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**Sewer Commissioners Meeting
Minutes of Tuesday, August 25, 2020
Zoom Remote – Public Access**

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TA Tony Schiavi
ATA Glenn Cannon

Sewer Commissioners

James Potter, Chairman
Jared MacDonald, Vice-Chairman
Judy Froman, Clerk
Peter Meier
George Slade

Others: Halim Choubah, Greg Wirsen - Green Seal Environmental, May Andrews, Mike Rausch, Tim Lydon, Mary Jane Mastrangelo

Note this Zoom videoconference meeting is NOT being televised. The meeting is being recorded and will be provided to Bourne TV for playback.

If anyone from the public wishes to provide public comment, they can access the conference line by calling:

1-929-205-6099 Meeting ID: 829 0241 9447 Password: 304005.

<https://us02web.zoom.us/j/82902419447?pwd=bXRrdUM5cFdVSgczdUoxV05zdWFFQT09>

Please MUTE your phone until the Chair asks if anyone wishes to speak.

All items within the meeting agenda are subject to deliberation and vote(s) by the Board of Selectmen/Sewer Commissioners.

Note this meeting is being recorded.

Documents: [340 Main Street Sewer Application](#), [Sewer Rate Study Report](#), [Sewer Rate Allocation Policy](#)

Meeting Called to Order

Chm. Potter called the meeting to order at 7:00 pm.

1) Salute to the Flag

2) Consent Agenda

a. Approval of Open Session meeting minutes: 07.28.2020

Voted: Peter Meier moved and seconded by Jared McDonald to continue until the next available meeting.

Roll Call Vote: George Slade - Yes, Judy Froman - Yes, Jared MacDonald - Yes, Peter Meier - Yes, James Potter - Yes

Vote: 5-0-0.

3) Sewer Rate Vote Amendment

Add the following language to the July 28, 2020 Sewer Rate Motion: "in excess of 45,000 gallons per calendar year" such that the Amended Motion would read: "Motion to approve the FY21 sewer rate at \$1,051.00 per unit and \$0.01 per gallon for sewer overages in excess of 45,000 gallons per calendar year and to re-address the sewer rate after the Fall Town Meeting.

Suggested to Rescind the previous vote from July 28th and revote the new motion with the new language included.

Voted: Jared MacDonald moved and seconded by George Slade to rescind the last vote on the rates from July 28, 2020.

Roll Call Vote: Judy Froman – Yes, George Slade – Yes, Peter Meier – Yes, Jared MacDonald – Yes, James Potter Yes.
Vote: 5-0-0.

Voted: Judy Froman moved and seconded by Jared MacDonald to approve the FY21 sewer rate at \$1,051.00 per unit and \$0.01 per gallon for sewer overages in excess of 45,000 gallons per calendar year, and to re-address the sewer rate after the 2020 Fall Town Meeting.

Roll Call Vote: George Slade – Yes, Judy Froman – Yes, Jared MacDonald – Yes, Peter Meier – Yes, James Potter Yes.
Vote: 5-0-0.

4) Sewer Allocation**Choubah Engineering — 340 Main Street**

Hal Choubah, consulting engineer, representing the applicant 340 Main Street LLC, Proposal is to demolish the existing building on 340 Main Street and to construct a 6000 sq. ft. building for a gas station and 2000 sq. ft convenient store, 2 other units would be restaurants (coffee shop) total capacity with 60 seats, and 6 residential units on the second floor. Went through site plan approval. Filed with Conservation – have order of conditions from Conservation. Asking for sewer allocation of 3,095 gpd.

[340 Main Street Sewer Application](#)

Comments:

- Planning Board report is missing the underground fuel storage tank permit process with the Board of Selectmen, in their list.
- When starting construction? – Mr. Choubah is working with the Buzzards Bay Water District as well - Starting construction in Spring of 2021
- Communicate with affordable housing trust.
- Making improvements to the infrastructure with a new pump chamber, piping and other improvements. – making sure they meet the standards of the regulations we have and the regulations that are being discussed in draft form. Mr. Choubah said he will work with sewer department on the installation.

- Second phase, may be down the road – will that be an amendment to the application or will they need to file separately. – Mr. Potter said that would be a separate project if there is a second phase.

Voted: Jared MacDonald moved and seconded by Peter Meier to approve as it has been placed on the application for 3,095 gallon per day at 340 Main Street LLC.

Judy Froman would like more of a discussion about what types of businesses are accepted, we have a saturation of gas stations. This area has a lot more potential than just as a gas station.

Roll Call Vote: Judy Froman – Yes, George Slade – Yes, Jared MacDonald – Yes, Peter Meier – Yes, James Potter - Yes
Vote: 5-0-0.

5) Sewer Allocation Updates

- A. Vincent Michienzi 85 — 93 Main Street**
- B. Vincent Michienzi — 100 Main Street Block**
- C. Gencon/Bob Gendron — 12 Wagner Way**
- D. Calamar**
- E. Oak Bay Brewery**

This is the 6-month review of those that have been given allocation

5.A. Vincent Michienzi 85-93 Main street

No owner's representation present at the meeting, but Town Staff gave an update. The Town is expecting to get a written update from Bracken Engineering, did not receive that yet. Tim Lydon received an email from Bracken Engineering.

Comments:

- 3 of the 4 tenants are up and running – Buzzards Bay Brewing, Vela Juice Bar, and Krua Thai.
- 4th tenant is outfitted to be a full-size restaurant – almost complete with the renovations.

100 Main Street Block (old movie theater site) is different from 100 Main St (future ice cream shop). Essentially, the BOSC can talk about 100 Block, but hasn't had interaction with 100 Main St (ice cream shop).

5.B. Vincent Michienzi - 100 Main Street Block

Provided an update for mixed use.

Tim Lydon read the update he was sent. This is a block of parcels adjacent to 85 and 93 Main Street and directly behind Secrets Consignment Shop to the North. Applicant is currently working with a potential developer for the property. Negotiations on the project are currently ongoing, while the developer evaluates the development potentials for the lot, as well as availability of water to the site. Buzzards Bay Water District is working with the state to

increase their allowable daily water withdrawal. Until this is vetted out any future development on Main Street is currently in holding pattern until an update is provided by the Buzzards Bay Water District.

Comments:

- 100 Main Street doesn't have allocations from the Board because it was an existing use - not under the allocation policy.
- It is well engineered, because it is in a FEMA Flood Zone
- Anticipating that being up by the end of the year
- Send a letter to Vinny Michienzi for 100 Main Street Block, and explain the sewer allocation situation, request he reach out to staff, and put him on the agenda. We need to receive payment for the allocation or state there isn't an allocation. We are tying up wastewater capacity that hasn't been paid for. It isn't following the policy.

Voted: Jared MacDonald moved and seconded by Judy Froman to have the owner of 100 Main Street Block contacted via mail by staff to start the process to rectify this situation.

Judy Froman suggested to have a time frame in the letter of when we would like to have a response. Invite Mr. Michienzi to the next meeting.

Roll Call Vote: Judy Froman - Yes, Jared MacDonald - Yes, Peter Meier - Yes, George Slade - Yes, James Potter - Yes

Vote: 5-0-0.

5.C. 12 Wagner Way

Greg Wirsén, Green Seal Environmental – Owner's Representative,

- Sent a letter to Debbie Judge.
- Still working on the project, need water allocation.

Tim Lydon will send an email to Greg Wirsén requesting the information he would like – Mr. Wirsén will have Bob Gendron send Tim Lydon a project narrative with the information that is requested.

5.D Calamar - No owner's representation present at the meeting, but Town Staff gave an update.

- Under construction.
- Trying to get an idea for when they will start pumping sewerage
- Building Inspector said they are on schedule
- Don't have a completion date yet.

5.E Oak Bay Brewery - No owner's representation present at the meeting, but Town Staff gave an update.

- We haven't gotten a response from them
- Did pay for their allocation
- Will reach out to them again to get an update

6) Sewer Business

A. Savary Avenue Update

B. Hideaway Village Sewer Agreement

C. Sewer Rate Study — Final Report

6.A Savary Avenue Update

- All the residents are capped at the street
- All are off the community system
- Final inspection on 50 Savary Ave
- System is off line, now need to have discussion on the next step
- Make an application to BOH regarding the decommissioning & removal

Suggestions:

- Last pumping of the system, the residual – Have the Town pay for the last pump
- Jim Potter suggested to have staff/or consultant look at the tanks to verify we will not have infiltration after we pump, so we will not have to pump again.
- Mr. Schiavi suggested that once it is pumped out, maybe fill with sand
- Funding for decommissioning the system – talk about at Fall Town Meeting

6.C Sewer Rate Study — Final Report

[Sewer Rate Study Report](#)

Received the final report for the Sewer Rate Study from Tighe and Bond

Jim Potter suggested looking at the following:

- Page 10 (2-5) used 45% reduction factor for Title V
- Not all drinking water ends in sewerage
- Page 16&17 (4-1 & 4-2)
Noted the 2006 Development fee and the 2007 Allocation Policy
In the past these weren't handled in tandem
- 5 projects – 2006 Development Fee and 2007 Allocation Policy would have generated 1.295 million dollars in fees. We collected \$135,000 instead.
By the suggested 'ERU' method - Gallons – 91,499 total gallons x \$366 per ERU = \$3029.00. We collected \$135,000
- We have adopted the new rate for the coming year
- Because we haven't collected the fees for the rate study, the rate payers will be affected

Service Development Charge

1. Determine number of Equivalent Residential units

Divide total plant capacity by
average residential usage

Total Capacity	100,000	gpd
Residential usage	150	gpd
Equals	667	ERU's

2. Determine ERU cost

Cost to be recovered	\$2,400,000	
Total ERU's	667	
Equals	\$3,600	Per ERU

We should evaluate because we have already given out ERU, so we don't have 667 to give out. We may have to adjust the \$3,600 per ERU

- Page 45 - Our current fees were never intended to cover capital expenditures like the new wastewater facility.
- Page 54 - the five recommendations:
 1. Meet with Buzzards Bay Water District to discuss options for balancing development needs with water conservation. Continue to negotiate IMA with Wareham, revisit cost sharing methodology
 2. Retained earnings appears to be sufficient to allow selection of rate Alternative A or B for FY21, confirm projections against FY19 actual and FY20 estimated revenues.
 3. Based upon resolution of development issue migrate to new fee structure, discuss timing and administration of fees with town counsel. Incorporate fee structure, timing and requirements into Sewer Regulations, separate out fees for easy adjustment. Reduce Title 5 allocations by 50% to better approximate expected flows, refine as uncommitted reserve capacity diminishes (obtain more accurate information, etc.)
 4. Revisit staff roles relative to Wastewater management, adjust responsibilities to meet new requirements
 5. Continue to monitor usage, expenses and revenue on annual basis

Suggestions

- We should talk about implementing the ERU, because it takes into account the new plant.
- Need to move forward quickly to get the system in place so we can capture the monies for the new allocation projects.
- Have a smaller working group work on some of the issues, policy

- Start to build a Regulation book
Have one system/formula for fees
- Use the Wastewater Advisory Committee – give them a new Charge. Have a user rate payer/citizen on the Committee
- Have Wastewater Advisory Committee advise on the Sewer Rate if we choose to go in the ERU direction
- BOSC will work on Capital System Sewer Development Charges

Comments:

- 100 Main Street Block was before the allocation policy while the Gendron project was put on the new allocation policy, and originated at the same time
- Sewer Commissioners need to talk about differentiating projects that need infrastructure for the project vs. projects that are on the current sewer infrastructure.
- Change back to a variable flow fee for Wareham instead of a fixed rate fee because our allocation is going to go to the new plant. Or some of what would have gone into the new system, does it still go to Wareham since we do pay a fixed rate.
- It is important that we put these fees into the capital fund, which was designated for that purpose.
- We should be collecting what the rate study states we should be collecting.
- Keep conversations with Wareham ongoing
- Look at the some of the newer projects – adapt the new fee structure

6.B Hideaway Village Sewer Agreement

They had sent a letter to BOSC last year, attended a meeting in the Fall, and another email sent by Board of Directors requesting consideration of an agreement with Hideaway village that they had, it has expired on June 30th

**AGREEMENT BY AND BETWEEN THE
TOWN OF BOURNE
AND
HIDEAWAY VILLAGE CONDOMINIUM ASSOCIATION**

This Agreement is made this 8 day of March, 2016, by and between the Town of Bourne, a Massachusetts municipal corporation with an address of 24 Perry Avenue, Buzzards Bay, Massachusetts ("Town") and the Hideaway Village Condominium Association ("Hideaway"), with a mailing address of P.O. Box 790 Buzzards Bay, Massachusetts. This Agreement amends, and, in pertinent parts, supplants and supersedes an Operation and Maintenance Agreement, dated June 26, 1990, and an Agreement for Wastewater Collection Treatment and Disposal between the Town of Wareham, Massachusetts and Town of Bourne, Massachusetts, dated February 23, 2010.

RECITALS

Whereas, the Town and Hideaway have mutual interest in the Wastewater transmission infrastructure within Buzzards Bay;

Whereas, the Town and Hideaway have been involved with financing portions of the wastewater delivery system to Wareham;

Whereas, Hideaway Village comprises approximately 30% of the revenue derived from sewer use fees paid to the Town of Bourne;

Whereas, the Bourne Board of Sewer Commissioners have agreed to assist Hideaway with certain costs associated with the infrastructure repair and replacement at Hideaway for a period of five (5) years, subject to municipal appropriation;

Now therefore, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. The Town is hereby authorized to reimburse Hideaway for certain equipment for the repair and replacement of equipment necessary for the safe operation of that portion of the wastewater transmission infrastructure owned and maintained by Hideaway, subject to the approval of the Director of the Department of Public Works, in an amount not to exceed Thirty Thousand Dollars (\$30,000) annually, subject to appropriation. The Town Administrator shall certify that the reimbursement is appropriate. All invoices submitted to the Town by Hideaway for each fiscal year must be received no later than June 1st of each year of this Agreement.

2. The execution of disbursement of any funds to Hideaway is by reimbursement only of invoices paid and approved by the Board of Directors of Hideaway. All requests for reimbursement shall be presented to the Town Administrator in writing.

3. The Town is prohibited from performing any work to repair or install on lines and property, etc., owned by Hideaway. The Town is prohibited from providing any warranty on items reimbursed and is not responsible for any problems associated with installation or operation of any equipment or materials that has been submitted for cost reimbursement.

4. Hideaway may not assign any rights under this Agreement and may not utilize these funds for non-equipment related purchases and/or purposes.

5. Hideaway hereby agrees to hold the Town harmless and indemnify the Town for all risk of loss, damage or injury, of any nature, to persons or property, by reason of individual actions or inactions under this Agreement by its' employees, residents, invitees, contractors, etc., and Hideaway releases the Town, and its successors and assigns, from any and all claims for loss, damage or injury sustained that may arise.

6. This term of this Agreement shall be for five (5) years, commencing on July 1, 2015.

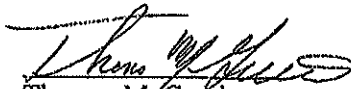
7. This Agreement may be renewed every five (5) years by a writing signed by the parties.

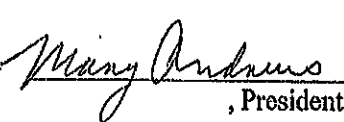
8. If any provision of this Agreement shall be held to be invalid or unenforceable as against any party, the Agreement shall be null and void in its entirety, with no further or continued obligations hereunder.

Witness the hands and seals of the Town of Bourne and the Hideaway Village Condominium Association as of the date set forth above.


The Town of Bourne,
By its Town Administrator,

Hideaway Village Condominium
Association,


Thomas M. Guerino


Mary Andrews, President

Approved as to Form:


Robert S. Troy
Bourne Town Counsel

Mary Andrews

- They came on line as a condominium
- Paid our infrastructure, paid betterments to be connected, pay the same rate residentially as everyone else, but we got no service in return.
- The hike increase is impacting our residents
- Residents requested to pursue the agreement
- Have 90-100 units living in the village year-round; 266 units paying fees
- Our infrastructure is being maintained by condominium fees,
- Unfair that we have no service
- Provide us something towards maintenance or replacement for some of our infrastructure. Requesting the BOSC to subsidize \$15,000 a year to replace parts.
- Hideaway Village is 266 individual users

Comments:

- Hideaway Village is a condo complex which is a commercial entity, commercial developments maintain their own equipment. All other condo properties maintain their own equipment on their property.
- In the past Sewer Commissioners used retained earnings to subsidize the rate for 5 years – we are not going to do that anymore – we don't have the funds/resources.

- Jim Potter said if we switch to the ERU system, which is water-use based, people that use less water will be paying less.
- Suggested to look at grants/funding that could help an entity like Hideaway

Voted: Judy Froman moved and seconded by Jared MacDonald to not renew the sewer agreement for Hideaway Village.

Roll Call Vote: Judy Froman – Yes, George Slade – Yes, Peter Meier – Yes, Jared MacDonald – Yes, James Potter – Yes

Vote: 5-0-0.

7) Sewer Visioning Agenda

A. Comprehensive Wastewater Management Plan Update

B. Board of Sewer Commissioners Goals

- We have confirmation all 4 interested parties are available on Wednesday, September 9th
- Meeting scheduled for Wednesday September 9th at 7:00.
- Meet in the Community Center, not open to the public. Just the Commissioners, Mr. Schiavi, Mr. Cannon and one applicant at a time.
- Broadcasting on Bourne TV for public to follow along
- Commissioners can ask questions of each of the applicants
- Each applicant has 30 minutes to give a brief overview

7.B Board of Sewer Commissioners Goals

Jim Potter suggested that the Sewer Commissioners have annual Goals

Examples of some potential Short-range & long-range goals:

- Comprehensive Wastewater Plan
- Developing the Sewer Regulations and Policy Book
- Fund the I&I study
- Adjust the current sewer development charge and the usage billing – have ERU Discussion
- Award and begin the CWMP Process
- Fund removal of Savary Community Septic system
- Assuming Control of the new wastewater treatment plant operations and determine the future operational costs
- Maximizing and taking ownership of the Wastewater Treatment Plant
- Infrastructure/Environment – to protect our environment
- Have a good layout of what our sewer system should be

Goals can be published on the website – for public information, and put in reports for updates.

Will put this on another agenda

8) New Business

A. Correspondence

B. Any new sewer business (not foreseen 48 hours ahead of this meeting)

C. Public Comment

Jim Potter said he received an email regarding water district information vs the sewer meeting.

Tim Lydon updated the Board regarding the meeting they had. Creating long term, medium term, short term goals, physical sustainability – look for action items and have a physical sustainability model to pay for those action items. Sewer system is an enterprise fund that can fund projects that can be resilient and sustainable.

Jim Potter said there are still a few businesses that are falling outside of the scope of the existing Allocation Policy. We should adjust our Allocation Policy – instead of Change of Use, we should adjust the policy to be triggered by Change of Flow.

IMA Sub Committee on September 10th with Wareham

Maybe meet on September 14th with Wareham

We will discuss with full board to full board on the Capital projects that were listed in the letter from the Wareham Sewer Superintendent.

Discussion about meeting with Wareham Sewer Commissioners and Board of Selectmen, because Sewer Commissioners in Wareham can only make recommendations to the Selectmen. Jim Potter explained that there are a few items that might make sense to meet with the Wareham Board of Selectmen on, such as the IMA, but many of the sewer budget items are within the purview of the Wareham Board of Sewer Commissioners to handle.

Discuss with the Sewer Commissioners and the Selectmen what they are trying to expand at the plant.

Future Agenda Items

A. Sewer Commissioner Regulations & Policies Guidebook and implementation

B. Bourne/Wareham Inter-municipal Agreement subcommittee update

C. New Wastewater Treatment Plant — Annory Rd.

D. Joint Base Cape Cod Sewer Meeting Update

E. Upper Bay Project (Bourne-Wareham-Marion-South Plymouth) Regional Sewer Update

9) Adjourn

Voted: Peter Meier moved and seconded by Jared MacDonald to adjourn at 9:33 P.M.

Roll Call Vote: Judy Froman - Yes, Jared MacDonald - Yes, George Slade - Yes, Peter Meier - Yes, James Potter - Yes

Vote: 5-0-0.

Respectfully submitted – Carole Ellis, secretary.