

Bob E.

J. Simone
Jay S.

Carl L

Dave M.

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

Minutes of March 14, 2012 Meeting held at Ritter Memorial Building

The meeting was called to order at 7:03 pm, with Bob Ebersole, Carl Luck, Jay Simeone, , and Dave MacDonald in attendance. Also in attendance were Pat Cotton and Steve Pederson of Weston & Sampson and Board of Selectman liaison, Steve deBettencourt. Jack Rodriquez, DPW Director, joined the meeting at 7:20.

Bob spoke to visitors to ask if they'd like to go first, before the 7pm appointment began. Mr. Luca Ciccone introduced himself and his wife, Kiera, as owners of property on Eastern Ave. He would like to petition to do a sewer extension on Eastern Ave. He had spoken to Whitman & Bingham and determined that there is also no town water on Eastern Ave. Bob noted that he had 2 options. Either get 2/3 of the people impacted on Eastern Ave to agree to help foot the cost, or pay to extend it yourself, of course leaving stubs along the way for future connections. Discussion followed as to whether sewer was available on Electric where Eastern intersects and it was determined that it does. It is further up past Upland Ave where the sewer line that flows to Fitchburg terminates. Bob explained to Luca that the Board of Assessors has all the property owners names & addresses, and once there were 2/3 interest, it would still have to go before Town Meeting. If it is done as an extension to the sewer, you get other people to help contribute, have a private contractor do it which is less expensive than if the Town has to pay prevailing rate. Bob noted that there is ledge in that area. Luca has not yet spoken to any contractors. Bob stated the E-one pumps may be a possibility and reduce the cost. It is a gravity area which will help. It was determined that the Commission office would be the ones to send out the letters to the people on the street, and make it the standard letter, similar to the one for Youngs Road so the message is consistent. Meanwhile, he could contact contractors to get an idea of the cost. He will call and make an appointment to go over information with Barb before he comes to a meeting again. We will send the letter to residents of both Eastern Ave & Upland Ave. to check on the interest in connecting, approximately 27 homes impacted. We will have to provide the \$24,000 average cost figure, which could actually be higher since there is so much ledge. It was determined that Barb would try and get the letter out within 2 weeks.

Bob introduced Steve Pedersen of **Weston & Sampson** as the 7pm appointment. Steve began by speaking on the proposed changes to the bylaw and on the rules & regs review that Weston & Sampson(W&S) had been tasked with. They were requested to provides changes initially, that had to go before Town Meeting as changes to the bylaw. Steve had provided a memo on March 9 to the Commission via email as a draft of recommended changes. Section A is the listing and overview of documents and Section B is a discussion of key issues and hot buttons. He plans to add in comments and suggested revisions and come up with a game plan to set up a work session to work on the rules & regs. Steve provided what he called Appendix A to Barb to review and approve of all the existing regs and policies. He will get a copy to the Commission so they will also be able to review. The main document is the Sewer Use Regulation of May 05, revised in December 08. The second is the Sewer Bylaw approved at Town meeting in May 2009 which was imposed to help the Commission regulate growth. The Sewer Betterment Bylaw was last revised at Town Meeting in May 2009 as well. As for the Project Review Policy, the 4-page Sewer Rules & Regs, and the Connection Charge policy, he hopes to work on these at the work session. He also had Chapter 185, which originated at the Sewer bylaw, approved May 09, and submitted to the legislature. Bob added that the Commission was advised to seek the Special Legislation by Town Counsel so that their authority to act according to the Sewer bylaw would not be taken into question. Steve also mentioned the Sewer Extension Policy, approved subsequent to bylaw in May 2010 in order to control sewer extensions. Other topics we will work on in the work session are miscellaneous fees, pool policy, irrigation meters, grease trap regulations and review fee & policy, and the private inflow removal which he hopes to roll under one main document, the Sewer Use Regulations. Barb will check the documents in Appendix A for any missing or updated items. As for the list of key issues (Section B of the 3/9 memo), Steve noted that the Commission is considering adding language in the bylaw to force connection to sewer in order to grow the customer base and improve revenues. Some issues to consider are the legality, whether it would be retro-active, the time-frame, grandfathered systems, failed systems, and implementing a septage maintenance program. Steve added that increasing user fees will help. The Commission is also looking for language to allow home inspections and penalties for not allowing entrance. Another issue is the level of insurance required of drain layers. Steve wants to review the fees for consistency and for their ability to recover costs, determining what is reasonable and feasible, and perhaps create one policy for the direct payment of all fees (project reviews, sewer extensions, sewer map updates). Another issue for discussion is the language regarding extensions where conventional systems cannot be used. Steve also wants to address the frontage & easement issues in the extension policy, but not in the bylaw. Another discrepancy is extension requests. The bylaw places the responsibility to determine 2/3 on the Commission, while the extension policy puts it on the proponent. The 2/3 rule needs to be discussed as well. Steve noted that several other items remain for discussion – the timing of

commencement of sewer billing, whether it is when the water is turned on or the occupancy, and adding I/I costs to the connection fee. Steve added that this is a delicate issue and that there are some questions on the current formula for the connection fee which should also be reviewed. Grinder pump policy needs to be determined as well as the current user charge, and its rate structure, and whether we received SRF funding. The last item on the list is regarding TV tapes, as they are in the Fitchburg regulations, which should be incorporated into our regs.

Steve P. brought up the issue at 357 Electric from last year's Special Town Meeting and discussion followed on the request to add verbiage to our bylaw, allowing extensions to the Sewer Service area for **land that could not support conventional systems**. Town meeting did approve of the extension and the district lines were extended, but not all the way to the property boundary. Bob noted that the Commission felt it was for a suitable use to extend the boundaries and, through analysis of test pits, determined that the land couldn't support a conventional system. The original determination of sewer service area came from the CWMP (Comprehensive Wastewater Management Plan) and we need to look carefully before expanding the area. Steve read a proposed change to Section 2.0 2nd paragraph to include the requirement that 'only' if the proposed use could not support a Title V compliant system that the Commission would be considering expanding the Sewer Service Area. Discussion followed, including removing the 'only' wording, referencing I/A (Innovative Alternative) systems, Title V laws, and adding the clause 'at the Commission's discretion' to give it some leeway for more specific circumstances. Steve will 'wordsmith' and send the proposed language to Barb for incorporation into a warrant article. Carl pointed out that any extension to the district has to go before Town Meeting anyway.

The next topic of discussion was the 3rd paragraph in Section 2.0 and the requirement that the Commission would survey the landowners to determine **2/3 support of the extension** versus section 5.3 of the extension policy which puts the responsibility on the proponent. It was determined that, since the Commission wishes to grow the customer base, it should be our responsibility to provide a consistent message and also to monitor the responses. We can still encourage the proponent to support the effort by speaking with his neighbors. Bob pointed out that it had originally been more than 50%, but that the 2/3 rule came about to assure entire regions, such as Hickory Hills, that the Town couldn't decide on a big sewer project without an area having a majority in favor. Discussion followed whether it should be more than half (50%+1) or remain at 2/3 and most of those present agreed that it was extremely difficult to get a 2/3 vote, but also difficult to assess a \$24k betterment because 1 person more than 50% agreed to the project. Bob would like to propose a 'tiered' system – that it would require 2/3 for a large area, but only 50+1 for an extension of the current system, taking for example the recent Hollis Rd request which would not require any upgrade to the existing system to implement. Steve P. noted that most towns do it as a town meeting vote. It was determined that we should table the discussion for now, and not put this on the warrant for a vote at this time. Bob asked Steve to prepare for future discussion the 'tiered' language and also consider 50% within the confines of the Sewer Service area, and 2/3 for proposals outside of the Area.

Discussion began regarding the policy to **require residents to connect** to sewer. Steve proposed adding a section 9.0 to the Sewer Bylaw requiring connection. Bob stated we need more people to connect, and if we put a 5 year limit, or the sale of the property or the failure of the current private system, we could get them sooner than waiting for properties to sell. The reality is that we need 1000 users to support our overhead. Carl asked if it is legal to force connection, and do we have the funds to fight them in court? Steve noted that Chelmsford recently got support at Town Meeting to install sewer, then required residents to connect within a year. Dave asked Steve for case studies of what other towns do and of court cases regarding forcing the connections. Perhaps, with enough users, could our user charges actually drop? Jack pointed out that where we're heading is to ask the entire town to subsidize the sewer system. Bob asked what to do with people who have just put in a septic system. Dave can see a five year requirement, but allow for hardship cases. Steve D. recommended before going any further, that we consult with Koppelman & Paige. Carl is not in favor of forcing residents to connect, that it wasn't the charter of the commission to sewer the town; it was to help the people who need help. He is against the town forcing people to do anything and that we need to do more work, studying business models and finances. Bob noted that we have nothing for capital and there is no room for adjustment on the budget. Do we propose a septage maintenance plan? Discussion followed on what would be required with a septage maintenance plan. Jay asked about raising rates? Bob said we have to consider that Leominster is raising rates, and if they go over to charging us by meters with the I/I, it will increase our flow by 2x. Options – increase rate, increase users, turn it over to Leominster or Fitchburg, or like Westminster, propose building our own plant (recent Fitchburg Sentinel article) Bob pointed out we were not ready to take this to Town meeting yet, and we'll remove it from the proposed warrant articles. Barb noted that at this point we have 374 properties along the sewer way that have still to connect.

Steve P. noted the **easement and frontage** clauses from section 6.0 in the extension policy, numbered 1 & 2 that should be part of the Sewer bylaw. He proposed adding this to the bylaw into section 3.0 at end of the 2nd paragraph, requiring homeowners to connect to sewer on their own property and not through an easement, and that each lot needs to be served by its own frontage. Discussion followed on whether they should be incorporated into section 3.0 or 4.0 in the bylaw. Section 3.0 is for undeveloped property, and 4.0 deals with extensions. It was agreed that they would combine rules 1 & 2 under 6.0 in the extension policy in Section 3.0 of the Sewer bylaw as the 3rd paragraph. Bob asked if there was a **motion to approve adding these 2 items to the Sewer Bylaw as an article for Town meeting**. Dave made the motion, Jay seconded and the vote taken was unanimous.

Dave asked when the work session would be to discuss the other rules & regulations. As for authority to get into buildings, does that require a bylaw change? Bob responded that it does not. Bob suggested that we do a workshop on the Wednesday meeting in May (5/9) devoted entirely to reviewing all rules, regulations, and policies. It was determined that we would have an early start, starting at 6pm, and that it should be at the new DPW building on Chase Road. Per Bob, there would be no other agenda items for that evening, if at all possible.

NEPCCO work on manholes Pat Cotton of Weston & Sampson spoke about the project. They made the repairs which went well and they would be coming out Friday to measure for the inflow devices. Corey has marked the manholes with green paint. Pat stated that it will definitely minimize the I/I and the West St. pump station leak was also repaired. Bob asked if there were any other manholes that are leaking. Pat stated that they checked the manhole upstream from Hamlin/Burke while Nepcco was in town and cleaned it out. Dave asked about sump pumps and Steve noted that you can definitely fine residents that won't remove a sump pump.

The issue of the **sump pumps on Pierce Avenue and Wallis Park** came up again, and Jack confirmed that all residents originally connected to the manhole on Wallis Park have now been connected to Lunenburg pipes. Jack noted that the manhole is still connected by clay pipe to Elizabeth St. He will get bids to cap the connection to Elizabeth and as part of the scope of work, he will have them pop the cover of the Wallis Park manhole, pump it out and fill. Per Bob, it can be paid out of project funds. Bob also stated that the work NEPCCO is doing can be paid out of project funds and asked Barb to make sure that is how it has been set up. Steve D. asked if the work NEPCCO is doing will raise manholes, as some seem to be recessed. Pat answered that that is not part of the project.

As far as the request for a **VFD for Leominster Rd pump station** – Steve noted that Corey had proposed the purchase of a VFD Leominster Rd and that it is usually recommended for larger pump stations (greater than 10hp). Dana St., which has one, is 20hp, and Mass Ave 1, which has the other, has 75hp. Leominster is 40hp. Variable flow devices (VFD's) let the pumps ramp up slowly, reduce power consumption and save on wear & tear of the motors. With a 40hp VFD, the estimated cost is \$7,000 per pump to install, so with the 2 pumps it would be about \$14k which should be paid off in power cost savings in about 2 years. It isn't just the wear & tear, but the pumps experience frequent clogging due to the quick start up and Corey gets the call out due to alarms. He is not getting them at Dana or Mass 1 with anywhere near the regularity as Leominster. Jack noted that at the Mass 1 station, they had a similar situation prior to installing the VFD. The hammer caused by the start and stop actually tore the ductile line pipe and had to be rebracketed. VFD's help with energy consumption, rapid start & stop and would extend the life of the motor. Bob asked whether this should be a standard? Steve noted that this is the last station, the other pump stations have lower power. Jack noted that it was brought before the Selectmen for Mass 1, that it should have been done when they tied Meadowwoods in, and that they needed to upgrade. Bob asked Steve, if we approve, is this the last one? Both Jack and Steve agreed that it is. Bob stated we would use project funds as they are capital items that relate to the original construction of the project since the manholes were not installed properly and the VFD should have been installed at the Leominster station from the start.

CONSENT AGENDA

Bootlegger – Bob noted that the new plan was reviewed by Weston & Sampson and approved. Barb had sent the letter on 3/13 to Bootlegger advising that it was approved with the requested stipulations of inspection. Dave confirmed that the grease trap design had been approved, but did anyone yet verify that the internal plumbing has been re-routed to go through the grease trap? No. Bob stated that we should contact the Bootlegger to advise that we wish to have our engineers coordinate with them to inspect the internal plumbing to ensure it was re-routed to go to the grease trap. Barb will call and follow up with letter, then call Steve P to advise.

134 Leom-Shirley Rd gas station proposal – plan was provided to Weston & Sampson on 3/6 for the estimate on the peer review. We received the price estimate from Steve on 3/14 for \$5,000 and Barb will call Whitman & Bingham with the cost. Once a check is provided, we will authorize Weston & Sampson to commence the review. Steve will keep the plan for the actual review once the funds are received. Bob spoke about his conversation with Roger Brooks and that eventually they will require a flow meter on Pioneer Drive for the Lunenburg flow and discussion followed about having the 3 customers on that line share in the cost of installing the meter.

Town Caucus is March 19, 2012 at 7pm. Bob confirmed that the terms are for 3 years. Dave asked if you had to attend the caucus, and Bob responded that you just have to be sure that someone nominates you. Both Butch and Dave plan to 're-enlist'.

Budget FY13 – Commission was provided a copy of the Budget approved at the 2/28 meeting to be provided to FinCom., Bob will be going before the FinCom on 3/22 and the meeting is televised.

GENERAL DISCUSSION with DPW DIRECTOR

Town Report– Bob stated he is working on it, that he has a list of major highlights and that he will do a rough draft and get it out to the commission.

Youngs Rd – Barb had provided the spreadsheet and responses to the Commission along with a map, detailing where the positive responses were located. Bob stated that in looking at the responses, we do not have the 2/3 majority needed to put forward the request at town meeting. The answer is no. Bob questioned whether with the use of E-one pumps if the cost would still be \$24k? We discussed the direction of flow whether it was gravity to Fitchburg, though Carl pointed out that per the CWMP it is shown as being pumped up Youngs Road to enter Leominster system. Commission discussed the general \$24,000 estimate provided by the CWMP and Carl again noted that the CWMP did zone-specific estimates. This one being in Zone 6, the CWMP provided the costing on page 4-40 that Project A for Areas 6 & 9 would run about \$22,700. Asked if this were still the case and hadn't costs gone down, the answer was no, if anything they had gone up. Barb will send a letter to Mr. Nadeau that the numbers do not meet the required 2/3, but that we'll continue to reach out for participation.

Wallis Park I/I improvements – Barb recalled the question from the last meeting regarding the Homeowners letter we are planning to send, requiring installation of PVC piping, and whether there was a specific area in more need than the others. Jack stated that there is a list in a file he provided from years ago with the list of every home connected originally to the Leominster system, so these houses will be easily identified. As for those that had brought the PVC to the foundation, it won't be so easy. Send the letter to those customers originally connected to Leominster sewer, with the deadline of September 1st to complete.

Administrative Matters

Minutes for approval – Barb had both the 1/31/12 and 2/28/12 minutes for approval. Commission discussed and there were no issues, so the minutes are approved and were signed off on by those present at the meetings.

Barb had received an **ANR plan for a subdivision at 24 Leominster Rd** for review from the Planning Board on 3/13. She discussed it with Jack where the sewer line terminated on School Street and whether the new lot fronted the sewer. It was determined that the sewer line ends near the Chiefs House, and that any subsequent building would require private septic. Bob noted that they could pay to extend the sewer up from where it currently ends on School Street, or also await the development of the Primary School, which would require sewer being brought further up the street.

Barb stated that she had received a **payment plan request for 199 Summer**. They owed a balance of \$469.93 and her husband had had his hours reduced at work. Barb had discussed the plan with her, and she agreed to try and pay \$100/mo on the old balance, keeping current with the new bill, and that if it was not cleared by the end of the fiscal year, it may go on their tax bill. Barb had sent out an email to the resident and to the Collectors office to accept a partial payment, a copy of which was in the meeting package for the Commission. Dave asked that she follow up with a formal memo to the resident, and copy the Commission on the memo so they are kept aware.

Asian Imperial -337 Mass Ave. – Bob noted that there was no update. Per Mike, there has not been a tech meeting scheduled as of yet for the building permit approval.

Next meeting -- Regular Sewer meeting – March 27 – Jay won't be here – Carl won't be here – Bob will be away but returning that morning.

Bob asked Carl if there was any need to go into executive session? Carl stated that there was no update on the Fitchburg IMA. A copy of the IMA was sent to BOS reps and since there had been no input back from them, then we are just awaiting the meeting with Kevin to review the future needs.

Dave pointed out that our website still had a notation on it about 2nd quarter invoices being sent out and asked that Barb remove the notation.

Bob asked for a **motion to adjourn the meeting? Carl made the motion and Jay seconded. Vote taken was unanimous.** Meeting was adjourned at 9:50 pm.

Respectfully submitted,


Barb Lefebvre
Sewer Business Manager