

**MFN Regional Wastewater Meeting
February 2, 2021**

**MEETING MINUTES
(VIRTUAL MEETING – GOTOWEBINAR)**

COMMISSIONERS PRESENT: Mansfield: Michael Trowbridge, MFN Secretary
Mansfield: Matthew Teixeira
Norton: Mike Yunits, MFN Chairman
Norton: Diane McElligott
Foxboro: Chris Gallagher, MFN Vice Chairman
Foxboro: Richard Pacella

EXECUTIVE DIRECTOR: Lee Azinheira

COMMISSIONERS ABSENT: Mansfield: Jess Aptowitz

GUESTS PRESENT: Chris Rositer, MFN
Joseph Cove, MFN Counsel
Shirin Everett, Norton Attorney
Matt Shute, Beta Engineer
John Stanbrook, MFN Treasurer
Renee Gauthier, Secretary

- 1) Approval of Meeting Minutes (1-5-21)
Discussion:

Motion: To approve Meeting Minutes of 1-5-21.
(Trowbridge/McElligott); all in favor; unanimous

Roll Call Vote:
Yunits – Yes
McElligott - Yes
Trowbridge – Yes
Teixeira – Yes
Pacella – Yes
Gallagher – Yes

2) Approval of Bills

Discussion - Warrant 21-14:

Motion: To approve Expense Warrant 21-14 in the amount of \$254,914.12 and to authorize the Executive Director to be the only signature required for the warrant. (Trowbridge/Gallagher); all in favor; unanimous

Roll Call Vote:

Yunits – Yes

McElligott - Yes

Trowbridge – Yes

Teixeira – Yes

Pacella – Yes

Gallagher – Yes

3) Community Updates

a) Mansfield

Nothing new.

b) Foxborough

Chris said Foxboro received an application for sewer connection for approximately 35,000 gpd for a complex on Old Post Road in Sharon. They are requesting to connect to sewer through the Cannon Forge/Gavin Pond complex. They will go through the necessary approval process in Foxboro. Lee said that there is I&I in interceptor on County Street, which needs to be corrected. Mike Yunits inquired what kind of complex, Chris Gallagher explained it would be mixed use, including retail.

c) Norton

Nothing new.

4) Right of Way Discussion w/Joe Cove & Norton Attorney Shirin Everett

Discussion:

Federal and state funding for the proposed rail trail in Norton along the former New York New Haven railroad bed requires a detailed examination of the title to the underlying fee in the rail bed. Attorney Shirin Everett, counsel for the town of Norton, reports that in her estimation there are approximately 60 parcels in the Norton section of the rail bed for which there is no clear evidence of title remaining either in Norton or in the district following the bankruptcy and termination of rail operations. The opinion is that the rail easements were only for the purposes of rail transport and once the transport and use of the land as a railroad terminated, the easements and or fee interest in the rail bed reverted back to the previous owners and their successors in interest and hence in order to perfect title in the district and or Norton, a public taking of the rail locations is required to provide adequate title assurances for federal and state funds. Matt Shute

from Beta Engineering has provided railroad valuation plans from 1915 showing the parcels in question.

There followed further discussion and comments from the commission on the following points:

- what is the cost to the district for this taking if a public taking is made and will the cost of such taking be reimbursed to the district as a part of the project's land acquisition cost
- is there sufficient title in the district when as here the property has been in the public domain for over 40 years and there is a bankruptcy decree which directed to the sale of the railroad bed to the town of Mansfield
- should there be a joint taking by the district and Norton; should the taking cover the entire length of the railroad bed and interceptor, Beta Engineering suggests that any taking cover the entire rail bed so that future additions to the rail trail or future supporting structures to the sewer interceptor line will have adequate space for construction and maintenance
- Shirin Everett and Joe Cove both agree that the town of Norton and the district have eminent domain authority to take any parcel of land which may be needed to support the district's operations and to prevent any abutter from interfering with the operations. Joe Cove also believes that there is a significant argument to be made for considering the entire length of the rail bed in the public domain and that the act of the bankruptcy court superseded any reversionary rights to the abutters. However, given the nature of the rail trail funding, a recorded order of taking against the entire rail bed may forever resolve the question.

The District will further review this when counsel have the opportunity to review the issues in the above points of discussion and the Town of Norton is able to provide more detailed cost information.

5) MFN Website

Discussion: Lee explained that he and Chris Rositer had discussed the proposal submitted from one company to set up and maintain the MFN website, with a cost of approximately \$14,000 for the first four (4) years and an additional fee per year after. Lee then stated that he had spoken to Dave Young and that Dave had mentioned company that CDM had used for the Cape regional sewer project website and that the cost was approximately \$10,000 to set up the website and then the MFN would own and maintain it after. Lee inquired if this might be something the Commission might be interested in supporting, if the budget allowed. Mike Yunits said yes, but that the Commission would need more information. Diane inquired who would maintain the website and Lee explained that Plant personnel would maintain it once set up was complete.

6) Management and Operations Agreement Update

Discussion: Chris Gallagher stated that the subcommittee has met a couple of times and discussed proposed contract language, duration and review process. The subcommittee will

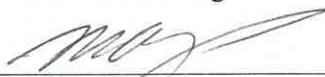
be meeting again next Tuesday and Joe Cove is working on finalizing the draft. Joe said he wouldn't want to get commission involved between two law offices in review of document, rather he and the Mansfield Counsel would work out the terms of agreement and then present it to the Commission to review and approve. Lee requested that if the Town of Mansfield submitted comments or counterproposals, that they would be sent to the subcommittee first; Joe said that is how they would proceed.

- 7) Executive Director's Report
- 8) Any Items Not Anticipated 48 Hours Prior To This Meeting
- 9) Next Meeting – Tuesday, March 2nd, 6 PM.

Motion: To adjourn at 7:10 PM.
(Trowbridge/McElligott); all in favor; unanimous

Roll Call Vote:
Yunits – Yes
McElligott - Yes
Trowbridge – Yes
Teixeira – Yes
Pacella – Yes
Gallagher – Yes

Respectfully submitted,
Michael Trowbridge



Signature of District Secretary

3/2/21

Date of Acceptance