

Minutes for Sewer Commission Meeting of November 18, 2014 at the DPW conference room 520 Chase Rd.

Attendees: Chair, Carl Luck, Members: Mike Nault, Butch Bilotta, Troy Daniels. Business Manager: Barb Lefebvre

Vice-Chair Dave MacDonald arrived late (at BOS)

Guests: Dick Heaton, 40B consultant for ZBA, Don Bowen, ZBA chair, Dan Hill, attorney for ZBA

Meeting was opened by Carl at 7:02pm. He introduced the representatives for the ZBA Dick Heaton, 40B consultant, and Dan Hill, attorney for the ZBA. Dick reviewed the ongoing saga and noted that they are at a point where the ZBA has several options – to deny, to accept or accept with conditions. The ZBA has agreed to 120 apartments. The sticking point is the sewer fees of \$1.2 million in privilege fees, and \$240,000 in connection fees. Gary Lorden proposed \$400,000 to make the project more economic. Dick explained that the case could go to the HAC (Housing Appeals Committee) and potential legal fees that the Board of Selectmen would have to approve to incur the cost.

The point was made that right across from this development is Pratt St, whose residents are facing the full cost of the privilege fees, and may take great issue if Whalom Luxury Apts. do not have to pay. Carl asked for Dan Hill's opinion of the situation. He stated that the privilege fee is established, that the only exposure is in the connection fees, and referenced the Hollis Hills and Emerald Place history. Dick reviewed the rate on ROC(return of cost) and TIBO rates, and that they will only go up. Dick stated that if we were arguing today, our issue would be that the developer is stating his market rents too low. Dick and Dan are both recommending that the ZBA comes to an agreement, and avoid going to HAC. Carl said that the Commission has advised what the fees are and had to hold the line to support their customers, but the ZBA will have to find a solution to avoid going to court. The question is what would be a reasonable number. Dan reminded that they should have a clear rationale for any decrease in fees in the final decision. Dan asked the Commission to consider them paying $\frac{3}{4}$ of the privilege fee, or \$900,000, and the figure of \$124,000 based on the previous rate of \$1760 in connection fees. It would make the argument stronger since it meets the economic marker. All present agreed that it sounded reasonable. Dick Heaton thanked the Commission, and Dick, Dan and Don Bowen left the meeting.

Current Business -- Drumm Property Privilege Fee Abatement request – Troy brought up that there is a time limit to abatement requests. Barb will check with counsel as to timing. **Pratt St/Lakeview Ave SRF project - the Plans & Specifications** were reviewed by Jack & Carl, annotated, and returned to Wright Pierce on 11/14. Wright Pierce will be in for a meeting on 11/21 with the 'final' set of plans/specs to go over with Jack, Carl, National Grid, and the Lunenburg Water Dept. at 1:30pm Friday. Anyone is welcome to attend. **NOI for ConsCom** – The hearing on 11/19 was cancelled for the Storm Water workshop and the environmental consultant, Chuck Caron can't make the 12/3 meeting. We had asked for a special meeting with ConCom, but in discussions with Matt Marro, ConCom agent, there may possibility that the project is exempt. Barb will check with Jan or Matt to follow-up. **Storm Water workshop** –The Commission is interested in attending the workshop 11/19 for the potential storm water issues with this project. Any costs for storm water management would not be added to the sewer betterment, and should be handled separately through the DPW. **I/I Project status – I/I Spring project** –Weston & Sampson will attend the December meeting to discuss their proposal. The question of December meetings was raised. The next meeting is the 2nd Tuesday meeting on 12/9, at the DPW. Butch added that he will be unavailable 12/12 and for some time after for personal reasons. Barb will send out the proposal sent earlier this month by Weston & Sampson for the Commission to review. Troy asked about the work on 37 Graham, and the Elizabeth St. manhole and the Commission discussed the below grade manholes. Barb will check the status of the projects with Jack. **Highfield Village** – Commission discussed the Planning Board's lengthy peer review provided by Adam. The question of easements was raised, but we will await the engineering response for more information. Barb advised that Maple Parkway residents were calling about their cost. Discussion followed on whether and how a betterment would be charged. This should be dealt with as a private extension by the developer, otherwise it is a public works project. This will be similar to Lancaster Ave, with people who connect immediately paying 50% of the betterment. We need to follow the extension policy. It will be up to the developer to involve those residents and those who contribute to the project will get it at \$5775, if not it will be at the full last betterment. Barb will let the Planning Board know so they can advise residents. Troy added that at the meeting on 10/28, it was discussed that we need to set up the process going forward for advising and informing the residents. Troy will work with Barb on the correspondence. It was noted that the cost will be 50% of the most recent betterment, which started the discussion to reduce the potential betterment on the current SRF project. The last betterment was \$11,551 and the new project is possibly \$24,000. Carl noted that a reduction could be accomplished by establishing a reserve once project costs are known, which was done with the prior project, to allow future users to share in the cost. **Sewer Commission Projects update** – Carl reviewed the projects to ensure there were no further updates, more than what had been already discussed. **SWSS – Generators**–Barb advised that she met with Deb and Jack earlier. Deb will provide details/updated figures as to the ongoing work to bring generators up to standard; possibly breaking out major from getting them up and running; Dana St and Electric are still not complete. They will come to the next December meeting on 12/9. **SCADA -Leominster Rd-** Carl will work with Steve on getting internet access. Debbie said she would provide an invoice detailing the \$960 in additional labor. Barb brought up Jack's concern that we pay SWSS their monthly maintenance invoice, even if they are reduced by 1/12th of \$7500 for generator maintenance. Barb advised we had held 10/1 and 11/1 invoices awaiting resolution. Jack had stated that we need to pay SWSS, that they are doing the work that we have contracted with them to do. Commission discussed that it could be seen as breach of contract and agreed we could pay the

invoices less the portion for generator maintenance. **Reports** –Carl noted that on 10/23 and 10/24, many of the pump station run times and starts had doubled. It was determined that we'd ask them to explain the spike at the next meeting. We'll also ask about scheduling the **tour** at that time. **42 Highland St. private extension** – We have not received the as-built from the engineer, so the acceptance of the line and privilege fee assessment will be tabled until next meeting. It was noted that at the November 12th **ZBA hearing for 790 Mass Ave**, the change of use did not pass. Also, now that it was formally on the agenda, we can now officially welcome our **New FinCom liaison, Jay Simeone**, who replaces Terri Burchfield. The Q2 bills went out and the Commission signed the **Q2 Billing Commitment for \$184,288.53**. Barb noted that the Sewer Commission's letter for the **Annual Recap**, which is submitted annually to the DOR by the Town, was done and provided to the accountant's office last week. Regarding the **Minutes for 10/28**, Butch had requested an edit, which Barb reviewed for the Commission. There were no issues with the edit but since Butch had left the meeting early, the vote to accept the minutes was postponed to the next meeting.

Business Manager reports- Barb noted that we'd received notice of a new **Electricity Aggregate contract**, which impacts several of our pump stations and the rate increase. Invoice for Koppelman & Paige was approved. Commission reviewed upcoming meetings. Next regular meeting of the Commission is 12/9. At that meeting, the Commission will determine whether or not to hold the meeting on 12/30. As for other **UPCOMING MEETINGS/WORKSHOPS**, there is the Storm Water workshop on November 19, 2014, at the Library, and, as it stands right now, on December 3, 2014 will be the NOI review with ConsCom at the Ritter building.

With that, Carl asked for a **motion to adjourn**. **Dave made the motion, Troy seconded. Vote taken was unanimous. Meeting was adjourned at 9:08 pm.**

Respectfully submitted,

Barbara Lefebvre

