

Board of Public Works
9/17/20 – Minutes
“Go To Meeting”

Present via remote login:

DPW Board Members: Chair – Tom Nephew, Paul Brinkman, Pat Harrington, Lewis Lunn, DPW Director – Ken Kalinowski, W/S Supt Joe Jordan, BoS member Tony Beattie, Steve Themelis, Vanderlei Burato, Chad Branon, Paula Terrasi, Conservation Agent.

Call to Order at 5:30 p.m.

Chairman Tom Nephew called the meeting to order at 5:29 p.m. and announced that it was being recorded and potentially being broadcast.

Acceptance of Meeting Minutes:

August 20, 2020 (Regular)

Paul Brinkman made a motion to accept the minutes from August 20, 2020 as amended. Pat Harrington seconded the motion.

The following roll call vote was taken:

Pat Harrington – Aye
Paul Brinkman – Aye
Tom Nephew – Aye
Lewis Lunn – Aye

The motion to accept the minutes as amended passed.

Abatements (as requested)

38 Main St (Themelis). Mr. Themelis stated that this property had always had a problem with the grass in front of this property. He stated that he had the sod removed and an irrigation system installed (which included a timer). A high water bill (7x normal usage) prompted a call to the water dept. and a discussion about a deduct meter. Mr. Themelis understood that the water was used and that he was looking for relief on the sewer portion of his bill. Joe Jordan noted that there was a full outdoor watering ban in place during a portion of this usage He also supplied figures if the Board were to abate 100% of the excess

sewer usage (~\$1860+/-), and ~ \$1470 if the sewer use were charged it at the lowest tier. He further suggested that the maximum relief should be 50% of these figures due to the odd/even water ban. Paul Brinkman noted that the Board needs to be judicious in providing relief in these types of situations given the water rate increases required for the Bemis treatment. He also noted that the sprinkler system ran every day which could have resulted in a \$500/day fine for violating the odd/even ban. There was also a question as to the impact of the leaky toilet the applicant claimed as part of the request. Pat Harrington stated that he had installed a new lawn this year as well and did not think that it was right to request an abatement. Mr. Themelis clarified that he was only looking for relief on the sewer portion of the bill. There was some discussion to clarify the relief calculations. Paul Brinkman stated that, in essence, the applicant wanted to claim credit/relief on his sewer bill which predated his installation of a deduct meter. There was a brief discussion about what could be done in the future to provide relief to businesses in similar situations. Pat Harrington felt that businesses should be held to the same standards as residents, as water is a finite resource regardless of how it is used. Tom Nephew reviewed the options up for discussion by Board for relief. Paul Brinkman suggested a flat \$500 abatement. Pat Harrington agreed that some relief was warranted for sewer. Lewis Lunn agreed that the \$500 allowed for some relief. Paul Brinkman made a *motion to abate Account #1500 for 38 Main Street in the amount of \$500 for sewer*. Lewis Lunn seconded the motion. The following roll call vote was taken:

Pat Harrington – Aye

Paul Brinkman – Aye

Tom Nephew – Aye

Lewis Lunn – Aye

The motion passed unanimously.

80 Park Street (Burato). Mr. Burato stated that he had recently purchased the property and filled his 15 x 30 pool. He was requesting an abatement on the sewer charges, as the pool was not going to be emptied and therefore would not be entering the sewer. Paul Brinkman noted that the customer was likely to be constantly adding/removing water to open, winterize, top off, etc... and the customer agreed, but stated that he was willing to pay the full charges for these nominal maintenance activities. There was a discussion as to the validity of these types of requests (pool fills) because a portion of the sewer rates / revenue are predicated on the volume of water sold. Pat Harrington suggested that the Board could adopt a policy of charging full water & sewer rates for pool fills or allowing the customer to

purchase water from a pool fill company. It was decided that this should not be based or decided as part of the request before the board at this time. Pat Harrington offered a compromise of abating 50% of the sewer charge. Joe reviewed the relief calculations provided to the Board. Pat Harrington moved *that the Board abate Account #6186 in the amount of \$173.70 (sewer) for a one-time abatement*. Lewis Lunn seconded the abatement. The following roll call vote was taken:

Pat Harrington – Aye
Paul Brinkman – Nay
Tom Nephew – Aye
Lewis Lunn – Aye

The motion passed.

18 Bacon Street (office request). Joe explained that this was a case where a deduct meter was purchased and installed, but not programmed into the billing system because the staff inadvertently did not inspect the installation. Paul Brinkman asked, and Joe Jordan confirmed, that this was an internal error and not due to any fault of the customer. Paul Brinkman moved *that the Board abate Account #6193 in the amount of \$532.48 (sewer)*. Lewis Lunn seconded the abatement. The following roll call vote was taken:

Pat Harrington – Aye
Paul Brinkman – Aye
Tom Nephew – Aye
Lewis Lunn – Aye

The motion passed unanimously.

WATER / SEWER

- **Drought.** Ken stated that Pepperell was still in the midst of a Level 2 Severe Drought as determined by the State of Massachusetts. He also noted that the water ban appeared to be having the desired effect in that well levels had stabilized and there were no recent “low well level” alarms in the past month. Recharge was still slow and it was recommended that the ban remain in place until mid to late October.
- **Bemis Well.** Joe Jordan explained that the completion date was tentatively moved up from April of 2021 to the end of this year, possibly late November. Joe also noted that he was in discussions with MADEP with regards to staffing and scheduling, but no

significant changes were expected. It was also stated that the project was essentially on budget with no significant change orders expected. Tony Beattie inquired as to the replacement schedule for the filtration system. Joe Jordan explained that the filters were backwashed on a regular basis, and loss of filtration media was minimal. Complete replacement of the filter media from time to time would be required but should not be a significant cost. Based on the projected use/demand on the plant, a 10-year life expectancy for the media. Pat Harrington inquired as to whether or not the Bemis Well was still off-line and whether the contractor was required to have a bond in place and if there was a warranty. The answer to all questions was 'yes'.

- **Final Read Out charges.** Ken stated that the Final Read Out (FRO) issue was an ongoing problem with regards to closings that were delayed/cancelled with no notification to the water dept. Tom Nephew inquired whether we charge for this process now, and Joe explained that we currently charge \$12 and that this process typically consumes about an hour of staff time to get the reading and process. Pat asked what happens if the person requesting the reading is a 'no-show', and Joe explained that while we no longer need to get into most homes with the new meters, the bigger problem arises when a closing is delayed without notifying the water dept, and then a 2nd final reading is requested, as there is a lot of work required to 'undo' all the changes made to the billing account as a result of the original request. Tom Nephew stated that, for the most part, realtors know whether a closing is going to go thru or not, but sometimes there are surprises that arise at the last minute. Joe stated that as long as the water office is informed of such a delay on the day of the scheduled closing, there is no problem. Tom Nephew mentioned by way of example that the City of Lawrence will only action final read requests made by the closing attorney's office, and that there is a penalty for requesting a 2nd final read. All the fees for reading are managed in the financials by the closing attorney. In addition to possibly adopting a similar policy, Tom Nephew stated he was in favor of raising the FRO fee to \$25 with a possible penalty of \$50 or \$75 for a re-read. There was a discussion about the effort and costs involved for the staff to do reads and re-reads. Joe Jordan advocated for a larger penalty to encourage compliance, but Paul Brinkman stated the need to keep the fees in line with our actual costs. Tom Nephew raised the key issue of who should be charged for the FRO – the buyer? the seller? the realtor? the attorney? One argument was that charging the closing attorney would likely result in the most dependable outcome, as the actual buyers and sellers are not regularly processing this type of transaction, but there is little recourse to recover fees from a non-resident 3rd party. There is also a strong case to charge the party that requests the actual FRO, but this has the same issue with regards to

collecting the fee if they are not a resident/customer. An equally strong argument is to hold the current homeowner responsible as they have the biggest financial interest in the sale. Paul Brinkman suggested charging the FRO fee (adjusted) for each and every FRO requested. Tom Nephew stated that in his opinion, only the buyer of the house should be able to authorize the 'change of account' with regards to creating and billing a new customer as is typically the case with all other utilities. Tom Nephew suggested tabling the discussion so that he could discuss the various legalities with a closing attorney. Ken Kalinowski asked Tom Nephew's opinion as to whom he thought the 'most responsible' party would be in a typical closing, and he replied that it is usually the closing attorney. Paul Brinkman made a motion to revise the FRO fee to \$50 for each and every FRO request. There was no second, and the motion failed.

- **Monthly meter readings for large customers.** This was a request for a discussion made by George Clark at the last meeting. Mr. Clark was not present, and the item was tabled until he was present to participate.
- **65 Brookline Street Sewer Connection.** Ken Kalinowski explained that this was before the Board for an update from the prior BPW meeting, but to date had not received any plans or other supporting data. Ken reminded the Board that he had sent the applicant a detailed email with the questions raised by the Board as well as a listing of details that would be required on the plan. Chad Branon introduced himself as the engineer who had been retained by the Kaiser's to address the Board's concerns about the 1,320 foot long, low pressure sewer connection. He confirmed that there would be two E-One pumps (1 for each structure) serving a total of 9 bedrooms. He also confirmed that the onsite septic system(s) were no longer Title 5 compliant. It was noted that this request is 'time-sensitive'. Mr. Branon did not see any issues in addressing the information that was requested. Tom Nephew inquired as to whether an easement would be necessary to ensure maintenance on the private service. Ken stated that he had reached out to Town Counsel for an opinion on this matter, including who would act as the granting authority if an easement is appropriate. Paul Brinkman wanted to confirm that the design would reflect (and be limited to) serving only the 9 bedrooms in question. Ken reiterated that the approval would be conditioned such that if the property was ever taken out of Chapter protection, all agreements for this particular sewer service would be subject to review and could be rendered null and void. Mr. Branon stated that the goal of the owner was to effect an October closing. Ken stated that due to the condensed timeline, he was willing to work with a 'conditional' vote of approval from the Board. Tom Nephew expressed a concern that there were lingering questions that needed to be addressed by Town Counsel including the need (or not) for an easement and conditioning any future

expansions or change in use. Paula Terrasi inquired as to whether there was any interest in extending the sewer to the lots nearer to Prescott Street. Ken stated that this was not part of the project before the Board and if sewer service were requested for these lots, it would have to be taken up separately. Tom Nephew tasked Ken to follow up with Town Counsel on the legal questions, but stated that he was comfortable in allowing Ken to work with the Kaisers' engineer on the final design and plan. Paul Brinkman crafted a motion that *'pending acceptable information being received from Town Counsel that allows a path forward relative to easement issues and limitations on use of this extension, that the Board permit Parcel 9-124 to connect to our sewer system by a system approved by the DPW Director, and only as currently configured, i.e. the 7 bedroom home and 2 bedroom cottage, and further, that any change in use would require a re-visitation by the Board.'* Lewis Lunn seconded the motion. Paul Brinkman authorized Ken to simplify and clarify the wording of his motion.

Pat Harrington – Aye

Paul Brinkman – Aye

Tom Nephew – Aye

Lewis Lunn – Aye

The motion passed unanimously.

DPW

- **2020 Roads Program.** Ken updated the Board on the list of streets that were scheduled to be paved as part of this year's Roads Program. Kudos were given to all the DPW crews who worked together to make it a successful year.
- **Highway recruitment.** Ken informed the Board that the DPW was actively recruiting for new Heavy Equipment Operators. While the Highway Dept is down 2 positions, the Town Administrator had only authorized filling 1 of these slots pending a more definitive budgetary review. If the budget numbers work out, a 2nd operator could be brought on board, possibly from the same pool of candidates.
- **Transfer Station Yard Waste.** Ken Kalinowski noted that this request to be on the agenda was made by BoS member Tony Beattie, who clarified that the topic was intended to cover organic waste in general. Mr. Beattie started by asking what state-mandated organic waste restrictions were in place. Ken stated that he was only aware of the current state ban on commercial waste streams that generate more than one ton of organic waste per week with the goal of removing approximately 320k

tons/year of organic waste from our landfills by 2020. Mr. Beattie stated that it was his understanding that the town provide a place for residents to drop off leaves and other organic waste. Ken noted that the Transfer Station does provide leaf and lawn composting opportunities for its customers. Mr. Beattie clarified that his primary concern was to see the Town reduce its' carbon footprint to zero by 2050, possibly through the use of carbon sequestering. He noted that the town of Groton had recent entered into an agreement with a private 3rd party company to provide this service to their residents. Ken explained that a company called Black Earth intended to lease land from Groton to operate a food waste composting facility near their transfer station, and that part of the deal was to provide this service for free to Groton residents, but possibly to expand it on a subscription basis to residents in neighboring towns. Ken also outlined the costs involved with such an operation, acknowledging that it truly benefits from a larger economy of scale due to labor costs as well as the need for a consistent source of raw materials required to run the operation. It may take a mandated ban on residential organic waste to create a sustainable program. Mr. Beattie spoke about the operation run by Mr. Hayes, and the possibility of expanding his operation to include additional fuel such as wood chips and manure. This would likely require the town to create a dedicated drop-off area for residents with a possible fee-based program that, if financially viable, could result in an enterprise fund for compost. Ken suggested that it may be more feasible for residents to deliver their leaves directly to Mr. Hayes rather than have the town as a middle man. Mr. Beattie stated that Mr. Hayes was not interested in expanding his operation any further, so the town would need to be the lead agency. Ken said that it would be great to see an increase in Transfer Station subscribership to facilitate this type of composting operation, but also noted that in his opinion, most people who live in the country are pretty self-reliant for things like disposing of yard waste on their own properties. Lewis Lunn said that this topic was large enough that it could be the topic of a dedicated meeting just about composting. Mr. Beattie stated that he had a contact who ran recycling program for the southern section of the State of Vermont including the organic waste ban. Tom Nephew added that he would like to hear more about the costs and revenue opportunities, including producing source material and purchasing finished product. Pat Harington asked if there might be a local resident with a large enough parcel of land to create a private commercial venture along the lines of what Groton was doing. Paula Terrasi made the point that Pepperell zoning no longer allows new commercial composting facilities as a result of the proposed project at the airport, and that town meeting would need to change the zoning to allow such a facility. Mr. Beattie said that the State allows farmers to compost up to

5000 cubic yards of material on their farms, and that possibly a cooperative venture of several farms might be a way to circumvent the zoning ban. Pat Harrington asked Mr. Beattie if he was aware of any other commercial composting operations, and he replied that he knew of 3 – Great Brook Farm in Carlisle, AgriSource in Hamilton and one other in Northborough. Paul Brinkman suggested that Mr. Beattie contact NEBRA (New England Biosolids) who deal with municipal composting including sludge, food waste, horse manure, etc... Paul also stated that the land requirements to do composting the right way can be significant. Mr. Beattie said he would like to have a dedicated meeting on composting and that he would gather more information and get back to the Board.

- **Review & Approve any Documents Requiring Board Signatures**

- **August Commitments**

Paul Brinkman made a *motion to have Tom Nephew chair sign the August commitments in lieu of the whole board*. Pat Harrington seconded the motion.

Paul Brinkman - aye

Pat Harrington – aye

Lewis Lunn – aye

Tom Nephew – aye

The motion passed unanimously.

Paul Brinkman made a *motion to have Tom Nephew chair sign the abatements voted this evening in lieu of the whole board*. Lewis Lunn seconded the motion.

Paul Brinkman - aye

Pat Harrington – aye

Lewis Lunn – aye

Tom Nephew – aye

The motion passed unanimously.

Commissioners Comments

- None.

Next Meeting Dates

The next BPW meeting was tentatively scheduled for October 22nd, but George Clark informed Ken that he would not be available. Ken noted that either the 15th or 29th would

work as well. Tom Nephew asked that Ken follow up with George and that either the 15th or 29th would be fine.

Adjournment

Lewis Lunn made a motion to adjourn the meeting. Paul Brinkman seconded the motion.

Paul Brinkman – aye

Lewis Lunn - aye

Pat Harrington – aye

Tom Nephew – aye

The motion passed unanimously. The meeting adjourned at 7:38 p.m.

Respectfully submitted,

Kenneth Kalinowski, PE

Director of Public Works