

Minutes for Sewer Commission Meeting of October 28, 2014 – DPW conference room 520 Chase Rd.

Attendees: Vice-Chair Dave MacDonald, Members: Mike Nault, Butch Bilotta. Business Manager: Barb Lefebvre

Absent: Carl Luck, Troy Daniels

Guests: Jay Simeone, Martha Cheesman, Jean Larkin, Dave Rodgers, and Ledger reporter, Amanda Koeck

Meeting was opened by Dave at 7:00pm. and started with the announcement that the Chairman, Carl Luck, was sick and would be out for a while and that Dave would lead the meetings until his return. He stated that everyone on the Sewer Commission wish Carl a quick recovery. He also wanted to welcome Jay Simeone as the **new FinCom liaison** to the Sewer Commission. Jay had served on the Commission many years, and it is good to have him back.

APPOINTMENTS –Dave noted that since the first appointment was not yet here, we would move on to **CURRENT BUSINESS. SRF Project – NOI** (Notice of Intent) went to the ConsCom on 10/22, and we are scheduled for the hearing on 11/19. The **SRF Application** was submitted 10/15 on schedule. A copy of the specifications and plan is here at the DPW for anyone's review and update. Jack is making notations and all changes must be to Wright Pierce by November 14. Matt is working with Barb & Jack on questions and insurance requirements. We are awaiting surveyors plan for **easement work. Whalom Luxury Apts ZBA hearing 10/22** – Dave noted that the Commission's stance had stayed the same, that we expect Lorden to pay the full betterment (around \$1.5million). ZBA seemed to want to cut a deal. They plan to come and speak with the Commission before the next hearing on 12/10. Discussion followed on what makes the project economically feasible. 40B's can give a 25% reduction only. The rest of the town has to pay full betterments, and the people on Pratt Street are looking at a fee of \$24,000. Dave noted that Dan Hill (counsel for ZBA) stated that the Commission's job is to follow Mass General Law. Lorden was willing to pay the fees when building houses, now he says he can't afford the fees. Butch stated he is still not in favor of any discounts. Dave noted we'll need to meet with members of the ZBA, possibly on 11/18, or sometime prior to 12/10. Dave added that Troy had done a good job representing the Commission.

Dave introduced Dave Rodgers, Jean Larkin, Martha Cheesman for the private **Sewer Extension on Highland St.** The private extension requested by Matt Robichaud at 42 Highland that Dan Proctor was contracted for goes by their houses at 17 and 20 Highland. Jean (17 Highland) needed clarification as to what she'd have to pay to participate. She'd heard of the betterment of \$5775 and asked if there was anything else? Dan had given her the cost to participate, but it was confusing. Dave M. reviewed the potential costs. If she helps to pay for the private extension, bringing sewer from 42 Highland to Oak, then the privilege fee is \$5775 because the construction costs are split among the residents. Jean, who lives across Highland, would need to pay to run the pipe under the street. Dave M. stated that the project is almost complete, and that Dan's expectation was to be finished on the 30th. If she were to do the work after the project was completed, the privilege fee jumps to \$11,000, which is the most recent betterment amount. Dave M. recommended that Jean speak to Dan Proctor. Jean stated that she didn't want to tie in, and a discussion began on terminology. It was clarified that Jean wants to be included in the project but doesn't want to connect yet. A discussion on sewer costs followed and that with the project in another area of town, the betterment is estimated to be \$24,000. Any one participating in a private extension after that betterment is assessed will pay the \$24,000 privilege fee, per the Sewer Assessment bylaw. Dave M. encouraged Jean, stating that the privilege fee, if she chose to tie in now, will never be cheaper than the \$5775 right now. Martha Cheesman (20 Highland) wanted to confirm that the privilege fee is \$5775, but after the town takes over the line, it will be \$11,551. Jean still needed clarification on the costs, and showed the Commission what Dan had provided her. It was clarified that she would have to pay the cost to tie in (connect from the sewer line on Highland, under the street, to her property and leave a stub) and the privilege fee of \$5775 if done right now. But the \$5775 is paid with taxes, and can be spread out over ten years, so there is no payment right now to the Town if she decides to tie in. If she waits until after this private extension project is done, the privilege fee will be \$11,000 and eventually \$24,000. These figures are the estimated amounts. Dave M. pointed out that Matt owns the line until the town accepts it and they will need to obtain his okay to participate in the project. Dave M. added that by tying in to sewer, her property value is increased. But, he noted, if Jean wants to go ahead and tie in now, she would need to pay Proctor or any other contractor, to bring a pipe from the line on Highland to her property. Then, at a future date, when she wants to connect her home to sewer, she would pay the \$3000 connection fee and a contractor to come and bring a pipe from the property line to her home. Jean asked about future expansion (if the line goes further up Highland). Dave acknowledged that a new betterment could be assessed. Barb noted that, per the extension regulation, that betterment would be reduced by any privilege fees previously paid. Dave Rodgers asked if it was possible if Jean wanted to pay the privilege fee of \$5775 but not

pay to bring line to her property line? Dave M. said no. The \$5775 privilege fee is that amount because of participation in this private extension, and she would have to tie in. Dave M. noted that the way it should have worked was at the beginning of the project, the 3 property owners would have shared in the cost of the extension, but now they have to get Matt Robichaud's permission to tie in to his pipe. Dave M. recapped that if Martha & Jean want to participate the privilege fee will be \$5775, they need to sign the covenant, and provide to the Commission a simple document showing Matt Robichaud's acknowledgement of their participation. This has to be done quickly. The contractor is expected to complete the job on Thursday, the 30th. Dave R. asked why, when the Town accepts the line, the price automatically increases, since the Town has done nothing. Dave M. and Barb both stated it is backed up by policies and bylaw. Dave R. asked another question about the authorization to charge a higher betterment amount, to someone that has nothing to do with the new project on which that higher betterment is based. Again, it is per our Sewer Assessment bylaw and Special Legislation and the question should be asked of counsel. Jean wanted copies of the minutes so there is no question what was discussed. Dave said he would be available for her questions 24/7, but the time is short, and it needs to be done quickly. Dave R., Martha & Jean left, thanking the Commission for their time. Dave M. went to have quick discussion with Dave R. in the hall, returning shortly. **Project Status** – Barb had a couple other items on the project for the Commissioner's consideration, including Dawn Proctor's 10/28 expectation of **job completion** of 10/30. Also the **Letter Agreement** for the release of the funds, mirroring the terms previously agreed to, was received 10/22 with Dan Proctor's signature and needed to be signed by the Commission, which it was. Thirdly, the Commission needed to vote to give authorization to Jack Rodriquenz and a Commission representative for the acceptance of the Highland St. sewer line as we did for the Lancaster Ave. extension. **Mike made the motion to give Jack Rodriquenz and the Chairman, or the Chair's designee, authorization to accept the private extension on Highland St. Butch seconded. Vote taken was unanimous.**

Victualler's License renewals – we have sent the Selectmen a list of food establishments with delinquent payments, that are for either sewer usage or grease trap permit fees. **SWSS Generators**– Barb noted that Debbie from SWSS had called, that most of the work is done, and the conflict in amounts was that the backup was in units. We've advised that we want the incremental cost, and are holding the 10/1 pmt til resolved. Butch wants to get an update on all generators, especially Twin City and what was wrong with it. Butch was also curious as to what Weston & Sampson's original report had said on Twin City. **Minutes for 10/14/14** were reviewed. Butch **made the motion to accept the minutes of October 14, Mike seconded, vote taken was unanimous.**

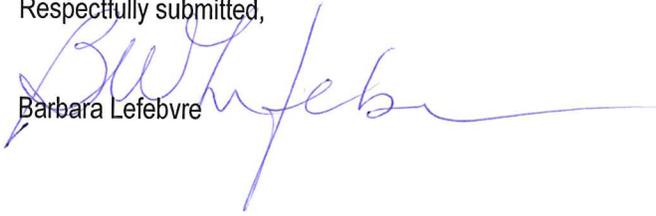
BUSINESS MANAGER REPORTS -1131 Mass Ave – Barb advised that the property owner had submitted a request 10/27 for a waiver on the watering of a new lawn, due to an automobile accident tearing up her lawn. Commission discussed whether we could refuse and ask her to get her insurance company to pay. Barb noted it is part of our policy, that for one-time basis, when excess water does not go down the pipes. Commission agreed to adjust her bill to average of last 4, per policy. **/// Project status** – no updates yet on 21 John St. awaiting fine policy from Troy, and 37 Graham that Jack is planning to commence work. Two hearings are scheduled before the next Sewer Commission meeting on 11/18. **Highfield Village**, the project behind Walmart - Planning Board Public Hearing 11/10/14 and **790 Mass Ave** ZBA hearing is 11/12. Two **invoices**- Fitchburg \$9573.93 and Wright Pierce \$29,659.59 for work between August 30 and September 26, were approved. Commissioners discussed what to do about sending something for Carl during his recuperation. Phyllis had mentioned their gratitude to the EMT's. Barb will check with Linda Carrier. Dave noted the next meeting is not until November 18th, hopefully giving Carl a good opportunity for recovery.

COMMISSIONERS COMMENTS- Butch wanted to state that going forward, to avoid problems such as Highland St., we need to have all details nailed down. The residents should have gotten a letter. Dave agreed but said it was a private funded job. Commission discussed whether we still need to send a letter for next extension request, requesting something back to acknowledge whether they want in or out so that it's on record and we won't deal with this situation when a job is almost over. Dave noted that Troy is working on the process and is close to making a package for an extension. A list of abutters should be part of the policy, along with a defined schedule. The contractor on this private extension was better and with sewer being installed, home values are going up so we are doing a good thing for the residents. Jay as representative for FinCom asked about a Capital Plan from the Sewer Commission. Dave noted it's all on the Enterprise Fund, that we'd tried but Capital planning will be built into our budget process. So, to clarify, there will be nothing from the Sewer Commission to FinCom on the Capital Plan. Dave said that we are self-sufficient, and shouldn't burden the town.

With that, Dave asked for a motion to adjourn. Butch made the motion, Mike seconded. Vote taken was unanimous. Meeting was adjourned at 8:16 pm.

Respectfully submitted,

Barbara Lefebvre

A handwritten signature in blue ink, appearing to read 'Barbara Lefebvre', written over the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.