

### **Minutes of 2/23/21 Sewer Commission meeting– via Zoom (Video Conference)**

**Attendees:** Chair- Dave MacDonald, Vice-Chair- John Reynolds, Clerk- Brett Ramsden, Members: Mike Deveikis and Carl Luck, DPW Manager- Rob Oliva, Business Manager-Barb Lefebvre, Minutes Clerk- Jane Ranley  
Dave opened the meeting at 5:02 pm and did a roll call of attendees.

**ANNOUNCEMENTS** – Barb announced that bills will be sent out on this week and to call the office if you do not receive your bill by the next week.

**Public comment** – John stated that he will need to step aside from Sewer Commission duties for the next 4-6 weeks, for personal reasons. Dave noted that the board will be down a member, so a quorum will be important. He also asked Barb to keep sending John all Commission information. Mike wished John the best of luck and to let him know if he can help. Carl said he hope everything works out well for John. Carl also noted that he sent his resignation letter to the Select Board Chair, with his resignation from the Sewer Commission effective April 30<sup>th</sup>. He wanted to make sure that there will be an opening on the town ballot and he sincerely hopes someone on sewer will step forward to run. In his 15 years on the Commission, there have been only 3 members that were sewer users. Brett also wished John all the best and said he is available for help. Dave thanked Mr. Luck for his 15 years of dedication to the Commission. He wished Carl all the best and hopes he enjoys his retirement time. Barb thanked Carl for all his years of dedication to the Commission. John added that Carl may need to be available for future consultations. Barb noted that the town election is in May and Dave added that there is a live town caucus on March 15<sup>th</sup>.

### **CURRENT BUSINESS** –

**711 Mass Ave- ZBA project proposal** -Barb reported that this is a proposal for a new development of 8 townhouses. She has not been contacted by the engineers or others but there is a public hearing on 2/24. Barb added that the parcel has been assessed betterments and they have been advised that additional privilege fees will be due. They also know that they will need to come before the Commission.

**Access to Town Counsel Policy** – Dave asked for a motion to change the wording in the policy from notification to permission.

**Motion:** Brett R.

**Second:** Mike D.

**To change the wording in the Sewer Commission’s “Access to Town Counsel” Policy from notification to permission.**

**Discussion:** Carl said he is not sure that the new commissioners understand why this is in place and that other commissions use it quite effectively. Carl played an excerpt from the presentation of Mead Taleran to the Selectmen on 4/18/2017 regarding open legal office hours. The recording noted the open hours are successful in other towns because it gives municipal staff an opportunity to ask questions and get ahead of problems. Carl added that this was a preventative model to reduce litigations in the future. It helps protect the town because litigation is not included in the town fee. For sewer, litigation would affect the Enterprise Fund. Carl suggested the Commissioners think about it a little more and attend open hours. He added that to get permission, it will have to be added to the agenda then schedule open hours. He also asked what the problem is that would be solved by this and what would be a reasonable reason for not giving permission to someone to not go to open hours? Dave said no one is taking any rights away from anybody or being restricted. It is to keep the policy from being abused by a member going to talk to the attorney behind their backs. A member can just say in a meeting that they want to talk to the attorney. Mike agreed that if we have a question, they can bring it up at a meeting. Brett agreed, but asked why it has to be on the agenda. Dave said they could add it to the members’ agenda inputs. John said no one has a problem with a Commissioner going to Town Counsel, but it would be good to know if anyone has an issue. Carl said Dave never gave an example of how he went behind the board to Town Counsel.

**Roll call vote:** Mike-aye, Brett-aye, John-aye, Dave-aye and Carl-nay.

**Fitchburg Sewer Use Ordinance updates status-** Barb reported she got a response back from Fitchburg and they approved an extension to May 28<sup>th</sup>, which will give the Commission time to review the changes, go back to Fitchburg for their approval, then back to us to go to Legal. Then we will need public hearings to accept the changes to the Regulations. Dave will work with Brett and Barb on the updates.

**Maintenance Plan- review and discussion** – Rob reviewed the plan’s latest version and has a list of general comments but needs to compile everyone’s comments to send to all. Dave said he would like to look at section 2, 3 &

4. Carl noted the Maintenance Plan is what they should be doing and how often. He added most of his comments pertain to why the plan was significantly changed by the DPW. Carl gave Rob his detailed comments and suggestions. Dave asked to set up a Zoom meeting with Carl, Rob & Barb to discuss Carl's input and suggested Carl send out an outline for discussion. Rob asked that this meeting be scheduled after he presents the DPW budget next week. Dave added the goal is to start the Maintenance Plan and make sure they have enough Capital to fund it. They can look at this year and then make a 5-year plan.

**Town Meeting articles discussion-** Barb wanted to verify that the Commission didn't expect any additional articles on the warrant besides the standard budget article and stabilization transfer articles for the warrant. All agreed.

**Minutes-** 2/4, 2/9

**Motion:** John R.

**Second:** Brett R.

To accept the minutes for 2/4/21 Meeting.

**Roll call vote:** Carl-aye, Brett-aye, John-aye and Dave-aye.

**Motion:** John R.

**Second:** Brett R.

To accept the minutes for 2/9/21 meeting.

**Roll call vote:** Carl-aye, Brett-aye, John-aye and Dave-aye.

**Business Manager Report** – Barb reported that the **FY22 Budget draft** has gone to the Town Manager and the next step is the FinCom presentation on March 11<sup>th</sup>. **384 connection issues-** John Esposito is still working on trying to get the survey done. **Invoices-** Fitchburg Usage- \$ 19,401.38 which is based on Flow metering information that we sent to them. Barb added that it is high but usually is at this time of year. **Grease Trap reports-** all January logs are in and the February logs are due 3/2. The **Annual report** has been submitted and will be included in booklet given out at Town Meeting.

**Member Agenda Inputs for Future Meetings-** Dave suggested changing the wording for this item and Barb suggested "Members Requests for Future Meetings/Counsel Hours". Dave requested Barb ask the Town Manager to send out the schedule of events coming up regarding the caucus and town election, etc. and if she receives it to share with the Commission.

**Public Comment-** Dave Passios (56 Whiting St.) said he was disappointed with the vote on access to Town Counsel. He cherishes his access to Town Counsel and agrees that they need to deal with abuse, but it is unfortunate that vote was taken. Dave M. again thanked John for what he has done and offered any help if needed. He also thanked Carl for his service.

**UPCOMING SCHEDULED SEWER COMMISSION ACTIVITIES:**

March 9, 2021 @ 5pm – Regular Meeting, Remote Participation

March 11, 2021 @ 7:30pm FY22Draft Budget Presentation to FinCom

March 30, 2021 @ 5pm – Regular Meeting, Remote Participation

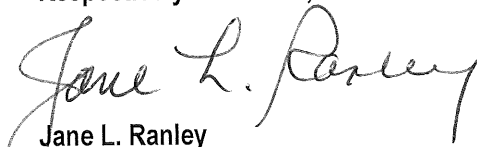
**Motion:** Brett R.

**Second:** Carl L.

To adjourn at 5:52pm

**Roll call vote:** Brett-aye, Carl-aye, John-aye and Dave-aye.

Respectively submitted,

  
Jane L. Ranley  
Minutes Clerk

**Handouts:** Recording from a presentation to the Selectmen on 4/18/2017 regarding open legal office hours (supplied by Carl Luck).