

## Board of Public Works 02/16/2023 – Minutes Conference Room A

DPW Board Members: Thomas A Nephew, Chair; John Patrick Harrington, Vice-Chair; Joe Mercado, Lewis L. Lunn, James T MacDonald

Not in attendance: Lewis L. Lunn

DPW Staff: Kenneth Kalinowski, PE, Dir. DPW; Paul Brinkman DPW Business Manager

### Call to Order

Chairman Tom Nephew called the meeting to order at 5:30 p.m., announcing that it was being recorded and will be broadcast at a future date. The video recording can be seen at: <https://pepperell.vod.castus.tv/vod/?video=33793944-0481-493a-848d-786f720446b6>

### Acceptance of Meeting Minutes

- January 19, 2023 (regular)

*Joe Mercado abstains from voting. James MacDonald motions to accept the Meeting Minutes for the meeting held on January 19, 2023 as written, Pat Harrington seconds the motion. **The motion passes unanimously.***

### Abatements

- Stormwater fees – gravel / impervious area / ERU (discussion)

There are no formal abatements on the agenda this evening, however, we have received a few requests for the Board to have another public discussion about how Stormwater billing is now being calculated based on ERU (Equivalent Residential Unit) methodology.

There a few parcels that consist of large gravel areas which are typically considered impervious. Impervious areas impacts the number of ERUs properties are assessed. Paul explains that some property owners have been contacting the office requesting that they be considered as an exception to the billing methodology, detailing how they have been adversely affected. Unfortunately, there currently is no process in place to deal with “exceptions”.

Board members express appreciation for bringing this matter to their attention. At this time, no changes will be made to the new process that has recently been put into place. Members would like to be kept abreast of the situation.

### Water / Sewer

- PFAS (Update)
  - The EPA may be issuing guidelines in March. Rumors are the limit may be 10, which is less than currently compliant levels at the Jersey Street well.
  - We are still working with MassDEP, Groton & Dunstable. We have recently entered into a small, on-call services contract with Stantec to assist with a pilot study program at Jersey St.
- Water Management Act appeal (update)
  - The Water Management Act is the permitting process by which MassDEP regulates how much water a community can produce. The new regulation is cutting significantly deeper into how communities manage their own water which is concerning. Ken and Paul notify the Board that we have signed on to a class action suit on the matter.
- Interest Rates (discussion) – follow up to discussion at the January 19, 2023 meeting
  - Most local surrounding communities charge 14%, which is statutory. 14% is the limit for DPU, and is also the statutory limit on unpaid tax bills with the Town of Pepperell’s Treasury collection system. In addition to interest, other communities are also charging other fees (demand and/or collection fees). We are regulated statutorily what we can charge.
  - We have a number of service accounts that are growing and anticipate a robust service termination this spring. If customers don’t pay, other users are going to have to pay the costs for the system.
- Misc. Updates

- Nashua Well tested 30/ppt PFAS.
- According to the drought management task force, the mild winter may bring us into a drought in the early spring. We are still dealing with revenue issues from 2022 drought impacts.

## DPW

- Ken introduces the new Park and Cemetery Operator, Derek Flanders. This position is now a union position and is now under the Highway Dept. which allows us flexibility sharing staff. Parks & Cemetery does all the maintenance for all the town owned fields and grass.
- FY24 Budgets
  - Budget numbers are not finalized, we had our first meeting with the Town Administrator last week and we still have a lot to discuss. We have significant initiatives this year, including:
    - Staffing structure changes within the Park & Cemetery operations as it falls under the Highway Department, proposing to replace the 2 part-time seasonal employees with a 2<sup>nd</sup> full-time employee to provide better year 'round customer service and operational coverage within the DPW.
    - Design and construct cemetery expansion - there are currently less than 30 available plots remaining at Heald Street.
  - Sewer expenses are increasing and projected revenue is decreasing.
  - Water retained earnings need to be replenished following the recent drought, Paul will have more information with rate setting.
  - Highway increases reflect the actual overtime spending, which over the past several years had exceeded what spending budgeted. Also included in the increase is the cost of processing the asphalt regrind pile. The existing regrind pile will need to be moved to the Transfer Station sooner if the town moves forward with the public safety complex.
  - Cemetery increases reflect changes in the labor/staffing.
  - Town Meeting potential articles
    - PFAS – borrowing authorization
    - Cemetery – borrowing authorization
    - Wastewater dewatering & authorization to borrow
- Subdivision Rules & Regulations (discussion)
  - Ken provides an update on the joint meeting which was held with Board of Public Works, Board of Health, Planning and NMCOG Representative to redo Rules and Regulations Governing the Subdivision of Land, and is looking for feedback. Topics that may be of interest and require input from the BPW may include but may not be limited to:
    - Mandated sewer connections, if available
    - Sidewalk network extensions/waivers
    - Zoning / Sewer
      - 1) Tom notes that Section 8 Design Standards may be the section the board would be most interested in. Tom inquires why section 8.6.8 Finished Pavement is determined by the opinion of the Planning Board:
 

8.6.8.1 - The finished pavement shall be kept intact, and no breaking through of the pavement shall be permitted except in the case of emergency or when, in the opinion of the Planning Board, such excavation shall be considered in the best interests of the public. Should a break be made in the pavement, it shall be the responsibility of the subdivider to replace the pavement in the same manner as it was originally put in place and in a manner approved by the Department of Public Works/Highway Division.
      - 2) Ken notes there are multiple references as to who has the ability to regulate, which prompts the need to discuss policymaking level decisions. For example, section 8.10 Sewerage system, 8.10.1 - The Planning Board shall require connection, at the applicant's expense, of the subdivision to the municipal sewerage system, when available in conformance with all provisions of Section 8400, Sewer Zoning District, of the Pepperell Zoning Bylaw, If public sewerage system is available for use in a subdivision or exists at a reasonable distance from an access street entering into the subdivision, that subdivision shall be serviced by such public sewerage system at the expense of the applicant, and sewer lines shall be constructed and installed to serve all of the lots on each street of the subdivision so as to conform to all of the requirements and specifications of the Town of Pepperell Department of Public Works/Sewer and Wastewater Division and the Board of Health. Factors which will be used in

determining if public sewer is available within a reasonable distance shall include, but are not limited to, the following: actual distance, capacity of existing line, topography, grade from subdivision to public sewer, size of subdivision, effective density of subdivision, ability to obtain easements, permits or license to traverse land of others, environmental constraints and correlation with the Sewer District Zoning Overlay.

- Ken will consolidate comments from the DPW including the request for clarification of the regulating board where “the board” is used as a general term (ex., section 8.9.5).
- Misc. Updates
  - 2 new highway trucks are here and being outfitted with department decals and toolboxes.
  - Still looking for a replacement for the tree/bucket truck, ARPA funds will be used.
  - Tom discusses proposed changes to the Town Charter to appoint the replacement of an elected official that has resigned from the board. Tom is going to request the Board of Health cosponsor the warrant article that will require a town meeting vote. Tom is proposing the Board send communication to the Select Board nominating the candidate for appointment where the Select Board will to vote to appoint at a publicly held meeting, eliminating the need to hold a joint meeting to appoint.

### **Review, Approve and Sign Any Documents Requiring Board Signatures**

- January Commitments
  - January Commitments were signed by the Board.*

### **Commissioners Comments**

- Pat discusses the \$1.00 handling fee for Transfer Station permits sold. Paul explains that historically, applicants were required to provide a self-addressed stamped envelope (SASE) to mail back the permit. The SASE is no longer required, the \$1 handling fee covers the cost of the envelope and postage to mail it. Purchasing the permit on site at the Transfer Station eliminates the handling fee cost.
- Joe compliments the Highway Department on the efficiency of treatment of icy roads with salt.
- The town received a grant to pay for a portion of reconfiguring the rotary, making it safer for pedestrians and to control the flow of traffic better. This project should be done in conjunction with the Railroad Square sidewalk updates to provide better access to pedestrians, adding & relocating crosswalks and better parking.
- Merrimac, Suncook, and Deerfield are overdue for full-depth paving reconstruction. We are pulling together a preliminary plan and working with the Planning Board to schedule a neighborhood meeting to present the plans and answer questions.

### **Public Comment**

- Caroline Adhab is remotely accessing the meeting and interested in the PFAS issues.
- Michael Cardos, 119 Lowell Road is present to discuss the damage plows have done to his front lawn during the storm. Mr. Cardos explains that he keeps his lawn nice and takes issue with the response that he received to his complaint. Mr. Cardos was informed that the town owns several feet of his front lawn and he finds it upsetting and insulting at the way it was handled. Mr. Cardos indicates that he reported this issue 5-years ago and was told the town would reseed the area and that never occurred. Mr. Cardos indicates that he did not follow up to report that it had not been done. The Board members express thanks to Mr. Cardos for bringing this issue to their attention.

### **Adjournment**

*Pat Harrington motions to adjourn the meeting of the Board of Public Works, James MacDonald seconds the motion. **The motion passes unanimously***

The meeting adjourned at 7:00 p.m.

Respectfully submitted,  
Donna Lane-McPartlan  
DPW Program Administrator, Highway Division