



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

approved  
5/27/10

Minutes of March 10, 2010 Meeting held at Ritter Building:

*Present: Paula Bertram – Chair, Steve DeBettencourt-Vice Chair, Carl Luck-Clerk, Bob Ebersole-member, Barb Lefebvre- Business Manager, DPW Director, Jack Rodriquenz. Fran Yanuskiewicz of Weston & Sampson was also in attendance unofficially.*

Paula formally opened the meeting at 7:04 pm.

**Highfields Village (George Smith, John Godfrey, Kent Oldfield)** – Kent started by reviewing the 2/22 informal meeting between himself, John Godfrey, Paula and Steve in regards to the Highfields development and the proposed 66 units. He also did a brief history of the project, from the original plan to have the access on Mass Ave, and having to move the access road to Northfield Road. He discussed that the sewer access point will be down Pope Road, which is also the emergency access to the development. He noted that prior to the meeting on 2/22 their plan was to have the pump station on Northfield Road, until they learned that that was outside the sewer district and it would have to be moved to within the district. John Godfrey spoke about being the financing behind the project, and described how when the developers were told they could not have access to Mass Ave, he went to John Saliba and arranged the option for a right of way through Saliba property to access Northfield Rd. A stipulation of his agreement with Saliba was that there would be a sewer to which he could connect, although he made no promise to connect. With that agreement in place, they re-designed the development, adding the area known as Blueberry Hills to give them 66 units. Since the meeting on 2/22 they have re-located the pump station to the junction of the Blueberry Hills lot and the Leverone property and within the sewer district. They have also reduced the size of the pump station to accommodate only the 66 homes as was requested 2/22. Discussion followed as to why E-one pumps were not chosen, which would alleviate the need for the pump station. Kent stated that E-one is better for smaller developments and that gravity pipes are less likely to break than 2" low pressure pipes. Jack Rodriquenz agreed with Kent that for this development, E-one's would not be a feasible option. Paula inquired whether we'd found out what the cost to maintain a similar sized pump station was and Barb said she had referred that question to Weston & Sampson. Kent noted that he was sensitive to the cost of the pump station and mentioned there may be some creative financing options to hold some monies in escrow for ongoing maintenance. Discussion followed on the number of homes that could be gravity or low-pressure which led into the discussion of gravity line to Maple Parkway. Kent had no issue feeding gravity sewer down to Maple Parkway, but believed it was over-ruled previously by Conservation as the pipes would have to cross wetlands. Jack said the wetlands could be circumvented, that we would like to solve as many issues at the same time as we can. Maple Parkway needs help, and with this project that could be accomplished. Paula asked Kent to do a cost analysis, comparing the 2 options to see if it would be possible to help Maple Parkway which is in dire need of sewer and road repair. Discussed the entry point at White Street & Mass Ave. John Godfrey spoke to the fact that they can't take on the road repair, but they could put in the sewer and we could pave the road – win/win. Paula asked for a followup meeting once the cost analysis had been done. Kent will get back to the Commission.

**Lunenburg Village 40B** - David Sanderson representing PSC was present to discuss the 40B and their peer review of issues with the project. They originally had issue with lots of individual pumps and had recommended a pump station, but after listening to the previous topic, knew that that may be an issue for the Town. Several issues present themselves: 1) pump station vs gravity pipes and 2) connection fees. Paula asked Jack to speak regarding his concerns for the project. Jack had it clarified that these were single-family homes (not condos) and eventually the road would become a public way, so there was no "association" to take over ongoing costs of maintaining a pump station. He also brought up the connection to sewer at Piedmont and stated that they'd like to connect Pleasantview - again, a road in dire need of repair and sewer. Sewer was designed to be brought to head of the road and Dave believed that they planned to bring sewer down Pleasantview. Paula asked that, at a minimum, they would like to see a cost analysis to consider sewer Pleasantview at the same time. Dave stated, per the plan, 5 houses were to be connected to the Piedmont connection, 6 to the Lesure Ave & 53 to Whalom Rd. . Jack added that Ramgren Road abuts the land and has the same topography as Pleasantview. A copy of the plans were pulled out and looked over. Steve inquired why all homes could not be tied into gravity sewer and Jack suggested ½ could go down Ramgren and ½ down Pleasantview, and not down Piedmont. Steve pointed out that easements are not permitted per the bylaw. Paula asked that they look over our sewer bylaw and we have another meeting. We need to put together a list of issues, bring them before the peer reviewers and have another meeting with Jack and the Commission, along with PSC. Question arose how long we had before a decision would be made. Fran noted that it could be extended if the proponent requested such. Paula asked Dave to communicate their issues to the ZBA. Jack also brought up the drainage and stormwater issues and discussed the issues to consider. Paula stated that the Selectmen and Kerry need to do up a memo on the stormwater issues. Dave asked if the Commission had a response and Paula noted that we'd just received it that evening, would need time to review and that we would put together a memo back to PSC of our issues.

**Robert Proctor** – Bob came before the Commission to discuss a couple different extensions to the sewer, including Hollis Road & Sunnyhill Road. He wanted to know if they employed Whitman & Bingham in the design and paid for the extension themselves, would they would have to pay betterments or privilege fees? Discussion followed on the process and whether or not betterments or privilege fees could be charged. Paula stated that this was a matter that the Commission needed to discuss prior to making any decision tonight. Bob P. also took issue with the drain layers application and the requirement to have it notarized each year. Bob E. pointed out that it is the Indemnification clause that requires the notary seal and that the language could be easily changed to carry over year after year. Bob E. will work with Barb on the drain layers application. Discussion reverted back to the sewer extensions and the timeframe for the determination by the Commission. Paula confirmed that this didn't affect connection fees – that they would still be payable. Bob E. stated we need to make the decision and put it out as formal policy. Paula told Bob P we would discuss the issue at our next meeting and get back to him, that he would be put on the agenda for the following meeting.

**Jay Simeone** – Jack introduced Jay as a potential candidate to run for Sewer Commission. Jack has gotten to know Jay from his serving on the Committee for the DPW building renovations. Paula stated that she also knows Jay from serving on the Hickory Hills board with him. Jack had high praise for Jay. Bob Ebersole reminded Jay that the Caucus was on Monday, March 15 and there is a total of 5 positions, 2 for 3 year terms, 2 for 2 year terms and 1 for 1 year term. Jack asked Carl if he was running for the Commission. Carl answered in the affirmative. Jay stated he was interested in the one year term position. The Commission welcomed him and thanked him for his interest in serving.

**Emerald Place** – Barb stated that 34 permits were taken out and paid for, and reviewed the issue in the prior week with the developer wishing to take out 144 building permits but only 34 sewer permits to connect. Paula reiterated that it is necessary to have a sewer permit in hand to obtain a building permit. Paula thought it had already been voted into policy. Paula noted that an applicant cannot obtain a building permit without an approved septic system through the Board of Health and that this is the same thing. Jack thought that the only approval needed prior to building permit being issued is to confirm that sewer is available. Paula asked that a motion be made that connection fees must be received prior to an applicant receiving a building permit. Steve made the motion, Bob seconded. Discussion followed regarding the control we have in receiving connection fees once a building permit is issued. Jack stated that he is present at every connection, even at Stone Farm or when each connection is made at Emerald Place to ensure it is done correctly. Bob asked if we didn't do it prior to the building permit, when would we catch it. Jack stated we would catch when occupancy permit was requested. Barb pointed out that in the package, she had updated both the Sewer Rules & Regulations and the Connection Charge policy to review with the proposed change: *An Application for Permit to Connect must be submitted, approved and appropriate permit fee paid before the Sewer Commission representative signs off on the Building Permit checklist, issued by the Building Department.* The Commission reviewed and Paula asked that the clause "for each unit to be constructed" be added. Commission also determined that it only needed to be added to the Sewer Rules & Regulations/Section 7, and not the Connection Charge Policy. Paula asked for a vote to approve the addition to the Rules & Regulations with the stated amendment. Vote was unanimous.

**United Solutions** – Barb noted that Jack had brought the United Solution package of information to Joe Jordan in Fitchburg for approval on 3/5 and we had gotten an email back today from Joe that they are okay with the plan but request walk-through when manufacturing is being introduced. Barb will advise Ed Zephir at United Solutions. Jack mentioned he had already spoken with Pat Slattery and conveyed the same message.

**CWMP** – Paula stated that she had talked to Kevin Olson today and discussed the 2<sup>nd</sup> MEPA filing. Paula reviewed the events of the Notice of Project Change filing that Wright Pierce did on the town's behalf for Jay, and that Wright Pierce had sent a letter requesting additional monies for work done outside the original scope of work, including \$4000 for the 2<sup>nd</sup> MEPA filing. Kevin agreed to subtract another 12%, which is their profit amount, and they will do the 2<sup>nd</sup> MEPA filing. We will have to pay \$4000 – 12% (\$3520.00). Paula was concerned if we had money in Purchase of Service for this amount, but Barb pointed out a portion of that was included in the money we raised from Retained Earnings at the Special Town meeting in December 2009. Paula asked if there was a motion to approve a second MEPA filing. Steve made the motion, Carl seconded. Vote taken was unanimous. Paula asked if everyone had reviewed the electronic version of the amended CWMP and response to MEPA comments sent to them earlier and if there were any issues or concerns. All agreed that no issues remained. Paula asked for a motion to tell Wright Pierce that they can finalize the CWMP. Steve moved, Carl seconded. Vote taken was unanimous. Barb will advise Kevin that he can go ahead and finalize the CWMP and move forward with the second MEPA filing.

**Lunenburg Village 40B** - Barb asked to return to Lunenburg Village to request Weston & Sampson's aid in determining what the privilege fees for the project would be. Paula pointed out, per the ZBA's draft decision received, that the developers of the 40B have agreed to pay the privilege fees in addition to the connection fees. Barb noted also that the connection fee was transposed as \$1670.00 and we need to let them know. The current betterment bylaw was read aloud and major discussion followed on betterments and privilege fees, condos vs single family, extensions vs. 40B. Bob E. pointed out that the \$1,000,000 that we put aside at the time the betterments were assessed applies to those parcels having current access to the sewer and we can collect no more than that amount on the development of those properties. Properties, such as those Bob Proctor is proposing, were not on the original line so would not be subject to that cap since those properties were not originally assessed a betterment. Fran confirmed that Lunenburg Village would be a privilege fee, not a betterment, since the development was above the use originally assessed, and that Bob Proctor's homes would also get a privilege fee, due to the fact those properties were never assessed a betterment. Discussion continued that the Commission needs to devise a formula and asked Fran Y. of Weston & Sampson if his firm could help the Commission to determine formulas for each of these types of situations. Paula asked if Fran could find out what other towns that they work with have done. Paula stressed that what we do now will affect many other hookups in the future and we need to have a well thought-out plan.

**Budget discussion** – Paula asked Fran what they should expect by way of IMA costs for FY11 and Fran was unsure this would be resolved in time to be considered in setting up the FY11 budget. There is still another conversation with Joe and they will be sending Fitchburg a list of issues. When

they hear back, we'll have a better idea of costs and options. Discussed capital improvement and their effect on rates in Fitchburg, and that the IMA in Leominster is not on the radar yet as far as negotiation of new terms. Needed to table discussion of the budget for now, due to the late hour. Meeting times were discussed. Neither Carl nor Paula could attend the meeting Tuesday, 3/23, rescheduled already from 3/30 since the Selectmen needed the Town Hall that night to review the warrant, so it was determined that we'd meet Thursday, 3/25 for a budget workshop 6-7pm, then the regular meeting to commence at 7pm. Steve will lead the meeting since Paula will be away 3/18-3/30. Jack Rodriquez will also be away 3/17-3/23.

**Town meeting warrant** - Barb noted that we were just advised of the 3/12 deadline for warrant article submission and asked if there were any articles we needed to submit. Paula wanted to make sure that the standard one for the Enterprise Fund was included and Barb will check with Laura. Discussed whether an article should be included to edit the betterment by-law due to the discussion this evening and it was determined that we should put in a placeholder for now.

**419 Sunnyhill Rd** – Barb advised the Commission that the Building Department had received a plan back in late February which the Sewer office just received, but it was inconclusive. In her conversation with Mike Sauvageau, Building Inspector, he stated that the plan still shows that 5 lots are possible. Plus, it was not an approved plan, containing no signatures by the Planning Board.

**Sewer by-law** – Paula reviewed the recent activity regarding the Sewer bylaw, passed at Town Meeting last year which went before Special Legislation in an edited form. It became evident that the wrong draft was submitted to the legislation for approval. House counsel has since approved of the changes and it will go before the House for vote again. Paula reviewed for Fran and Jay that the bylaw limits capacity to 330 gpd (or 1 unit) for undeveloped lots and is based on available capacity. Paula stated that the legal fees from this recent flurry of activity might be of good size, both with her conversations with Jeanne McKnight, but also Jeanne's time spent on the legislation and with house counsel, Joanne Campo.

**Stone Farm** – Barb advised the Commission that a letter was sent to Atty. Ken Gurge who was not actually invoking a formal public records request. It is still on an informal basis for now. In the letter, Barb did state that they may have to pay for copying and labor if it is necessary.

**Meadowwoods** – Barb reported that Karen had not yet heard from Jim Lavin to confirm whether the costs of the VFD's at Mass1 would be covered by the project. Barb also mentioned to Jack that the Commission had hoped that Weston & Sampson could look at the specifications that Hall Pump was proposing to ensure that it will be a design to maximize the benefits for the pump station. Fran said he and Jack could talk offline. Jack also mentioned that with the recent weather the heavy rains had tripled the flow through the flow meters. The Commission discussed with Jack & Fran what tests can be performed to determine the problem areas. Also discussed was the potential I/I in Leominster from the residents who never swapped out their old clay pipes from the previous system for the PVC piping.

#### **Administrative Matters**

Barb will be away for the meeting on the 14<sup>th</sup>. Paula asked if we should re-schedule. Bob stated that he would take notes. They will discuss at the next meeting if the meeting on the 14<sup>th</sup> will take place.

Barb reminded those present of the Town Caucus on 3/15, and discussed how the notice about the Commission was on our website and also the Town's home page. Carl confirmed he was running, as did Jay Simeone. All 3 plan to attend the Caucus.

Barb noted that the Sewer Project application form originated by the Planning Board was in their package to review and discuss at the next meeting. Barb asked about the minutes of 2/23 which were sent to the Commission for review 3/8. Not enough members had read them, so they were tabled until the meeting on 3/25.

Barb advised the Commission that the principal on the account at 140 Leominster-Shirley Rd account/ S&E Specialty Polymers had been paid and the interest forgiven. Payment was received on 3/8.

Flow meter readings had been entered onto spreadsheets and were provided to the Commission and Jack. Barb will send them to Fran electronically.

Activity reports for 9/1-3/8/10 were in the package for review by the Commission in advance of the budget discussion at the next meeting. Koppelman & Paige invoice was approved for payment.

Bob brought up that he had spoken with Jeff Ugalde regarding Municipal Lien Certificates (MLC's) and that they will include sewer usage and betterment amounts, and will refer people to call the Sewer Department for final readings. Barb handed out a copy of a current MLC.

Motion to adjourn was made by Bob, seconded by Steve, and the motion to adjourn passed unanimously. Meeting was adjourned at 9:53 pm

Respectfully submitted,

Barb Lefebvre, Business Manager for the Lunenburg Sewer Commission