

May 23, 2019  
Conference Room A  
Town Hall

Present:

DPW Board Members Tom Nephew, George Clark; Lewis Lunn, Paul Brinkman, Pat Harrington, Water & Sewer Supt. Joe Jordan, DPW Director Ken Kalinowski.

5/23/2019 - Minutes

1. Call To Order At 6:30 P.M.

Chairman Tom Nephew called the meeting to order at 6:31 p.m. and announced that it was being broadcast and recorded.

2. Election Of Officers

Ken informed the Board that they needed to elect a slate of officers following the most recent election. George Clark made a motion to re-elect Tom Nephew as chairman and Paul Brinkman as vice-chair. Pat Harrington seconded the motion. The motion passed unanimously.

Tom Nephew recommended the Board take the agenda items out of order to accommodate the large number of residents present for the "Riverside" stormwater exemption request, and the Board agreed.

3. Acceptance Of Minutes

3.a. April 25, 2019

George Clark made a motion to accept the minutes as presented. Lewis Lunn seconded the motion. The motion passed unanimously with Paul Brinkman and Pat Harrington abstaining.

4. Abatements/Exemptions

4.a. 22 Nashua Road (Office)

Joe explained that this was a calculation error on a previously approved abatement. The calculations were based on semi-annual tiers instead of quarterly, and the resulting relief was under-calculated. George Clark made a motion to abate the account of 22 Nashua Road, account #1732, in the amount of an additional \$193.01 in water and \$310.05 in sewer. Lewis Lunn seconded the motion. The motion passed unanimously with Paul Brinkman abstaining.

4.b. 42 Brookline Street (Office)

Joe explained that this request was due to a billing software glitch in which certain base charges were overbilled. In this case, the account was billed for 2 water base charges and no stormwater charges. The net abatement due the customer was \$14.35. George Clark made a motion to abate the account of 42 Brookline Street, account #224, in the amount of \$14.35. Pat Harrington seconded the motion. The motion passed unanimously.

4.c. "Off Birch Drive" - Stormwater Exemption Request (Pentademos)

Mr. Pentademos was contesting the fact that he was assessed 22 stormwater fees. His 8-acre property consists of a defunct 21 lot subdivision with a road parcel being the 22nd parcel. His contention is that the Assessors Dept. was and should be responsible for re-compiling the lots back into a single parcel. There is a current purchase and sale agreement in place for a 21 lot 40B development, and per the Assessors regulations, they cannot compile the lots until the P&S is actioned one way or another. The owner admitted that he receives and pays 21 separate tax bills for the 'defunct' lots. It is expected that

the P&S will go through when the pending DEP appeal is adjudicated. There was discussion concerning how best to consolidate the parcels as well as conditionally abating the bills until the P&S is executed. Ken noted that because the lots had been on the tax rolls for many, many years, the stormwater bills should be valid as this is the basis for the town's stormwater billing policy. Joe noted that if the property sale closes before the next bill, he would owe \$660 for the 1st two quarters, and then be free and clear as the new owner would be responsible. If the sale does not go through, the property can be compiled into a single 8-acre lot and there would be 1 quarterly bill going forward. Paul Brinkman proposed that we hold the bills in abatement until September 1st, and if the property sale went through, all the bills would be due, and if the sale did not go through, the Board could abate any prior bills and bill for a 'single lot' only. Paul Brinkman made a motion to place the two existing rounds of bills on hold until the owner comes in by September 1st with proof that the sale either went through and the bills will come due, or it did not and the lots have been compiled back into a single parcel. IF the owner does not come in by September 1st with proof that one of these options has been fulfilled, the billing of all separate parcels will resume. Lewis Lunn seconded the motion and the motion passed unanimously.

4.d. "Riverside" (Merrimac, Deerfield, Suncook) - Stormwater Exemption Request (Adhab)

Ken informed the Board that there were 3 open space parcels contained in the subdivision, and that they were under the control of the trust that was established at the time the subdivision was established. Each of these 3 parcels was assessed the standard stormwater fee per the town's current policy. The trust does not collect any fees for any common expenses. Caroline Adhab spoke representing the trust. She stated that there was no formal trust per se in that they did not have officers or collect fees. It was clarified that there were currently 2 quarters of fees due for each parcel. It was requested that the town split the stormwater fees for the 3 open space parcels evenly amongst all the 71 property owners, similar to the way the taxes are billed for the same parcels. Paul clarified that the trust owned the properties, and Tom inquired as to whether or not the trust carried liability insurance on the parcels. The Board wanted to know if the accounting system could handle this request, and Joe confirmed that it could, but it would take some effort and walked them thru the process of creating new billing rate codes. It was noted that there are at least 15 individual billing rate codes to address this type of issue throughout town, but none that impacted as many individual parcels. It was noted that it would be extremely onerous to go back and reassign and rebill the 1st two bills to the 71 homeowners. Paul Brinkman made a motion to abate the 1st two rounds of billings, and George Clark seconded it. There was a brief discussion about whether this decision would impact other developments and it was determined that it would not. Hearing no further discussion, the motion passed unanimously. Going forward, each homeowner will receive an individual quarterly stormwater bill for their parcel, plus a 1/71th share of the bills assessed to each of the 3 open space parcels.

5. Water & Sewer

5.a. Groton IMA (Update)

Paul Brinkman presented an updated 'confidential' version for review. He noted that there were some areas that still needed to be worked through with regards to the O&M charges. Section 6 needed the most work, but it was recommended an attorney review the whole document. Paul and Tom reviewed the history of the negotiation as well as the general billing process. The definitions of "routine" versus "non-routine" maintenance will need to be finalized, but routine would include CMOM activities in Groton. Joe noted that this CMOM effort will put the Pepperell staff behind in their overall efforts.

5.b. Lowell/Tarbell Sewer Extension (Update)

Ken noted that the survey was complete and that the design was underway. The cost for this would be billed against the FY19 Sewer capital budget. It was noted that a developer may be interested in sharing in the cost of the construction in order to connect 1 or 2 dwellings, and the other homes affected by this extension would not be obligated to connect unless their septic systems failed in the future. The cost of the project would not be bettered, but any benefit or connection fees would apply at the time a request for service was made.

5.c. Water And Sewer Connection Fees (Cont.)

Tom floated the idea of having an 'open meeting' for local contractors and developers to gather input on the fees. Paul noted that their decision making is typically driven by financial concerns. There was

discussion about the 'value' of town water, and it was stated that it is of different values to the builder who is controlling costs, and the homeowner who wants the long-term reliability of clean, potable water and readily available fire protection. Lewis Lunn raised the issue of contractors having to front the cost of extending water to a development, but added that it is by far the preferred source. Tom suggested a 'per house' fee, but that may vary with the specifics of each individual project. Paul wanted the flexibility to review each proposed tap on its individual merit, ie, benefit or cost to the town, but this was in conflict with the idea of a set schedule of values. Pat reiterated that this would be a slippery slope for the town. Ken noted that there had only been 2 exceptions from the current water connection fees in recent years, and concessions were gained in both cases that were very favorable to the town. Joe cautioned the Board about over extending our market expansion, as we are currently pumping close to the permitted peak production of all the wells in the summer. Lewis noted that while the fees could pose an impediment to the contractor, public water is still a great bargain and the rates should be set to assure proper operation and maintenance. Pat asked for clarification about the determination of appropriate size of water main and whether we can demand fire protection. It was stated that the developers engineer will typically suggest a proposed connection size, but the town has the final say about the size of main, and the fire department will determine the necessity of fire protection. Lewis made a point that we should not be using other towns' connection rates to set ours. Joe explained the rationale that was used for setting the rates currently in place, and that the rates currently proposed used the same methodology. More importantly, these rates were the maximum defensible rates and that the Board had the flexibility to set the rates as they see fit. Joe noted that approximately 3200 of the 4200 lots in town (potential service connections) were already connected to the water system. Lewis asked when the current rates were instituted, and George replied that he and Lewis voted these rate increases in place back in 2005/6 and that they represented an increase from the rates that were in place at that time. There was some discussion as to whether the connection fees actually attract/deter development. Tom clarified that his desire was not to make development attractive per se, but rather to make municipal water an attractive alternative to private wells. It was discussed that this could lead to formulating a 'per house' basis for setting the connection fees. Ken said that the value of the availability of public utilities could be as dramatic as making an 'undevelopable' parcel into a highly profitable project. The task at hand is to find a rate that is attractive enough to warrant consideration but that also imparts the 'value' of the utility. George raised the issue of making all connection fees a function of the number of single family units being served by that connection. Other service connections such as fire hydrants could be assessed a separate fee. Paul stated that each proposed (large) connection is somewhat unique and that each should be reviewed so that the potential benefits to the town could be considered when assessing the connection fee. This could also account for the risk and demand on the towns system. Joe stated that we should take into consideration the volume of water that any given size proposed tap could provide as that is the theoretical maximum demand on the system. Lewis noted that regardless of whether the Board addresses or adjusts the connection fees, there is nothing the town can do about the developers cost related to installation of a main. Pat raised the question of whether or not we are trying to solve a problem that may or may not exist, or possibly exist at a perceived level of urgency. Tom responded by stating that we are trying to do our part to control / offset the ever-increasing costs faced by homeowners and developers in town. Tom also asked that this discussion be continued to the next Board meeting.

5.d. "Scotch Pine Farm" - Water Connection (Chebeaux)

None. Mr. Chabot chose not to attend meeting.

6. DPW

6.a. FY20 Budget/Override

Ken informed the Board that the override had passed and that there was a 'restoration' budget (available online) that illustrates the services that were to remain. Ken noted that the DPW would remain whole and, perhaps more importantly, it would allow for the creation of a General Fund capital plan.

6.b. Road Cut/Moratorium Policy (Cont.)

Street Opening Moratorium. This item was deferred until a later date.

7. Review, Approve And Sign Any Documents Requiring Board Signatures

7.a. Water Installer's License - LL&S Development Corp.

An application for a water-only installers license was submitted by LL&S Development Corp. All the required bonds and insurances were submitted; references were checked and found to be satisfactory; and it was recommended that the Board issue the license as requested. Paul Brinkman made a motion to approve the water installers / drain layers license for LL&S Development Corp., Pat Harrington seconded the motion and the motion passed unanimously with Lewis Lunn abstaining.

7.b. April 2019 Commitments

The April 2019 water and sewer commitments were signed by the Board.

8. Commissioners Comments

Paul Brinkman noted that the purple utility mark outs for drainage were very visible and that he noticed a lot of work planned for the Orion Street area.

9. Next Meeting Date/Dates

9.a. June 20, 2019

The next Board meeting date is June 20th, 2019.

10. Any Other Matters That May Arise Which The Chair Could Not Reasonably Anticipate.

None.

11. Adjournment

Paul Brinkman made a motion to that the meeting be adjourned. Pat Harrington seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:54 p.m.