needs. Attorney Riddle suggested working on taxation issue

There was a discussion as to what the proper response would be when asked why we want to become a District, and how the Community would respond to this at the town meeting. Superintendent Rafuse said the water receipts would be used to maintain the water system. Peter Collins asked Superintendent Rafuse who many water takers our current system could handle; Paul said about 2,800 as long as no there is no sewerage. There is an issue with some habitat of turtles. Bill Nunnery, Earth Tech, said that there is some independence, but when it comes to extension, expansions, etc. it is very frustrating because their hands are tied by the town. Peter Collins said the primary advantages of a district would be the commissioners would be able to formulate and institute capital plans, borrowing money with the consent of a certain body of individuals and this would not go towards the 2½ levy. Jim Johnson asked why formulation of DPW would not be good for Water Department. The water receipts would be pooled together for both departments. Attorney Diemert said that water district meetings are very simple, fast and straightforward; they would be held separate from town meetings.

DECISION: Board voted unanimously to accept minutes of October 22, 2002 meeting.

DECISION: Board voted unanimously to adjourn the meeting at 8:10 p.m..

Next scheduled meeting is Wednesday, December 11, 2002.

Respectfully submitted,

Brenda A. Boudreau, Clerk