

Minutes of 3/08/22 Sewer Commission meeting– via Zoom (Video Conference)

Attendees: Chair- Dave MacDonald, Vice-Chair- John Reynolds, Clerk- Brett Ramsden, Members: Mike Deveikis and Mike Nault, DPW Director- Rob Oliva, Business Manager-Barb Lefebvre, Minutes Clerk- Jane Ranley
Dave opened the meeting at 6:13 pm. and did a roll call of attendees. The Commission began the meeting by saying the Pledge of Allegiance.

ANNOUNCEMENTS – Barb announced this was Rob's last meeting. She wished him well, thanked him for all his work for the town and noted that he will be missed. Rob thanked all and said that he will miss all the friends he has made. All the Commissioners wished Rob well and stated that he will be missed. Barb also noted the sewer bills were sent out on 2/23 and are due 3/28. If anyone has not received their bill, they can call the office. Barb announced the Town Caucus will be on 3/14 and she confirmed with the Town Clerk that there are 2 3-year terms open. Mike Nault stated he would accept the nomination but would prefer a 1-year term.

PUBLIC COMMENT- none

CURRENT BUSINESS -

Budget discussions- Barb noted she sent the Commissioners the FY23 budget with the 8% increase. She added that with increased revenues and the 3% contribution to Capital Reserve increased, the net deficit would now be \$355,502. The effective date for the rate increase should be 4/1/22 in order to reflect it in the 7/1 billing. Barb added the minimum charge and wells price should be discussed.

Motion: Brett R.

Second: John R.

To accept the FY23 budget with the 8% increase.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

Barb stated the current billing rate is \$12.65/100 cu.ft. and proposed the rate increase to \$13.66/100 cu.ft., effective 4/1/22. She also proposed the minimum charge go to \$115 for use up to 846 cu.ft. and increase the charge for users on wells from \$231.87 to \$250.38. There are currently 9 wells accounts

Motion: John R.

Second: Brett R.

To enact the new rate charge of \$13.66/100 cu.ft, minimum charge of \$115 and wells charge of \$250.38, effective 4/1/22.

Discussion: John noted the Commission would be able to look at well charges on an individual basis.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

CTE (Chad Empey) contract – Barb stated the 3rd year of the contract has a 4% increase and she checked with the Procurement officer if it can be accepted without going out for bid again. Heather (Procurement/Town Manager) replied that the Commission needs to get justification from the vendor and send a memo to the Procurement office as to why they are accepting the 4% increase. Barb also talked to Town Counsel who has options for going forward beyond year 3. Heather told Barb to include the vendor's Year 3 price in the FY23 budget. Rob noted the 4% increase would be \$3-\$4K.

Motion: John R.

Second: Brett R.

To approve the CTE (Chad Empey) year 3 contract.

Discussion: John asked how much justification they would need to come up with and Rob replied it is more administrative to support why the increase is justified. It goes in a file in case of an audit.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

Sewer Use Regulation and Bylaw changes- Barb received input from Counsel, who suggested not moving on regulation changes until after Town Meeting. She talked to Counsel about the Bylaw and spoke with a member of the Bylaw Review Committee who stated that they are not sure if they will be ready for the May Town Meeting. Counsel proposed that the Commission bring bylaw changes on their own to Town Meeting. Barb noted Counsel provided 3 options for the Easement Bylaw and the proposed articles. John wants to ensure that we get the changes right and understand what is being proposed. The Commission read and reviewed the following 5 changes to the Lunenburg Sewer Bylaw:

1.) SSA (Sewer Service Area) Sec 2.0 – Barb read the wording suggested by Counsel for Section 2.0, regarding inclusion of property into the SSA and that it does not entitle anyone to approvals beyond that. The Commission discussed and agreed to accept it.

Motion: Brett R.

Second: Mike D.

To accept changes to Section 2.0 of the Bylaw.

Roll call vote: John-aye, Mike D.-aye, Brett-aye, Mike N.-aye and Dave-aye.

2.) Easement-Section 3.0 – Barb read the 3 options from Counsel for easements and stated that Counsel suggests using Option 3 which states "A sewer line must remain with the parcel that it serves." but "sewer connections may be installed in easements across adjoining properties at the discretion of the Commission, through the issuance of a waiver under Section 10.0 of this bylaw." Rob said he agrees with option 3 since they are not setting precedence but going on a case-by-case basis which gives more flexibility where there is a hardship.

Motion: John R.

Second: Mike N.

To accept option 3 for easements in Bylaw Section 3.0.

Discussion: John said they need the flexibility, and he supports it. Dave likes option 2 but will go with Counsel's suggestion.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

3.) Deleting Section 4.0 – regarding reference to the "Monitoring and Inspection Procedures and Fee system" which does not exist.

Motion: Brett R.

Second: Mike D.

To accept the Section 4.0 deletion.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

4.) Change to Section 9.0 -Regulatory Charges – Barb noted that Counsel suggested deleting the verbiage and replace with new wording for "Regulatory Authority", giving the Commission the power to amend regulations and rules. The new wording also updates the requirement to just 1 meeting for changes to the Regulations with the proper posting.

Motion: Brett R.

Second: Mike N.

To accept the change to Section 9.0 – Regulatory Changes with Counsel's changes.

Discussion: John asked Barb to clarify the change. Barb replied that it gives the Commission the power to create and amend rules and regulations which counsel had found did not exist in any of the Sewer Commission documents to date. It also lets the Commission conduct changes in one public meeting, with notice posted 5 days in advance. It eliminates the requirement of 2 televised meetings.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

5.) Adding Section 10.0 Waivers – Barb stated it gives the Commission discretion at certain times. Barb read Counsel's suggested wording. Rob said it gives the Commission flexibility to look at hardships on a case-by-case basis.

Motion: Brett R.

Second: Mike N.

To accept Section 10.0 Waivers.

Discussion: John agrees and noted that the Sewer Commission is not a precedent setting board.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

Minutes of 2/8/22-

Motion: Mike N.

Second: John R.

To accept the minutes for 2/8/22.

Roll call vote: Mike D.-aye, Mike N.-aye, John-aye, and Dave-aye. (Brett abstained as he did not attend.)

Minutes of 2/15/22-

Motion: John R.

Second: Brett R.

To accept the minutes for 2/15/22.

Roll call vote: Mike D.-aye, Brett-aye, John-aye, Mike N.-aye and Dave-aye.

Minutes of 2/22/22 were tabled to the next meeting. Brett left the meeting @ 7pm.

Annual Town Meeting Warrant- Barb noted she had sent out the original draft of 4 articles which included the bylaw changes which counsel had proposed that were just discussed. With Counsel's recommendations on the Sewer Bylaw laid out in the proposed Sewer Articles for Town Meeting that the Commission has just approved, Barb asked for the Commission's approval to submit the Articles to the Select Board.

Motion: John R.

Second: Mike N.

Discussion: Barb read Articles 1, 2 and 3 and noted Article 4 was the Bylaw change.

Roll call vote: Mike D.-aye, John-aye, Mike N.-aye and Dave-aye.

Upland/White St. extension exploration project- Rob reported that they met on 3/8 with the Wright Pierce to be brought up to speed on the project. The borings on all 4 roads have been done and they expect that by the next Commission meeting they should have the draft of the plans, the cost estimate and memo to go with it. After the Commission has a chance to review it, Wright Pierce will meet with the Commission. The engineers noted that it was smart to do the borings on Upland and Eastern, since they ran into shallow ledge. They are close to submitting their 1st preliminary review and design. John asked for their definition of shallow ledge and Rob replied his definition is anything 5' to grade or less. He suggested doing more borings if the project goes ahead.

SSO notification program- Rob reported that DEP has promulgated new regulations for Wastewater systems that require public notification when there is a SSO (Sanitary Sewer Overflow). They are requiring every Sewer System to file a SSO plan with DEP by 7/6/22. He said the plan is very detailed, so he reached out to a few consultants who are doing these plans. Wright Pierce gave a rough quote of \$3,400 to put the plan together, meet with the Sewer Commission and submit the final plan to DEP before the 7/6 deadline. Also, Wright Pierce knows the system well.

Motion: Mike N.

Second: John R.

To accept Wright Pierce's scope of services for the SSO Notification Program.

Roll call vote: Mike D.-aye, John-aye, Mike N.-aye and Dave-aye.

American Rescue Plan Act (ARPA) funds- Barb sent the Commission Rob's input for expenses to put forward to the Select Board. Rob noted the big-ticket item is sewer pump station rehabilitation. The others are manhole rehabilitation, sewer cameraing & cleaning, sewer expansion, and I/I study in Whalom area in collaboration with Leominster. Rob said they could send the list to Heather, but he did not have costs worked out yet. John stated it was his priority list also.

New Assistant to the Business Manager- Barb announced Paula Bertram will be the new Assistant starting 3/14. Her appointment is being ratified at the 3/8 Select Board meeting tonight. Barb added that it was apparent in the interview process that she was the most qualified person. The Commissioners all congratulated Paula and welcomed her aboard.

Q3 Commitment \$229,828.56 –Barb reported the Q3 bills were sent out on 2/23 and she needed a vote of approval of the Commitment and Warrant. She also asked the Commissioners to come in the the office to sign the commitment.

Motion: John R.

Second: Mike D.

To accept the Q3 Commitment for \$229,828.56

Roll call vote: Mike D.-aye, John-aye, Mike N.-aye and Dave-aye.

790-792 Mass Ave- Barb reported that the project will be going before the Planning Board for subdivision. There had been a question about the 2 betterments that they were assessed as a multi-use property with both residential and commercial use. Their intent is not to continue any commercial use. Town Counsel had confirmed that they can apply the additional betterment when the Privilege fees are assessed for increased use, when it is determined what is being built, but that the Commission can assess additional units if usage is expanded in the future.

Meeting discussion- Barb asked the Commission if they want to continue with Zoom meetings or meet in-person for the last Tuesday of the month meetings. The Town Manager had communicated that Zoom meetings can continue until 7/15. The Commission discussed the options and decided to maintain Zoom meetings until the end of April.

Motion: John R.

Second: Mike D.

To maintain Zoom meetings until the end of April.

Roll call vote: Mike D.-aye, John-aye, Mike N.-aye and Dave-aye.

John asked for clarification on the 790-792 Mass Ave. issue. Barb detailed the background on the betterments. She added that Kevin Hill came in and is proposing a residence only on the existing location with the barn and having 2 lots with a duplex on either side. They will apply the residential betterment to the main site and apply the commercial betterment towards one of the duplexes. Counsel said it was fine.

Business Manager Report – Website- Barb noted that she had updated the website with billing information, drain layer updated list, adding cu.ft info to the deduct meter requirements and had updated the language on the permit to connect. **Grease Trap Reports –** Barb will have for the next meeting.

Invoices- Wright Pierce - \$8,326.51 for the start of the ledge borings on Upland/ Eastern. The total contract is for \$13,200. **Mead, Talerman** – \$191.20 (for February services).

Action items - none

Public Comment- John, Mike N and Dave all wished Rob well and said that he will be missed. Rob replied it was a pleasure working with everyone.

UPCOMING SCHEDULED SEWER COMMISSION ACTIVITIES:

March 14, 2022 @ 6:30pm Town Caucus, LMHS, 1079 Mass. Ave.

March 29, 2022 @ 6pm – Regular Meeting, Remote Participation

April 12, 2022 @ 6pm – Regular Meeting, Remote Participation

Dave asked Barb to notify PACC (Public Access) they will be continuing Zoom. The FinCom presentation will be 3/24.

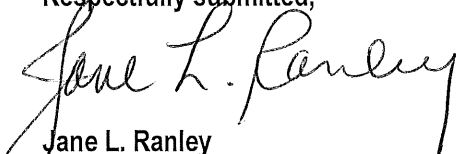
Motion: John R.

Second: Mike N.

To adjourn at 7:34pm.

Roll call vote: Mike D.-aye, John-aye, Mike N.-aye and Dave-aye.

Respectfully submitted,



Jane L. Ranley
Minutes Clerk

Handouts:

- Proposed Sewer Articles- Annual Town Meeting w/Bylaw change 030822.docx
- 3 options for easement changes in Bylaw section 3.0 from discussion with Counsel