

August 22, 2019
Conference Room A
Town Hall

Present:

DPW Board Members Tom Nephew, George Clark, Paul Brinkman, Pat Harrington, Lewis Lunn; DPW Director Ken Kalinowski; residents Tony Beattie, Dave Sears, Jan & Virginia Malouin

8/22/2019 - Minutes

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

Chairman Tom Nephew called the meeting to order at 6:30 p.m. and announced that it was being broadcast and recorded.

2. Acceptance Of Minutes

2.a. July 18, 2019

Regular Session; Paul Brinkman made a motion to accept the minutes as amended. George Clark seconded the motion. The motion passed unanimously.

3. Public Comment (Beattie)

Public Comments (Beattie): Ken gave a brief overview of the NPDES / MS4 permit program as well as the formulation of the towns' stormwater enterprise fund, creation of fees which included the opt out conditions. Paul agreed with the assertion that in many instances, farms are problematic sources of impacted runoff due to the many forms of regulatory relief provided to agriculture. Mr. Beattie rebutted this contention with the statement that many farms are strictly regulated by USDA guidelines, and that many farms have specific plans. He contended that farms should be exempt because they are large parcels of land that provide filtration of stormwater runoff. Paul Brinkman noted that a large part of the permit program is focused on drainage systems associated with public ways that are used by all residents as well as properties that have improperly functioning septic systems. Tony also said that farms decrease the density of housing which should help stormwater generation. He further noted that farms get consideration in the form of reduced taxes, etc.... His primary point was that farms are dwindling and that the Master Plan listed farms as one of the most valuable assets of the town that needed to be protected. George asked if there were any Federal farm exemptions, and Paul explained that it was left to each individual community as to how their program should be funded, while noting that the EPA recommends the creation of an enterprise fund to pay for the programs. The idea of parcel consolidation was raised by Pat and Ken noted that the form was included in their packets. Mr. Sears asked how we were quantifying stormwater generation since farms tend to treat runoff. Ken reiterated that the fee structure was not dependent on anyone's particular land use, but rather, an attempt at an equitable distribution of costs amongst all property owners to handle the municipal drainage infrastructure. The difference in opinion was attributed to whether land use should be a factor in setting the per parcel fee. Mr. Malouin asked about merging contiguous land that was divided by a public way. More specifically, putting property into Chapter 61 protection does not consider roads, but the Assessors regulations do not allow for this consideration. He also has land in forestry protection. Tom requested that he request to be placed on a future agenda for the Board to consider. Tony noted that the town has stormwater discharging onto his property and that perhaps he should charge for this accommodation. Hearing no new contributions, Tom asked for a motion for the Board to consider a farm exemption for stormwater. Pat Harrington made a motion that the Board consider this matter for further discussion, Lewis Lunn seconded the motion. The motion passed 3-2 with Paul Brinkman and Tom Nephew voting against.

4. Abatements

4.a. 14 Tarbell Street (Greelish - Cont.)

- 14 Tarbell Street (Greelish –con't.). Ken noted that this was a continuance to allow the staff to further evaluate the facts surrounding a leak and to allow the completion of an eviction that was in process. Joe Jordan had completed his investigation and determined that it was not plausible for the water which leaked into the basement to have entered the sewer, and his abatement recommendations were prepared accordingly. Paul Brinkman made a motion to abate account #2616 in the amount of \$28,207.26 for sewer. George Clark seconded the motion. The motion passed unanimously.

5. Water & Sewer

5.a. Water/Sewer Connection Fees

- Water / Sewer Connection Fees. Tom reviewed the discussion from the last meeting for Lewis' benefit. The primary change was that credits for water infrastructure were no longer 'automatic', but rather, to be determined by the staff on a case-by-case basis with the Board acting as an arbitrator if necessary. Ken added that no credits would be issued for main extensions less than 250 feet. Ken reviewed the final draft fees and conditions. The Board discussed the language, reviewed the examples and final edits were made. Key points resolved were that 1) credits could only be requested after a connection fee had been determined, and 2) in no case would credits exceed the connection fee. George Clark made a motion to accept the water connection fees as discussed and amended. Paul Brinkman seconded the motion. The motion passed unanimously.

Ken then reviewed the sewer connection fees. These fees were proposed to be a flat rate not based on number of bedrooms, and would not apply to properties that had already been bettered. There was a brief discussion about processing permit applications in general. Tom noted that the fees and conditions were as previously discussed and the Board thought that they were appropriate. Ken noted that this process did not preclude the Board from assessing betterments for sewer extension projects. Paul requested a change in language regarding the multi-family residences. Paul Brinkman made a motion to adopt REGULATION FOR PAYMENT OF WASTEWATER SYSTEM COSTS – ARTICLE III (SEWER BENEFIT ASSESSMENT) as written and amended. Lewis Lunn seconded the motion. The motion passed unanimously.

6. DPW

- Ken announced that we got an \$86k grant for the preliminary field work and design for the replacement of the Heald Street culvert. Paula Terrasi was instrumental in getting this grant.
- Ken noted that we had two new Highway hires starting in early September.
- Ken informed the Board that the Townsend Street construction was going extremely well and Mike Schrader and all the DPW crews have worked very well to pull it all together in spite of numerous challenges.

6.a. Misc. Updates

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

7.a. June & July 2019 Commitments

The June and July Commitments were signed by the Board.

7.b. As Requested

None.

8. Commissioner's Comments

- 11 Nashua Road. Pat noted that he had attended a meeting regarding the 161 Nashua Road project. Pat wanted to know if the DPW had considered the impacts of all the truck trips as well as potential impacts to the Nashua Road Well. Ken noted that he had spoken to the Town Administrator and was told that the property is going through its legal process regarding the zoning application, and all of this in being done in executive session. The Town Administrator said that the BPW involving itself at this point would be

construed as "working to get to yes" and we were best served by sitting tight until asked to comment.

- Bemis Well. Ken noted that the bids were in and were just under \$8M, but did not include the 5% contingency. It may be advisable to go to the Special Town Meeting to increase the authorization.
- Stormwater. In reviewing the packet info regarding the opt-out criteria, George felt strongly that the proponent should go to town meeting (and not the BPW) to get relief. Pat agreed and further, did not feel that relief was warranted.

9. Next Meeting Date/Dates

9.a. September 19, 2019 (Tentative)

The next Board Meeting date is scheduled for September 19, 2019.

10. Any Other Matters That May Arise Which The Chair Could Not Reasonably Anticipate
None.

11. Executive Session: Meeting Pursuant To G.L. C30A, Sec. 21(A)(3), (7) And Suffolk Construction V. DCAM, 449 Mass. 444 (2007) To Discuss Sewer IMA Negotiations With Town Of Groton.

Paul Brinkman moved that the Board of Public Works enter into an executive session as authorized by Chapter 30A, 21 (a) (3), (7) of the Mass General Laws and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to discuss sewer IMA negotiations with Town of Groton, and further to adjourn at the conclusion of Executive Session.

Tom Nephew stated the Board convened in Open Session at a meeting for which 48 hours notice had been provided and following the Executive Session the meeting will adjourn.

George Clark seconded the motion.

The following roll call was taken:

Tom Nephew Aye

Paul Brinkman Aye

Lewis Lunn Aye

George Clark Aye

Pat Harrington Aye

The Board entered Executive Session at 7:38 p.m.

12. Adjournment

- Paul Brinkman made a motion to adjourn the meeting. Pat Harrington seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:24 p.m..