

**Board of Sewer Commissioners/Board of Selectmen
Minutes of July 30, 2013
Bourne Community Building
Bourne, MA 02532**

TA Guerino

Peter Meier, Chairman
Linda Zuern, Vice-Chairman
Don Ellis, Clerk
Don Pickard
Earl Baldwin

Documents

- None

Note this meeting is being recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time

Call to order

Chm. Meier at 6:00 pm.

Moment of Silence for our Troops/Salute the Flag

Public Comment – Non-Agenda Items

Neil Langille raised issue with regard to sewage treatment rates be reduced from the overall sewerage of Buzzards Bay. TA Guerino said this has been done as the town receives grants to offset some of the sewerage to keep the rates reasonable. Not all of the grant is for the offset.

Minutes June 18, 2013

Baldwin MOVED and SECONDED by Ellis to approve minutes of 6/18/13 as submitted.
VOTE 4-0-1 (abstention from Zuern).

Establish sewer rates for the ensuring year

TA Guerino said looking at budgets going back from 2008 – 2014, sewer user fee overages were dropped as usage is dropping. He was able to bring the budget to what it was in 2012, keeping the rates stable for the 4th straight year at \$734 per unit.

Zuern asked if additional number of users have been charged. TA Guerino said the connections won't be included until June 2014.

TA Guerino said the amount in retained earnings will begin a preventative approach.

TA Guerino's recommendation is to keep the sewer rate steady at \$734 per unit sewer charge for 2014. He said there will be a slight increase for next year.

Ellis MOVED and SECONDED by Zuern to approve TA Guerino recommendation of \$734 per unit sewer charge for FY2014. VOTE 5-0.

Ellis MOVED and SECONDED by Zuern to approve the overage current rate of one penny per gallon over 45,000 gallons. VOTE 5-0.

Discussion on Hideaway Village lifter pumps

TA Guerino and Mr. George Tribou reviewed the original Hideaway agreement between the State and the government. While they don't recommend going onto private property, he recommended the town purchase and deliver pumps for when the pumps need to be replaced. Hideaway currently has seven (7) lifter pumps with backups.

Chm. Meier has no issue.

Ellis asked for a cost estimate of these pumps. TA Guerino said it is between \$2,800 - \$3,300 each.

Richard Gowell, Treasurer of Hideaway, is looking to be treated fairly. This is the first time the town has offered any assistance. It is a cottage community. He asked for clarification on why the town cannot go onto private property.

TA Guerino said you have to go back to the agreement signed with the State and the government. He explained there are legal issues with easements and pipes running under private property.

Pickard asked what the cost of installation for the units. TA Guerino guessed it would take several hours but didn't have a number for cost at this time. Pickard asked if there is any method by which the town and Hideaway could enter into a Hold Harmless agreement. TA Guerino will have to ask Atty. Troy.

TA Guerino suggested entering into an agreement with a third party installer to buy, install and back bill the town alleviating concern with maintenance with the system. This takes liability off the town with property crossings.

Zuern would like to hear from Mr. Tribou on how much it would cost.

Ms. Mary Andrews, President of Hideaway Association, explained they are facing huge costs in repairs for backup generators as well.

Chm. Meier said the first step would be to supply the pumps. Anything else that comes up the board can discuss when appropriate.

TA Guerino said he has to look at potential costs would be.

Mr. Gowell asked for copies of the original agreement between DEP and Hideaway Village. TA Guerino will look to see if his office has a copy of said agreement.

Zuern agrees that it seems fair to also at least cover the installation in some way.

TA Guerino said there are two separate agreements signed by two different entities. The next Board of Sewer Commissioners (BOSC) meeting will be on 9/17/13.

Update and review by Wastewater Committee

TA Guerino asked Ms. Riggs to give a historic background where we have been the last 6-7 years and where the committee is now.

Ms. Riggs said 2007 is when the BFDC allocated funds from the State with Tighe & Bond for wastewater needs in Buzzards Bay. This would be part of an overall look at how the village could be revitalized. This study took a year and a half to complete. Near the end, the BOSC appointed the Wastewater Advisory Committee (WAC) to look at said report. This committee made recommendations to the BOSC in March 2008. The Tighe & Bond report is in TA Guerino's office and available on BFDC's website. That report in 2008 to the BOSC had one primary recommendation which was to look at a site of town-owned land as a site for both an expanded wastewater treatment and a disposable subsurface treatment. This report was broken down by study areas and was reviewed. The re-evaluation came up with Buzzards Bay as the primary place where help was needed. There were a number of criteria. The 2008 report included a couple of secondary recommendations, pertaining to other ways to reduce nitrate flow into estuaries.

The current WAC charge was to look at how the capacity for wastewater treatment and the downtown area could be expanded. This was done in the context of the interest in treating the environment for additional businesses (expansion in commercial and residential sectors). An increased commercial sector would bring some relief to residents. The WAC started meeting frequently. The Cape Cod Commission (CCC) assigned members of its staff to work with the WAC. The CCC hired a firm named CH2MHill that worked with the WAC to come up with a report that was reviewed in July 2012. The WAC and Capital Outlay put together a proposal to bring up at the Fall Town Meeting which included a public private agreement in which the town would create a subsurface area nearby. Two areas were recommended: 1) Queen Sewell park; and 2) Behind the Community Building. The report from the CCC and CH2MHill found there was great compatibility between subsurface facilities and ball parks.

Included in the proposal, the WAC recommended funding over a 2- year period to: 1) hire a project coordinator who would be the one to keep process going; 2) a hydro geologic study; and 3) person who can keep tabs with various potential developers. Part of the funding the WAC was asking for was to have a person to be in touch with potential developers and work

toward a public private partnership. A public private partnership is a special entity which requires special legal services. Included in the budget request is to obtain legal services. Capital Outlay agreed this had to be done. An Article came before the BOSC, Selectmen for the Fall Town Meeting. It proposed \$145,000 over a 2-year period with funding used to hire a project coordinator to do hydrogeologic study and for the town to pursue a public private partnership. The project coordinator was determined not to be a staff position, but rather a part-time contracted position with dotted line to the wastewater committee. Mr. Wes Ewell was designated as the project coordinator.

Copies of 2008 report can be emailed to the board. Copies of the CCC CH2MHill report is in TA Guerino's office.

TA Guerino said the Tighe & Bond report which is related to Buzzards Bay and Sagamore, a lot of numbers is from what came out of the estuaries. There were a number of reports that went into the Tighe & Bond report.

Ms. Riggs said two entities are interested in the 11 acre property and in 6-8 months they will have an idea which entity will be chosen. One of the parties interested was the Cecil Group who wanted to take the downtown district bylaw and apply it to the 11-acre parcel, and the 3-acre parcel across from Town Hall that would have mixed use. This is what is referred to the Cecil Group Study.

Zuern asked about nitrogen loading and if it needed to be addressed immediately in the Tighe & Bond report. Ms. Riggs said the recommendation was to look at spreadsheets and there some attention was given to that portion. A fair piece of the report was the economical potential.

TA Guerino said there were some areas concerned with nitrogen studies.

Ms. Riggs said there were options for non-sewering ways which lead to the secondary recommendations of shellfish beds, controlling fertilizer for example. The WAC is aware of the charge. Many of the wastewater committee members welcome a direction from the BOSC that would expand the purview of the WAC in not only downtown, but the entire town.

Zuern asked for clarification that the \$145,000 is for the hydrogeological study and not to enter into a public private partnership. Ms. Riggs said it was included to have legal services to explore the public private partnership. TA Guerino said the town is not engaged in a public private entity. If we were to go into a public private partnership a draft agreement would be established, but the committee doesn't have a charge to do so.

Zuern requested minutes of the WAC be given to the BOSC for review. TA Guerino will have the past year available to the BOSC.

Chm. Meier said Linda Zuern was appointed to the Cape Cod Water Protection Collaborative and requested Ms. Riggs put her on the WAC mailing list.

Ms. Riggs said Mr. Ewell consulted with people and a document was developed by Town Counsel with a deadline of 7/10/13. On 7/11/13, Ms. Riggs and Mr. Ewell logged in responses of nine companies. During this time, an evaluation team was put together. On 7/17/13, Noland Leroy, Ms. Riggs and Mike Leitzel, facilitated by Mr. Ewell. The evaluation team choose a small number of companies. There was good discussion and a very amicable resolution to the companies interviewed. On 7/24/13 and by the consensus of the evaluation team, they were in favor of one company. The next step is to negotiate a draft scope of work and time line with the company. At that time they made recommendation to the Town Administrator to have Mr. Brian Dudley (Environmental Protection) review the draft. TA Guerino met with the staff who put the report together and an addendum was added for clarifications and given to Brian Dudley. It was three weeks before the draft scope and contract was given to TA Guerino. During the evaluation, no town athletic activities would be displaced on the project and will do work required in a responsible manner as to not interfere with athletic activities. Work with the selected company will be completed by end of the calendar year. An escape clause will be looked at. In the meantime, the finalist company indicated a price that is within the budget presented to Capital Outlay and will be brought to Fall Town Meeting 2013.

TA Guerino said the final negotiations will be undertaken by himself and Atty. Troy. This will not come before the Selectmen. If the BOSC directs he will have before the Selectmen, but charter is clear with those types of contracts.

Pickard said the Selectmen were brought into the involvement in the past. TA Guerino will bring before the board before they sign if they so please. If we move forward with results of the study, it would come before the Selectmen.

Zuern wants to make sure this is an objective committee. TA Guerino said there is factual data and have followed an open process.

Ms. Riggs said as evaluation team was looking at reference checks and fully believes assuming negotiations go forward, that the company is reputable.

James Mulvey talked about components on the public private partnership. He asked if Queen Sewell surface and subsurface is adequate to handle the amount of treated sewerage or projecting for the future. If a developer builds on his own land, is the cost of the operation of the packaged plan (maintain and run) who would be responsible after sludge is pumped out? What is the cost of a system to pump to the infiltrate system? What is the cost to pump to Queen Sewell? There is also the cost of the force pipe from the package plant, across St. Margaret's and the bypass up to Queen Sewell - who pays for that up to the infiltration system and who maintains the infiltration system? If there is a package pump by a developer and another developer comes into the area, will he use the package pump or buy and maintain a second package pump? Is there going to be a private sewer district where there is a legal

private sewer system? As far as the estuaries studies, there were only two the town paid for: Back River and Eel Pond is a published report paid by ISWM. Phinney's Harbor was done and paid for by the town. Pocasset, Pocasset Harbor, Squeateague Harbor and Red Brook fell apart.

TA Guerino said there are a number of scenarios of how different mechanisms are put in place. Ms. Riggs said Mr. Mulvey's questions make the point on why this project is very complex. The town is looking at one treatment plant that would allow additions and other developers to buy into. Mechanics would have to be negotiated. More than one plant is not the highest investment of land in town.

Mr. Mulvey said the town doesn't want to spend a lot of money towards something we don't know about and how it would be done. Ms. Riggs said there are some estimates from both ends and what is being done is the first step in acting if the sites are appropriate.

Pickard said we have to rely on TA Guerino, Ms. Riggs, Mr. Ewell, professional staff, etc. as there are so many things we need to look at. We are headed in the right direction.

Chm. Meier concurs with Pickard.

Discussion on County 208 Process

Chm. Meier put on the agenda to further discuss. TA Guerino hasn't prepared any material but it was his understanding this was put on the agenda to continue discussions on what transpired in Mashpee.

Zuern said there is no more information, except for notes from Mr. Richard Anderson that were given to the board at the last meeting. The meeting was to discuss regionalization and address watersheds without town lines.

Pickard said discussion addresses wastewater. In the charter, it creates authority for wastewater and assures it has authority on quality water standards in the Cape Cod plan. This is an area of concern and feels at some point they will have full control. This is something to keep an eye on.

Meier said it is worth monitoring before we move forward. The facilitator was not prepared for the meeting.

Ellis said the presentation was not user friendly. He feels the CCC will try to take over eventually.

Zuern said there is a shellfish farm in Wellfleet and suggested members of the board to visit. She is interested in going herself.

Mr. Wesley Ewell said it is important to point out that what we do in the future, this permit has to be consistent with the 208 Plan and is very important we really keep a close eye and monitor to make sure they don't do something contrary to the town's interest.

TA Guerino said Buzzards Bay is in a different watershed area. They weren't aware of that. We have to be careful that the entire town is understood as well as the transcend count; Bourne e transcends county aquifers as we go into Plymouth County.

Pickard said Bourne has different circumstances from the rest of the Cape. They are regulatory by nature.

Mr. Mulvey said that is called a Plymouth/Carver/Bourne/Wareham and have Brendan Mullaney as Bourne's representative.

Ms. Riggs said she noticed at the CCC they had many maps and quilts which showed the Cape area stopping at the canal. They aren't there now. The maps and quilt are down. Buzzards Bay and Finger Pond Group meetings will be at Falmouth Town Hall on 9/24/13, 10/25/13 and December has yet to be determined.

Ms. Riggs said no one is saying for towns to stop continuing what they are doing.

Zuern said with regard to the shellfish farming, Mr. York, a Mashpee farmer would be willing to come to one of our meetings for a presentation for the Selectmen. Pickard said he feels this should have to be coordinated with Mr. Mullen.

Discussion related to County Charter Recommendation on Water quality/wastewater

TA Guerino said we must stay vigilant in keeping local control where necessary and required.

Other business

The next BOSC meeting is 9/17/13.

Adjourn

Zuern MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 8:30 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa A. Groezinger, sec.