

**Sewer Commissioners Meeting
Minutes of Tuesday, September 26, 2017
Bourne Community Building
Bourne, MA 02532**

TA Guerino

Sewer Commissioners

Peter Meier, Chairman

George Slade, Vice-Chairman

Don Pickard, Clerk

Judy Froman

Michael Blanton - Participated Remotely

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TOWN CLERK BOURNE

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

Meeting Called to Order

Chm. Meier called the meeting to order at 6:15 pm.

2) Approval of minutes: September 19, 2017

Voted Judy Froman moved and seconded by Don Pickard to accept the minutes of September 19, 2017. **Vote 5-0.**

Peter Meier stated that Michael Blanton is going to participate remotely. Mr. Meier stated that all votes will be taken by roll call vote.

3) Wastewater Advisory Committee - Continued - Comments from 2nd reading of the Allocation Policy

Bill Grant and Mary Jane Mastrangelo went over the changes to the Allocation Policy.

Mary Jane Mastrangelo said if a project has already been granted a preliminary allocation. In order to keep that allocation they will follow section 3C. Then they will continue on with the regular timeline.

Bill Grant said a major change is what happens when someone files for an allocation, but there is not the capacity to grant the allocation. We have an application procedure that is stringent. For us to receive the application you have to show there is financing, a date of a planning Board preliminary review. People who have taken the necessary steps have a real project. Before is was being rejected because we didn't have enough allocations. Now we

will have a waiting list. When we receive an application we will date stamp when we received it and when allocation become available they will be next in line.

Don Pickard said this changes so that a developer that requested allocation and we don't have the allocation they will be added to the queue instead of being denied.

Bill Grant said if someone comes in and applies for an allocation for a small project and there is capacity for that they may get that small project allocation, despite someone being in the queue, because the one in the queue is a large project.

Tom Guerino questioned if a developer with a smaller allocation request came in, they could be granted allocation, but that would push a larger developers project out further.

Mary Jane Mastrangelo said the property does not own the allocation, the Sewer Commissioners owns the allocation. If a project or property does not use the allocation, that allocation is going to revert to the Board of Sewer Commissioners. What they apply for is usually more than what they actually use. This established a standard so we have a standard going forward, and it's a process that everyone understands and everyone has to follow the same process. If we can get a positive vote at the Special Town Meeting on the wastewater facility on October 30 there will be enough allocations for all the projects requesting allocations.

Judy Froman said she would like to get a better understanding of the overall plan in Bourne. It seems like the Town Planner and the Planning Board should be earlier in the process. Bill Grant said this policy is neutral, we can't say we want a certain project over another. As long as the project meets the standards in the town wide growth incentive zone that is all that matters.

Mary Jane Mastrangelo went over the process a developer has to go through to get the preliminary allocations, which includes the application fee, the allocation fee, then they have two years in that preliminary allocation period to meet with the Planning Board and to get their special permits. If at the end of two years they haven't done everything they need to get a building permit, which is when they get their operational allocation, they have a chance to come back to the Board and request an extension and they will pay an additional extension fee.

Stephen Mealy spoke about a meeting held on December 2015 and the project that was presented that night. This policy that we are presenting this evening with the waiting list give a queue for a project to sit and wait for the available allocation. It also gives the Town the ability to go back and review all the allocation that were made over the years and if there are excess allocation being made to take those allocation back to allow other projects to proceed. This gives the Sewer Commissioners some guidelines when making decisions.

Tom Guerino questioned what happens with those vacant properties that haven't been developed that paid a 20-year betterment, do they have a time table that they have to follow before their legal piece of the betterment goes away? Mary Jane Mastrangelo stated

everyone that has paid a betterment is guaranteed 45,000 gallons per year. If you have a vacant property that has been vacant for five years you can still have your 123 gallons per day. If you are going to need more than that you will have to go through the allocation process like everyone else.

Mary Jane Mastrangelo read from page 3 of the policy Managing Used/Underused Allocations: Within six months of the adoption of this policy, the Board shall conduct a public hearing in order to review the allocation made to parcels on which betterments have been paid but no development has occurred. This policy is the beginning of setting operational allocation for properties and you will have to follow a public hearing process.

Mr. Slade questioned the small vs. large projects. Is there any determination what gallons per day determines what small is compared to large allocation? Mary Jane Mastrangelo said this policy applies to commercial and multifamily over four units that have to go to the Planning Board for review. We have a policy that we do hold a certain amount in reserve every year for residential, those allocation as very small.

Don Pickard said there were concerns about last week's discussion that Wagner Way developer was grandfathered. It has been addressed with the changes that were brought forward tonight.

Mr. Pickard questioned where Mr. Correia is in the process. Mr. Grant said he hasn't file a building permit yet so it isn't an operational allocation. He has a preliminary allocation for the hotel. This policy applies to everyone. He will still have to go through the process of meeting the criteria. People who have an allocation now will have 6 months to meet the criteria. If they meet the criteria in the policy they get the allocation.

Michael Blanton spoke about how to properly regulate growth in downtown Bourne, and questioned how larger projects in the queue will get bumped by smaller projects. Mr. Blanton stated he would like to see this policy move forward tonight

Elmer Clegg, Chairman of the Planning Board, said in the past not every project has gone before the Planning Board to do a preliminary review. This policy will make more projects come before the Planning Board in a preliminary review segment. Now when a project comes before the Sewer Commissioners you will have more input from the Planning Board, you will have more objective data from the Planning Board.

Judy Froman spoke about the letter from the Town Administrator to certify the allocation is made. Since Boards change should a copy of that letter go to the Planning Board also? -Mr. Guerino stated that should be cc to the Planning Board, the Board of Health and the Building Inspector. Elmer Clegg suggested it should go the Town Planner instead of the Planning Board and it should go to the Health Agent instead of the Board of Health.

Jim Mulvey questioned if two developers come in one day after another and the first developer gets the allocation what happens to the second developer? Mr. Grant said the

second developer will be added to the waiting list. The intent is to encourage them to apply for an allocation sooner than later.

Mr. Bob Gendron, Wagner Way, said he would like a vote to say he is next in queue. How do I get protected from smaller projects coming in and asking for smaller allocations? He said he is concerned that people will be buying smaller properties just to get more allocations and push larger allocation projects out further.

Don Pickard spoke about the Perry Ave. developer and the changes he has done to his project. If the Calamar project doesn't go through, does that allocation revert back to the Sewer Commissioners for their disbursement to other developers?

Mr. Mealy stated all the projects have to go through the same application process. Don Pickard said if the original allocation was specifically for a restaurant and hotel and now we are seeing an over 55 120-unit apartment complex that requires another 890 gallons, it isn't up to the applicant to decide how it is used, it is up to the Sewer Commissioners allocation to say how it will be used.

Mary Jane Mastrangelo read part of section C page 2. When you grant a preliminary allocation to a project or to a project that now has a preliminary allocation in order for them to keep that allocation the Board and the applicant are going to agree on the milestones that will happen. If the Board grants this preliminary application the applicant will have two years to initiate construction. A preliminary application fee will be paid. During the two years the applicant will show substantial progress in regular six-month reports to the Board. The Board retains the right to revoke the preliminary allocation if the applicant cannot demonstrate progress, although the Board may allow for the continuation or extension of a preliminary allocation. If you set milestones and those milestones are not met or they change the project and they don't need as much allocation, these are the milestones that you are going to agree to. The developer and the Board have to understand what is expected to keep the preliminary allocation and to get the operational allocation issued.

Don Pickard said if the Board of Sewer Commissioners passes this, although Mr. Correia, 25 Perry Avenue was granted 27,108; has 11,000 allocated per day the 16,000 plus the 890 he still has to fill out an application for that and come before this board.

Mary Jane Mastrangelo stated current developers have to comply with section C3. Any development that has a preliminary allocation and is ready to get their building permit within 6 month they can get granted an operation allocation. If they are not ready to get a building permit within 6 months they have to set up the milestones with the Board of Sewer Commissioners on what they have to do to maintain the preliminary allocation.

Tom Guerino questioned if a developer (Mr. Correia) came in and said we are going to do Phase 2 and it will be housing for 55+ development and need an additional 890 gallons the Board voted that and granted that development the allocation. When he is going through C he has to meet the milestones, but the Board has already voted what the project is going to

be. By granting the 892 gallons, based on his discussion you know what that project is going to be.

Mr. Mealy said this policy is not to go back retroactive for doing or not doing something, it is a policy for going forward. You need some flexibility in the policy for changes in developers' plans.

Jim Mulvey questioned if a project comes before the Planning Board and a day or two later another project comes before the Planning Board, it appears that if it isn't first come first serve then it becomes judgmental for the Board to decide that project two get priority because in their view it is of greater value to the town. Mr. Mulvey also questioned if there is a difference between residential and commercial. Mary Jane Mastrangelo said yes there is a difference between residential and commercial.

Ford O'Connor, representing some clients interested in the area, questioned what is a preliminary planning review of something in Buzzards Bay where everything as to be by special permit. Not aware of the process.

Mr. Clegg said there is nothing in the Bylaws that govern preliminary project review. It is reference in the bylaws, but there are no conditions put on it. It is an informal type of a review of the project and an opportunity for the developer to publically present the aspects of his development plan that he feels are beneficial to the town. Also to point out the areas in his development plan where he might need waivers in the future. It is not a structured regulated process.

Michael Blanton said a policy like this allows us to advocate for and react to developments that come before us requesting a queue and timeframe. We get the flexibility look at projects that come in, to work with the community and work as a municipality and figure out the timing and the appropriateness for development that comes before the town.

Peter Meier said he is looking to move this to the next reading providing there are no more changes.

Voted Michael Blanton moved and seconded by George Slade to move it to third reading for the next Board of Sewer Commissioners meeting to be held on October 4th at 6:30 p.m.

Roll Call: Michael Blanton - Yes; Don Pickard - Yes; Judy Froman - Yes; George Slade - Yes; Peter Meier - Yes. **Vote: 5-0**

4) Discussion and possible vote on Proposed Allocation Process fees in proposed policy.

Proposed Preliminary commercial allocation Process Fees.

- Application Fee (one time) for \$1500, justification: covers staff expenses to review the application and to prepare a recommendation to the Board.
- Allocation fee (one time) \$5,000 plus \$1 per projected gallons per day flow. Justification: covers staff expenses to prepare and brief Board on progress meetings at the required six-month intervals; incentive to the developer to complete milestones and obtain Building Permit.
- Preliminary Allocation Extension Fee (annual) \$2,500 plus \$1 per projected gallons per day flow. Justification: covers staff expenses to brief Board on progress at additional six-month meetings; also to serve as an incentive to the developer to complete milestones.

Don Pickard questioned there was one time a proposal to have a developer pay \$500,000 for 60% of our allocation when the new plant comes on line, is that brought forward?

Stephen Mealy said that was never formally brought to the Wastewater Advisory Committee. There has also been discussion of developers putting in their own wastewater treatment plant.

Tom Guerino said the notion of securing a percentage of plant use or cost is a separate negotiation that would be placed with the developer as opposed to this fee structure as proposed. That is a separate discussion that needs to be separated from this policy.

Mary Jane Mastrangelo said any kind of negotiation like that would have to come before the Board of Sewer Commissioners or the Board of Selectmen in order to get the approval of the Board. It is not in the discussions at this time, so it is not an issue. Those fees can be placed in a Capital Stabilization fee for the Enterprise Fund and help build the plant.

Don Pickard said one of the points for the fees is to cover staff expenses, covering staff expenses comes out of the Enterprise Fund. These fees will go into the Enterprise Fund to benefit the users and not the town

Mary Jane Mastrangelo said these fees go to the Enterprise Fund and suggested that some portion be allocated to Capital Stabilization for the Sewer Enterprise Fund, which needs a Capital Stabilization Fund.

Don Pickard said he would like to see the gallon under preliminary allocation fee cut down to 50 cents a gallon.

Stephen Mealy said this was suggested to be separate so these could be modified at the convenience of the Board.

Voted Michael Blanton moved and seconded by George Slade to approve the fees as presented

George Slade said he would hate to have a fees set up without a policy, would like to have it coordinated and done at one meeting.

Michael changed the motion to add contingent upon approval of the policy.

Voted Michael Blanton moved and seconded by George Slade to approve the fees as presented contingent upon approval of the policy.

Roll call vote: Judy Froman - Yes; George Slade - Yes; Don Pickard - No; Michael Blanton - Yes; Peter Meier - Yes. **Vote 4-1.**

5) Adjourn

Voted George Slade moved and seconded by Don Pickard to adjourn at 7:34 P.M.

Roll Call Don Pickard - Yes; Michael Blanton - Yes; Peter Meier - Yes; George Slade - Yes; Judy Froman - Yes. **Vote: 5-0.**

Respectfully submitted – Carole Ellis, secretary.