

**Sewer Commissioners Meeting
Minutes of Tuesday, October 27, 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 from the meeting at 8:05PM
Judy Froman, Clerk
Peter Meier
George Slade

Others: Chris Timson, Louis Costa, Mike Rausch, Mary Jane Mastrangelo, Robin, Jason Pannone, Renee Gratis, Ryan Careria, Tim Lydon

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: 884 3026 2415 Password: 369732.

<https://us02web.zoom.us/j/88430262415?pwd=dVRJNHJmdONlaDJFU302RFAzdzhJQT09>

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 Sewer Commissioners.

Documents: [25 Main Street](#), [Commercial Wastewater Management Allocation](#), [Sewer Policy Regulations](#), [Correspondents](#)

Meeting Called to Order

Chm. Potter called the meeting to order at 7:02 pm.

1) Salute to the Flag

2) Consent Agenda

Approval of Open Session meeting minutes: 9-21-20

Voted: Peter Meier moved and seconded by Judy Froman to approve the minutes from September 21, 2020.

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

3) Sewer Allocation

A. Louis Costa — 25 Main Street

James Potter said they are looking to waive the fees that are attached to the allocation policy.

Chris Timson briefly explained the request and what is being added to the building. It is a small addition to an existing unit that has no new plumbing, fixtures, or connections to any water source. Under the DEP regulations the minimum design flow is 200gpd and Mr. Costa is way below that, he is around 40 gpd.

The existing building currently tallies 2,896 square feet (sf) of commercial retail space. The additional proposed 444 square feet requested would give a total of 3,340 square feet for all retail spaces. The current water use/sewer usage billing was based on 36 gallons per day (gpd) in 2018-2019. The existing store uses .01 gpd per square foot (36 gpd/2896 sf). Based on a rate of .01 gpd/sf, the 444sf addition would generate approximately 5.5 gpd (.01gpd/sf x 444 sf). Due to the minimal generation of waste water, staff views the net increase as insignificant.

The project is an approximate 440 sq. ft. single story addition to an existing commercial building that is already connected to sewer and water. 90 sq. ft. of the addition is a storage closet. There are no new plumbing fixtures or connections as the additional space is being added to one of the existing three (3) units. Thus, there will be no new water or sewer connection. Therefore, there is essentially no cost to the Sewer/Water Commission/Town involved in the project.

The fees should equate to the services provided, and since there is no new connections, no new plumbing, and there is no change of use, there isn't going to be any cost to the town. Mr. Costa isn't going to be using any more than the amount allocated to him for sewer. Looking to get a waiver of the fees.

James Potter said it can be approved with a condition that if any future work that would be done within the space that would require a permit, it is pulled later on, and may have to come back before the Sewer Commissioners for review; ex. adding a bathroom later.

Voted: Judy Froman moved and seconded by Jared MacDonald to waive the sewer application fee and/or the preliminary sewer allocation fee for 25 Main Street, under the condition that if any future work involves plumbing or sewer it comes back to the Board of Sewer Commissioners.

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 6 gpd sewer allocation to 25 Main Street.

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

4) Sewer Allocation Updates

- A. **Vinny Michienzi — 100 Block**
- B. **CMP Development LLC - 2 Kendall Rae Place**

4.A. Vinny Michienzi — 100 Block

Vinny Michienzi wasn't on the Zoom meeting

James Potter said allocation has been given in the past, but hasn't been paid for, so there isn't really allocation to the property. Wanted someone present tonight to represent, so we could ask what the gallonage is that they need for the property. We don't have to keep allocation set aside if there isn't someone who is going to claim it.

Peter Meier suggested no action be taken tonight, and we should make one more attempt with certified mail. Suggested to defer this to the next meeting.

Glenn Cannon said we reached out to Vinny Michienzi by phone. We were informed his engineer would be at tonight's meeting.

Tony Schiavi said Noreen Michienzi just emailed him stating she didn't get the Zoom information, so he emailed it to her.

This agenda item was put on hold to see if the Michienzis would join the meeting.

Tony Schiavi said he received an email stating they are having difficulties connecting so Mr. Michienzi will send a letter with the update.

4.b. CMP Development LLC - 2 Kendall Rae Place

James Potter said this is a sewer allocation update. From the last update we were still waiting on payment, and Ryan was waiting on the water issue. We are working with the Water District on the issue.

Tony Schiavi said with the momentum we are making with economic development, if there is a mechanism that would afford an ability for an interim or preliminary increase, that would give the developers, in question, the security that they would need that the connection would be able to happen.

Ryan Correria said they are still moving forward with plans. We will be ready in the next two months to present to the Planning Board, but can we do it without the water allocation. Jason Panone said we are in the process of continuing the application, the drawings, and the engineering. Have just about released the traffic study, working on finalizing the parking counts. We are hoping to get the water allocation soon.

Tim Lydon said if the construction schedule is already ready to roll out, we should encourage a Planning Board approval.

Glenn Cannon suggested to give them a 3-month extension

Voted: Judy Froman moved and seconded by Jared MacDonald to allow the applicant a 3-month waiver before paying the preliminary sewer allocation fee for 2 Kendall Rae Place.

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

Vote: 5-0-0.

5) Sewer Business

A. Review and possible vote on a recommendation for Article 4 of the November 16, 2020 Special Town Meeting.

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

C. Upper Bay Project update

5.A Review and possible vote on a recommendation for Article 4 of the November 16, 2020 Special Town Meeting.

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

James Potter said the Select Board voted to put it on the warrant. This is a chance for the Sewer Commissioners to discuss and support the article. The article is to take \$135,000 from Retained Earnings to offset the rate. We did vote the higher rate in August. At that time, we said we would take money from Retained Earnings to equal the development fees that had been collected over the last 2 ½ years to help offset the rate so the February bill would be less. In the current scenario the first billing was \$526, and the February billing, if we took the \$135,000 would be \$398 for a total of \$924. If there is no offset the total would be \$1,051. This isn't something we can do on a yearly basis.

Tony Schiavi said the other thing to consider is the line in the budget for Debt Service for the new plant for approximately \$30,000 that was shifted into FY22, so that \$30,000 won't need to be executed out of the Debt Service line. Once the books close at the end of June, we get our Free Cash certified, that will end up in Retained Earnings.

Jim Potter said he didn't want to see an unstable billing cycle, we avoided that by doing it this way. If we skip using Retained Earnings the rate will go much higher. Had staff look at next year and if we assume no offset for next year the rate is over \$1400 for the year.

George Slade spoke about the concerns regarding the IMA.

Judy Froman said when we set the rate, we talked about being able to supplement. Not a fan of taking from Retained Earnings, but in this case, it is something that is responsible in terms of the operation because the expenses continue to rise. If we can be supportive in this way, it is important we are supportive; in favor of supporting the article.

Voted: Judy Froman moved and seconded by Jared MacDonald to recommend approval of Article 4 at the November 16, 2020 Special Town Meeting.

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

Vote: 5-0-0.

5.B. Cape Cod & Islands Water Protection Fund Board [CCIWPF] update

James Potter said at the last meeting we approved the regulation for that particular board, so they are official. Had looked at the law and how it is written, the regulations also site the law, that a local participating government unit is an owner of a plant. The wording is important because we don't own the Wareham plant. Under the current regulations and law as it is written we don't qualify for reimbursement for projects for that plant. There were several towns that were willing to work toward a resolution to that. Reached out to Julian Cyr, Senator, who helped craft the law. He said we can work with some of the other senators to try to get the appropriate language as needed. Hopefully we can participate in reimbursement projects for the existing plant that we currently don't own. We do have other projects that would be reimbursable. They are going to start taking application for the reimbursement in January with projects.

Overall it is expected, in a good year, with combining all the Cape town's funds, would be about 15 million a year for projects. The discussion now is that there would be 25% reimbursement on approved projects, projects that went through the SRF process and were approved through an SRF loan. This is only pertaining to project with Wareham.

5.C. Upper Bay Project update

James Potter said the Buzzards Bay Coalition was invited but couldn't make this meeting, they can make the next meeting.

James Potter updated the Commissioners on the Upper Bay Project. Wareham has adopted a moratorium, on new connections, they are struggling for free gallonage at the plant. They are working on no more new connections; they are trying to fulfill the existing agreements they already have. They are still looking at bring the pipe to Mass Maritime. Wareham has the ability to pump up to 2 million gpd if they can discharge at the canal in the existing plant. The existing plant is permitted for a higher capacity, but the Agawam River is not. They are looking into directional drilling.

Peter Meier said he would like to see a consultant retained on behalf of the town to tell us what our options are, what the environmental ramification are from this expanded plant. We have to protect the town's best interest.

James Potter said as part of our Comprehensive Plan we retained Environmental Partners, that is something they will be looking at. That is part of their hearing process with the

public, discussion with staff, and this Board. We should have advocates that will be looking out for our best interest.

6) Sewer Visioning Agenda

- A. Comprehensive Wastewater Management Plan Update**
- B. Board of Sewer Commissioners' Goals**
- C. Sewer Policy and Regulations**
- D. Equivalent Residential Unit Sewer Rate Analysis Update**

6.A. Comprehensive Wastewater Management Plan Update

Tony Schiavi said we have an article through the Capital Outlay budget. The funding is there, if that gets approved at Town Meeting, we will begin negotiating the contract with Environmental Partners.

Glenn Cannon agreed with Peter Meier with the fact that Bourne needs to have an environmental firm that can advise Bourne on all the sewer projects.

6.B. Board of Sewer Commissioners' Goals

James Potter said it was decided at the last meeting we should move ahead with goals

The suggested goals are:

Goal 1 - Comprehensive Wastewater Management Plan

- Sewer Rates
- IMA

Goal 2 - Water Protection Fund– seize the opportunities proactively as much as possible

Goal 3 – Working Group related to wastewater management/put together a Wastewater Advisory Committee

- To help with gathering information
- Doing analysis
- Need to create a charge for that group.
- Take a look at the Enterprise Fund
 - Should we have a town sewer department
 - Should it stay the 1068 units for the fund
- Understand how the rates are going up

As we start to own a wastewater facility building, the town personnel will be managing it

Goal 4 – Developing Sewer Regulations & Policies

Goal 5 - Looking at the current billing method and whether we go to the ERU method

Short Term Goals

Goal 6 – Funding the I&I study

Goal 7 - Funding the removal of the Savary Ave community septic system

Goal 8 - Assuming control of the new wastewater treatment plan

- Operation and determining the cost
- Environmental impact and resilience and sustainability
- Economic ability

Peter Meier spoke about a Water Infrastructure Investment Fund being paid through the CPC. Look into taking 1% and putting it aside for any wastewater infrastructure uses within town. We should see if that is feasible.

Tony Schiavi said we had discussions last spring with CPC to get their feeling about the 1%. Once the Board votes on the goals they should be integrated into the strategic plan.

George Slade said it would be good to have a method of going back and visiting the policy regarding unique circumstances.

Judy Froman said it would be helpful to have the list of suggestions/goals written. As Boards/staff change it is good to have a direction/things to focus on.

James Potter said it would be useful as a tool as part of the goals to define Sewer Commissioners. There is only one sentence in the Charter devoted to Sewer Commissioners, which states The Board of Selectmen shall serve as Sewer Commissioners. There are no rules or procedures for the Sewer Commissioners. We can't go by what the definition is in the charter with what the Selectmen have to adhere to as Sewer Commissioners, because they are separate elected positions. We could do a better job of defining the Sewer Commissioners, the responsibility is growing and the accountability is important.

6.C. Sewer Policy and Regulations

James Potter said the staff has been reviewing the regulations, and added some language to the draft document. The formulas and fees will be attachments at the end. We can look at the allocation policy, make the modification and include it into the new regulation document.

Policy covers: Use of Sewer; Definitions; Building Sewers, Building Storm Sewer and Connections; Wastewater Discharge Prohibitions and Restrictions; Industrial Discharge and Pre-Treatment Requirements; Enforcement; Appellate Procedures; import and adoption.

Glenn Cannon suggested work needs to be done on the appendix; we need to work on the allocation policy, include some recommended language, and include a definition of the Sewer Commissioners.

Voted: Peter Meier moved and seconded by Judy Froman to approve sections 1 and 2 for first reading.

Tim Lydon said rolling out our implementation of the actual instillation of the infrastructure from different contractors needs to be centralized and defined as a narrative. Need to look at the inspection forms and the installation forms. We should have a centralized approach of what a contractor needs to look at and what our specs are and what we expect.

James Potter said he is concerned we have a lot less enforcement ability than we would like. Having a good set of regulations would help.

Judy Froman said there isn't acknowledgement with Conservation or Public Health. They go together, we are trying to protect our public health and we are trying to be kind to our environment. Sewer and water effect our day to day lives. Glenn Cannon said we could add a couple paragraphs.

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

6.D. Equivalent Residential Unit Sewer Rate Analysis Update

Jim Potter said the ERU – Equivalent Residential Unit, essentially taking all the units 1068 and treating them more on a water-base-use than they currently are, threshold for gallonage would change. This was all part of the rate study.

Glenn Cannon said we are looking at an analysis for all the 1068 water users, hopefully it will be ready by the next meeting, to see how it would affect the rate users. The Board mentioned some specific developments they want to look at, laundry mats, restaurants, commercial use.

Tim Lydon said the formula will be good to look at to compare the current billing system to the ERUs. We will start compiling the data to analyzing the ERU study.
Glenn Cannon wanted to recognize everyone who helped with the regulations.

7) New Business

A. Correspondence

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

C. Public Comment

7.A. Correspondence

Regarding the email to the Board of Sewer Commissioners, encouraging the Board of Sewer Commissioners to reconsider their vote on the Agreement by and Between the Town of Bourne and Hideaway Village Condominium Association dated March 8, 2016.

James Potter said we received letters from Hideaway Village regarding the agreement between Hideaway Village and the town of Bourne.

A correspondence from Senator Cyr, regarding the Cape Water Fund.

James Potter the residents from Hideaway Village are asking for extra money to put aside for their Capital Improvements they received. Mr. Potter said we could treat Hideaway Village as one entity and not send bills to each household. We could bill the association and the association could collect the fees as they see fit from their members. James Potter suggested he and Judy work with Staff to draft a response to send back to Hideaway Village.

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

James Potter said Weston and Sampson had given us a proposal to operate the new wastewater plant. Was wondering why are we getting a proposal; Weston & Sampson said the Wastewater Facility Committee had requested a proposal. We can't decide that, it is a procurement item that has to go to bid.

Future Agenda Items

- A. Sewer Commissioner Regulations & Policies Guidebook and implementation**
- B. Bourne/Wareham Inter-municipal Agreement subcommittee update**
- C. Cape Cod & Islands Water Protection Fund Board [CCIWPF] update**
- D. New Wastewater Treatment Plant — Armory Rd.**
- E. Joint Base Cape Cod Sewer Meeting Update**
- F. Upper Bay Project (Bourne-Wareham-Marion-South Plymouth) Regional Sewer Update**

8) Adjourn

Voted: Judy Froman moved and seconded by Peter Meier to adjourn. Meeting adjourned at 9:00 P.M.

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

Vote: 4-0-0.

Respectfully submitted – Carole Ellis, secretary.