



**TOWN OF LUNENBURG
SEWER COMMISSION
960 Mass. Ave.
LUNENBURG, MA. 01462**

Minutes of January 13, 2010 Public Hearing and meeting held at Ritter Memorial Building:

Present: Paula Bertram – Chair, Steve DeBettencourt-Vice Chair, Carl Luck-Clerk, Bob Ebersole-member, Barb Lefebvre- Business Manager.

Paula formally opened the meeting at 7:05 pm, and immediately opened the Public Hearing on the Project Review Fee & Policy

Paula noted that we were discussing the adoption of the Project Review Fee & Policy into the Sewer Rules & Regulations. Bob asked if the policy is consistent with those of the Board of Health and Planning Boards. Paula affirmed that it is and stated that it involves the details of taking in a project review fee and placing it in a special account to be used to cover the costs of a professional engineering review. Paula asked for any comments from the public. Dick Marceau asked how soon can they do the project to install sewer in his area? Paula stated that this policy allows interested parties a process of coming forward to propose a sewer project. No other discussion was forthcoming. Paula stated she would entertain a motion to adopt the Project Review Fee & Policy. Carl moved the motion, Bob seconded and the vote was unanimous.

Public Hearing was ended and the regular meeting commenced at 7:15pm.

Before starting on agenda items, Paula asked if Dick was present on any particular item of interest. Dick asked how soon sewers will come to his area on Eastern Ave. Paula responded that there is no timetable, the issue being that the CWMP states an estimated cost of \$24,000 to each resident impacted by a sewer project and that 2/3 of the people in that area must agree to the project moving forward per the bylaw. Paula noted that if 2/3 were in agreement, then we would move forward and take it before Town Meeting. Mr. Bowen, who had brought the petition to the Commission, wanted the Commission to hire an engineer to estimate the true cost of bringing sewer in – but the Commission feels strongly that they have invested in an engineering firm already (Wright Pierce) and can't go before the Town to pay more to get another quote. If an individual group wants to pay to hire a different engineer to get a different estimate, that is up to them. Dick's contention was that the \$24000 figure was an estimate across the entire town but he is only talking 1 street – with approximately 9 homes – and asked how much that would be. Paula replied that she wouldn't know and that the preference of the Sewer Commission was to install sewer in entire zones but that it isn't required that they do. Dick stated that Upland and Eastern Aves would be a gravity drain. Carl added that if it were him, if there were interest, that the group approach Wright Pierce who did this work and ask what they'd estimate that the cost would be for that area. Steve said a new eye on the project may be helpful also. Paula stated that we can't at this point go into the Enterprise Fund and pay to have the cost re-estimated. Steve also noted that, knowing what we know, Dick's area would cost probably even more due to the fact that it is all ledge. He recalled the laying of the lines on Electric and how long it took to drill down through the ledge to lay the pipes they did. Dick asked what's the next step – do we have hire an engineer? Paula replied that if you are questioning the \$24000, then you would want to get your own engineer. But, if you are comfortable with the \$24000 and can get 2/3 interest, we would go to Town Meeting and start the process. Dick asked if he was getting an engineer only to get an estimated cost. Steve agreed and Bob noted that it cannot be just a contractor but a professional engineer. Paula agreed and noted that even though one provides an estimate to the group, they may not be the engineers to do the work. Every engineering firm would have to go through the formal bid process to be awarded the contract to install sewer. Dick stated that we were back where we started. The estimate seems very high but agrees the area is all ledge. Steve pointed out that Eastern was at the high end, lower Mass Ave. wouldn't be as bad. Eastern & Upland would be 2 of the hardest streets to lay sewer lines. Paula noted that the figure in the CWMP is only an estimate and without specific knowledge of specific areas, the \$24k figure is merely an estimate. She also acknowledged that the Commission wants sewer customers, so it is not that we don't want to lay new sewer lines but it is about the cost and that we are sorry we don't have a better answer. Dick replied that for now, most systems are working and it isn't a problem. But it will become a problem.

Weston & Sampson – Fran Yanuskiewicz and Steve Peterson from W&S came forward. Fran informed the Commission that Steve had worked on Fitchburg's rate structure and may have knowledge helpful to the Commission. Fran recounted that he had sent his proposal in last week which focused on the IMA negotiation but it is subject to change and that is what they were here to discuss. Paula stated that she and Fran had had a conversation earlier and the amount we had raised at town meeting (\$15,000) had been solely earmarked for the IMA but we have many other issues for which we need W&S help. Steve D. repeated the issues from the conversation with Joe Jordan on why their rates are so high – that it was funded by the General Fund, not an Enterprise, so all improvements are on the backs of the users – and that Joe understands the problem. Paula stated that we have issues not only with the verbiage of the IMA, but in understanding the costs going forward. She noted that we need to raise our rates again, but need to understand the costs to do it correctly. Fran discussed the verbiage of the current IMA – no conflict resolution clause, need to know if we pay on improvements just until loans paid off – these need to be spelled out. Carl agreed that, as far as using the entire allocation of \$15000 on a current IMA, he is more interested in what happens next. We need to be prepared going forward. Paula said we need to look at other issues (i.e. grease). She can come up with 4 more issues in addition to the IMA that we need W&S's expertise on. Steve D. reiterated that the IMA is the most pressing. We do not have capacity and if a couple big properties come forward, we owe them capacity. Fran pointed out that we'll need to discuss how we want to pay for what we're getting. Carl asked why we have to pay for some capital improvements. Bob brought up the question – to lessen the amount that W&S charges, what can we do ourselves? Fran repeated that this is an estimate and IMA negotiations can be short and others drag on – that it all depends on the parties involved and how close in agreement they are. Steve D. said there is no issue talking to Joe in

Fitchburg, but that it is going before the Council, knowing the terminology when W&S's expertise is needed. Fran stated that most communities do not like the "pay as you go" policy – rather, re-visit and go for more later on. Paula noted that the CWMP determined the allocation that we need to ask Fitchburg for. We are as comfortable with the number as we'll ever be. Bill Gustus had wanted us to acquire capacity as needed – Fran stated that Fitchburg wouldn't probably support that. They are a part-time board and will need to do work sessions. W&S will pull the NPDES permit, CWMP, and any Fitchburg files they have – we'll have to talk about flows, current and future. Paula asked what is flowing in to Fitchburg and asked Barb to put on next agenda. Fran noted that we need a rate structure to get some of the monies back, to determine a fee structure to help collect from developers. Discussion followed on how we could keep the cost of W&S services down – what we can do, channeling of calls, etc. Paula said not to go for whole allocation of \$15k on the IMA. Paula asked if 2/3 sounded good to everyone - \$10000 on the IMA negotiations, 5000 on other issues and on a monthly basis we would review the status. Fran said they would divvy it into Phases – whatever work will be billed for that phase. Paula suggested 2 phases – IMA and General. Steve P. added that there can be task subcategories. Paula re-stated that W&S will revise the proposal and provide a new draft for signature. Fran asked about the work session with the Selectmen that had been set up. Discussion followed and it was determined that a workshop at this juncture was premature. Paula will advise Kerry to cancel work session. Bob pointed out that per the Charter, we advise only – Selectmen will sign the agreement. Fran noted that he'll need to know who is at the table – Joe, Sewer Commission or City Council. Bob added that we need to know the Selectmen's issues with the agreement. Paula confirmed that they agreed with the hiring of a consultant. Bob made the motion to approve the contract with Weston & Sampson subject to the revision of the amount for the IMA to no more than \$10,000 and \$5,000 for other issues and, once revised, to authorize the Chairperson to sign on the behalf of the Commission. Carl seconded, vote taken was unanimous.

Paula asked if we could have the final document back by Tuesday, in time to be brought before the Selectmen at their Tuesday meeting. Fran agreed and noted that this project will take a lot of work on the Commission's part. Paula agreed it will be a lot of work, and Steve D. added that everyone knows it is needed. Fran pointed out that often it is the behind-the-scenes discussions can be very helpful to keep it moving forward. If it continues to be a friendly, cordial discussion, it works out a lot better for all. Paula noted that they need to move quickly and efficiently as both she and Steve D. are going off the Commission soon. Fran stated he will provide some bulleted items – conflict resolution, flow cost, capital costs, legitimate support costs- and added that alot of towns pay for the department on the back of the Enterprise fund, passing fees along. Bob asked again, what can be done in the meantime – what type of physical process or information needs to be compiled? Fran said he would put together a list of things we need and what Fitchburg needs to provide. He asked if they have ACO (Administrative Consent Order)? Paula answered that they do. Fran said we could ask for the 1) ACO, 2) Capital Plan – years, etc. 3) Recent Budget with Chart of Accounts – which would list indirect costs & capital expenditures and will also show where they stand with their bonds, the principal and interest. Fran said that if Barb could get these from Fitchburg and forward big chunks of information, it would help. He will talk with Barb on what needs to be requested. Paula re-stated that we will expect the revision and asked Fran when he thought a workshop would be useful. Discussion ensued and decision made to have W&S come back on 2/10 to the Ritter, not as a workshop, but part of the regular meeting. Paula said she would let the Selectmen know in case they wished to attend on 2/10.

Stone Farm - Paula asked Fran for his advise on the issue with a condo development contesting betterments, and gave him a brief history of the Stone Farm issue, adding that the liens were all placed properly and that the new owner is questioning our authority to put liens on the un-built condos. Paula asked Fran, "any knowledge of betterments being overturned"? Per Fran, issues always seem to arise on multi-family and on change of ownership and that this is a question that is better to ask of town counsel. Bob stated that the liens were recorded at the Registry so Fran agreed that the new owner took ownership fully aware of the liens. Paula reiterated that the time for filing abatements has long passed and this was told to him at a meeting last fall. Fran stated that even though a unit may not be built, they can arrange to pay interest only. Paula asked for the clarification that they can't ask for a reduction in the amount of the betterment. Fran advised her to check with Koppelman & Paige. Steve D. said to not spend any more time or money on it until we get a letter from the attorneys. Bob noted that he had studied the title and the application of the betterments. Discussion followed on how taxes and betterments are applied. Paula stated that we will deal with the attorneys if contacted.

CWMP – Paula asked everyone to look at the list of issues¹ and add any that they may still have. Barb noted that the 2nd MEPA filing and the EIR still needs to be discussed. Paula stated that we need to know the cost estimate for the of filing with MEPA and will call Kevin on the MEPA filing and EIR concerns but that it would not before the end of next week. Carl stated that we'd had lots of discussion – would it be possible to close out the report? Paula noted there were certain items on the list that needed to be resolved first and that #'s 1, 3, 4 – needs to be changed in the report – the rest doesn't impact the CWMP. She felt Cross Road needed to be added to the CWMP, but not Hollis Hills. Discussion followed on other items on the list. Paula still wants to look at Table 2-5 with the proposed developments and be sure there are no changes. If anyone has issues to add to the list for Kevin, please send to Barb by Wednesday 1/20 and she will compile the list for Kevin.

Lunenburg Village 40B – Barb informed the Commission that Lisa Normandin had sent Barb's email of 1/8 with our concerns and request to Brian Milisci of Whitman & Bingham and that she had not heard anything back as of 1/13 but that the next hearing on the 40B was not until February 10. Paula noted that for now there is nothing to do. Paula asked if Lunenburg Village was included in the flows in the CWMP? Barb confirmed that it does appear on the proposed development table she had from Marion as of 12/16. Paula still wants to check the table in CWMP.

Mass 2 Pump station – Barb reviewed the recent activity by Corey Down, trying to get pump repaired – whether to rebuild or purchase new – none of the pumps are the same voltages to allow for swapping between stations, nor are they standard, even to the manufacturer. Paula asked about the status of the Purchase of Service account. Barb pointed out that there is the budget sheet in the packages and that we still have a substantial amount in Purchase of Service account. Steve asked about the vetting of the lines. Barb mentioned that both Jim B & Corey D feel it would be better

¹ email to Kevin O. 1/12/10

to do in warmer weather and even Fran in the Water Dept felt the same. All agreed that we didn't need to take chances on preventative care. Paula added that in a conversation with Kerry, it looks possible that we can get the funding from the Meadowoods grant for the 2 variable frequency drives (VFD's) at Meadowoods. Bob said, if that comes through, that our office should send a thank you to the Selectmen's office

Drumm Compensatory Privilege Fee – Barb stated the certified letter had been sent on January 7. Bob reminded the Commission that if Drumm does not pay the \$57,757.35, within 30 days, then Barb will send a document to the Registry for the placing of the lien.

Meadowoods Betterment – Barb stated that the betterment on Meadowoods had been sent out from the Selectmens office and we had received copies from Laura of the mailing. Paula confirmed that the total betterment was \$3,540,081.07

Highfields – Barb stated that the letter that we worked on 12/29 was sent to Kent Oldfield. He called before receiving it and was told that the gist of the letter was that the Commission has never received a plan and had only ever approved an allocation. He said he would endeavor to get us a plan for review and approval. Bob noted that he had received the packet of information from the Planning Board, and there was definitely never an approval from the Sewer Commission nor Selectmen and only the allocation approval. In fact, in one document, it was made quite clear that only an allocation had been approved and that a plan had never been received for review. Hence, if there was no plan, there was no approval.

Emerald Place- Barb clarified that, after the discussion at the last meeting, she confirmed with the Collectors office that only betterments billed to date have been paid – they did not pay off the entire betterments up front.

Sewer bylaw – Paula stated that she had missed the email of 12/22 and is doubtful whether our bylaw will be totally covered under H3468. Paula will follow-up with Jeanne by email and copy Barb

Tri-Town 40R- Barb reviewed the activity earlier that day with the representative of the developer and that, presented with the request to sign off on the Building Department's form, we have no issue with the project as it stands, but that our approval was contingent upon receiving the agreement between Fitchburg and Great Bridge, to confirm that sewer will be handled directly with Fitchburg. Barb will follow up with Mike to be sure he understands that nothing should move forward without a copy of the written agreement.

Other towns - Barb noted that included in the package was information from Pepperell, Westminster and Ashburnham, and their processes in assessing betterments and fees with subsequent developments. Paula asked everyone to review and we would discuss again at the 2/10 meeting.

Administrative matters:

Minutes of 12/29/09 were discussed. Bob clarified that although it is in the minutes that as of July 1, Paula and Steve are off the Commission, it is actually as of the May election they will be off the Commission. Carl confirmed that he would be running as did Bob, ensuring there will be at least two Sewer Commissioners after the May election. Discussion followed as to what would occur if no one else runs for the election and lack of quorum, that the Board of Selectmen would have to appoint members to the Commission for the period remaining before the next Town Election, that the change to the Charter occurred because of a concern as to a possible conflict for a Selectmen to be on the Commission and that the Sewer Commissioners were not even consulted on the change to agree or disagree. Bob stated that it was his opinion that, with the new Charter, although the Selectmen would "appoint" the members, currently elected officials would not be able to be appointed to a second elected position (i.e., Paula or Steve cannot be re-appointed to serve on the Commission after the Town Election). Bob made the motion to approve the minutes, Carl seconded, a vote was taken with 3 agreeing to accept the minutes, with one abstention.

Sentinel subscription – Barb asked if the Commission would mind if she subscribed to either on on-line subscription or delivery because there were articles that were important to the Commission that she was unable to access. All present thought that just reviewing them online on a daily basis would suffice.

Sample invoice – In answer to a question from last meeting, Barb confirmed to the Commission that we charge 12% interest applied on amounts outstanding after 30 days

Town report- Barb informed the Commission that she just received the notice today, reminding the Town Departments that they will need to submit their departments section to the Selectmen's office by 2/26. Discussion followed as to what could be in our submission and that the Town Report mostly covers the calendar year and it is only the Accountants, Collectors & Assessors offices for whom the Town Report follows the fiscal calendar. Some ideas of what should be included were: CWMP nearing completion, hiring of a consultant, and the upcoming openings at Town Election on the Commission.

Flow meters - it was requested by the Commission that Barb obtain the current flow meter readings from Jack to bring to the next meeting.

Motion to adjourn was made by Steve, seconded by Carl, and the motion to adjourn passed unanimously. Meeting was adjourned at 9:13 pm

Respectfully submitted,

Barb Lefebvre, Business Manager for the Lunenburg Sewer Commission