

MINUTES  
Regular Meeting and  
Green Committee  
January 15, 2008

The first meeting of the Board of Sewer Commissioners in 2008 was held tonight. Members in attendance were Elaine Fiore, Peter Cobb and Sean Walsh. The meeting was called to order at 7:00 PM by Elaine Fiore.

The first appointment was with Steven Fried, 37 Bay Farm Road, to discuss his failure to connect his home to the municipal sewer. Mr. Fried was also represented at this meeting by his attorney Anne Bingham.

Mr. Fried began the discussion by stating he had purchased the property in 1986 and that it had a building permit, septic system and power permits in place. The septic system was in the ground and power and water services were also in place. The power and water services were run to the land via a paper street near the river area. The entrance to the property goes in over a rise in elevation of about 15 feet, over a hill. He stated that he worked designing wastewater treatment plants in 1963. He has spent over \$50,000.00 redesigning the septic system, which remains in the ground today. Mr. Fried provided an unsigned letter, that was not on company letterhead, from Grady Consulting, LLC stating that a Title V Inspection had passed. The letter referred to a report that was not provided to the Board.

Ms. Bingham stated that there are many turns involved with the connection and installation to the grinder pump. They would like to ask for a variance or at least a suspension of the fines while they are seeking an exemption of the connection by-law.

Ms. Fiore stated that the Board of Health offered deferrals for systems up to 10 years old. If they were to seek an exception to this then they would have to seek an exemption from the Board of Health. Other property owners that had deferrals have since passed the 10 years and have connected.

Ms. Bingham said she would like some time to research the relationship between Chapter 20 and the Board of Health deferral policy.

Mr. Cobb said that DEP had pressed the Town into establishing a sewer system because of the condition of the bay. If the Town had not constructed the sewer system then the State would have issued a formal mandate. All properties along the sewer are required to connect unless there is no capacity available. There is capacity for this property.

Ms. Bingham stated that Mr. Fried feels that connecting to the sewer would be worse for him and the environment based on his experience with the engineering that is involved with this type of connection.

Ms. Fiore said that as it stands, the Sewer Commission is obligated to provide service to this property. The property is not connected to the sewer so the wastewater department is not collecting the expected revenue from it. There are only 4 additional properties, other than Mr. Fried, that have not connected to the sewer from Phase 1. Others in Phase 1 and in Phase 2 have had unique circumstances but have connected to the sewer.

Ms. Bingham said she felt that the system Mr. Fried has would be better than a spaghetti line connected to a grinder pump. Where the connection is to be located is the worst scenario. There is a large rise in the hill leading to the house. It would be better to extend the sewer line along the paper street that is closer to the river.

Mr. Cobb said that Mr. Fried's main objection was that he felt his connection would not work because of the length of the connection. FR Mahony has provided a written letter to the sewer commission stating that their pumps will work for sewer connections up to 2000 feet in length.

Mr. Fried made a comment about granting an easement. He said his neighbors would not grant him an easement. Ms. Fiore clarified it for him. The easement would be granted by him to the Town in order for the Town to enter his property if the pump requires maintenance.

Ms. Bingham asked again if the Town would maintain the pump. She was told that the Town would maintain the pump. She asked Mr. Fried what his objection was with the Town maintaining the pump. Mr. Fried commented that he felt there would be a problem with the Conservation Commission.

Ms. Fiore discussed that the Town has over 100 pumps in use. Mr. Vandal stated that since Phase 1 began and since the warranty on the pumps expired, over a year ago, that the wastewater department has only maintained 4 of the pumps. Ms. Fiore added that the Board was working on establishing a maintenance program in the event that there is a prolonged power outage due to a severe storm.

Mr. Fried commented that the best system would be to put in a pump at the paper street that would allow him to gravity feed to. Then the pump would pump out to the main sewer line.

Mr. Cobb discussed that he had spoken with the health agent today and that she had reported to him that there is only a 1000 gallon septic tank on site along with 2 leaching pits. Current standards call for 1500 gallon tanks. Mr. Fried replied that the flow to the pits is switched from one pit to another regularly.

Ms. Bingham stated again that she would like the opportunity to check out the Board of Health by-laws in order to understand the by-laws, the easements and the Chapter 20 by-law as well.

Mr. Fried added that he felt that the installation of a grinder pump would devalue his property by about \$200,000.00. He would not have a problem putting in a gravity connection. He did not understand why power was not provided to all of the grinder pumps during the construction of the Phase 1 sewers when CDM was designing the sewer project and grinder pump services. The soils on site contain clay and work as a dam between his house and the river.

The Board agreed to Ms. Bingham's request to delay any decision in this matter until the next meeting on January 29, 2008. This will allow her time to research the by-laws and Board of Health policies.

At 7:30 PM the Sewer Commissioners met with Rob Krause, David Baker and Bruce Babcock regarding Cranberry Crossing and Let's Make a Meal. Mr. Krause reviewed that the building has been allocated 3300 gallons of sewer capacity and that it currently has an on site septic system that they would like to continue to use. Mr. Babcock continued that the septic line comes out of the building and is pumped to a leaching field. There is also a reserve area for expanded leaching potential. They propose to install a new sewer service from the street to approximately the middle of the building. They would connect the bank (78GPD) and Java Hut (150 GPD) to the new sewer line and then connect the front part of the building where Dollar Tree is located. If there were ever a restaurant located in the building it would be no more than 63 seats. Mr. Baker continued that their objective was to fully occupy the building based on 3300 GPD of sewer flow. They will need an Order of Conditions from the Conservation Commission just to put the sewer line in. The grease trap is located near Dollar Tree, in the worst possible location. This end of the building should have been left vacant for a restaurant once the building was connected to the sewer. He plans to file the proposed connection plan with the Conservation Commission next week. The sewer line would be continued down to the part of the building, that is now on the septic system, for a future connection. Mr. Krause commented that RK Associates is known for maintaining their properties and they are working to improve this area.

Ms. Fiore clarified that ½ of the building would be connected to the sewer with the bank and Java Hut and the remaining ½ of the building would remain connected to the septic system. Let's Make a Meal would be located in the section of the building that remains connected to the septic system. She was told that was correct.

Mr. Baker said that he would like the Sewer Commission to communicate to the Board of Health that they approve of Let's Make a Meal being located in the portion of the building connected to the septic system and that the Board approves of the Sewer Improvement Plan as presented tonight. By Title V standards the whole building would require 3500 GPD not 3300 GPD.

Ms. Fiore said she had no objection to the plan as long as the Board of Health approves of it. The rest of the Board was in agreement.

MOTION, by Peter Cobb, seconded by Sean Walsh, to recommend to the Board of Health that they approve of and adopt the Sewer Improvements Plan dated 11/13/07 and received by the Sewer Commission on 1/15/08. The remainder of the building will connect to the sewer when capacity becomes available. The motion was unanimously approved by vote.

Mr. Baker reported that their meeting with the Board of Health originally scheduled for January 14, 2008 was cancelled and rescheduled for January 28, 2008.

At 7:45, Lloyd Geisinger and Kara Brewton met with the Board to discuss ongoing issues with funding the treatment plant expansion. Ms. Fiore reported that DEP advised the Sewer Commission to make sure that the needs of the Town are taken care of first if Mr. Geisinger builds his own plant. Jeff Gould cautioned the Board about a public/private partnership based on DEP's past experiences. Mr. Geisinger restated the position of the Sewer Commission, regarding the idea of discharging effluent from his plant via a separate pipe to the Town owned leaching field, issued under Town permits, as being unacceptable. He will not keep this idea in consideration. He asked why it was not acceptable. Ms. Fiore replied that the Town would have concern with the monitoring

of a private plant. The Town would need to make sure the effluent quality was good. Mr. Cobb added that DEP did not recommend a private plant be allowed to discharge to a Town owned and permitted leaching field.

Mr. Geisinger discussed the potential to sell back unused sewer capacity. Ms. Fiore said it would be at least 10 years to full build out of the project. Sewer flow would have to be monitored for at least 5 years after build out. The situation in 15 years is unknown at this time. The Board cannot commit to an unknown.

Mr. Geisinger discussed expanding the plant for 2 SBR's for an additional 350,000 GPD. The plant would be rated for roughly 700,000 GPD but would only be getting 600,000 GPD because the development's flow would be 100,000 GPD under the expected flow calculations. Wouldn't the Sewer Commission want to sell this capacity? Ms. Fiore replied that the current plant can only handle what is currently sewered. Any streets served outside of the current areas would probably need another treatment plant. Mr. Geisinger said he felt that Jeff Gould's concern was that the Town did not exceed the flow it is rated for. Ms. Fiore stated that the plant expansion would take care of the waiting list. There might be some extra for someone else that comes along. The Board does not feel that they can agree to buy back capacity at about \$10,000.00 per ERU in 15 years when so many factors are unknown. Mr. Geisinger continued that at some point in time historical data may prove that there is excess capacity from the development. If there is a buyer waiting for capacity, wouldn't the Board want that person to buy the capacity and connect? Mr. Cobb commented that non-residential property might have use for the excess capacity at some point due to a change in use of the space. The Sewer Commissioners have had users request reevaluations of their property and given away their excess capacity only to find out later that they needed it for another use. They have had to place their requests on the waiting list. Mr. Geisinger stated that it seemed the buy back idea was not going over well.

Mr. Geisinger said he had planned on a \$4-5 million dollar investment for the sewer expansion. However, he did not put a cap on the investment. The agreement with the Water Department guarantees \$2,190,000.00. Mr. Geisinger was looking for the Sewer Commission to give him a number. CDM's figure is \$13 million dollars for 3 SBR's and \$8 million dollars for 2 SBR's. If Thorndike were to pay 1/3 of their share of the 3<sup>rd</sup> SBR, then their total cost would be \$10 million dollars. They can't support a \$10 million dollar contribution. The estimate was that they would pay \$4-5 million dollars. That was the reason why they proposed a private plant. Ms. Fiore stated that the Board did not know how they would get \$6 million dollars for the Town's share. They would have to fund it while construction was ongoing. There is nothing concrete to go on and the future is uncertain. The Selectmen have placed an article on the Town Meeting Warrant requesting part of the Wastewater Department's surplus revenue, leaving nothing for the Sewer Commission to use to fund any capital improvements. There is about \$1 million dollars in surplus revenue. The waiting list will occupy about 3/4 of the SBR. We cannot bill them until the contract is signed. Once the contract is signed the Sewer Commission can bill the waiting list 50% of the contract price. There would need to be seed money to pay the bond until the customers can be billed. The Sewer Commission would need a legal commitment from the people on the waiting list, that they will pay for their portion of the expansion. The Town would need to take out a loan and make payments, but nobody will be connected and the new customers will not be

making payments on more than 50% of the contract price. It would take a least 1 year to get the payments on the tax bill. Mr. Geisinger suggested that the original agreement with the Sewer Commission needed to be simplified like the Water Department's agreement. He asked if it would be wise for the development to pay betterment fees. They could agree to pay a set number of units up front. The leaching fields would still be designed and built and the engineering work would be paid for. A commitment could be made for 200 to 300 units. Betterment fees could be paid for those units and then additional betterments could be paid for new units as they are built to allow the project to spread the cost out over a period of time. Ms. Fiore said the concern with this idea would be that the Town would have to pay 100% of the contract price with some kind of funding and would have to have additional funding available to pay the loan payments. What would happen if the developers were to walk away from the project and not contribute the expected number of betterment payments? What if the Town were unable to meet their debt payments? The Town would have to pay the entire loan for the expansion. Mr. Geisinger suggested that he could post a bond that would obligate the project to make the betterment payments. He repeated that he would pay for 200 units up front and then pay additional betterments up front as they were built.

Ms. Fiore mentioned that only \$6000.00 of the \$24,000.00 deposited into the account for engineering services had been used for the layout plan developed by CDM. If Mr. Geisinger has no objection the Board would like to have CDM work on a timeline for construction and funding. Mr. Geisinger had no objection. He reiterated that the project could pay \$5 million dollars for the sewer expansion. A quick calculation of the numbers indicated that \$5 million dollars divided by 730 living units would average \$6849.31 per betterment. This is well under the average betterment for Phase 1 and the projected betterment for Phase 2. It would also mean that if the project total for 3 SBR's were \$13 million dollars, that the waiting list would have to contribute \$8 million dollars. It is doubtful that this would be a reasonable expectation.

Ms. Fiore stated that the plant specifications would be put out to bid when ready and that the cost of construction would be determined by the results of the bid. In Phase 2, the 5% contingency budgeted was not spent on items that had been included in the bids. The Sewer Commissioners would have to look at repayment of the debt over time in order to see if the plan would work. If all of the units were not built, the loan would have to be repaid anyway. There probably is not even \$5 million dollars on the waiting list.

Mr. Geisinger stated that DEP wants to be sure that the plant does not exceed the permitted flow. If the development does not use all of their Title V capacity, then maybe there is no need for the 3<sup>rd</sup> SBR. Ms. Fiore replied that on day 1, the expansion would need at least 1 SBR and the new buildings to handle flow from the development. If that is all that is put into the expansion contract for the Town, then that is the only loan the Town would take. Mr. Geisinger suggested that the development contribute \$2 million dollars for the first 200 units. That figure results in an average of \$10,000.00 per betterment. Then he suggested that they would contribute another \$2 million dollars for the next 200 units. Ms. Fiore suggested that the discussion would not result in any decisions until CDM could provide a true cost estimate, without a contingency budget for the engineering, and a timeline. She asked Mr. Vandal what would be the minimum equipment needed. Mr. Vandal estimated that at the very least they would need to install all of the piping, a sludge holding tank, GBT, building expansion, etcetera, to be able to

accommodate each SBR as they are built. Mr. Geisinger said the Board had his approval to have CDM prepare a new cost proposal and that he could live with contributing \$6 million dollars.

Ms. Fiore said the Sewer Commissioners were no longer going to consider the option of building a private treatment facility. Mr. Geisinger replied that his project could not afford a contribution of \$10 million dollars. A reduction in the cost would require an alteration of the infrastructure letter.

Mr. Geisinger discussed the EIR (Environmental Impact Report), reviewing that the comment period was closed. He expects to receive comments from the State in about a week and then the final EIR process will begin. Deirdre Buckley has said she wants the treatment plant and the transfer station to be addressed at the same time. Mr. Geisinger said there was a possibility that the Town could submit a Notice of Project Change, which would avoid several other reports.

The meeting was adjourned to the Green Committee meeting at 8:52 PM and regular business will be continued at the conclusion of the discussion.

Ms. Fiore asked the Green Committee to confirm the placement of the wind turbine. The Committee indicated on the proposed sewer expansion layout where the turbine would be located. The spot indicated is directly over 2 existing forced mains. One of them is 8 inches in diameter and the other is 10 inches in diameter. The Sewer Commission asked for the dimensions of the base of the turbine and stated that the lines need to have a permanent access left for them in the event repairs are needed. They must be kept operational at all times. The new line planned to service 1021 Kingston's Place would be going through that same area. Additional effluent lines will also be constructed. The Sewer Commission needs the dimensions in order for the engineers to determine if the placement of the turbine will need to be changed. The maximum size of the base and the depth of the supports is required. Mr. Brydges from KEMA commented that it would make sense to move the turbine over in order to avoid the pipes. The pilings will go into the ground about 15 feet deep. Mr. Vandal said he had as built diagrams for the sewer lines at the plant if KEMA needs to review them. Mr. Beaton suggested that Mr. Vandal get together with Mr. Brydges to review them. Mr. Brydges said he would verify the depth requirements needed for the turbine and contact Mr. Vandal regarding the depth of the sewer lines. Mr. Vandal commented that he expects the new sewer lines would be located to the left of the lines marked in green on the diagram. Mr. Brydges said he would determine how close they would be able to excavate to the existing sewer lines and/or to the base of the turbine. Mr. Vandal clarified that one of the sewer lines comes from the Jones River pumping station and that they would not be able to shut this line down for 8 hours. The other line is the effluent line to the golf course discharge site. The plant would have to be shut down in order to shut down that line and this cannot be done.

Ms. Fiore said she would like information on how the turbine would benefit the sewer customers. Mr. Spires said they have been given a preliminary report and that they are looking for legislation to allow the power generated to be used off site. There is a potential to power all of the municipal sites. The meter at the turbine would get plugged into the power rid. The electricity produced would be credited to the Town. Mr. Cobb stated that he felt that this site location seemed to be the least attractive of the options because it will be located on expensive property that has extensive limitations. Ms. Fiore asked if the Green Committee were saying that the Wastewater Department would no

longer have an electric bill. Mr. Beaton said no. The department would still get a bill. The users would be buying electricity from the Town. Ms. DuBois said that once the turbine is paid for it would seem that the rates would be reduced, but that it would be about 20 years away. Mr. Beaton continued that the department would pay a rate that would not increase each year as the fuel costs go up. Ms. Fiore questioned what the cost savings would be for the Wastewater Department. She was told that over time the cost should be less than today's rate. The cost when the turbine is paid off is unknown. It would be based on how much energy it would generate. Mr. Vandal asked about the transmission costs. The Green Committee felt there would be no generation costs. Mr. Cobb asked how much of the Town's total electricity use they felt the turbine would generate. The Committee did not have the answer but said they expected it would generate 3 times what the Wastewater Treatment Facility uses annually. The tax payers will benefit from the municipal buildings buying power at a lower cost. 850 K would equal 50% of the energy of the turbine. The Wastewater Treatment Facility would use 1/3 of the power generated and the Town would use 2/3 of the power generated. The Town gets credited for the power it will generate. For every dollar of generated energy, it will be one dollar less that the Town would have to pay. Ms. Fiore stated that the Sewer Commissioners are elected to be sure the sewer customers are treated fairly. Ms. DuBois commented that the Green Committee did not have the answers to her questions regarding costs savings. Mr. Brydges stated that the Wastewater Department would continue to pay a bill to the energy company. Mr. Beaton said the Committee would share any new information as it becomes available. Ms. Fiore asked for any information they had received regarding safety. The Sewer Commissioners want a guaranty that there are no hazards to the plant operators working under the turbine. The Board would also like noise reports. Mr. Beaton commented that there would be less noise generated from the turbine than there is from the highway traffic. Mr. Brydges said the noise should not be above the current levels. Mr. Vandal asked about any electrostatic issues with equipment. He was told there were none found. Hull uses a 1.8 MW turbine and does allow tours. Mr. Beaton suggested that the Sewer Commissioners schedule a visit to get an idea of the size of the unit and the noise levels it generates. A Google search of Hull or Mass. Maritime will provide information also.

The meeting with the Green Committee was adjourned to reconvene the regular meeting at 9:43 PM.

The Board approved a Drain Layer License renewal and signed the license card for LaMountain Bros., Inc.

A Building permit was reviewed for 58 Summer Street. The Board had no objections to the proposal as long as the storage area shown on the building plan remains as storage area. They asked for a letter to be signed by the property owner stating that it would remain as storage area and that any other proposed use would require additional capacity.

Ms. Fiore reported that she and Mr. Vandal had met with Capital Planning and that they rejected the request for the Wastewater Department to share the purchase price of a vactor/jetter truck with the Highway Department. No money is available in the Town budget to share this cost with Wastewater. Mr. Vandal will purchase a unit on a trailer instead.

The Board reviewed a letter from David Harlow of 19 Bradford Avenue. Mr. Harlow requested an extension of his sewer connection deadline of April 10, 2008 because his sewer connection will run through his garden. The Board felt that since Mr. Harlow had been notified to connect in October, that he had ample time to connect before the growing season. A letter will be written to Mr. Harlow to explain his options.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to adjourn the meeting at 10:08 PM. The motion was unanimously voted.

Suzanne Richards  
Administrative Assistant