

**BOARD OF SEWER COMMISSIONERS
Executive Session**

**February 12, 2019
Carby Street Municipal Office Building, Champagne Meeting Room**

Executive Session

The Sewer Commission will be holding an Executive Session to discuss potential litigation. Executive session is necessary because discussion in public session would be detrimental to the Commission's bargaining position. The Sewer Commission will not be returning to open session.

An Executive Session was called to order. Present were, Mr. Connors, Mr. MacPherson, Mr. Bailey, Mr. Korchin, Mr. Barry and Mr. Rafferty. Mr. Ahearn joined via phone at 8:09 am.

The Executive Session began at 8:11 am.

Potential Litigation regarding betterment fees

Mr. Ahearn asked Mr. Bailey whether the lawyer representing the resident (314 Grove Street) was in communication. Mr. Bailey received a letter from Mr. Wolf citing the exact case Mr. Bailey was referencing. The purpose of the statute is to address the consequences when the property is purchased without knowledge of a lien.

The resident is willing to discuss a discount in fee. In discussion, Mr. Wolf raised the question of fairness of the sewer assessment. Per Mr. Rafferty, the assessment was completed based on the frontage of the property in compliance with our rules. Mr. Bailey stated the property (314 Grove) is currently connected to sewer, and the property listing referenced connection to sewer available. Mr. Bailey stated the resident has until mid-March to file an abatement request.

Mr. Bailey reviewed the recorded MLC (municipal lien certificate). There is an old case that if a MLC failed to show an assessment due, the new property owner is not liable for future assessments unless they show on the lien certificate.

Final conclusion, Mr. Bailey will await communication from Mr. Wolf and his clients. Any further discussion tabled for today. Members of the Commission expressed skepticism that the property owners did not know about the sewer extension construction prior to closing.

Mr. Connors moved to adjourn from Executive Session at 8:28 am. Mr. Ahearn seconded. Roll call vote 3-0 to adjourn.

Approved:

Date

 7/8/19

Sewer Commission, Clerk