

**Sewer Commissioners Meeting
Minutes of Tuesday, December 22, 2020
Zoom Remote – Public Access**

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TA Tony Schiavi
ATA Glenn Cannon

Sewer Commissioners

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

Others: Kathleen Thut, Kate Rosa, Mike Rausch, MJ Mastrangelo, Tim Lydon, Helen Gordon

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

Documents: [Cape Cod and Islands Water Protection Fund Management Board; Sewer Enterprise Fund Analysis Adopted ATM 6/29/2020; Downtown Bourne Sewer System Allocation; Sewer Policy & Regulations; Cape Cod And Islands Water Protection Fund Summary Of Regulations And Guidelines](#)

Meeting Called to Order

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

1) Salute to the Flag

Tony Schiavi introduced Kathleen Thut, replacement for Debbie Judge.

2) Consent Agenda

Approval of Open Session meeting minutes: 11-23-20.

Voted: Judy Froman moved and seconded by George Slade to approve the minutes of November 23, 2020.

Roll Call Vote: Judy Froman – Yes, Peter Meier – Yes, George Slade - Yes, James Potter - Yes
Vote: 4-0-0.

3) Sewer Rate Vote Amendment

A. Discussion and vote to amend the FY21 sewer rate based on the November 16, 2020 town meeting vote (Article 4)

ARTICLE 4: To see if the Town will vote to appropriate, borrow or transfer from available funds the sum of \$135,000 for the purpose of supplementing and/or reducing the FY 2021 Sewer Department Budget as voted under Article 3 (Sewer Department) of the 2020 Annual Town Meeting, or take any other action in relation thereto.

Sponsor – Board of Sewer Commissioners

MOTION: We move that the Town vote to appropriate the sum of \$135,000 for the purpose of supplementing the FY2021 Sewer Department Budget and to meet this appropriation, to transfer the sum of \$135,000 from Sewer Enterprise Fund Retained Earnings to Sewer Enterprise Retained Earnings – Reserved for Budget Expenditure.

James Potter said we voted the rate late summer for the sewer rate with the intention to go to Fall Town Meeting and take some retained earnings and lessen the second billing. To do that we have to recalculate and revote the rate. We can set the FY21 sewer rate at \$924 per unit and maintain the \$0.01 per gallonage for the sewer overages in excess of 45,000 gallons per calendar year.

Sewer Enterprise Fund Analysis

Adopted ATM 6/29/2020
Proposed FTM 11/16/2020

	2015	2016	2017	2018	2019	2020	Voted 6/29/2020 2021	Voted 11/16/2020 2021
Expenses:								
Salaries	\$170,160	\$177,302	\$173,638	\$160,614	\$170,024	\$187,843	\$197,680	\$197,680
Purchase of Services	\$22,503	\$28,025	\$76,163	\$38,728	\$145,524	\$103,850	\$107,850	\$107,850
Supplies	\$11,508	\$13,207	\$12,602	\$13,018	\$12,661	\$19,825	\$20,028	\$20,028
Other Charges & Exps	\$100	\$130	\$100		\$280	\$375	\$375	\$375
Capital Outlay	\$19,536	\$38,429	\$10,927	\$47,060	\$50,808	\$110,000	\$110,000	\$110,000
Capital Outlay reduction								
Transfer to General Fund								
Debt Service	\$14,506	\$3,070	\$19,563	\$45,522	\$43,300	\$24,000	\$72,000	\$72,000
Reserve Fund						\$50,000	\$100,000	\$100,000
Wastewater Operating Charge	\$273,125	\$395,661	\$250,000	\$350,000	\$213,912	\$350,000	\$410,000	\$410,000
Wastewater Facility Operating Cost								
Wastewater Capital Charge								
Indirect Expenses	\$188,478	\$188,478	\$188,478	\$188,478	\$188,478	\$188,478	\$188,478	\$188,478
	\$126,029	\$131,983	\$126,705	\$124,404	\$128,607	\$134,709	\$134,944	\$140,944
Total Expenses	\$825,945	\$976,285	\$858,176	\$967,824	\$951,794	\$1,169,080	\$1,347,355	\$1,347,355
Revenues:								
MIWPAT Transfer	\$0	\$0		\$0	\$0	\$0	\$0	\$0
Sewer Betterment Receipts	\$32,266			\$0	\$0	\$0	\$0	\$0
Betterment Payoffs	\$0	\$0		\$0	\$0	\$0	\$0	\$0
System Development Revenues/Prior Year Ret. Earnings (Collected In FY2020)							\$0	\$135,000
Retained Earnings	\$100,000	\$50,000	\$75,000	\$75,000	\$100,000	\$50,000	\$50,000	\$50,000
Miscellaneous Dept Revenue & Interest	\$36,504	\$2,260	\$35,558	\$35,000	\$25,000	\$35,000	\$35,000	\$35,000
GP Reserve Fund Transfer								
Sewer User fees	\$856,657	\$1,011,454	\$968,066	\$996,279	\$1,024,754			
Ext. Overage fees						\$130,000	\$140,000	\$140,000
Sub-total	\$1,025,427	\$1,063,714	\$1,078,624	\$1,106,279	\$1,149,754	\$215,000	\$225,000	\$240,000
Amount Needed Per Unit	\$732,566	\$826,660	\$830,208	\$846,279	\$901,998	\$954,080	\$1,122,355	\$987,355
Users	998	1104	1104	1091	1092	1086	1068	1068
Per Unit Sewer Charge	\$734	\$749	\$752	\$776	\$826	\$879	\$1,051	\$924

Sewer estimated revenues are a combination of interest income, miscellaneous receipts for hook-ups, filling fees, demand fees, etc., and the major portion of the sewer revenues come from sewer overages and sewer user annual fees. Estimates for FY2021 are \$35,000.00 from miscellaneous revenues, sewer overage fees \$140,000, retained earnings of \$50,000 and \$135,000 voted at the June 2020 ATM Article3 and November 2020 STM Article 4, respectively. The amended amount needed to be raised through user fees is \$987,355. The annual per unit sewer charge increases this year by \$45.00 per user to \$924.00

Voted: Peter Meier moved and seconded by Judy Froman to revote and amend the FY21 Sewer Rate to \$924 per unit and maintain the \$0.01 per gallon sewer overages in excess of 45,000 gallons per calendar year.

Roll Call Vote: Judy Froman – Yes, George Slade - Yes, Peter Meier - Yes, James Potter - Yes
Vote: 4-0-0.

4) Sewer Allocation 6 Washington Avenue

(Letter from Tim Lydon) The locus property is a buildable vacant lot seeking to construct a two-family row style dwelling requiring a designed 440 gallons per day (gpd) discharge into the Buzzards Bay sewer system. Due to the nature of the residential structure and being less than 4 units (Section 1. Purposes of the Policy), this project does not require review by the Board of Sewer Commissioners at this time.

James Potter said based on our commercial policy it doesn't require review because it was less than 4 units. It's on the agenda because it's a new project and just to inform the Sewer Commissioners. It's being handled by staff administratively. The Title VI estimate is 440 GPD.

Downtown Bourne Sewer System Allocation

4A/5A

Commercial Wastewater Management Allocation Policy

(Approved October 2017)

OWNER	LOCATION	GPD Req'd	GPD Exist'g	\$1500 App Paid Date	Planning Board Approval Date	Preliminary Allocation Approval Date	Prelim Alloc Fee	Prelim Alloc Date Paid	Sewer Develop Fee	Comments	6-Month Review Date
Projects Not Counted											
Louis Costa	Washington Ave	440	0				\$0.00			Approval not required	
Preliminary Allocations											
Oak Bay Brewery	140 Main Street	2256		8/23/2019	11/14/2019	12/18/2019	\$7,256.00	1/16/2020			7/18/2020, 9/8/2020
Updated: 12/16/2020											

Tim Lydon said the project has been updated, it remains a 2-unit dwelling, but each unit has 4 bedrooms so total gpd will be 880 gallons.

George Slade said we could put into the motion; it is less than 4 units, which is the reason we are not requiring a sewer hookup.

James Potter said considering the change in the project, not sure the 4-unit process needs to be reviewed, this is an example of why we should change the language. The units doesn't tell how many bedrooms are in each unit. We might run into problems later.

Voted: Judy Froman moved and seconded by Peter Meier to confirm that the project located at 6 Washington Street does NOT require a sewer allocation as is being less than 4 units 4 bedrooms as outlined in the Town of Bourne Commercial Wastewater Management Allocation Policy, Section I (Purposes of these Policies and Procedures)

Judy Froman said we should discuss the number of bedrooms as it relates to the policy. It would be better to have it more restrictive and then release it depending on the case-by-case situation.

Peter Meier suggested to talk to the Wastewater Advisory Committee for background information to see why they wrote the policy the way it is.

Roll Call Vote: Judy Froman – Yes, Peter Meier – Yes, George Slade – Yes, James Potter - Yes
Vote: 4-0-0.

5) Sewer Allocation Updates Oak Bay Brewery — 140 Main Street

Downtown Bourne Sewer System Allocation

4A/5A

Commercial Wastewater Management Allocation Policy

(Approved October 2017)

OWNER	LOCATION	GPD Req'd	GPD Exist'g	\$1500 App Paid Date	Planning Board Approval Date	Preliminary Allocation Approval Date	Prelim Alloc Fee	Prelim Alloc Date Paid	Sewer Develop Fee	Comments
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Louis Costa	Washington Ave	440	0				\$0.00			Approval not required
Preliminary Allocations										
Oak Bay Brewery	140 Main Street	2256		8/23/2019	11/14/2019	12/18/2019	\$7,256.00	1/16/2020		
Updated: 12/16/2020										

1

Tony Schiavi said they reached out to Brian Poulin, he hasn't responded back, we don't have an update yet. The question was about whether certain pieces of equipment were going to be considered part of the value, as they look at how much they can reconstruct in a flood zone, based on value and if it was economically feasible.

Peter Meier said he heard that the owner decided to move to another location in Wareham.

Tony Schiavi suggested to send him a formal letter, to see if we can get a response, since he hasn't responded to emails.

James Potter said the allocation has been paid for, there isn't anyone waiting for this allocation, so we don't have to make a decision immediately.

Voted: Judy Froman moved and seconded by Peter Meier to allow the continuation of the 2,256 gallons per day preliminary allocation previously granted to the Oak Bay Brewery at 140 Main Street to be extended 3 months.

Roll Call Vote: Judy Froman – Yes, George Slade – Yes, Peter Meier – Yes, James Potter - Yes
Vote: 4-0-0.

6) Sewer Business

- A. Cape Cod & Islands Water Protection Fund Board [CCIWPF] update
- B. Savary Ave Septic System Update
- C. Sewer Policy and Regulations (Section 1 and Section 2 - Y^d Reading, Section 3 thru 9 and Appendix — First Reading)
- D. Upper Bay Project (Bourne-Wareham-Marion-South Plymouth) Regional Sewer Update
- E. Buzzards Bay Village Wastewater Treatment Facility follow up from the 11/30/20 coordination meeting.
- F. Discussion related to conducting an Inflow and Infiltration Analysis in FY2021.

6.A. Cape Cod & Islands Water Protection Fund Board [CCIWPF] update

Tony Schiavi said they had a zoom meeting with DEP regarding the legislation wording in the Policy, whether we have access across county lines, for us to have access to the Water Protection Fund to help offset the new plant and or help cover some capital expenses.

Glenn Cannon. said we are on the Intended Use Plan, DEP put us on the IUP. We were voted on in 2019, the regulations were voted in 2020. The Cape & Islands Water Protection Board has to go back and vote to approve that project to allow the funding to happen.

James Potter said we wanted to make sure we were on the IUP plan. We were told the town has to apply, Mr. Potter said he can advocate as a voting member on the Board for our town for that project to be approved to get some reimbursement from the Water Protection Fund. The next meeting is coming up at the end of January.

Mr. Potter said he asked about Wareham's Capital projects, if Wareham send us a bill would Bourne be eligible for the SRF funding. According to some of the members of the Water Protection Fund Board you have to be the owner of the project to get the funds. It turns out that we would be eligible to get the SRF loan, but the project has to follow some guidelines. There would be some administrative work that would have to be done. Wareham is on the list to borrow from the SRF loan program and they will be following the guidelines; we do have an opportunity to borrow our share if we needed to.

6.B. Savary Ave Septic System Update

James Potter said we have a letter that we will be sending to the Army Corp. regarding crushing the system and filling it. Tony Schiavi questioned if the Board wants to be the signatory on the letter?

Voted: Judy Froman moved and seconded by George Slade to authorize the Town Administrator to sign the letter and send to the Army Corp.

Roll Call Vote: Judy Froman – Yes, George Slade – Yes, Peter Meier – Yes, James Potter – Yes
Vote: 4-0-0.

6.C. Sewer Policy and Regulations (Section 1 and Section 2 - 3rd Reading, Section 3 thru 9 and Appendix — First Reading)

James Potter said Sections 1 & 2 are the third reading. Sections 3-9 and the appendix, this will be the first reading.

Mary Jane Mastrangelo said the policy should reference the authority of the Board of Sewer Commissioners. The Board of Sewer Commissioners is acting under Chapter 41, Section 21, Selectmen acting as Sewer Commissioners, and that should be included in the policy. James Potter suggested to ask Town Counsel to see if it has to be identified that way.

George Slade said we can defer the vote on Sections 1 & 2.

Mary Jane Mastrangelo said Sewer Commissioners operate under Chapter 83 Section 1, when the town votes separate sewer commissioners. The other is Chapter 41 section 21 where Selectmen act as or appoint Board of Sewer Commissioners. It is important for Town Counsel to state the Board of Sewer Commissioners is operating under this authority under this Chapter and Section. Nothing in the Charter states where the Sewer Commissioners authority comes from.

Tony Schiavi said it may have to be in the Charter so there is a vote taken to authorize a particular MGL and Chapter, then it can be referenced in the Sewer Policy and Regulations.

Judy Froman suggested to hold off on section 1 & 2 until we get an answer from Town counsel.

Voted: Peter Meier moved and seconded by Judy Froman to defer action on Sections 1 & 2 and to ask Town Counsel for legal opinion on this matter.

Roll Call Vote: Judy Froman – Yes, George Slade – Yes, Peter Meier – Yes, James Potter – Yes
Vote: 4-0-0.

Judy Froman spoke about Section 3.4 backwater valves, there is no reference to the inspections of the backwater valves. Should the backwater valves be revisited annually, bi-annually.

Tim Lydon said 3.14 elaborates on our right to inspect during construction. Judy Froman said on an annual or semi-annual basis the backwater valves should be inspected. Tim Lydon said he will look into it further.

Judy Froman questioned do we pass that responsibility to the owners of the building. Not sure if we have the right staff and enough staff to do the things in the policy.

Tim Lydon said Section 6 talks about enforcement. We do have the right of access. DPW has the right to inspect any facility on sewer.

Voted: Judy Froman moved and seconded by George Slade to move forward on Section 3-9 and the Appendix from the first reading to the second reading.

Roll Call Vote: Judy Froman – Yes, George Slade - Yes, Peter Meier – Yes, James Potter - Yes
Vote: 4-0-0.

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

Tony Schiavi said we have no new information on this item.

James Potter said an important point, there is one distinction between projects. The Upper Bay project is taking nitrogen removal and sending it to the canal, the nitrogen was already in our area. The Joint Base Cape Cod proposal takes nitrogen from the middle of the Cape and brings it to the canal.

George Slade said it should be reviewed more closely, it would be to our benefit.

Mary Jane Mastrangelo said if we are looking at long-term, we should do some cost benefit analysis to ocean outflow vs water reclamation. We need to be able to get access to the studies, so we know what the study results are.

Peter Meier spoke about the email from Mark Rasbusin, who wants to know what the concerns are and bring various science experts that he has retained to answer some of the questions. Should I let him know since I am a public official it should be done openly so the public can ask questions.

Judy Froman would like that meeting to be a public meeting. Would like to see more information about similar types of situations and what it does to the environment. Ms. Froman suggested to have a meeting/presentation/question and answer session, and keep an ongoing dialog.

James Potter said at the next BOSC meeting they can do a presentation.

6.E. Buzzards Bay Village Wastewater Treatment Facility follow up from the 11/30/20 coordination meeting.

James Potter said we'll be moving forward with the project, having DEP give us the signoff to operate

Tony Schiavi said that meeting was to identify key milestones. Mr. Schiavi briefly went over the milestones. One of the key milestones is the clear water test, scheduled for April 21st.

Task Name	Duration	Start	Finish	Assigned To
O&M RFP/IFB-timeline	21d	01/06/21	01/26/21	Town
Mandatory on-site visit	1d	01/18/21	01/18/21	Town
Open Responses	1d	01/26/21	01/26/21	Town
Select O&M Firm	1d	01/26/21	01/26/21	Town
Agree to Contract with O&M Firm - NLT Date	1d	02/05/21	02/05/21	Town
Town Counsel Review	6d	02/05/21	02/10/21	Town
Submit O&M Contract to EDA for Review/Approval	36d	02/10/21	03/17/21	Town
Sign O&M Contract	1d	03/24/21	03/24/21	
Ops Firm start Drafting Start - Up Plans	15d	03/24/21	04/07/21	
W&S Draft O&M Manual	1d	01/21/21	01/21/21	W&S
Ground Water Monitoring plan	1d	01/21/21	01/21/21	W&S
Monitoring Wells	1d	01/21/21	01/21/21	CHA
Prof. Engineering Svcs Contract in place (6 mo)	1d	04/07/21	04/07/21	Town
WWTP Ops contract and agreements in place	1d	04/07/21	04/07/21	Town
Ops firm Final Start-up Plan	1d	04/07/21	04/07/21	Town
Licensed Septage Hauler Contract in place	1d	04/07/21	04/07/21	Town
Licensed Sludge Treatment/Disposal Agreement	1d	04/07/21	04/07/21	Town
Approved Laboratory Agreement	1d	04/07/21	04/07/21	Town
Draft As-Built	1d	04/07/21	04/07/21	W&S
Engineering Certification	1d	04/07/21	04/07/21	W&S
Clear Water Test	1d	04/21/21	04/21/21	W&S
Final O&M Manual On-Site	1d	04/21/21	04/21/21	W&S
Final As-Built On-Site	1d	04/21/21	04/21/21	W&S
Fiscal Sustainability Certification	1d	06/01/21	06/01/21	Town

Judy Froman suggested having it dropped in the box opens us up for some questions, having it mailed through the PO we will have a date time stamp. We should encourage them to mail it or call and let us know once they put it in the drop box.

James Potter suggested for the operations agreement moving forward, if we chose as a town to accept septage at the plant; if the future maintainer would help us with that model. There is a financial component that is beneficial to the enterprise system. Someone would have to be there at certain times, and there would probably be a regulation commitment drafting a type of policy. We should entertain that, if we need it for additional flow. If we don't have a lot of flow at the beginning it may help supplement.

6.F. Discussion related to conducting an Inflow and Infiltration Analysis in FY2021.

Tony Schiavi said we are looking to see if we can get the info and infiltration done early FY21. As we increase our sewer infrastructure, we need to get the analysis done to factor in other improvement projects. A lot of those pipes have been in the ground 25-30 years and we don't know what condition they are in.

James Potter questioned if it will dovetail with the consultant for the Comprehensive Wastewater Plan. Mr. Schiavi said it will.

7) Sewer Visioning Agenda

- A. Board of Sewer Commissioners Mission**
- B. Board of Sewer Commissioners Vision**
- C. Board of Sewer Commissioners' Goals**
- D. Comprehensive Wastewater Management Plan Update**
- E. Equivalent Residential Unit Sewer Rate Analysis Update**

James Potter spoke about the Board of Sewer Commissioner's Mission and Vision. One of the goals from last time is maybe have a vision or mission that dealt with sustainability to the environment.

Judy Froman would like to see the Board of Sewer Commissioners have a mission and vision that ties it together with the Board of Selectmen goals as appropriate.

James Potter said the mission and Vision may change when we bring on Environmental Partners. Judy Froman suggested the Board of Sewer Commissioners can wait to have that discussion with Environmental Partners.

7.C. Board of Sewer Commissioners' Goals

8 Goals –

1. Develop Sewer Commissioner Regulations & Policies Book
2. Fund the Inflow & Infiltration (I & I) Study
3. Award and begin the Comprehensive Wastewater Management Plan (CWMP) process
4. Fund removal of Savary Ave community septic system
5. Assume control of the new Buzzards Bay Village Wastewater Facility, operations, and determine future costs
6. Task a Wastewater Advisory Committee with advising on a Town-wide Sewer Dept. and/or expanded Sewer District
7. Review the current Sewer billing method and compare to a new Equivalent Residential Unit (ERU) billing method
8. Review the current Wastewater Allocation development fees and compare to a new (ERU) development fee system.

May want to distinguish between short-term and long-term goals

Judy Froman said all 8 goals are great, they are helpful to have as a guiding map – support the goals as they are.

James Potter wondered if funding the I&I study should be removed from goals and move as a task. The goal could read To continue the discussion with the regional wastewater agreements.

Mr. Potter suggested for the vision; Exploring opportunities to improve the environment.

George Slade questioned if these would be readdressed in the spring of every year; have an annual review of goals. Judy Froman suggested to review the goals annually.

Voted: Judy Froman moved and seconded by George Slade for the Board of Sewer Commissioners to approve the 8 goals as stated on tonight's agenda as our goals to be reviewed annually.

Roll Call Vote: Judy Froman - Yes, George Slade - Yes, Peter Meier - Yes, James Potter - Yes
Vote: 4-0-0.

7.D. Comprehensive Wastewater Management Plan Update

Tony Schiavi said he is looking to set up a meeting after the holidays to finalize the contract and get it signed.

7.E. Equivalent Residential Unit Sewer Rate Analysis Update

Glenn Cannon said we are still working on the analysis. Once the regulations get finalized, we can look into the analysis.

James Potter said we can put it on the agenda to discuss what the individual users might pay, so we can stay ahead of the next billing cycle and we can decide on whether we want to transition the system or not.

8) New Business

A. Correspondence

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

C. Public Comment

8.B. Any new sewer business

Tim Lydon said we have new water bills coming after the new year that we can analyze, which will be helpful to see how the impacts of COVID impacted the sewer system. It will give us a better idea of what will be going to the new plant.

James Potter said he asked the engineers what the minimum is the new plant could process, it was around 25,000 gallons.

Future Agenda Items

- A. Sewer Commissioner Regulations & Policies Guidebook and implementation**
- B. Bourne/Wareham Inter-municipal Agreement subcommittee update**
- C. New Wastewater Treatment Plant — Armory Rd.**
- D. Joint Base Cape Cod Sewer Meeting Update**

From the Board of Sewer Commissioner to the Bourne Community:
Merry Christmas - Happy Holidays & Happy New Year

Town offices will close at noon on Thursday, December 24, 2020

9) Adjourn

Voted: Judy Froman moved and seconded by George Slade to adjourn at 9: 11P.M.

Roll Call Vote: Judy Froman – Yes, George Slade - Yes, Peter Meier – Yes, James Potter -Yes
Vote: 4-0-0.

Respectfully submitted – Carole Ellis, secretary.