
Carl L. Jay S. Butch B. Dave M.

TOWN OF LUNENBURG
SEWER COMMISSION
520 CHASE RD.
LUNENBURG, MA. 01462

approved
11/27/12

Minutes of September 27, 2012 Meeting held at the DPW Building, conference room

The meeting was called to order at 7:04 pm by Jay Simeone, chairing the meeting for Carl Luck, participating remotely, Butch Bilotta and Dave MacDonald in attendance. Also present were: Jack Rodriquez, DPW Director, and 2 Lancaster Ave. residents – J.Toale & J.Reynolds and Pat Cotton, from Weston & Sampson. Also present, Mike Nault, with interest to participate possibly with the Commission.

Jay announced that Carl Luck is participating remotely as he is out of the country on business. The consent agenda was moved further down the agenda to address the Lancaster Ave. agenda item since those residents were present.

Lancaster Ave. extension – Pat went over the peer review, stating that the 2" pipe proposed for the 6-10 homes is fine, but if a 3" installed now, we would have debris accumulation and odor issues. Question raised was we have up to 6 proposed connections, but if only 2 connect, what happens in term of maintenance? Pat responded that 2" would be sufficient. If oversized, we would have issues. Pat added that per the plan, it shows one portion where it says 1.5" and needs to be changed to 2". Pat mentioned that a doghouse manhole can leak and must be put in correctly and ensure it is watertight. Jack stated he was the one that had requested this type at that point in the line. Questions arose on the automatic release valve issue and also the PVC swing check valve. Pat will check with Steve. He added the recommendation to compact above & below the pipe that is not shown on the plan. Pat recommended that all points be incorporated into the plan. Pat added that a survey protects the residents from unexpected costs. Jay asked if the contractor had received and accepted Weston & Sampson's comments? Jack pointed out the necessity of the survey and that otherwise you don't know what's in the ground and creates change orders. If there is a conflict, may be more expensive for the owner. Jack noted that we need invert heights in manhole covers, elevation, etc – we are fortunate that it is a pressure main, not gravity. He added that we don't know how the pipe lines up with the poles. He knows we are trying to line it up with the sidewalk but there are poles in the center of the grassy strips- which side is the pipe going in on? Carl added – is there any accommodation for future connections? Can all lots along the line connect into the line? Jamie stated that lateral/stubs will be installed. Jack was concerned for properties across the street, or if one of the properties were to subdivide. Are the stubs all on the east side? Jamie answered 'yes'. It was noted that it should be written into the acceptance of the line that all connections for the west side are on the opposite side of the street. Carl stated that, since he couldn't see the plan (remote), he assumes the line ends midway through the last affected lot? John Reynolds said that McClure mentioned that extending the line to 50% of the frontage would necessitate DEP approval for the extension. The line is at 990' and stops just beyond the Murphy's line, but this is inconsistent with what we've asked. Carl asked about a precedent? Jack acknowledged that there is – the extension on Sunnyhill Rd.. Carl asked what the reason was and Jack responded that it was not his issue, that it went before the Commission, and that we could check those minutes. Carl stated that we would have to give approval as a waiver to the policy. Barb confirmed that the 50% rule is in the extension policy. Jack added that if an extension is over 1000' the DEP has to accept the extension, that an extension that length is a larger job than the DEP allows a town to do. Jay stated that he had not recalled any discussion on this subject. Carl noted that we have to have good solid reasons to waiver and that avoiding the DEP is not a good one. Discussion followed as to whether the DEP had any leeway, if it is just 100' over the required 1000'. Pat noted that in his experience with the DEP, it is a strict regulation and any extension over 1000' has to be approved but he will check with their DEP contact. Carl noted that the only justification for the request is that by designing the extension using a 2" pipe, this design doesn't facilitate expansion past the proposed extension. Per Dave, if we go more than 1000', the pipe is not big enough anyway. We only need the line to go to 1100-1150' maybe to be 50% of Murphy frontage. John Reynolds asked since west side has to connect further up, does it have to go that far? Jack stated the 50% rule was for extensions in the future, past this extension. The issue is that the line does not extend 50% of the frontage of the last property served by the proposed extension, which is in our policy. Jay stated that it is an issue to take up with counsel. Per Counsel's recent submittal for the extension policy, Item 5 in Section 8 states: *"If the proposed privately-funded extension will not extend sewers to all of the remaining unsewered ways in the sewer service zone within which the extension is to be located, it must nevertheless be designed, in the determination of the Sewer Commission's engineers providing peer review of project design, with adequate size, materials, grade, appurtenances, so that it can be used to further extend sewer service to all of the remaining unsewered ways in such sewer service zone without modification to such privately-funded extension."* Jack stated that we've been through that – that the applicants run the risk. Carl noted that Item 6 following addresses this case – Jay read from Counsel's recent submittal for the extension policy #6 of Section 8.0: *"Notwithstanding such determination of adequacy of design of such privately-funded extension to serve the remainder of the sewer service zone, if circumstances change, including but not limited to changes in state or federal law or regulations, state or federal administrative or court order, changes in land use within the sewer service zone that require increased sewer capacity, changes in sewer service zone or sewer service area design such as from a low-pressure grinder pump system*

to gravity and/or high pressure, failure or deterioration of such extension, or a later finding that such determination was inaccurate, properties abutting such extension may be assessed a betterment or privilege fee for their proportionate share of the cost of replacing, repairing or upgrading such extension or of their proportionate cost of a wider-area extension serving the parcels served by such privately-funded extension and other parcels". Carl stated this is a good test of policy, that this DEP issue isn't really addressed – we need to add verbiage on a 'waiver'. Barb will ask counsel to change the language to state "if an extension approved, or if a requirement is waived...". Discussion followed that the document needed to address the applicants risk if their extension does not support future extensions. Jay noted that there are different risks if it is a town project or by property owners. Barb to contact Jeanne McKnight to determine how risk can be addressed in the policy. Jack added that the applicants bear risk if their design differs from the CWMP as well. Bottom line, Commission agrees with the 2" pipe but still needs the policy clarified with Counsel. It was noted that we cannot approve a project that doesn't follow current policy. Barb will ask counsel to incorporate the DEP ruling into our extension policy so it isn't missed again. Carl noted that we will be adding 'waiver' language to Item 8.6. Carl inquired as to the maintenance of the pipe by the Town. Pat stated that with the 3" pipe, there would be annual pumping and pressurizing, but with the 2", it should be self-sufficient. Jay asked if we should approve of the plan, with the contingency for the determination on the 1000' DEP requirement? Carl stated that if we get the information tomorrow and if the DEP is willing to let us go 1100'- 1150', or if they won't budge on the 1000', that we have to put language in the policy for the acceptance of a plan which allows a waiver of going to 50% of last property served, and that the approval is pending that determination. Pat stated again that he'll see if there is any flexibility, and if we can go another 100' to 150' without going through the DEP process. Discussion followed on the 50% rule and the expectation of future extensions, and if there is any flexibility. If not, we'll adjust the policy to cover the Town. If future expansion is not anticipated, we'll check with counsel. If DEP says yes or no and if no, we'll update the policy with waiver language. Jack proposed a recommendation to accept the plan incorporating Weston & Sampson's comments and changing the pipe from 1.5 to 2" and pending a change to the language in the extension policy. Dave made the motion to accept the plan contingent upon incorporation of modifications from Weston & Sampson and upon final resolution to the policy. Butch seconded. All in favor? Vote was by roll call due to Remote Participation Policy: Carl-aye, Dave-aye, Butch-aye, Jay-aye. Vote unanimous to move forward. Jay asked about the cost summary that Carl had requested. Barb produced a spreadsheet, but is missing amounts for the engineering and the cost to decommission septic tank, but that it is close to \$22,000 for the east side connections, and \$27,000 for the west. John R asked to be sure we know that a low pressure system will work for this situation. Jack affirmed that the E-one people had provided a study showing that it work for their area, and beyond. Dave pointed out, for the record, a gravity system was preferred per the CWMP. Jamie thanked the Commission for their attention and working through this with them. The Commissioners responded in kind, that they appreciated Jamie and the applicants working as patiently with the Commission as well. Carl pointed out that he had sent a marked up policy with a couple small items in section 8.0 – for example the language regarding the 50% and 100% of the betterment and, more importantly, the credit for privilege fees previously paid, that we could credit toward future privilege fees, but not construction costs, and that if there is a betterment in the future, it would need cover all construction costs. Barb will go through the notes and put them forward to counsel for review. Carl then added that now we have an extension policy, that we'll need a covenant. We'll need to involve counsel but we should proceed with the covenant after our policy is firm. It was noted though that it needs to be done as soon as possible before construction begins. All members present and remote agreed that having the issue of the 1000' come up at this time was disturbing, that the Commission was not even aware of it. Carl noted that he sent Barb updated extension language based on the discussion tonight in email.

CONSENT AGENDA

Pending connections – received applications to connect for 88 Whalom Rd 9/13/12, 40-46 Great Pond Rd (Emerald Place), and 1,3,5 Jacklyn Drive – 3 connections – received permit to connect 8/29/12 .

Posting of vacancy –posting had been done with no deadline date

Special Town Meeting 9/25/12 – no articles applicable to Sewer on warrant .

Asian Imperial –grease trap is in the ground –per Jack R. we'll coordinate w/ Gary Williams, Corey Dowd & Powell to set up time mutually convenient at the time of the sewer connection to inspect interior & connections;

Weston & Sampson – Fy13 contract has been signed. Barb will give a copy of the executed agreement to Pat after the meeting. As for the **Rules & Regs review**, Dave noted that we need to get the cost up front and not go hourly. With new policies and modifications, it will be easier having the regulation in one place. Dave re-stated that we'll want the budget number up front. **Building access** – discussion centered on the fees in the proposed policy being a strict policy and that Weston & Sampson had gotten the example in use by another community, but that Pat agreed it is very strict. Also noted was that our counsel did not agree with billing the fee in the sewer bill. Pat proposed 3 different levels of letters sent out before any fees imposed. Residents usually comply with the first letter. We'll move forward as it is and have incorporated into the regulations. **Floor stripping policy** – Pat Cotton noted that with the floor stripper compounds used, and at the dilution by the time they get to Leominster, that they'd have no effect on pipes or pumps, and that the risk is in the biological process. If the school had its own plant, it might be a problem. Dave asked, what is the proper disposal? Per the regs, ether is a restricted chemical, and one of the stripping compound contains ether. Jack asked if Leominster would be likely to say they would not like it or that they understand the dilution argument? If the compound contains a prohibited chemical., it should be black and white and shouldn't be disposed. Barb will advise John Londa that ,in Weston &

Sampson's opinion, they need switch compounds to the green chemical and restrict the usage of the prohibited chemical. Jack re-stated that it should be our policy to eliminate a chemical that may have detrimental effect to the treatment plant. We must comply with the IMA and the school can either eliminate it as soon as possible or go to Leominster and ask if they can be used. Barb will send a memo to John. Dave pointed out that we are just sending this to the schools but that Walmart for sure uses a floor stripper, as does any store. We need to do a mailing. It could be general in nature, stating what is prohibited. We could get the recommendation from Weston & Sampson and send a letter to all commercial buildings and institutions. Mike Nault posed the question whether the wax itself could damage the pumps. Pat stated in his experience, that has not been the case.

Fitchburg IMA – Carl noted that he didn't think executive session may be necessary. He wanted to update the Commissioners that both members of the Board of Selectmen had approved of the current version of the IMA and it was sent to Fitchburg, who has forwarded it on to their counsel for review. It had been suggested by the Selectmen and Kerry Speidel that we have our counsel review at the same time. Carl has 2 issues. 1) Carl believes that the Town is responsible for the IMA's and would like the Selectmen to pay for legal to review. The Sewer Commission are the ones driving the process and making recommendations to the Selectmen. 2) The documents is being review by legal at Fitchburg. Carl is concerned about having 2 docs reviewed simultaneously and is for waiting until Fitchburg comes back with their input, than spending money on a review that may have to re-occur. Carl wants the other Commissioners' opinion- do they wish to recommend that we take what Fitchburg sends back and review then? The Sewer Commissioners agreed that we will recommend to the Selectmen's office that we want Fitchburg input's to do our legal review. If they feel different and want to go forward, they can pay. Barb will share this preference with Kerry.

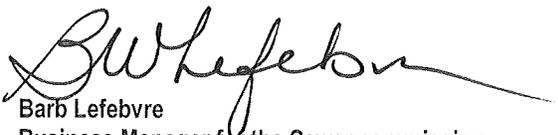
Carl signed off from remote participation at 9:06pm.

Credit Request –WMHP, Unit 17, Barb summarized that Jim Carnivale was requesting a credit on Unit 17 – we had billed them for 7 quarters at minimum charge, which equates to 7000 cf in usage. When the meter was actually repaired and corrected, they were billed for the 4200cf showing on the meter reading. Carnivale is asking that the amount over the minimum is credited since they have paid for usage all along. Dave asked, 'was it our mistake'? Barb said no – that it was a meter mal-function. Dave stated that the Commission had decided the last time that if it is not our error there is to be no credit. Dave made the motion, Butch seconded, vote taken was unanimous - no credit.

Administrative Matters- Letter to Bob Ebersole-Barb had the formal letter from the Commission thanking him for service for their signature (Carl had signed it previously). The Commissioners signed and Dave asked if we were doing something else? Dave asked that Barb put something together and they can all chip in next meeting. Barb stated the **next Regular Sewer meeting** is Wednesday, 10/10. Barb noted that the **Capital plan** docs were received 9/26, for the Commission to start thinking about Capital Planning, but that she has to concentrate this week and next on the quarterly billing. Capital planning will be on the agenda for 10/10

Butch made the motion to adjourn, Dave seconded, vote taken was unanimous. The meeting was adjourned at 9:19 pm.

Respectfully submitted,



Barb Lefebvre
Business Manager for the Sewer commission