

**Water Commissioners' Meeting
December 10, 2013**

Members present were: Gregg Edwards, Chris Stewart

Employees present were: John Driscoll, Tom Berry

The meeting was called to order at 6:00 p.m. by Gregg.

The agenda was approved on a motion by Chris, seconded by Gregg, 2-0 in favor.

Old Business:

The Manager informed the Board that the old water Truck #32 had been sold online to an online bidder from *Municibid* for \$3,500 and that there existed some confusion between the bid closing time in the newspaper and the bid closing time e-mailed to the bidders by the website's host. A quick legal opinion had been sought by the Manager to determine the best course of action and it was recommended to award the truck to the highest online bidder prior to the closing time stated in the newspaper.

The new water Truck #32 would be delivered mid-February 2014.

New Business:

The Manager gave the Board a quick update on another open meeting law complaint filed against the TMLWP by Selectperson Julie Farrell, and distributed copies of the TMLWP response to the AG's Office on the complaint. He stated that the claim had no basis and will be tossed out since the water department meeting was properly posted according to both the open meeting laws and the town's own posting rules and further that a "public hearing" is not a statutory requirement of any water rate increases to be enacted. The Manager informed the Board that thus far this open meeting law complaint by Julie Farrell had cost the TMLWP \$540 in unnecessary legal expenses.

The Manager informed the Board that he had complied with the water portion of documents requested by the Selectmen under MGL Ch 164 Sec 56C mostly in the form of large water construction bid contracts between Templeton Water & Tata & Howard.

These contract copies had to be put together by Tata & Howard since the Manager was not comfortable delivering any executed copies of water contracts to the Selectmen for fear of them being lost. He had instructed Tata & Howard to prepare for Templeton Water copies of 6 different water construction contracts from 2001 thru 2007 and invoice Templeton Water when completed. The Manager had delivered a box of such water contracts to the Selectmen's Office.

The Manager took a few minutes to correct some of the points in a recent Gardner News article by Kerry O'Brien around a recent Selectmen's meeting. His corrections basically involved the following errors made in the article:

1. The water rates had increased 23% in total, NOT 23% for usage charges in addition to another increase for the customer charges
2. The average annual water bill in Templeton was not \$800 like Wilfred Spring continues to repeat, but rather it is about \$500 now/\$600 after the increase.
3. Templeton's water rates are the 20th highest rates in the state, NOT the highest like the article stated. There are 19 other towns in Massachusetts with higher water rates than Templeton.
4. The Manager never asserted that the Special Acts of 2000 superseded state law like the article stated, but rather town law, a key distinction.

The Manager also informed the Board that the TMLWP had yet to be contacted by anybody at the Massachusetts DOR regarding any kind of response to the Selectmen's letter, and that he did not anticipate being contacted because the law was clear on this enterprise fund matter.

The Superintendent gave the Board a quick update on some of the various maintenance tasks that would be taken on for the rest of FY14, namely water distribution station projects at Maple and Sawyer Streets.

There being no other Open Session business to discuss, on a motion by Chris, seconded by Gregg, 2-0 in favor the Open Session Water Meeting adjourned at 6:45 p.m.

Respectfully Submitted,

John M. Driscoll
General Manager