

MINUTES
September 26, 2006

The regular meeting of the Board of Sewer Commissioners was held tonight. Peter Cobb called the meeting to order at 7:05 pm. Members in attendance were Peter Cobb and Sean Walsh. Ms. Fiore arrived shortly after the meeting was called to order at approximately 7:25 pm.

The Board reviewed and signed department bills, lien recording bill schedules and lien forms to be recorded at the Registry of Deeds for betterments assessed to properties in Contract 8 of the Phase 2 sewer construction.

Kopelman and Paige prepared a deed restriction for 5 Braintree Avenue owned by Mark Parquette. Mr. Parquette's attorney, John Wyman, was provided with a copy of this document so he could review it with Mr. Parquette before their scheduled appointment at 7:15. The Board also had not had an opportunity to review this document as it was just received.

Douglas Buitenhuys attended to discuss and respond to a letter he received from the Sewer Commission regarding connecting his house to Town sewer. He said that he had sent a copy of his letter to the Sewer Commission to Kevin Donovan. The letter requested that Mr. Buitenhuys be released from being required to connect to sewer if the Board was not going to run a sewer line on the dirt road to his house. When he received the response from the Sewer Commission stating they would not run a sewer line on the dirt road or release him from the requirement to connect, he contacted Kevin Donovan. Mr. Donovan suggested he meet with the Board again to discuss the matter further.

Mr. Buitenhuys pointed out that the letter from the Sewer Commission says that sewer is not coming down his street. He stated that the law requires connection to sewer only if property is abutting a public or private way in which a sewer is laid. He stated that he would like to connect, but only if the line runs down his road to his property. Mr. Cobb asked if Mr. Buitenhuys would prefer not to connect as things stand now. Mr. Buitenhuys confirmed that he did not want to connect if he has to run the line 200 feet from Hillcrest Road to his house. If the Town will run the line down there he will connect. The Board reviewed that Mr. Buitenhuys has easements for his utilities and that the Town has an easement for the water line. There is a right of way in which he can run a sewer line. Mr. Buitenhuys replied that he had received an estimate from Lenny Bianco. It will cost \$1800.00 to run the sewer line from the paved road to his house. He expects it will cost another \$2000.00 for the remaining work needed on his property. Mr. Buitenhuys reminded the Board that they were originally going to consult with CDM about the cost and about an easement and then report back to him. The Board did not get back to him about it. Ms. Fiore discussed that a Wapping Road resident is 300 to 400 feet back from the road and has received an estimate of \$15,000.00 to connect to the sewer.

Mr. Buitenhuis connection may not be the cheapest but it is not the most expensive. There is one property on Meadowbrook Road that is expected to be much more expensive. Mr. Buitenhuis reviewed that between the betterment and connection it will cost him \$15,000.00. Ms. Fiore stated that there is a Septic Credit available from the State and that he should consult with his tax consultant about whether this is something he may be able to take advantage of. Mr. Cobb stated that Phase 1 property owners paid the same costs for betterments and connections as people in Phase 2 will be paying. Mr. Buitenhuis stated that he had paid off the betterment assessment when he received it because he thought that it was the total due for his property. He did not want a lien on his property. It mortgage has been paid off for quite some time. He has found out that the cost will be closer to \$12,000.00 for the betterment. He reviewed that on page 3 of the letter he received a portion states that his property does abut Hillcrest Road and that he must connect. The minutes say he is on a private road, 200 feet from Hillcrest Road. Mr. Cobb mentioned that if DEP were consulted about this that they would probably want this house connected to sewer as it is right on the river. Mr. Buitenhuis stated that there are 3 lots between his house and the river. The letter he received dated September 5th is so contradictory that he should not have to connect. He abuts a private way not a public way. The sewer does not go down the private way. Ms. Fiore asked if he would connect for \$1800.00 worth of work. Mr. Buitenhuis said that he would. The Board said they would consider this discussion and make a decision.

Mark Parquette and John Wyman met with the Board to review a deed restriction document prepared by Kopelman and Paige for Mr. Parquette's property at 5 Braintree Avenue. Mr. Wyman stated that they have no problem with the restriction or the format. They do have a problem with the language in the agreement because it is too restrictive. They would like to take this draft and modify it. They would be changing the language that refers to all legal costs being assumed by the property owner, for any action taken by the Town. The Town should be responsible for these costs if action taken results in a ruling in favor of the property owner. Mr. Parquette asked if he would be able to move forward with his project if an agreement is reached on the deed restriction. Ms. Fiore confirmed that the Board would be ready to approve his garage once the deed restriction is in place.

MOTION, by Peter Cobb, seconded by Sean Walsh, to accept a modified deed restriction agreement for 5 Braintree Avenue, pending approval by Town Counsel. The motion was unanimously voted.

The Board revisited Mr. Buitenhuis' discussion and decided they could not pay to extend the sewer line to his house because there are other properties in the same type of situation that have connected and will connect in Phase 2. His cost estimate is not excessive. A letter will be written to Mr. Buitenhuis reporting the Board's decision and referring him to the Board of Health and Mr. DeBenedictis for a connection loan application and information should he care to apply for assistance with the cost.

The Board discussed the possibility of a restaurant being opened at Cranberry Crossing. Kevin Nolan had scheduled an appointment to discuss this but is not present. The Board felt that any agreement the Board would make regarding adding such a request for capacity to their list for expansion would need to be made with the property owner. The request would be project specific.

MOTION, by Elaine Fiore, seconded by Sean Walsh, to approve the Revoli Pay Estimate #4 totaling \$648,255.25. The motion was unanimously voted.

The Board discussed a Building Permit Application received from the Building Department for 62 Main Street. There will be no additional use of the building and no change in the sewer use. The application was signed and will be returned to Mr. Armstrong tomorrow.

Mr. Cobb reported that the Building Permit Application for Prospect Street that the Board had rejected because there was an apartment and plumbing on the second floor, was to be modified to remove all plumbing and the exits which make it considered a dwelling. A revised application will be submitted. The permit will be returned to Mr. Armstrong unsigned.

The Hilltop Avenue backup power estimates were provided to the Board this week by CDM. They suggested 2 options for backup power to the pumping station. The Board will forward this cost analysis to Kevin Donovan with a cover memo. The Wastewater Department has already paid \$40,000.00 for the original pumping station that did not work because the school would not provide information regarding their wastewater system. The replacement station cost another \$50,000.00. The Town should be responsible for the expense of the backup power because the schools are emergency shelters and the pumping station is only used by the schools.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to approve Old Brookside Development Corp., Churchill Engineering Inc., and Pagliaro Excavating Corp. for Drain Layer licenses. The motion was unanimously voted.

Ms. Fiore discussed advertising for the Connection Inspector. She would like to post it on the State Water Environment Federation site. Mr. Vandal will look into this.

The Board discussed whether a meeting should be scheduled to address the possibility of a wastewater treatment plant expansion. They discussed whether or not they should ask the public for their future wastewater needs. The Board decided that such a meeting might be construed as encouraging more development proposals rather than asking about areas that are in need of sewer because of aging septic systems.

The Board discussed whether they should start requiring engineered plans for connection proposals that are not single family homes and whether they should charge a review fee. Projects like the Bog have taken considerable time and review but have not been charged for the services required to review their plans. Mr. Vandal mentioned the Texaco Station project currently under construction on Main Street. Upon inspection of the connection, he discovered that they were intending to bury the grease trap covers. He has instructed them to build the covers to grade level. Their plan did not indicate that the covers would be buried. The plan also did not indicate inlet or outlet T's for the grease trap. They were instructed to install inlet and outlet T's as well. Ms. Fiore said she would check with Kevin Donovan to see if the Board can implement requiring engineered plans and a fee for review or if this has to be approved at Town Meeting.

Connection plans were submitted by Robert Crawford of Environmental Engineering Technology for the Treetop Condominiums. A DEP application for a Sewer System Extension and Connection accompanied the plans. It is required because Treetop Condominiums were not in the original Facilities Plan but were included in the approved Phase 2 project.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to approve the Sewer System Extension and Connection application for DEP as required for the Treetop Condominiums. The motion was unanimously voted.

A letter will be sent to Mr. Crawford stating the Board has approved the connection plan and has signed the application for DEP.

The Board discussed charging betterments or connection fees to properties that have been approved for sewer capacity but are not currently paying a betterment or connection fee. Some projects that would be contacted about this include the Conant Group senior housing, the Kingston Senior Center, Sullivan Brothers project for the Mid-Cape building, the Bog and 68 Evergreen Street.

The ZBA sent copies of letters they had written to the Mews and Indian Pond Condominiums project managers. No reply is required.

Ms. Fiore reported that Tom Morgan of CDM would like to meet with the Board next week to discuss Revoli's Change Orders. Maybe this can be done after the construction meeting. Ms. Fiore stated that she may not be able to attend the meeting next week. If a vote is needed then another date and time should be scheduled. She asked that everyone that usually attends the construction meetings be contacted and reminded that it will be held on Wednesday, October 4th instead of Thursday, October 5th. Several items included in the Change Orders are work required for a water main break at CVS, \$20,000.00 for a work shut down due to the lack of police detail officers, other water main breaks, the thickness of the pavement not agreeing with the borings done on Wapping Road and Evergreen Street, and a 2-day shut down of work on Summer Street ordered by Mass. Highway. CDM is checking into whether Revoli paid the crew on these days or not.

Mr. Cobb reported that he would be going away on October 26th but would be attending the meeting on October 24, 2006.

MOTION, by Elaine Fiore, seconded by Sean Walsh, to adjourn the meeting at 9:00 PM. The motion was unanimously voted.

Suzanne Richards
Administrative Assistant