

Minutes
August 29, 2006

The meeting of the Board of Sewer Commissioners was called to order at 7:00 PM by Elaine Fiore. Members attending tonight were Elaine Fiore, Peter Cobb and Sean Walsh.

Paul Basler, Superintendent of the Highway, Parks and Trees Department met with the Board to discuss the condition of Summer Street. He said he had driven the area since it was leveled and it appears that the road is still settling. It is very uneven again. He reported that Bradford Avenue and Elder Avenue are also in poor condition. He questioned whether final paving should be allowed on Summer Street before the 90-day settle period has passed. If the final paving settles again there could be a significant problem. Ms. Fiore said that she would contact Mr. Oukerbloom or Mr. Auger regarding this to see what action they would take if the final paving is done according to the schedule they have requested and then the road settles. Mr. Basler stated that he would notify the Board about his final paving requirements by the next construction meeting.

Mr. Basler discussed his plans for the transfer station. He stated that Thorndike Development has a plan which shows the location of the transfer station and the wastewater treatment facility and the future needs of both. Ms. Fiore mentioned that the transfer station site is permitted as an effluent site. Mr. Basler indicated that he would like to reconfigure the transfer station and would not want to pave the area if it were going to be torn up to install an effluent field. Ms. Fiore replied that if another effluent site cannot be acquired that the transfer station would be the only site available. The Board is looking into an easement to the Davis property for approximately 7 acres of land to be used as an effluent site.

Mr. Basler asked if a plant expansion would require any SBR's to be built on the transfer station land. He was told that CDM had developed a plan that would locate future SBR's in the parking area for the wastewater treatment facility and the grassed area next to the current SBR's. Mr. Basler provided 3 option plans for the transfer station reconfiguration. He stated that he preferred option 3. Thorndike will have to provide information showing how their proposal will impact both sites and the existing road.

The Board asked Mr. Basler if sewer went down any unpaved paper streets in Phase 1. He replied that the sewer did not go down paper streets but that they did go down some private roads where easements were taken. He suggested speaking to Paul Armstrong regarding the status of the lower part of Hillcrest Road. He also stated that the Town has not plowed this area.

The Board met with Fred Tonsberg, Attorney John Flemming and Mark Flaherty of Flaherty and Stefani at 7:25 PM. Mr. Flaherty reviewed a revised plan for the condominiums proposed for Indian Pond Estates. He stated that lot 4-15, on the corner by

the gate to the MBTA station, would house 8 units on septic systems. The back stretch that is opposite the MBTA station would house 22 units also on septic systems. The parcel next to the real estate office would house 12 units on septic systems. The area adjacent to the new swimming pool would house 20 units that would connect to the sewer. The remaining 32 units would be located across the street and 10 units would connect to sewer. The remaining 22 would use septic systems. The total number of units would be 94. All of the units would be 3 bedrooms. A minimum of 30 of the units would be located in the water resource district.

Ms. Fiore stated that lots 4-27 through 4-43 did not have any sewer allocated to them. This proposal would require 3300 gallons per day of flow. Lots 4-23 through 4-32, located by the pool, would require 20 units on sewer or 6600 gallons per day of flow. The total request would be for 9900 gallons per day. A letter written in April had notified Mr. Tonsberg that there was 2300 gallons per day of flow available to him.

Mr. Flaherty stated that there are 30 laterals available for single family homes and that this project would like to use the 30 units of capacity for the condos.

Mr. Tonsberg stated that he has put the sewer line in the road, up to lot #10, because the original Sewer Commissioners needed more flow. CDM had originally planned to run the raw sewer line down Second Brook Street, but due to problems relocating telephone poles and so forth they approached him to run the raw sewer line through his roads. There was an MOU developed that was never signed by the Town. The agreement was for 20 sewer connections to be provided and that the effluent field be installed. Mr. Tonsberg stated that the remaining house lots are required to have systems designed to accommodate 440 gallons per day, if they install septic systems.

Ms. Fiore mentioned that if Mr. Tonsberg were willing to state in writing that all of the remaining house lots will use septic systems and will relinquish sewer capacity that it may be reallocated to the condos. She stated that the Board had asked for something in writing stating that 311 Country Club Way will have a septic system instead of sewer or that the available capacity for the condos will be reduced by 330 gallons per day, but to date nothing has been received. Mr. Tonsberg casually mentioned that this lot was going to have a septic system. No proof of a septic system approval was provided.

Mr. Flemming asked that the Sewer Commissioners state in writing that they will not require connection to the sewer if capacity becomes available after septic systems are installed. Ms. Fiore replied that the Board of Health currently has a limit on the amount of time a septic system may be used when sewer is available. Connection is mandated by the Board of Health. The Sewer Commissioners can make recommendations but the Board of Health must make the final decision. The Sewer Commission has not received a ruling from them regarding this matter.

Mr. Tonsberg stated that during the original sewer project there was more capacity available than would be used. Now that Stop and Shop and the skating rink need capacity there is no capacity left for further development of the original areas provided with sewer. If the Board of Health will allow him to put more of the condos on septic systems then that is what will be done. It is cheaper to put in septic systems.

Mr. Flemming asked if there was any deadline for vacant lots to connect to the sewer or if allocated capacity will be held indefinitely. Ms. Fiore said that there is no time limit established for vacant lots that have been allocated sewer capacity. Even though Mr. Tonsberg has not paid betterments on the vacant lots in Indian Pond Estates, capacity has

been allocated to them. When the lots are developed a connection fee is assessed. Recently Chapter 250 of the Acts of 2006 was passed by the State to allow the Sewer Commission to make a determination of what remains as available capacity.

Mr. Flemming asked if connection of the vacant lots, to the sewer, could be revisited in the future if capacity becomes available. The Board replied that this could be agreed upon. After Phase 2 connects the remaining capacity will be determined. If capacity remains, all of the projects on the waiting list for capacity would be contacted to see if they still need capacity.

Ms. Fiore stated that the Board would consider creating something in writing stating that capacity from the vacant lots would be reallocated to 30 condos until sometime in the future when capacity becomes available for the house lots. The Sewer Commission cannot determine that the condos or houses would never have to connect if they were using septic systems.

Mr. Flemming stated that he would prepare an agreement that takes into consideration the possibility of connecting the house lots to sewer if capacity becomes available.

Ms. Fiore asked Mr. Tonsberg if he wanted to negotiate the cost of installing the leaching field at Indian Pond Country Club. Mr. Tonsberg replied that he installed 60,000 linear feet of pipe on ten acres of land. The first cell went down 5 feet deep and was 200 feet by 400 feet in area. There were 6 cells and each cell was installed 5 feet further down than the previous cell. Ms. Fiore asked for the cost calculations for the work that had been done. Mr. Faherty replied that the gravity sewer and the raw sewer lines cost about \$530,000.00. They would need a set of plans for the effluent field in order to calculate the cost of the installation. Mr. Vandal stated that the red line drawings for Contract 3 may include plans for the effluent field. Mr. Tonsberg stated that CDM had inspected the installation throughout the construction process.

Mr. Tonsberg mentioned that the contractor working on Brook Street during Phase 1 did not have a contract to install the raw sewer lines, because they would be on private property, so CDM asked him to install them. Mr. Tonsberg agreed to install them as long as the materials were provided.

Mr. Tonsberg stated that the next meeting with the Zoning Board of Appeals was scheduled for September 6, 2006. He asked that a letter be sent to the ZBA stating that the Sewer Commission was in the process of negotiating an agreement with him for sewer service for 30 condos. Ms. Fiore asked that any agreement that is prepared include the lot numbers that are involved.

Arthur Wrightington met with the Board at 8:25 to discuss the connection for the Texaco Station that is being rebuilt on Main Street. The Board reviewed a plan for the sewer connection, which included an inside grease trap and a 1000 gallon outside grease trap. They saw no problems with the proposed connection and signed the connection application for 37-41 Main Street.

The Board discussed an invoice they received from Arthur Wrightington for emergency repairs made to the 9 West Avenue sewer connection. They have spoken to the original installer who has agreed to reimburse the Board for one third of the cost of the repairs. The Board needs to seek reimbursement for the remaining two thirds from two other parties involved with this matter. The Board asked if Mr. Wrightington had

paid money owed to the Police Department. He replied that he had and provided a copy of the payment receipt.

MOTION, by Sean Walsh, seconded by Peter Cobb, to pay Arthur Wrightington \$3675.00 for emergency work done at 9 West Avenue. The motion was unanimously voted.

MOTION, by Peter Cobb, seconded by Sean Walsh, to approve the commitment of \$230,197.48 for the 18th flat rate sewer user fees billing. The motion was unanimously voted.

The Board discussed approving Pay Estimate #3 for Revoli Construction totaling \$447,016.94. Mr. Vandal reviewed the problem that occurred at the Summer Street pump station and stated that Revoli said they would not clean out the pump station as the line leading to it was clean today. Material found in the line further away from the station was removed today. Revoli said if they had to clean out the station and found no debris that they would charge the wastewater department for the work they did. Mr. Vandal continued that there was so much debris in the pumps after the heavy rain on Sunday, August 20th that he was surprised that the pumps were working at all. He said that Mr. Masse seemed to be siding with the contractor that was cleaning the lines stating that he doubted there was any more debris at the station. Mr. Vandal said he would like to know if they had forgotten to put a plug on the Summer Street line as well.

The Board decided that previous problems that caused them to hold the payment of Pay Estimate #3 had been resolved and that they should process the documents required for the payment to be issued.

MOTION, by Peter Cobb, seconded by Sean Walsh, to approve Pay Estimate #3 for Revoli Construction totaling \$477,016.94. The motion was unanimously voted.

The Board reviewed a request for a grinder pump for 8 Prospect Court, received from Norman Short. The sewer line is 8 feet deep at the street and the connection to the house is 356 feet long. A gravity service will not work properly.

MOTION, by Peter Cobb, seconded by Sean Walsh, to approve providing a grinder pump for 8 Prospect Court. The motion was unanimously voted.

A Drain Layer Application was reviewed for Sitecon Excavators Corp. and was found to include all of the required information.

MOTION, by Sean Walsh, seconded by Peter Cobb, to approve Sitecon Excavators, Corp. for a Drain Layer License. The motion was unanimously voted.

The Board discussed a letter they had received from Revoli Construction regarding the Town being in default of their contract with Revoli. The Board signed a letter written in reply to the letter from Revoli.

The October Special Town Meeting was discussed. Ms. Fiore said she had provided a sample article to Mr. Donovan that can be removed from the Town Meeting Warrant if it is not needed.

The Board reviewed and signed a memo written to John LaBrache confirming the principal and interest figures he provided for the Guaranty account that was set up for the Bog escrow money.

Brad McKenzie contacted the Sewer Commission about a revised connection plan for the buildings at the Kingsbury Club site. He said they will be connecting to an 8 inch sewer stub and that they have more than 1 option for the connections. He will drop off the

plans for the Board to review. Ms. Fiore stated that each building would need its own connection.

Ms. Fiore reviewed that a deed restriction had been received for 5 Braintree Avenue. The Board needs to decide if Town Counsel needs to review it. Mr. Cobb mentioned that the owner was told he would need a separate line for the garage. If he puts the deed restriction on the property the Board should consider connection from the existing house. The Rules and Regulations require separate living units to have separate connections. This would not be a separate living unit. If the Board approves the deed restriction then connection should be allowed to the original building.

MOTION, by Sean Walsh, seconded by Peter Cobb, to send the deed restriction agreement to Town Counsel for review. The motion was unanimously voted.

Numerous memos to the assessors, regarding betterments and connection fees that have not been applied to the tax accounts, were signed.

A letter was received from Doug Buitenhuys regarding the connection of his house at 2R Hillcrest Road. He requested that the Board reverse its decision not to run the sewer on the paper road. The Board discussed that if it were done for Mr. Buitenhuys it would have to be done for others. Similar situations were not provided sewer lines in Phase 1. The Board decided not to reverse their decision of August 21, 2006, not to run the sewer 60 feet on the paper road. A letter will be written to Mr. Buitenhuys stating this.

MOTION, by Peter Cobb, seconded by Sean Walsh, to adjourn the meeting at 9:10 PM. The motion was unanimously voted.

Suzanne Richards
Administrative Assistant