



**Board of Selectmen
Minutes
Friday, December 17, 2010, 9:00am
Town Hall Meeting Room**

This meeting was held to complete the review of the draft Sewer Policy Recommendations.

Those who attended are as follows:

BOS members: Peter Warren, Marie Sobalvarro, Tim Clark

Town employees: Tim Bragan, Julie Doucet, Rich Nota

Policy Committee members: Scott Hayward, Pat Jennings, Kyle Hendrick,
Bill Salter, Marie Fagan, Jeff Ritter

Sewer Building Committee member: Chris Ashley

Water Commissioner: Rick Dickson

SECTION 1 – General Sewer Service

3) Growth Neutrality Clause

Scott Hayward began by paraphrasing the Growth Neutrality Clause to mean: *all bettered properties within the district who may by right connect if new or changed facility could have been constructed with a wastewater disposal system or septic system which would comply or did comply with Title V of the State Environmental code or other applicable regulations of the Massachusetts Department of Environmental Protection or if the increase in design flow could have been permitted in the absence of a connection to the wastewater management system.* Hayward did state this does not alter any zoning requirements. Tim Bragan said there is a conflict between this section and the special legislation that was passed. He said the special legislation supersedes town bylaws. Bragan also commented on how property owners must prove (engineering plans) their facility could have been constructed with a wastewater disposal system or septic system which would comply or did comply with Title V. Chris Ashley said this would be a moving target considering Title V requirements will likely change over time. Bragan said the Growth Neutrality Clause is to protect the system and manage town center growth. Tim Clark asked about the language “some additional uses may connect by right”. Hayward said commissioners can change the policy over time if need be. Clark spoke about use versus utilization and their differences. Bill Salter explained some situations may be able to connect by right and some may need approval. Marie Sobalvarro wondered if the clause is intended to eliminate any 40B prospects. Ashley said to an extent it is but a challenge could always occur. Sobalvarro asked how the town can determine demonstrable benefit. Rich Nota commented on establishing a baseline for reserve capacity. Clark said we need to create a way to define what available capacity exists using a standard metric. He suggests this be something not arguable. He also said most communities do not have a Growth Neutrality Clause in their policies. Ashley questioned the Title V compliance method to determine if any change in use. He suggested having Town Counsel review this section to clarify.

4) Additional properties or changes of use

Hayward said this section is for properties or uses or changes of uses within the District added after May 1, 2009. A privilege fee would be charged and follow the betterment schedule. Excess fees would go into the enterprise fund.

5) Sewer usage rates & bills

5a) this item states the rate for private property users shall be capped at a rate equal to the proportionate share of the operating and maintenance costs divided by projected system capacity in gallons. Hayward indicated any short fall in funds would be paid for by the town. Chris Ashley said the rate includes a reasonable reserve for capital and maintenance expenses. Tim Clark recommended amending the last sentence in the paragraph which states the town is responsible for the cost of unused capacity. He suggests something like the town shall bear cost less the amount appropriated. He said the reality is the town pays all the up front fees with collections coming later. Bragan questioned the notion of the town picking up the cost for the excess capacity considering the entire up front costs are being paid for by the town. Tim Clark said this is not customary but what the town agreed upon. He said the investment in the system is for the common good of the town and it is important to understand the back story. Rich Nota said you can not fully understand what the excess capacity will be until a baseline is established. Clark said the town will always have a bill for the unused capacity which will only be reduced based on new connections. This is something the commissioners may address later.

5b) Rick Dickson commented on the verbiage Town Water System. He thought this may not be accurate. This section will be revisited.

5c) Rich Nota said a combined water and sewer department should be considered and shared cost for the meters as well. Marie Sobalvarro agreed. Rick Dickson explained the Water Commissioners do not handle inspections the Water Department does. He suggested a definition for the town water system be determined. He recommended amended this section to say Water Department does inspections.

5d) Rick Dickson asked if claims for adjusted bills would go to the department that issues the bills. Rich Nota said if an issue arises a process should be in place that would require a request from the Water Department. Marie Fagan wondered if they should change verbiage to say Water Commissioners instead of Sewer. Tim Bragan recommends the combination of a water and sewer department. Dickson said separate water and sewer meters may be preferable.

6) Circuit Breakers

The question arose if it is necessary to include the circuit breakers in the policy considering once the system is in place the circuit breakers do not apply. Chris Ashley said this was created to bridge an understanding with the public. Tim Bragan assured the group he and Finance Director Lorraine Leonard are now tasked will making sure the circuit breakers are not an issue. He does not want to be in a position where it is necessary to go back to ATM. He said that could place the entire project in jeopardy.

SECTION 2 – Connecting to the System

- 1) Obligation of the Commissioners
 - a) Chris Ashley suggested adding a timeline.
 - e) Add in Board of Health
 - f) Tim Bragan said this is the town's responsibility.
 - g) All agreed a standard process and a list of approved contractors should be established.
- 2) Obligations of the Property Owners
 - a) Add language to accommodate if homeowner does not cooperate.
 - c) Need to determine who will inspect: Plumbing or Board of Health.
 - d) Tim Clark questioned the use of may in this section.
 - f) It was decided the Board of Health needs to review this section for guidance.

SECTION 3 – Betterment Assessments and Connection Fees

Scott Hayward said this section is fairly typical.
Formulas were taken from the ATM.

- 1) Betterment assessment
 - d4) Suggested adding reference to section of law that specifies rate.
- 2) Connections fees
 - a) Amend the District to the town and remove including a connection fee to the town and replace with excluding.

SECTION 4 – Permitted and Responsible Use of Sewers

Kyle Hendrick said this section was taken from Wellesley and Norton.

The Board of Selectmen asked the Town Center Wastewater Policy Committee to revise the policy recommendations to include discussions held on December 3rd and 17th. They will attend the second Selectmen's meeting in January for a final review.

The meeting was adjourned at 11:05am.

Documents referenced:

Draft Policy Recommendations dates 10.15.2010
Memo from Town Center Sewer Policy Committee 9.13.2010