

Milford co. settles E. coli suit for \$1.2M

Ex-manager tampered with 2009 boil-water tests

By Scott J. Croteau

TELEGRAM & GAZETTE STAFF

WORCESTER — A class action lawsuit filed against Milford Water Co., stemming from an August 2009 incident involving E. coli in the town's water supply, appears to have been settled for almost \$1.2 million, a lawyer for the plaintiffs said.

The settlement needs to be approved by a Worcester Superior Court judge when the case returns to court in June.

James L. O'Connor Jr., the plaintiffs' Fitchburg-based lawyer, said terms of the settlement were reached Friday. The nine plaintiffs will split \$30,000, and one of the plaintiffs, a young girl, will receive an additional \$5,000, Mr. O'Connor said. In addition, all customers of the privately owned water company will receive a one-time \$25 credit on their bill.

"They're pleased," he said, of his clients' reaction to the settlement.

Legal fees will also be paid by the company, pending the judge's approval.

Mr. O'Connor said his clients apparently have not suffered any long-term effects from the E. coli contamination.

Milford Water co. released a statement regarding the settlement:

"After more than 100 years of nearly perfect service, Milford Water lost the trust and confidence of many of our customers and the elected officials of the town of Milford," said David Condrey, MWC manager. "We have been working diligently over the past four and a half years to regain that trust, and our effort continues. We are

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hopeful that this settlement will allow our affected customers to have closure from the water quality events of 2009."

The lawsuit accused the water company of negligence, breach of contract and wrongdoing in August 2009.

Henry C. Papuga, the former manager of Milford Water Co., was found guilty last year of tampering with water samples during a 2009 boil-water order in Milford. He was also found guilty of making false statements on written forms related to the samples.

Mr. Papuga was found guilty on six counts of tampering and two counts of making false statements after a jury-waived trial in Worcester Superior Court. He was sentenced to one year in jail, suspended for five years with probation.

Mr. Papuga was also ordered to perform 250 hours of community service and prohibited

from working in any capacity in the water supply industry.

The boil-water order went into effect on Aug. 8, 2009, and on Aug. 19, 2009, it was lifted for all sections in town except for one area.

Authorities said Mr. Papuga was under heavy pressure to end the boil-water order after bacteria, including E. coli, were found in the water company's water system.

They said he added chlorine to water samples to kill bacteria before it was tested. Officials from the state Department of Environmental Protection tested the suspect samples and found levels of chlorine in some were as much as 700 times higher than would be expected.

In its statement, Milford Water Co. said it has invested in systemwide improvements since 2009.

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