

PB MLC CR SMS

approved
5/27/10

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

Minutes of February 23, 2010 Meeting held at Town Hall:

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

Paula formally opened the meeting at 7:04 pm.

United Solutions – Pat Slattery, of Patrick J. Slattery Architects came in representing United Solutions. United Solutions had gone before Planning Board for approval and had a Public Hearing on the proposal on 2/22. He discussed what United Solutions' plan was for the old Dietrich Industries building, stating that the flow, once the manufacturing aspect is begun, will be about the same as it was with Dietrich since the number of employees (60) and activity is very similar. He had provided the Sewer office with the original plan for Dietrich from 1992, showing with 64 employees, with the flow estimated at 971 gpd. They wish to retain the same allocation going forward. Paula read the February 10th letter from Jim Gareffi, Board of Health, which also indicated an estimate of the 900 gpd for the proposed 60 employees. Discussion followed on the requirements under the inter-municipal agreements, that we are required to provide the receiving town a clearance plan on any commercial enterprise for any change of use or tenant, so they know what is going into the pipes. Paula noted that we had received communication from Ed Zephir, President of United Solutions, stating that he was working on getting us a clearance plan and the Manufacturing layout plan. Pat had provided the office with the manufacturing plan today which Barb had for the Commissioners to review. Paula noted that first, the allocation needed to be approved and asked for a motion to approve an allocation of 900 gpd for United Solutions. Steve made the motion, Carl seconded, vote taken was unanimous. Secondly, Paula stated that the Commission needed to vote to approve going to Fitchburg to get approval of the clearance plan. United Solutions will provide the clearance plan to the Sewer office and we will take it forward to Fitchburg. Steve made the motion to go to Fitchburg to request approval of the clearance plan, Carl seconded, vote taken was unanimous. Paula noted that we are in negotiations with Fitchburg in order to obtain additional capacity and wanted to make sure United Solutions was aware that that is an issue. Discussion followed on what constitutes a clearance plan and determined that the manufacturing layout plan, the diagram of the closed loop system, the proposed flow and the as-built of the sewer connection which Pat believes he had from Whitman & Bingham. Barb will also check with Jack Rodriquez about the connection and the as-built. Once we have received all the components, the Sewer office will compile the information and send it to Fitchburg for review.

Stone Farm – The Commission has received a letter from Stone Farm LLC's attorney, Ken Gurge, requesting information and access to our files. We have up to 14 days to respond on a request for public records. Letter was received on February 17, and we need respond before the 14 day window. Kerry & Tom Alonzo were also copied on this letter and Barb will check with Kerry if they will provide any of the information requested. We have no issues with them looking through our files but advise them there would be a cost to make copies, which we need to determine by checking with other offices. Barb had already requested copies of any MLC's for Riley Road from the Collector's office based on a prior conversation with Paula. We will send them copies of the betterment notices of 9/17/08 and provide to them the exact 6 month abatement period dates. Discussed whether we wanted to involve counsel at this point and decided that it wasn't necessary. We also discussed that any issues regarding balances due should be responded to directly by the Collectors office.

Town Report – The Commissioners had received a draft of the submittal for the 2/10 meeting for their review, with the proposed addition of the rate increase paragraph from the website. Discussed whether sewer district map approved at December Special Town Meeting should be included and determined that no graphics are to be included in the Town Report, so we will leave it out. Commission approved the submission with the addition of the rate increase information with 1 edit and adding the business manager's name at the bottom.

Highfields – Paula reviewed the discussion at the informal meeting on 2/22 between Kent Oldfield, John Godfrey of Highfields, Paula, & Steve. E/one pumps are not an option for this development due to the topography and a pump station is required. Kent & John were advised that all components must reside within the sewer district per our bylaw. They plan to come back for our meeting on 3/10 with a revised plan. Once received, we will have a peer review done by Weston & Sampson. Steve noted that it is obvious that the Sewer Commission must be involved in these projects from the ground floor – that we would have had more say in the design if we came in at the Development Plan review. Discussed the ongoing cost of maintaining a pump station, needing to obtain maintenance cost of a similar-sized pump station (29,000 gpd) and if there is any way to recoup the costs with a fee to the developer or to the residents of the subdivision without impacting other sewer users with the cost. Discussed development and/or impact fees and the steps necessary before adopting them. Paula noted that their original design called for a much larger wetwell to accommodate future growth and they made it clear to Kent that they want it designed for the 66 homes only.

Lunenburg Village 40B – Discussion of Brian Milisci (Whitman & Bingham) email received 2/9 with proposed flow. Plan was received by the office today from the ZBA. No pump stations with this plan – all gravity system. Regarding the newly adopted project review fee, the Commission is unsure we can invoke that on the 40B project. Barb to check with ZBA on whether the project would be able to cover the peer review. The ZBA is holding

a public hearing on the 40B on March 10, same night as our next meeting, and we were asked to send a representative to the hearing with our concerns. The plan needs to go for review first. We will craft a memo to that effect addressed to the ZBA that we are checking to ensure that the plan complies with the Sewer Commissions rules and regulations and that we will be in contact with them regarding our findings. Need to check with Weston & Sampson for the cost and timeframe of reviewing the plan. They also need to look at the feasibility of installing sewer on Ramgren Rd and Pleasantview Ave during this review.

Meadowwoods - VFD's – Karen B. met with Jim Lavin earlier today – he has taken the quote back from Hall Pump for \$15,800 for 2 VFDs for Mass1 and will advise if it can be covered by the project. Steve's concern is that the VFD is the correct configuration for the power and needs of Mass 1 and would like Weston & Sampson to review the specifications, even if the result is additional cost to be borne by the Enterprise Fund. It is worth it. **Sewer betterment**– betterment paperwork was recorded 2/9/10 and apportionments will begin for 4th quarter of FY10.

Sewer district map – Discussed the new map and whether additional maps should be printed up, either in 8 ½ x 11 format or larger. Commission agreed that a few larger maps would be helpful (smaller ones are not). We will get prices of getting a couple 11x17 color maps printed up.

Peer Reviewers – Paula discussed the proposed policy change to make peer reviewers "temporary municipal employees", originating with the Planning Board. It was the agreement of the Commissioners that they would not be in favor of such a change. Basic conflict of interest policies should be followed, eliminating the need for such a change.

CWMP – Kevin Olson will be providing the Commission with an electronic copy of Phase IV reflecting the changes requested. Kevin and Paula are working to set up a time to discuss the 2nd MEPA filing and the proposed cost.

Sewer by-law – Paula is waiting to hear back from Jeanne who is waiting on Jen Benson's office. The legislation has been filed, but we are unsure of what was submitted and whether it touches on all the points that we intended to cover by the passage of the Sewer districting bylaw, approved at the May 2009 Town Meeting.

Tri-Town 40R - Jim Gareffi's memo to Mike Sauvageau was copied to Marion 2/1 & Jack as requested at the last meeting. Weston & Sampson's concern of 2/23 that this development will never be our issue (backups, pipes replaced, etc) was discussed. Paula mentioned that Fitchburg has expressed interest to Kerry in Lunenburg handling the sewer & billing going forward.

Administrative matters:

Betterment deferral application– A Betterment deferral application had been received on 2/8/10 for 15 Hamlin St. This is the 2nd year of application. The Statement of Entry was recorded last year, but an application must be filed each year once the actual bills have been sent out and requires approval by the Commission each year. Bob made a motion to approve the application for the deferral, Steve seconded, the vote taken was unanimous.

Emerald Place – Carl Pearson, Global Properties, had been in to the office on 2/23 for sign off on building permit form. The building permit application is for 144 units, but their plan was to obtain permits to connect to sewer with Jack on 2/25 for 34 units only (1 building of 20 units, and 14 townhouses). The Commission took issue in that in order to have a building permit, you must have sewer, so the same number of sewer permits must be obtained if they want the permit to construct for 144 units. Barb will advise both Carl Pearson and Jack of their request, and also verify with Jack that he has no outstanding concerns regarding the plan submitted in 2006.

Compensatory privilege fee for 419 Sunnyhill Rd – Commission reviewed the correspondence from Bill & Susan Drumm, owners of 419 Sunnyhill Rd., regarding apportionment and the claim disputing the number of possible building lots, but no new plan has been received. The Collectors office was copied 2/9 on the recording of the lien and the Drumm correspondence regarding apportionments. No formal abatement requested, but duly noted that the correspondence was received within 30 days of the notice. Bob to check the abatement period per our betterment bylaw.

140 Leominster-Shirley Rd – Commission reviewed the chronology of events regarding Gitto Global/S&E Polymers billing history at 140 Leominster Rd. Steve made the motion to forgive the interest on the account if S&E agrees to pay the principal of \$4120 on the 2 outstanding invoices. Bob seconded the motion. Vote taken was unanimous. Discussion followed on the format and content of the MLC's produced by the Collectors office and the Commission wishes to be sure that all costs, including the Sewer Usage, be included on the MLC's. Also, the Commission requests that the MLC's note that the Final Readings be obtained for sewer upon a change of ownership and asked if the business manager would send Jeff Ugalde, Collector, a memo regarding the same. Bob agreed to work with Barb and talk with Jeff also on the MLC issue.

Minutes of 1/26/10 - Minutes of 1/26/10 were reviewed. Steve made a motion to accept the minutes, Bob seconded. Vote taken was unanimous.

Warrants/bills for signature - Commitment/Warrant from January billing and the Koppelman & Paige invoice, adjusted with the removal of legal counsel for the betterment recording on the Meadowwoods project, were signed off by the Commission.

357 Electric - The notice of auction for the JCJ property at 357 Electric Avenue was discussed. The site has access to sewer and a betterment, but no connection.

Workshop with W&S – It was noted that the workshop with Weston & Sampon regarding the Fitchburg IMA is scheduled for this Thursday at 5:30pm. It will be short as there is a budget meeting at 7pm at Town Hall that both Steve & Paula need to attend.

Budget FY11 - Barb will be working on the Activity reports for the budget process and plans to focus next week on the budget to begin discussion at the meeting of 3/10. Commission requested that we ask Jack to attend that meeting on the 10th so we can discuss in depth the expenditures on the budget. Not sure if Kerry needs to attend at this point. Paula pointed out that with the IMA negotiations before us both the costs of the IMA's and the costs of sewer usage will change. Not sure if they will be impacted in FY11 or FY12. We may have to have a budget workshop between the

meeting on the 10th and our next meeting 3/29, for which Paula will be out of town. It is unclear what the deadline is for presentation to FinCom. We'll get the word from Kerry when the budget is due and we need to invite John Male, our liaison with the FinCom, to our workshop. Carl pointed out our income will be as difficult as estimating expenses as to timing of these big projects and the connection fees and usage. We still need to revisit the costs of outsourcing the maintenance of our system. Paula noted that with the initiation of the activity reports we have a better handle on the time spent on the upkeep, maintenance and emergency response. Steve will talk with Leominster on who they outsource to and a ball park figure of the costs.

Caucus - It was noted that the Caucus is coming up – on March 15th and another plea made for interested parties to run for Sewer Commission.

264 Prospect - Carl noted that "The Diamond" property at 274 Prospect, originally part of Whalom Park is for sale – 3-4 acres, proposing 18-25 units. No allocation has been approved but they are on the sewer line and had multiple betterments assessed.

Motion to adjourn was made by Steve, seconded by Carl, and the motion to adjourn passed unanimously. Meeting was adjourned at 8:26 pm

Respectfully submitted,

Barb Lefebvre, Business Manager for the Lunenburg Sewer Commission