

TOWN OF SHELBURNE  
WATER COMMISSION MEETING

January 6, 2020

Present: Chair John Schold, John Day, Craig Wooster, Pete Gadue; also Finance Director Peter Frankenburg, Water Superintendent Rick Lewis, Town Manager Lee Krohn; also Bill Posey, and landowners on Wes Road.

The meeting was called to order at 5:00 P.M.

Motion by Gadue to approve the agenda; seconded by Day and approved unanimously.

Motion by Day to approve the December meeting minutes; seconded by Gadue and approved unanimously.

Public comments: none.

Wes Road water line repair, continued from the December meeting. As noted before, this relates in time to a June 2018 sewer project on Wes Road. Water line always has been private line, now serves six homes. Rotted water line saddle leaked concurrent with sewer work, but would have failed anyway; had to fix while contractor on site. Since then discussion about responsibility for payment of this bill and maintenance generally. Spectrum of options ranges from continue to seek repayment to the Water Department from the homeowners served by the line, to a shared approach between Town and homeowners, to waiving repayment. Questions were raised again about whether either the Wastewater Department or its contractor SD Ireland should be responsible for the bill; while it cannot be proven that the sewer line work caused the water line break, it did occur while that work was underway, and there was no prior history of water line failures on Wes Road. Krohn will inquire again of the WW Department and report back next month. Further concerns were raised whether the Water Department's covering this bill could somehow be used against the Town as a form of implicit statement of ownership and responsibility. The title search from Town counsel was reviewed again as offering definitive proof that this water line is owned privately, and that maintenance is the responsibility of the homeowners served by it. The Water Commission and staff find no reason to believe that the water line is owned by the Town, nor any reason (nor benefit) for the Town to take it over. By consensus, the ownership question was considered settled; the only remaining question being responsibility for the prior repair bill. Homeowners present stated their understanding of maintenance responsibility, and that a proactive approach on their part to make similar repairs before further failures arise would be prudent.

It was agreed to recess the matter one more time to the February meeting for further follow up with the Wastewater Department.

Finance Report: Frankenburg reported that revenues and expenses are generally on track as anticipated; fortunately, with few line breaks or problems so far, costs associated with repairs are down.

Water Superintendent report: Lewis reported on ongoing work to clarify ownership of water lines throughout Town, work that is also ongoing with the Wastewater Department. Assistant Town Clerk Lisa

Mann has been very helpful with this work, but the time she can spend on this is limited. Without staff and resources dedicated to this time-consuming work, progress is slow.

Related to ownership is a policy to guide Commission and Department decisions whether to take ownership of private water lines (such as benefit to the water system). It was suggested this be reviewed at the next meeting.

Krohn to follow up with legal counsel on the Bostwick/Meach Cove easement matter; Lewis to follow up on the Shelburne Farms water line matter.

Town Manager report: although work continues on many varied tasks and projects, primary work effort at this time is focused on preparing a workable and fiscally responsible budget for the next fiscal year. Brian Precourt (on behalf of the Catholic Church) has asked whether cost sharing might be possible regarding the new 8-inch water line installed along Church Street to serve the Church addition. In a manner similar to the ownership question, it was suggested that this might be considered if there were direct benefit to the Town, such as if a line were upsized beyond the project's own needs for benefit to the water system, then it might be considered to cover the marginal cost increase involved. The Town Ordinance will be reviewed, and the matter brought forward at the February meeting.

Warrants were signed.

Motion by Schold to adjourn; seconded by Day and approved unanimously at 5:59 P.M.

Respectfully submitted by Lee Krohn