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*ME*      *JB*      *SMD*

*approved 5/27/16*

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

Minutes of April 27, 2010 Meeting held at Ritter Building:

**Present:** Paula Bertram –Chair, Steve DeBettencourt-Vice Chair, Bob Ebersole-member, Jay Simeone-member, Barb Lefebvre- Business Manager, DPW Director, Jack Rodriquez

**Absent:** Carl Luck-Clerk

Paula formally opened the meeting at 6:05 pm. Jay advised Commissioners that he had not yet been sworn in, so it was determined that he could not yet vote at this meeting.

**Lunenburg Village** Dick Heaton of H&H Assoc. was present. Brian Milisci of Whitman & Bingham came mid-meeting. Paula was concerned that no one had contacted Gary Lorden to advise that the meeting time had been moved up to 6pm and asked Dick to call Gary about the time change. Proforma had been received and information from Dick Heaton. Carl had sent an email with input that Paula read to members that he would prefer the lines be run on homeowners association land not under paved way and concern on the precedent for waiving fees on the low-income properties. He would prefer either a discount or preferably a policy. Paula noted that not waiving fees would render the project uneconomic, plus advantages that we obtain by sewerage Pleasantview outweighs precedent. We will make the argument that the fees were waived in exchange for installing sewer in an area of need as specified in the CWMP and was a result of negotiation. Bob wanted to make sure that the wording notes the specifics of this pro forma on the development as to the affordability. Percentages of the pro forma provided by Dick Heaton were reviewed. Paula noted that per the pro forma response by the applicant's attorney that they are willing to move forward, installing a sewer line on Pleasantview with the DPW paving the road and they estimate the value to be \$75,000. There is a concern about the water line, but that isn't a Sewer Commission's issue. Jack noted that the area is served by Leominster water. Dick noted that it is a small line – only 2 1/2" which Jack added had been present for at least 15 years. Steve's concern is to ensure that Pleasantview gets sewerage, or there would be no waiving of fees. Paula said that the ZBA could put it in their decision as a requirement. There are 16 affordable units and the value of the betterments on those units is \$184,824. Per Dick, the sale price of these units would be reduced so the saving would be passed on in the sale price, not necessarily a 'windfall' to the developer. Paula stated that if we don't waive these fees, although ZBA could waive something else, we could render this project uneconomic. If we do that, it will go to HAC and we will have to live with their decision. Up to this point, applicant has been very willing to work with the town and it is a 'friendly' 40B. Jack raised issue with the curbing – they have as granite. They can reduce the cost of this project by using asphalt curbing which the DPW prefers. Bob pointed out we should stay within our jurisdiction. So, as far as our concerns, we know the cost of sewerage and re-grading is \$75,000 which we could take right off the \$184,824. As far as waiving the remainder of the fees, Bob said we could leave it at that, to make the project more affordable. Paula confirmed that at the last meeting, we did not want to waive the connection fees and that that hasn't changed. Dick concurred. **Paula asked for a motion to waive the \$184,824 in betterment fees on the 16 affordable units based on the requirement that Pleasantview be sewerage and road re-graded. Bob made the motion, Steve seconded. Vote taken was unanimous.** We will get a memo to the ZBA Wednesday for their hearing tomorrow night. Paula asked Dick to contact Gary and advise him of the meeting's outcome. Barb questioned whether Ramgren Road was out of consideration. Paula confirmed it was. Bob wants to have a separate discussion on assessing betterments for Pleasantview, as it is similar to Bob Proctor where the sewer improvement being done by someone other than the Town. Question is: when can we assess the betterment or privilege fee? Steve said we cannot – it is a capital improvement cost. All we can do is apportion a partial cost of putting a main line in. We had talked with Fran on the \$2000 cost or the capital improvement cost. Steve was also concerned that cross-connections are put in when the sewer line is laid and asked Dick. Dick confirmed that that is included, running line to the laterals to the property lines for all house lots. Barb asked if we had determined where the lines should be laid. Lines are not that deep, can be under pavement, and must be 10' from the water line. It was determined that that would be part of the discussion for peer review. The 4 points in the minutes from the last meeting should be incorporated into the ZBA memo as well as the waiving of fees for the affordable units. This provides us the opportunity for peer review of the plans and input.

#### **BUDGET FY11**

Discussed whether to increase of the connection fee revenue due to Fitchburg's proposed increase or not. Discussed needing to justify the fees we charge. The expense line for Fitchburg connections was reduced by \$1000 to account for the fact that inspection costs had been originally included. New amount for connection fees payable to Fitchburg is \$9000. Also discussed the grant for Meadowwoods and need to provide the basis of the connection fee in order to get refunded. The penalty and fees line item for revenues was corrected, increasing it by \$300. Given the budget approved at the 4/14 meeting, plus the \$1300 in changes, the new amount to be raised from Retained Earnings is \$92,001.71. Barb will update the spreadsheet and get it to FinCom. Steve asked if it could be more legible. Commission discussed how the 20% increase was brought up at the Selectmen's meeting and that Steve did well responding to it. Discussed the rate increase insert and adding some information about the plans to remediate the I/I issue to be included in the insert. It was discussed that the flow has increased and that we have to make sure our users understand that sump pumps and roof drains draining into the sewer lines is illegal. Also confirmed that the rate increase is effective 7/1/10 and would be reflected in the October 2010 billing. Jack had met with Roger Brooks from Leominster and Jack will be speaking with the Dept of Environmental Protection (DEP). DEP understands the I/I problem is not as much infiltration from leaky pipes as it is bad practices by the users of the systems (i.e. illegal sump pumps, roof drains, etc) Roger understands that if they go solely by meter readings including I/I that it would triple our rates and put us out of business. Barb asked if we needed to vote on the exact amount to be raised at Town Meeting for the Enterprise fund. Paula asked for a **motion to accept the budget with the changes discussed, Bob made the motion, Steve seconded, vote taken was unanimous.** Bob asked Barb to put the Retained Earnings contribution at the top in the revenues section. Commission discussed the makeup of the enterprise fund and if

we were able to move \$ from one line item to another. Barb believed it was permitted but will check and confirm with Karen. Barb brought up the letter from the DOR that Karen had shared earlier, stating that it will be necessary for the betterment fund to be combined with the Enterprise Fund. Paula was concerned that those lines must be added to the budget for town meeting. Barb will check with Karen if it needs to be included at this time.

**Town meeting warrant** – Barb stated that the change to the betterment by-law had been entered into the warrant (Article 16) although the Commission had decided in a previous meeting that it would not be addressed at this Town Meeting. Barb just wanted to clarify that the article would be passed over. Paula agreed that it would.

**Appointment of Jay Simeone to the Sewer Commission** – Paula welcomed Jay who had been appointed to the Commission effective 4/6/10.

**Town election** – it was noted that there are 5 candidates running for the 5 positions on the Commission – Carl Luck, Bob Ebersole, & Jay Simeone currently serving, and Butch Bilotta and Dave MacDonald who would be new to the Commission.

**Minimum charge policy** – It was discussed at the last meeting for a hardship situation, when the water meter was off whether we should charge a minimum charge. Barb had looked at how many accounts might be impacted and determined there was less than 20 accounts at a given time. Those present were reminded that our minimum charge is \$67.50 per quarter. Discussion followed whether there should be some sort of fee, how to communicate when it is turned on or off, if a resident installs a well, how Leominster charges and if they have a minimum charge. Steve noted that some of these residences have been vacant for a long time. Barb clarified that if the meter is off, there is no charge. Steve added that there has to be no flow also during the quarter. If there is flow, we need to charge them for it. There has to be zero flow and the meter off for us to waive the minimum charge. If the meter is on and there is no flow, there is still a minimum charge. Bob supports waiving the fee, but couldn't vote since his name was on the meters off list. He will abstain. Steve made the motion to waive the minimum charge when the Water Department meter is off and there is no flow during the billing period and keep monitoring the list from the Water Department. Paula seconded. Vote taken.

There were two votes for waiving the minimum charge, 1 abstention. New construction is another issue. We will note the connection date, and as soon as there is flow, it is billable, but we will continue to prorate by the number of months in the initial billing period that they were connected, if the flow is not over the minimum 1000 cf.

**Meadowwoods grant** – 1) VFD's – Jack confirmed that the VFD price is all set, price is the same and confirmed that they will be covered under the grant. 2) Connection fee reimbursement Jim Lavin had asked Karen for the basis behind the \$123,200 in connection fees that were paid to the Commission for the 70 units in order to get it refunded through the grant. As far as the connection fee is concerned, Paula believed we can only put in for the \$750 because the grant will not cover town labor. We need to define what is in the connection fee besides the fees we paid to Leominster. We cannot say it was engineering costs as the town has already submitted the charges for Earth Tech's costs. Jack to work with Karen if the grant includes all the engineering costs that were submitted by Earth Tech and Defelice – can we submit for their inspection costs to justify the connection fee? What were the costs for engineering that were paid for under the grant and what did they cover? Jack asked about administrative costs and whether that is labor? We've got the VFD's and Leominster's connection fees. If our out-of-pocket costs are covered, that's good. Not sure if we can base it on Title V costs – may be irrelevant for this discussion. Barb noted that she needs to be focused on getting the April billing done. Paula said this grant money is a priority – we cannot lose this money. If nothing else, we'll get the \$750.

**Fitchburg IMA** – Barb confirmed that a new electronic copy was sent to all Sewer Commission. Some received, some did not. There is an issue with Barb's emails and attachments not coming through. Bob noted on the IMA that it needs to be addressed that the capital has been built into the rates and we are billed separately on top of that. Commission concurred that it needs to be backed out or it is a double-billing. Bob stated that he would recommend through the board of selectmen to fight this one section – everything else looks good. Paula concurred.

**Administrative Matters** – Paula approved Koppelman & Paige invoice for payment. There was not time left to sign off on minutes, but Barb expressed her concern that they be approved at the next meeting before Paula and Steve leave the Commission. Paula confirmed that the next meeting was on Wednesday, May 12 and asked if there was any reason to have an additional meeting or can we handle everything on the 12<sup>th</sup>? Barb noted that we had to discuss sewer extensions on the 12<sup>th</sup>. Bob stated that Fran had questions on the wording with the \$2000 figure and asked Barb to ask Fran for a recommendation for our justification for a sewer extension for a private betterment, what fee we can legitimately charge on privilege fee? Jack is going to see them Thursday morning if we wanted to give him something to give Fran. Bob wanted to know what we should do on sewer extensions - if it means we have to have a workshop on that one thing, it is big enough to merit a workshop – we have Bob Proctor, etc. Paula agreed that it would be good to do now with the current Commission as it is something we have been grappling with for a long time. To do it with a new commission would be tough. If it could be finalized before they leave, it would be good. We need to know how to deal with requests for an e-one pump, etc.

Barb asked about Mass. Ave connections and whether there is any cost to them as far as privilege or betterment. Steve stated that there is no cost for a betterment. Jack noted that capital costs must be considered for a development, but most abutting properties have already been tied in. Jack stated that it was an agreement with Steve & Mike & Joe that they can tie in any time they want, as long as lateral was brought to the property line. Paula noted that was a previous decision of the old Sewer Commission. No privilege fee should be assessed but Jack White's development is a different situation. If they don't have a lateral, that's another issue. Jack mentioned Baskets, Baubles & Beads has no lateral, but they have 18' of ledge if they want to install one.

**Motion to adjourn was made by Steve, seconded by Bob, and the motion to adjourn passed unanimously.** Meeting was adjourned at 7:15 pm. Next meeting is May 12 at the Ritter.

Respectfully submitted,

Barb Lefebvre for the Lunenburg Sewer Commission