



**Board of Selectmen
Minutes
Friday, December 3, 2010, 9:00am
Town Hall Meeting Room**

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

Those who attended are as follows:

BOS members: Peter Warren, Marie Sobalvarro, Tim Clark, Ron Ricci

Town employees: Tim Bragan, Julie Doucet, Lorraine Leonard, Rich Nota

Policy Committee members: Scott Hayward, Pat Jennings, Kyle Hendrick,

Bill Salter, Marie Fagan

Sewer Building Committee member: Chris Ashley

Water Commissioner: Rick Dickson

Policy Recommendations

Town Center Wastewater Policy Committee Chair Scott Hayward began by reviewing the task given to the committee to provide sewer policy recommendations to the BOS.

Committee members consisted of Marie Fagan, William Salter, Kyle Hendrick, Pat Jennings, Jeff Ritter and Sharon McCarthy. Hayward first reviewed a memo sent from the committee to the BOS members. The committee assumed certain administrative prerequisites as recommended below:

- Zoning Bylaw states that only properties on Town water may have access to Town sewer. This conflicts with the policy recommendations.
- Boards of Health cooperate to develop a process to de-commission existing septic systems and eliminate property deed restrictions pertaining to limited septic systems.
- Coordination with Town Center Sewer Building Committee to verify extent of the system design as shown on the sewer map approved at the ATM.
- Appointment of Sewer Commissioners.

Hayward stressed the importance for a clear defined process to be in place for residents interested in connecting to the system. This process must include the Board of Health and any other parties involved. This may include de-commissioning existing systems. The committee suggests a single application be created including clear steps to be followed. Pat Jennings said she has spoken with Sanitarian Ira Grossman about this and he indicated he has a process in mind. Tim Bragan said the Board of Health would be the entity responsible. Hayward suggested communication with residents with some type of correspondence explaining the process in detail and providing contact information for questions. The committee also provided a matrix showing all the properties who are in the proposed sewer district. Bill Salter said the matrix lists the properties down the side and other important attributes along the top. He said they are not totally confident the matrix is completely accurate and suggest the BOS work to verify the information. Marie Sobalvarro said the matrix should correspond with the map approved at the Annual Town Meeting (ATM).

Marie Fagan said her and Pat Jennings took the map and contacted all the residents in the district as an initial outreach but nothing more as been done. Committee members are confident residents in the proposed district are aware of the sewer project but agree more outreach is necessary. Everyone at the meeting agreed a matrix must be finalized to correspond with the map dated 11.19.2008. Tim Bragan said the matrix would be a living document updated as needed. Chris Ashley understood the district can not be changed unless approved at an ATM. Ashley reported one property in the district did not show the system but that has been corrected. He is unaware of any other issues. Hayward suggests the matrix be included with any correspondence that goes out to residents in the sewer district. Ashley stated in some communities the BOS serve as the Sewer Commission. Tim Bragan agreed this was not a bad idea and stated a property owner within the district must be on the commission as well.

Hayward said the policy recommendations imply certain responsibilities of the Sewer Commission which may need to be fleshed out by the Commissioners themselves. Some items the committee pointed out are as follows:

- Construction procedures, grinder pump ownership and construction standards for connections.
- Schedule of fees for contractor licensing, if required.
- Construction Inspection Procedures and General Coordination Requirements
- Penalties for Violation of Regulations by contractors
- Coordinated procedure for de-commissioning existing septic systems, construction inspections and efficient removal of deed restrictions with the Board of Health, Building Inspector and the Water Commissioners.
- Provide space available and maintain records in a central location (Town Hall) for each property located within the district: betterment paid, “as-builts”, verification of proper inspection, certification of valid connection and any deed restriction removal or existing restrictions.

DPW Director Rich Nota said he maintains 75% of the “as-builts” for the properties located within the district. Tim Clark recommended the sewer records be kept at the Department of Public Works office. Nota agreed. Water Commissioner Rick Dickson commented on the fact that the sewer district map does not completely overlap with the water district. This means residents who are in the water district may not necessarily be able to connect to the system. Marie Sobalvarro referenced the FAQ on the town website which was given out prior to the ATM when the sewer project was approved. She said it was a helpful document and suggested updating it.

Review of the policy began with Scott Hayward summarizing each section and Marie Fagan taking notes. First suggestions made were to add a glossary section, page numbers and date.

Section 1: General Sewer Service

1. Purpose of the Sewer System

Marie Sobalvarro questioned the wording “stable and reasonable rates”. She commented on the intent of the service is not for the town to make money but future repairs and on-going maintenance must be considered. This is why it will be set up as an enterprise district. Tim Bragan asked about the wording “publicly desirable”. Sobalvarro suggests the wording reconcile with the warrant article by including demonstrable benefit. Tim Clark asked about the section where it says: *right of all property owners in the district to connect to the Sewer System at any time within the 20-year period of the financing*. He wondered if the 20 year was accurate. He also suggested removing the word guaranteed from the first paragraph for consistency. Hayward said the committee has been trying to develop a policy that is in reasonably understandable language. Tim Bragan said the policy should be developed with the understanding of what was voted on at the ATM. It will be incumbent upon the Town or those chosen (BOS or Sewer Commission) to execute. All details do not need to be included in the policy. Rich Nota asked if there is a minimum connection requirement for the system to be functional. Chris Ashley said the expanded system is a benefit and expects most property owners in the district to connect immediately so he is not concerned with a minimal connection requirement. He indicated a substantial amount of property owners in the district expressed their interest prior to the ATM. Kyle Hendrick said he is confident 90% will connect right away. Pat Jennings commented on the property owners who have deed restrictions which require them to connect. Obviously, the town and church will be connecting right away. Ron Ricci suggested a formal commitment be established prior to the system becoming operational. Marie Fagan stated the commitment from property owners would be apparent long before the system becomes operational.

2. The system, connections and future connections

a. Discussion again revolved around the matrix and map. All agreed it is imperative to codify the map with the matrix and use the matrix as a baseline with the understanding it will evolve over time. Bill Salter suggests the matrix be incorporated into the policy. Rich Nota commented on the matrix being a working document and Marie Sobalvarro said it should correspond with the legislature as well. Chris Ashley said the matrix is a snapshot. Scott Hayward suggested the matrix and map be separated and specify the matrix as a working document. Tim Clark supposed to make this simple and clear legislation could be inserted. Marie Sobalvarro again suggested codifying the matrix with the map approved at the ATM with the understanding the matrix is a working document and will change.

b. Chris Ashley said a clear line of delineation must be established. This section relates to the ownership of the system. Town Counsel must review b & d to reconcile. Tim Clark said the enterprise will be in place to manage the system but the Town owns the liability. Finance Director Lorraine Leonard confirmed the enterprise manages the system but the

Town is still ultimately responsible. The enterprise separates the system users from the general tax payers. Leonard also stated if rates are not paid by property owners the Town must pay and if the Department of Revenue says rates must be raised the Town must raise rates. The enterprise will be responsible to pay back any monies paid for by the Town. Chris Ashley said there should be no surprises only reasonable predictable issues. Ron Ricci assumes the rates would include monies to cover maintenance and repairs. Committee members wondered what would happen if a large unexpected expense were to occur. Tim Bragan said the rate payers would be responsible but Lorraine Leonard did say another option would be an ATM vote to separate out a specific expense. Rick Dickson said liability insurance would be another option. Bill Salter felt this may be a massive disincentive to signing up. Residents may be skeptical considering the potential liability. Tim Clark pointed out the Town is a major stakeholder in the system and would not walk away. Rich Nota agreed stating if the Town is investing money to build the system they will take on future obligations.

c. Tim Bragan recommended the Obligation to Pay Betterments be handled separate from the policy.

e. Due to the wording in the legislation passed stating property owners must connect within 6 months of their system failing the section which states (or as reasonably determined by the Commissioners) must be removed.

f. Chris Ashley suggests Town Counsel review this section. He is questioning how a properties change in use would apply.

g. Hayward said this paragraph is basically to address the water flow management. The question that was raised was if the system is nearing capacity could others still connect. Bill Salter said there should be an annual reserve adequacy report. This will help with determining where capacity is and how to look forward. Peter Warren agreed all who are in the proposed district must be considered. Salter referenced the Growth Neutrality Clause section of the policy which has not yet been reviewed. Chris Ashley suggests the commissioners establish a reserve capacity number that will address connection needs snapshot and maintain an annual test to determine the average usage. He said this will allow the commission to create a reserve and monitor it. Ron Ricci felt it prudent to pick a percentage for maximum usage which is reasonably defined. The numbers of 20% for unallocated and 20% excess capacity were discussed. Tim Clark suggested the committee delete from the paragraph starting at *In addition* as it provides too much detail.

h. Tim Clark asked why this paragraph was included. Chris Ashley said it is to account for multiple dwellings on a lot and the issue of disconnection or abandonment of a system. Bragan said this would be the jurisdiction of the Board of Health.

The discussion ended and another meeting was scheduled for Friday, December 10th at 9:00am in the Town Hall Meeting room.

The meeting was adjourned at 11:00am.

Documents referenced:

Draft Policy Recommendations dates 10.15.2010

Memo from Town Center Sewer Policy Committee 9.13.2010