

**BOARD OF SEWER COMMISSIONERS  
Executive Session**

**July 8, 2019  
Carby Street Municipal Office Building, Champagne Meeting Room**

**Executive Session**

A motion was made to go into Executive Session to discuss a matter of potential litigation. Executive session is appropriate because discussion in public session would be detrimental to the Commission's bargaining position. The Sewer Commission will not be returning to open session.

Mr. Ahearn made the motion, seconded by Mr. MacPherson. Mr. Ahearn, aye. Mr. MacPherson, aye. The Commission went into Executive Session at 8:01am.

Present were, Mr. MacPherson, Mr. Ahearn, Mr. Bailey, Mr. Korchin, and Mr. Barry. Ms. Healey recorded the minutes.

**Potential Litigation**

Mr. Bailey gave an update on the potential litigation regarding sewer betterment fees for the property listed at 314 Grove Street. The resident is challenging the betterment fees as received and has filed an abatement request. The resident claims with no prior notice they should not be required to pay the betterment assessment. But per Mr. Bailey, the resident received a benefit (sewer connection) and should be responsible for payment of this benefit. Municipal lien did get attached to the deed, but after the purchase of the property by the new homeowner.

Mr. Ahearn questioned as to what rights the town would have against the previous owner. Per Mr. Bailey, the town may have some rights against the previous owner if we can get an assignment rights from the current owner.

**Sewer Commission Options**

- A. Grant abatement
- B. Deny abatement and the homeowner could appeal to Superior Court
- C. Authorize Special Town Counsel to negotiate a settlement with the current homeowner

The Sewer Commission has 120 days until approximately July 20 2019 to respond to the abatement filing. Mr. Ahearn made a motion to authorize Special Town Counsel to continue negotiations until July 20, 2019. If negotiations are deemed unsuccessful for both parties within that time frame, the abatement request will be denied. An assignment of rights/ demand letter is required. Mr. Bailey has the authority to settle the dispute for a minimum amount and an assignment of rights. Mr. MacPherson seconded. Mr. Ahearn, aye. Mr., MacPherson, aye.

**Mr. Ahearn moved to adjourn from Executive Session at 8:39 am. Mr. MacPherson seconded. Unanimous vote 2-0. Mr. Ahearn, aye. Mr. MacPherson, aye.**

Approved:



Date

8/10/20

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Sewer Commission, Clerk

*CHAIR*

Updated 7/8/19