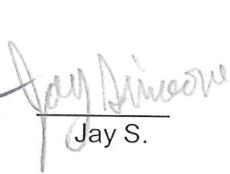


TOWN OF LUNENBURG
SEWER COMMISSION
960 Mass. Ave.
LUNENBURG, MA. 01462


Carl L.


Bob E.


Jay S.

5/12 mins.
w/ Bob's
edits of 6/8

Minutes of May 12, 2010 Meeting held at Ritter Building:

Present: Paula Bertram –Chair, Steve DeBettencourt-Vice Chair, Carl Luck-Clerk, Bob Ebersole-member, Jay Simeone-member, Barb Lefebvre- Business Manager, Jack Rodriquez- DPW Director, Fran Yanuskiewicz-Weston & Sampson

Paula formally opened the meeting at 7:03 pm at conclusion of Workshop with Weston & Sampson.

Lunenburg Village 40B – Commission discussed whether to require the developer to provide backup generators for the E-one pumps and determined that it was not necessary. Paula asked for the motion NOT to require backup generators, Bob so moved, Steve seconded. **Vote taken was unanimous.** Paula sent Dan Hill, attorney for the ZBA, an email as they were meeting this evening at Town Hall to discuss the 40B and advised him of their decision.

Fitchburg IMA - Commission continued the discussion from the workshop of sections of the IMA that Weston & Sampson had adjusted. Discussed that the total flow estimated in 2026 to Fitchburg per the CWMP is 251,800gpd. I/I charge from previous IMA was removed and replaced with "excessive" language. Fran reviewed the 1.65 surcharge, metered flow, and getting a copy of the Fitchburg's budget currently and then annually. Fran will provide Barb the wording to send a letter to Joe requesting the budget information. Paula asked when the Selectmen should be involved and Fran recommended that it be before we go to Joe Jordan. Fran pointed out it should be in executive session as a contract negotiation and not a workshop. Agreed to do it at 6pm before the next meeting 5/25, if the Selectmen are agreeable. Steve said it should be a de-briefing since they have signatory authority. Barb needed to confirm that it would be an executive session, not a workshop. Fran confirmed that, even if we hadn't received anything budget-wise from Joe Jordan, that we would go ahead with the meeting. All agreed and determined to discuss moving ahead with the IMA if the budget information is not received with the Selectmen.

Dave MacDonald (candidate for election to the Sewer Commission) asked to revisit Section 16, connection charges and the timing for payment to Fitchburg. He would like to recommend that we pay Fitchburg at the issuance of the certificate of occupancy, otherwise we'd possibly be paying a year before the connection. Point was raised that not all connections are for new construction. All agreed that we would change it to when the sewer Certificate of Completion was generated. For a project the size of Emerald Place, we could issue a blanket certificate of completion for the project. Commission discussed a cap on Capital Costs, that it appears in the Leominster IMA, but not Fitchburg, but we will have the John Fitch Highway cost instead.

Connection charge definition – The commission was provided a copy of the memo to Jim Lavin of (RD-Rural Development) containing description of the charge, backing out the labor that Fran had helped us develop. Memo spells out the minimum connection charge of \$1760 could be reduced by \$100 for the inspection fee & \$10 for the permit fee as the only labor costs in the connection charge, leaving \$1650 per unit that we expect for reimbursement. Barb had not been able to confirm with Karen that Jim had received it and what the feedback is. Fran has more ideas if they require more info, but his belief is that this will be sufficient.

Sewer extension policy – Fran spoke in regards to the request from Bob Proctor to extend sewer up for 4 homeowners. In Fran's experience, he knows of no other town that allows people to do this. Only 2 ways sewers are extended is 1) town does it, bettering properties, getting portion of the capital costs, project approved at Town Meeting, and 2) developer comes in, extending sewer to get up to their property, and along the way there might be people to tie in. That's it – no other way. Too complex to do it for a handful of people – who's in, who's not, paving, minimum area, reimbursement, etc. Bob asked about the 40B with Pleasantview, where we agreed to waive fees on affordable units if they installed sewer on Pleasantview, and confirmed with Fran that that is okay to do this. We can charge the people on Pleasantview, and it is up to us to form a policy for where we want to extend it and under what conditions the DPW Director stipulates. Fran clarified that the word betterment is only used when the town builds a sewer. With a private developer, it's a separate fee and you should have a separate agreement, noting everything you expect him to do and pay. Paula pointed out we can't as this is a 40b.

Lunenburg Village – Paula asked to return quickly to Lunenburg Village and noted their correspondence states that we require lines to be outside public way and that is not what was voted, so Paula sent them an email for their hearing. Bob raised concern that it says to extend sewer to end of Pleasantview Ave. and doesn't specify which end in the Comprehensive Permit decision provided by Dan Hill today. It should state extend sewer service on Pleasantview to its terminus at Graham St including laterals to all abutting properties. It was noted that it does appear in Section J5, but nothing about grading in road which was #4 of our memo of 4/28/10 to the ZBA. Paula sent Dan an email of our issues including that Pleasantview needs to be reclaimed & graded.

Sewer extension policy – Bob pointed out that we have an extension policy in place that states that the developer would present us with plans that the DPW would have to approve, and the developer would have a list of requirements to fulfill. Bob Proctor has 2 people that wanted to tie in and would pay to install the line. Commission discussed what happens for those that don't want to tie in, and Jack stated that laterals still need to be installed and discussion followed on whether or not they are obligated to pay the privilege fee and the different types of fees. The 40B was assessed a compensatory privilege fee because it was assessed a betterment and now the use is increased. The other privilege fee is up to the max of last betterment assessment for the privilege of connecting to the sewer. Bob Proctor's situation would be the latter. Jack asked about bonding for the job. Steve noted that if we make it too expensive we won't increase the customer base unless it is a development. Paula pointed out that we created a sewer service area to try and stop these miscellaneous extensions, and to do planned growth of the sewer system. Anyone wanting an extension will have to abide by the extension policy rules and pay a fee. Commission needs to determine a formula for that fee. Fran noted that the assessment bylaw was fashioned after Chelmsford's policy which Weston & Sampson had developed and encompassed 2 costs. If a developer is

going to do all the work, he pays a privilege fee and, because town didn't do the sewerage, they would charge him 60% of most recent betterment, plus they would pay for the cost of the capacity in the treatment plant. This is because sewer wouldn't be available if the town hadn't done all the pre-work and helps pay the taxpayers back. At our town meeting, they decided to be able to collect up to 100% because there was a \$1 million set aside for future improvements. We don't have a charge for capacity – we have a charge for improvements which we could apportion that cost. Steve noted that once Emerald Place is done, we might wipe out the privilege fee. So if Bob Proctor waits 5 years, there may not be any privilege fee, because that \$1 million would be paid off. Per Fran, it really is closer to \$ 2.6 million, because of the town's costs. Jack asked if we allow Bob to bring up an extension and laterals are put in for residents that don't even want to hook up, are they charged a fee? Fran stated that there would be a privilege fee and a connection fee when they tie in. Discussion followed on a fee assessment formula, using 57 gpd per bedroom (57 x 3 bedrooms = 171gpd) not the Title V number of 330 gpd per household. Carl noted that the total expected flow is 1.1 million gallons which and 1.1 million divided by the 171 gpd will be a very small number. Paula suggested 40%. Chelmsford used 60%. Betterment allows us up to 100%, but if we want to get these extensions, then we go lower. Bob pointed out it would be around \$4400. Paula acknowledged that we could set policy and the new Commission can change. Carl said he favored the 60% due to "parity" – the guy next door spent \$11,551. Dave noted that the contractor could be charged a privilege fee. Steve had issue that the 4 guys who put the money up getting charged the same amount as those on the street that didn't pay anything to lay the sewer line down. Alternative is to come to Town meeting and request a project, and betterments, and they would need 2/3 of the people on the street to agree. Steve reminded those present about Summer Street, where one property owner paid \$48000 to bring the sewer up the street, with no help from abutters, and after the line was in, the abutter signed up with no cost to himself and that it isn't right. Paula noted that trying to charge different percentages for people, depending on whether they paid to run the line or not, is too confusing. Bob said everyone that is going to connect has to pay a sewer privilege fee and that is why it is a percent, but that it won't be \$11,551 because they had to pay the cost of laying additional line. Bob noted we had 40% discussed and 60% - how about making it a 50% privilege fee? Paula asked if there was a motion. Bob made the motion that we establish a privilege fee of 50% of the prior betterment amount of \$11,551.47 for all private sewer extensions of the sewer line, payable at the time of connection. Steve seconded for the sake of discussion. Steve maintains that 50% is too high. Paula reiterated that they couldn't even connect to sewer if we hadn't put in the system. Bob stated that what they are doing is they are buying into the system which says they are going to pay for prior construction which then helps the overall future capital structure which will help them and the existing owners. It is equity for the existing owners to say 'you've already paid into the system'. Carl said he could agree to 50% and noted that it was 40% and the town meeting raised it up to 100%. Paula asked if we were ready to vote. **Vote taken. 4 were for, 1 against.** Bob asked where this notation of percentage would be noted? Paula suggested we draft a policy for private extensions, and Barb pointed that we have a sewer extension policy. Bob read from current extension policy, page 2 of 3 that says all extensions would be assessed a privilege fee to be determined by the Sewer Commission, consistent with the sewer assessment bylaw. It was determined that we would add to Section 5 and say "as of this date, the Sewer Commission voted to make it 50% of the last betterment amount."

Pleasantview was brought up again for clarification. Per Paula, we will be charging the people along Pleasantview the 50%. Bob said that we waived certain fees within the 40B as a mitigation measure. All agreed that the fee would be 50% to everyone on Pleasantview. Every neighborhood will be different and at least a policy is established. Discussed that it can be changed later. So Paula confirmed 50% and if Bob Proctor comes in with properties that will have laterals to be installed, the Commission will determine how many properties affected and each will get a privilege fee and we will send them a notice of assessment of privilege fee – if not paid within a certain period, we will have to record something at the Registry. We can't bill until connection since the privilege fee is payable at the time of connection. A recorded lien will just protect us for assessing a sewer privilege fee, payable at the time of connection, when new owners are involved. We will need to talk to counsel.

Steve mentioned Jack White and Whites Woods and that he'd never paid a thing. He is extending the sewer and paying for it, and Bob confirmed he will have to pay \$5500 per unit. We need to let planning board know, building inspector, etc. that this impacts "changes of use". We do need to check with counsel first. Fran reaffirmed that you need to do liens to prevent it from being missed in the future. Carl pointed out, in the interest of full disclosure, we need to make sure everyone on a proposed sewer extension is aware that there will be a lien. If there is a line in front of your home, you have to be allowed a connection and if we do not forewarn them that there is a privilege fee, are they protected? Bob will talk to counsel. Paula wanted him to talk to Jeff Blake at K&P. He will ask "do we have the ability to place a lien". This encompassed all the issues with Fran and Weston & Sampson. Fran noted that he is meeting with Jack on 5/20 regarding flow meters, 3pm and stated that Jeff Blake will probably defer to Jeanne McKnight. Paula advised Bob to do as much research before going to her, otherwise bill is astronomical. Bob asked if we have any legal opinions on privilege fees already provided. Steve said no, as this is still new. To recap, per Paula, Fran will do a revision of the IMA and we will have a joint meeting with the Selectmen on the 25th. Jay will be gone 5/29 -6/5.

I/I - Steve asked Jack for update on the **I/I**. Jack stated that this week the DPW is back on full duty since furlough. They had a meeting with Weston & Sampson and have started researching flow meters. Step 1. They will be talking with the schools -- all is starting this week. Bob asked Barb to check with Marion for the Walmart plans and their drainage plans. Paula said the Planning board should have all the drainage calculations. Neither Steve nor Jack thought it likely that they are draining into the sewer, but Bob wants to go with the big possibilities first. Need to look at all big roof areas: schools, Twin City Baptist, Crossroads Plaza, etc. that may have inadvertently hooked up the pipe to sewer. Jack said it was unlikely, but so is a new sewer system to have an **I/I** issue. Everything was camera-ed, pressure-tested when it was built. Bob confirmed it should all be PVC pipe? Paula noted except for an area in Whalom. Bob noted his house on 94 Main had cast iron pipe from the house to 15' from the street. Not just Whalom that may have old pipes. Is it in the regulations to require PVC? If not, it needs to be there. Per Dave, building code updated and it is supposed to be the law as of June to bring PVC up to the meter on the house. Barb & Paula confirmed that it is not yet in the rules & regulations. Bob made the motion that we amend the appropriate section of the Sewer Rules & Regulations to require that when a house is connected to the sewer that PVC pipe is installed from the street to the plane of the foundation of the house. Steve seconded. **Vote taken was unanimous.**

Minutes – Minutes from the meetings of 12/30/08, 2/23/10, 3/10/10, 3/25/10, 4/14/10, 4/27/10 were reviewed. Paula asked for a motion to approve all but 12/30/08 minutes? Steve made the motion, Carl seconded. Vote unanimous. Only Carl, Steve & Paula can initial the minutes of 12/30/08. All minutes were approved.

Budget – Barb spoke to Karen and confirmed that with an enterprise fund, it is acceptable to move money among the line items within the enterprise fund budget without going to town meeting.

Hollis Hills – Per Paula, they have requested building permits and she advised the building inspector that they do not have approval to connect to sewer, nor do they have a sewer extension, nor do they have the necessary DEP approval for extension due to the volume. So issuance of a building permit at this time is not applicable. The issue is being litigated. We are in appeal.

Highfields Village — Highfields is talking about coming down Maple Parkway, looking at same deal as Pleasantview – bring down through Maple Parkway, reconstruct the road to the point of pavement, bring down White Street and connect at 2A. Bob confirmed we would get \$5500 per property along White Street. Per Jack, it is 850' as opposed to 750' on Pleasantview. Steve asked for the cost analysis vs pump station. Jack said that Kent wanted to run sewer down Maple Pkwy years ago. We are happy to have it. It is more flow to Fitchburg and Bob Bowen will likely have an article at Town Meeting to run sewer back up White St. the other way as he has been trying 6-7 years. Bob pointed out that Highfields new plan has to go before the Conservation Commission. Jack stated that Highfields is going to be one of the first issues to come before the new Commission. Paula recapped for the new members that Highfields has a sewer allocation and does not get the privilege fee. However, all the properties down Maple Parkway and White will get a privilege fee. Paula stated that all the homeowners would have to pay the connection fees however.

Sewer by-law – Barb asked Paula if she had had any further communication with Jeanne on the House Rule? Hearing was 3/9 – Paula has not heard anything more on it. We'll have to follow up with Kerry or Laura on it.

419 Sunnyhill Rd – Bill Drumm has conversed with Mike S. on numerous occasions regarding his assessment of 5 units for 5 buildable lots. Mike has looked at a plan and he and Matt Morrow (Conservation) went out to inspect wetlands on 4/27. Mike has no question that there are at least 5 lots. No change to the decision to assess 5 units.

Emerald Place – they have paid for an additional 62 units for approximately \$109,000. Quick discussion on FinCom's recommendation to put connection fees into a fund for future capital expenses. Paula also discussed the betterment fund issue raised by the Mass DOR. Fran questioned it and when the enterprise fund was voted in. Bob asked if it was prior to the sewer debt? Paula affirmed. Bob stated that they did temporary borrowing for several years. Fran questioned whether it has to be separate or not. Barb will send him a copy of the letter. Fran said at some time down the road we might want to have someone attend a course on Enterprise Funds run by Mark Abrams. Cost is \$199.00.

VFD Mass 1 – Barb noted the memo for the connection charge has been discussed, as it pertained to the makeup of the connection charge. Asked if Jack was still going to involve Weston & Sampson on the type VFD – Fran said it was all under control. . We just need an invoice. Then we'll just be waiting for Jim Lavin. Jack wants to get the money in hand before ordering the device. Jack and Barb can figure out the timing.

Stone Farm – Barb received a check for \$5280 for the 3 outstanding connection permits and Atty. Ken Gurge had picked up the copies of the documents he had requested. There has been no further word about challenging the betterment. Stone Farm is still investigating. Barb provided requested copies of documents 5/10 and voucher for labor & printing

Administrative Matters

- Commitment/Warrant from April billing was signed. April billing did go out today, May 12, with the rate increase insert.
- Mr. Kenny from Meadowwoods had come to the meeting April 14 to get his invoice waived, but in the April billing there was usage so he was billed. We will communicate and let him know that if he had it disconnected and there was no usage, that he wouldn't be billed in the next billing.
- Paula said she would be back in to work on the billing system
- Weston & Sampson invoice was signed by Paula

Bob wanted to state before meeting was adjourned and acknowledge the work of Steve deBettencourt & Paula Bertram for their years of service on the Sewer Commission. Thank you.

Motion to adjourn was made by Bob, seconded by Steve, and the motion to adjourn passed unanimously. Meeting was adjourned at 9:14 pm. Next meeting is May 25 at the Town Hall.

Respectfully submitted,

Barb Lefebvre for the Lunenburg Sewer Commission