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Bob E.

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Carl L.

J. Simeone  
Jay S.

D. MacDonald  
D. MacDonald

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

approved  
10/8/13

*Minutes of August 10, 2011 Meeting held at Ritter Building*

*Present: Bob Ebersole –Chair, Carl Luck, Jay Simeone, Dave MacDonald, -members, Barb Lefebvre- Business Manager*

*Guests: Steve deBettencourt, BOS Liaison*

*Absent: Butch Bilotta*

**Bob formally opened the meeting at 7:02 pm**

**Appointments**

Bob introduced Gary Lorden of Benjamin Builders who is responsible for the **Lunenburg Village 40B**. Gary reviewed the Lunenburg Village project of 64 house lots and his delay in starting the project while completing another project in Templeton. He needs a different payment arrangement for the privilege fee. He is paying \$55,000 per year, and has lost money every year for the last 4 years, all of the construction industry is struggling. He explained that he would like a process similar to Templeton. The betterment amount is similar and he has it arranged so that when he pulls a permit, he pays ½ of the fee and before occupancy he pays the 2<sup>nd</sup> 1/2. In Lunenburg, he has it apportioned over 10 years and last year was his greatest loss year ever. His 40B project is approved by town, but not yet by the state. Barb read the clause on the payment of privilege fee from the ZBA decision. *No building permit for any unit in the Project shall be issued until such time as: (i) the Applicant has paid the Sewer Commission's uniform sewer connection fee (currently \$1,760 per unit) for such unit, and (ii) for 47 of the 48 market-rate units only, the uniform privilege fee in effect as of the date of this application (based on the previously-assessed sewer betterment and equal to \$11,700 per unit for the market-rate units) has been paid for such unit.* Bob asked for input? Dave asked if we were to forgive the privilege fees for now if it would have any budget impact. Bob responded that privilege fee income is kept separate along with betterment revenue. Dave said that if there is no loss to our budget, it is ok with him. Bob cautioned that we must consider other privilege fees for undeveloped lots. Under the comprehensive permit, if the state wants to waive all fees to make the project affordable, they could. Also, we must consider other projects coming down the pike. Dave reiterated that we need to stay consistent. Bob proposed that we could grant 1 year reprieve from collection of privilege fees subject to the sale of lots, and review the case in a year's time, and for any permit pulled for any unit, the ½ the fee would be payable and at occupancy permit issuance, the other ½ would be payable. Dave said we need to document this policy going forward. Bob said Barb could work with the Assessors and Collectors for an abatement for administrative purposes, basically reversing betterment and any interest, done as an administrative abatement. Bob noted that it is apportioned over a 10 year period and the interest should continue to accrue, but not be charged. Gary confirmed that we would waive the first year and apply interest after the 1<sup>st</sup> year. Barb noted that the interest rate was about 3%. Commission discussed the process with Gary – pulling permits, getting the funding, involving Mass Housing, putting a road in... Bob noted that all taxes and fees have to be paid to apply for a permit. Carl asked Gary if he saw them starting on Lunenburg Village in a year? Gary stated that he has 13 units left to build in Templeton and that he would like to finish that then begin here. Bob restated that he was ok waiving the interest for the first year and Dave agreed. Bob noted that the one year period begins today, not when privilege fees were assessed. Carl noted that we need to be very careful, it is precedent setting. We may be doing it for the economy but need to determine strict criteria for making this arrangement. Bob added that it is the economy and the current lack of new home sales. Commission discussed the likelihood of offering same arrangement to another project. Gary stated that the state has extended permits on most projects another 2 years due to the current economic standstill. We will need to define hardship. In the future when we issue privilege fee assessment, we still will put a lien on the property but adopt a policy regarding the payment of them. Gary stated that Templeton has a policy such as that on comprehensive permits. Bob noted that our special assessment bylaw may need to be revised. Bob asked if there were **a motion to waive the privilege fee & interest for one year and then revisit the situation, and if a unit is built, then 50% of that unit's privilege fee will be due at permit application and 50% prior to occupancy or sale of property, whichever comes first. He added that this will not affect current betterments (the 2 originally assessed to the property in 2008), but only the privilege fees on the 40B project.** Dave made the motion, Carl seconded. Bob asked for any more discussion? Dave stated he'd like to follow the chairman's suggestion, and make this policy for comprehensive permits only, other 40b projects. We could craft the policy and provide the verbiage to the ZBA to include in their response. We would have it ready that this is our policy for comprehensive permits. Bob asked for any more discussion? **Vote was taken and was unanimous.** Barb will send a letter and work with the collector to accomplish this. Gary thanked the Commission for their consideration and willingness to help in this situation.

After Mr. Lorden left, discussion continued on 40B's, that might affect the privilege fee for Hollis Hills. We will need to give that language to the ZBA, stating "payment will be on the following schedule...". Bob considered that the sewer assessment bylaw may need to be changed. Bob asked Barb to add that to the list of review items that Weston & Sampson currently has. Bob noted that the state can waive all of a Town's rules and regulations on a 40B project, if it deems them to make a project uneconomical.

Bob then greeted Steve Pedersen and Pat Cotton of Weston & Sampson. Steve noted that they had finalized the **Flow Meter report**, and skimmed through the executive summary, noting that: Groundwater levels, rainfall and wastewater flows were monitored over a ten-week period from 3/19-5/31/11; data collected from 2 groundwater gauges was higher than recorded rainfall (Fitchburg airport), indicating good need for infiltration investigations; data collected from Dana St rainfall gauge identified 6 rainfall events that met the criteria (1/2" of rainfall with breaks of no more than 5 minutes), 4 of which were utilized in the final inflow analysis, including 1 which exceeded the 1-year, 12-hour storm event (4/16-4/17); 6 flow meters were installed and maintained, 3 of which temporary and 3 permanent, shown in Appendix B; several graphs analyses, and plots of the data are included in Appendices C-F of the report; although Mass Ave area near the Fitchburg line exhibited the highest infiltration value, nothing was enough to merit further infiltration investigation at this point. The system is pretty tight (peak infiltration of 29000 gpd for the system, which averages out to 221 gallons per inch diameter per mile of sewer (gpdim)). The state's guidelines rate 4000 gpdim as excessive, so even at Mass Ave's highest peak infiltration at 675 gpdim was still well below state's guidelines. Carl brought up the pipe size and Bob asked about the potential connection of White Street to Mass Ave, and Pat assured them that Lunenburg, at this point, would not need to worry about pipe capacity. Steve summed it up saying that in terms of the results of the flow metering project, it is not an infiltration issue. Bob asked about broken pipes from street to homeowners and Steve thought it was not contributing a significant flow. Steve continued on from the Executive Summary that, using DEP guidelines and analysis of pump station flows, Graham St & Leominster Rd, Areas 3 and 6, exhibited excessive inflow, that the area was isolated – not the center of town, by eliminating other sections. Using quantitative data and the peak inflow in the system (1 yr 6 hr storm @ 6.78" per hour equals 1,225,000 gallons per day), 80% of that was in the Leominster Rd and Graham St. areas (945,000 gpd). Using pump station run time data as well, they determined that Mass 1 and Mass 2, Leom Rd and Dana St. showed a significant increase in flows (table 4) during rain events. Carl asked whether they correlated data between pump stations and meter readings. They had not. Bob asked if we should install monitoring systems in pump stations? Steve didn't think that was necessary – it was just an additional tool of evaluation. Steve stated that our biggest issue is inflow (rain induced) in those 2 areas. It can come in different ways – when it rains, you get direct increased flow from roof leaders, driveway drains, open slotted manhole covers. In addition, though delayed, you also get results from sump pumps. The study indicates both direct and delayed in areas 3 and 6. Per Steve, rainfall induced infiltration is negligible. The best way to determine inflow is from dye tests and smoke tests. Dave noted this can also catch illegal tie-ins and may help solve the clay pipe situation that is in the Area 3. Steve stated that smoke testing the 2 areas is cost effective and gave the estimate of 29,000 to do both areas. He noted that smoke tests are best during dry weather, before the freeze (June to November). Another analysis is through dye testing, included in the cost because anything that isn't supposed to smoke, you dye test. Smoke doesn't confirm where it is connected and dye determines with more accuracy an illegal hookup. Bob asked how to prevent people from outsmarting the smoke or dye tests by putting in a trap. Carl said that if we identify a problem, we want to oversee how it is remedied. Bob asked about the process, if we see smoke, we send violation notice? Pat stated that smoke can travel through ground so it doesn't always indicate an illegal connection. Steve noted that an interior building inspection is on a totally separate level. Dave asked if he could reduce the cost at all from \$29,000? Steve said he could take a look at the scope.

Pat stated it is based on linear footage. We could put notice on doors of the upcoming testing. Jay asked about the timeframe, Pat noted it takes about a week for smoke testing, hiring the contractor to do 2 days of testing and flooding. Steve said it was approximately a month from beginning to end. Pat described the process: you use a smoke candle, and put a lawn mower-type engine that fits over manhole, 2 people spread out checking every possible entry – roof leaders, sewer vents, etc. Bob asked if we could have a more detailed proposal for smoke and dye for the 2 areas by the next meeting. Dave noted that it is good that the next meeting is televised and can announce that we've awarded the contract perform smoke testings to put people on alert. Bob added – we also have reverse 911 and cable. Steve was asked as part of the testing, would sump pumps get picked up in this process. Pat stated that in his experience, not many are picked up – if anything, it is the ones that have been disconnected. It was discussed that we could do a mailing to advise that Weston & Sampson would be coming out to this specific area. Bob asked if we have any fines on the books to assess to offenders? Barb didn't think so. We may need to develop a private inflow removal policy. Bob asked if we could tell from physical inspection how long someone has been connected? Steve said "No". We need to look at as built to determine when the pipes were laid – good chance installed at same time. Charge back? Carl asked to return to the policy – maybe we could say there will be a period of leniency. There will be no fine if you come forward between now and ? and admit an illegal hookup. After such a date, this fine will be imposed. Bob asked about the building inspection – any time constraints? Pat noted it can be done anytime. Bob re-stated that we would like a proposal for our next meeting. We can have continuing discussion and at some point we will need to do building inspections as well.

Bob asked if there were more details from the report? Steve produced O&M manuals for the flow meters to be kept by the Town for the 3 permanent meters. One could be kept here at the Ritter, the other for Corey or Jack at the DPW but wait until construction is completed. Bob stated that Jack was going to talk to John Londa (schools) regarding the waiver for the

grease trap inspection. Bob shared the information that the high school was built 2 feet lower than it should have been – it was actually built on a cranberry bog, somehow getting past the clerk of the works. They found out there was a sump pump and it could be a large source of the inflow. Steve agreed we are looking for any large source. Bob asked about the pump station study and noted that Jack wanted it scaled back and that he'd be meeting with Steve and Pat C on the I&I and then also on the pump station. Then Steve will meet with Barb on the review of policies. Bob asked if they could obtain a sample policy on private inflow with fine, and quickly adopt policy so that we could state that we already had a policy. Dave restated that he wants to act right away on the smoke & dye testing, having it ready by the next meeting. He asked about separated pricings for testing Areas 3 and 6? And Bob stated no – both have been identified as sources of inflow and both need to be tested. Dave stated his preference for doing Area 3 first.

**CONSENT AGENDA** - All those present reviewed the consent agenda. Bob asked if there were any comments about Consent agenda items

**Highfields** – Bob & Barb drafted a letter to give to the Planning Board to support the project on 7/20 (handout)

**Manhole customers in Whalom area** –and the issue of finding funds for people that need assistance. We will put on the September agenda to determine what the intentions were, if it was that we would do the project and assess the costs to the residents.

**MIIA Grant program** – we received a notice that we could apply for grants regarding safety in the workplace. Barb asked Jack for his recommendation (i.e. safety equipment for Corey, sewer backup/overflow prevention). Jack was meeting with his MIIA rep today and will provide suggestions. Jay asked what he would apply for - winches, safety harnesses? We will await Jack's update after his meeting.

**Outsourcing** – Commission stated that we need a contract for Hall Pump and if it is not decided, we'll need 3 bids. Barb stated that Corey is on vacation 8/22-26 and Jim will be covering during the day, Hall Pump covering evening/nights. Barb will involve Karen Brochu, town accountant, in discussion of the contract.

**Sunnyhill Rd extension** – Barb noted that the office has fielded a lot of calls and concerns regarding the 50% betterment article in the Ledger and have informed and directed callers to discuss potential connections with Bob or Jack. To date, no one else is involved in the extension. Per Bob Proctor's office manager, there have been lots of inquiries but no one wants to pay the \$48k to bring the pipes up to their home. The extension is proceeding ahead. We will need to assess the owners of 223 Sunnyhill Rd their privilege fee of \$5775.74. Jack needs to issue road opening permit and trench permit. Bob asked that we note in our list of accomplishments for the next Town report this extension to sewer, and potentially White St. Also, that once the extension is complete, we let the Ledger know that one extension was completed and that the Sewer Commission is open to sewer expansion and other extension requests. The subject was brought up about the rules that drain layers must abide by related to compaction, compression. Barb will add it to the list of policies for Weston & Sampson review.

### **General Discussion**

Dave noted that at the Special Town meeting, he was approached by a number of residents, stating that they have been impressed with the current Commission, its common sense approach, and its accomplishments and he just wanted to share that with the other members. Bob pointed out that prior Commissioners have done good work for the Town and might have had more controversial matters to address than this present Commission, but thanked Dave for passing along the compliment to the entire Commission. Jay asked if Barb could provide the Commissioners with a project status sheet, to provide to the Commissioners monthly.

### **Administrative Matters**

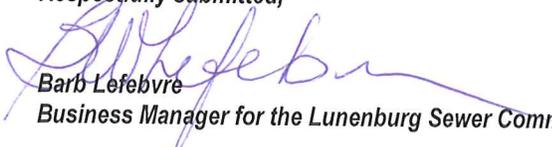
**Invoices/Warrants for sig** –Commission signed off on Weston & Sampson invoice for \$16,019.59 for services on the Flow Meter project through 7/1/11, still within the contracted amount.

**Minutes for approval 5/31, 7/13** were presented to the Commission. Some members still need to review. Barb will put on the agenda for the next meeting.

**Next meeting** – The next regular Sewer meeting will be August 30<sup>th</sup> at Town Hall.

Bob stated he would entertain a motion to adjourn the regular meeting to open an Executive Session with no intent to return to regular session. **Roll call vote taken to adjourn regular session Dave-aye, Carl-aye, Jay-aye, Bob-aye. Meeting adjourned at 8:40pm.**

*Respectfully submitted,*

  
Barb Lefebvre

Business Manager for the Lunenburg Sewer Commission