

**Sewer Commissioners Meeting
Minutes of Thursday, March 5, 2020
Bourne Community Building
Bourne, MA 02532**

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2020 APR 29 AM 11:20

TOWN CLERK BOURNE

TA Tony Schiavi
ATA Glenn Cannon

Sewer Commissioners

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

All agenda items herein may be subject to a vote, by or other action of, the Board of Sewer Commissioners

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6:30 p.m. Call Public Session to order in Open Session

Executive Session:

Motion to enter into Executive Session for review, discussion and possible vote on the following Executive Session Minutes: August 28, 2019, September 3, 2019; and September 17, 2019, as it relates to consider value of real property at Savary Avenue.

Motion made by Judy Froman and seconded by Jared Macdonald. Roll call vote: Meier – Yes. Froman – Yes. Slade – Yes. Macdonald – Yes. Potter – Yes. 5-0-0

Motion to enter into Executive Session to discuss possible negotiations of real property at 59 Bournedale Road. The Chair has declared that an open meeting could have a detrimental effect on the negotiating position of the public body, as it relates to consider the value of real property.

Motion made by Judy Froman and seconded by Jared Macdonald. Discussion –

Selectman Meier believes there will be an Open Meeting Law violation forthcoming if the Sewer Commissioners discuss this property address. Chairman Potter asked for the nature of the allegation, and Selectman Meier believed that it was based upon discussion outside of the Buzzards Bay Sewer system area. Chairman Potter explained that the Sewer Commissioners are elected to represent the entire Town, the same as in their Board of Selectmen capacities. If the Sewer Commissioners were unable to discuss anything outside of Buzzards Bay, they would be unable to complete a Comprehensive Wastewater Plan for Bourne, access the Cape & Island Water Protection Funds, or negotiate Regional Wastewater agreements that would provide Sewer service to other areas of the Town. Selectman Macdonald reiterated that we represent the entire Town in any discussions that

we have in our Sewer Commissioner capacities, and we need the ability to discuss all aspects of the Town in planning for the future. **Roll call vote: Meier – No. Froman – Yes. Slade – Yes. Macdonald – Yes. Potter – Yes. 4-1-0**

As necessary, the Chair will call for votes during the Executive Session and report out any actions taken by the Board.

The Board of Selectmen will reconvene in open session at the conclusion of the Executive Session.

Roll call vote to reconvene in public session

Reconvene in Open Session

Meeting Called to Order

Chm. Potter called the meeting to order at 7:20 pm.

Chairman Potter reported in Executive Session the Board did take a vote to approve and release from disclosure the meeting minutes of August 28, 2019; September 3, 2019; and September 17, 2019 and send those to the Records Access Officer.

1) Salute to the Flag

2) Consent Agenda

A. Approval of meeting minutes: January 28, 2020

Voted: Judy Froman moved and seconded by Jared MacDonald to approve the minutes from January 28, 2020. Vote: 5-0-0.

3) Sewer Business

B. Savary Avenue

- **Savary Avenue septic projects updates**
- **Discussion and possible vote to allow an additional 30 day pumping of Savary Avenue Community Septic System**
- **Discussion and possible vote to amend the 2019 Special Town Meeting Article 8 Community Septic System – Savary Avenue.**

C. Sewer Regulations & Policies (First Reading)

D. Discussion relative to re-allocating a portion of the Community Preservation Act tax assessment to Wastewater Infrastructure Projects as provided by MA G.L. Ch. 40, Sec 39M.

Savary Avenue septic projects updates

Tony Schiavi said 50 & 52 Savary Ave went before the Board of Health and had variances approved, they should be moving forward to get their systems installed. We heard from the owner of 21 Savary Ave they are hoping to get their system installed this month.

Glenn Cannon said the system was inadvertently pumped on February 21st. Did another inspection; it is now flowing and seem to be working fine. We are going to continue to monitor it. We told them no pumping.

Jared MacDonald said as it stands now, we can leave it and not pump it until all the homeowners have systems and are off the septic. Then we can do a final pumping as long as it is working fine.

James Potter said we have 2 more people that are close to coming off; and one more person should be off by the end of the month. The last time we voted a 30-day extension that runs out on March 9th. Asking the Board to consider another 30-day extension to get the last person off the system.

Voted: Peter Meier moved and seconded by Judy Froman to extend it out to Friday, April 10, 2020. Vote: 5-0-0.

Discussion and possible vote to amend the 2019 Special Town Meeting Article 8 Community Septic System – Savary Avenue.

James Potter said this is to possibly amend the 2019 Special Town Meeting Article that we passed last spring, which had the money in the Article for Savary Avenue. We would be amending it so the money would be used for the removal of the existing system to satisfy the Army Corp and to restore the land back to the way it was. We would send a letter to the Army Corp explaining our plan of action and have them sign off on it. We will seek approval for the funding to amend what the money will be used for.

Judy Froman questioned what the cost would be for the mitigation.

Tony Schiavi said it is an expensive process. We have to remove the two 9,000-gallon tanks, get rid of the soil in the leaching area and properly disposed of, and then replenish that soil. Probably close to \$100,000.

Voted: Jared MacDonald moved and seconded by Judy Froman to amend the 2019 Special Town Meeting Article, at the time was #8 Community Septic System for Savary Ave and insert a new article in this May's Town Meeting.

Jared MacDonald withdrew the motion and Judy Froman withdrew the second.
Vote: 5-0-0

Voted: Jared MacDonald moved and seconded by Judy Froman to insert a Special Town Meeting Article for the community septic system at Savary Avenue into this May's Town Meeting. Vote: 5-0-0

James Potter read:

I'd like to take a brief moment here as we continue on with the agenda, to highlight the importance of what we can be as Sewer Commissioners. Part of our function that we were

elected to, has not been as prominent in the past, and in some ways was handed off to staff or other committees, to perform functions and make decisions that needed to be done by the Sewer Commissioners. We are in a critical time period with regards to the Sewer Enterprise, the new Treatment Facility and the Comprehensive Wastewater Management Plan. We must make thoughtful, impactful, and often difficult, decisions about how to move forward. But WE must make those decisions, and I am very confident, that working together, as a Board, and with our consultants, and of course Staff, we can.

Tonight begins some of the discussion that will carry forward for many years. Some of the big picture may be difficult to comprehend all at once, but we need to have a multi-pronged approach. We can build upon what we do have, and work from there. We are in discussions about regional agreements. We are working on getting a consultant on board to update our Comprehensive Wastewater Management Plan – this is a critical piece to understanding what the vision can look like – regional, local, or a combination of both. But we are doing it. We are working on a local Sewer rate study to understand how to keep our current rates and fees affordable, but also keep the Enterprise Fund solvent. The new wastewater facility will be coming on-line and it's an additional expense that will be factored into our decisions about the rates. And in the very next agenda item, we will begin the pursuit of updating our Sewer policies and procedures, to reflect our vision for the system. It can all appear overwhelming at times, but I would take a moment to remind the Board of President Kennedy's 1962 speech about getting to the moon:

"We choose these things....not because they are easy, but because they are hard; because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one we intend to win."

Why is this relevant? Because this Board is up to the task to lead the Town. We cannot delegate the responsibility that we were elected to, to another committee that has no accountability to the voters. Because we owe a plan of action as part of our contribution to the Cape 208 plan. Because we owe justification to not only how we might spend, but the very reason that a separate tax is collected by the State on behalf of the Town (as part of the short-term rental tax), specifically for wastewater projects. There is not one Cape community that is not currently in some form of sewer project discussion, or actual sewer project, about meeting that 208 plan. We will bring the experience and critical thinking, and our skills will be tested. We will be proactive and choose our path forward, before the external forces perhaps choose that path for us. The clock is ticking and we are unwilling to postpone anymore. In the end, we owe our entire taxpayer and resident community a thoughtful, comprehensive plan approach to a clean, coastal environment, at a price we can afford.

C. Sewer Regulations & Policies (First Reading)

James Potter said this document was put together about 5 years ago. It is a good starting point. Would like the members to read through it, we can edit it to what we need. We need the updated policies and procedures.

D. Discussion Relative to re-allocating a portion of the Community Preservation Act tax assessment to Wastewater Infrastructure Projects as provided by MA G.L. Ch. 40, Sec 39M.

James Potter wanted the Board to understand we are not going to make a quick decision on this. Wanted to bring this to the Board to get a feeling about moving forward with this. We have talked with the Community Preservation Committee.

The idea is we would reduce the Community Preservation Funds at a certain percentage that was agreed upon by the Community Preservation. That percentage would be converted to this Ch. 40 Sec. 39M, which allows the community to put money aside for a wastewater fund. Other communities have done this. Community Preservation Committee is aware of this, they are having a hearing next week, and will discuss it at their next meeting.

This is an opportunity to put funding aside for the Town for wastewater projects. This is a town issue. There is a tax being collected on our behalf for the town. Anything we can garner for this will be a benefit to the tax payers in the long run.

Judy Froman said it is a great idea to invest this money in infrastructure, if we can minimize the amount of loans/bonds we as a town have to take, especially if there is money available.

Stephen Mealy, Sagamore Beach, sent to the Town Administrator copies of the articles used by the town of Sandwich, to address the creation of the fund and identifies the fund that will require Town Meeting approval for spending of the funds. It provides a sustainable funding source for years to come.

The plan for addressing the Preservation Act taxes as they exist today, a reduction of those and switching them to a wastewater fund. The immediate result would be a reduction of impact on the taxpayers for wastewater costs. It will also provide sufficient funding to meet previous expenses and debt obligations and also provide funding for future project that the town is going to face.

It allows up to 3% of the surcharge for water, wastewater, stormwater, infrastructure needs, and has a two-step process for adoption; need a Town Meeting majority vote and a town wide Election Ballot majority vote to establish it.

Jim Potter said we also need an approved Comprehensive Wastewater Management Plan. This would be for this May Town Meeting.

4) Sewer Visioning Agenda

E. Comprehensive Wastewater Management Plan updates

F. Joint Base Cape Cod Meeting Update

G. Bourne/Wareham Inter-municipal Agreement subcommittee update

Jim Potter said we did have the closing of the RFP and we had one response.

Tony Schiavi said we had one response, we are going to cancel the bid and re-advertise to draw more interest.

Glenn Cannon said we tried to be aggressive, we gave a 30-day response time. We were hoping to get a little more competition. A few firms stated it was the 30-day deadline that they didn't have time to respond. We are going to put it back out for 45 days.

Tony Schiavi said we need to establish multiple revenue sources for sewer, look at innovative ways to bring additional revenue streams, because everyone in town will benefit from reduced nitrogen loading, and the health of our bays and estuaries.

Judy Froman questioned if there is anything we could do to the RFP that would be beneficial.

Glenn Cannon said we did put a non-compete clause in. We are involved in two regional efforts, one at Joint Base Cape Cod and one at the Upper Bay Project with the Buzzards Bay Coalition. We wanted a firm that wasn't working for the other towns that we could be negotiating with as we come into a project. That did take some firms off the table.

F. Joint Base Cape Cod Meeting Update

Glenn Cannon updated the Commissioners on the Joint Base Cape Cod meeting. The four Upper Cape towns are all working on a regional project, Bourne, Sandwich, Mashpee, and Falmouth. Barnstable came in looking to purchase the wastewater infrastructure on Joint Base Cape Cod, run it and work with the four town to come up with a regional solution. Air National Guard was looking to unload the equipment and become a customer, they don't want to be running it. A private firm, Converge, had funding and were happy to purchase the equipment. Converge and the town of Barnstable put in a proposal to the Air National Guard to take over the system. The decision is due on March 10th. If this does go forward there is a potential that Bourne could be a customer. The regional option is still on the table, we still go to the meetings. DEP is heavily involved in it. March 10th we will know whether we continue as a regional entity or we have the potential to become a customer.

Jim questioned in the beginning we were in the range of 100,000 gpd that shifted to 50,000 gpd. They know we were in it for 50,000. Are they going to come back to us and ask us the real need or are we in it for 50,000 until we say otherwise.

Glenn Cannon said we had a discussion with Matt Kennedy from Converge, he was interested in proving 50,000 gpd capacity to us. He is looking for customers. They seem to have financial backing to expand the plant.

Tony Schiavi mentioned that if they do decide to expand and build, they have to decide what to do with the effluent. What will DEP and EPA allow for discharge permits and where.

G. Bourne/Wareham Inter-municipal Agreement subcommittee update

We asked for more gallonage, and we asked for a change in the billing system, they agreed with that. Asked if they could simplify the billing so Admin is one section, Operations is another, and Capital is another. They will see if there are modifications they can make to that.

Jared MacDonald said they agreed the current system they use to come up with our Admin fee is confusing

Jim Potter said we have another meeting planned for the end of the month.

Judy Froman questioned who in Wareham will be working on this, the Town Administrator or the Sewer Commissioners. Jared MacDonald said they have Sewer Commissioners who are separately elected, but the Sewer Commissioners can only make recommendations, the Select Board are the ones that vote on any changes. Most of what we are doing is with the Sewer Commissioners; they are planning on going back to the Sewer Department staff to get the answers for us.

Jim Potter said we have a fixed agreement until further notice.

5) New Business**H. Correspondence****1. Hideaway Village****2. Buzzards Bay Coalition – Megansett-Squeteague Harbor Study****I. Any new sewer business (not foreseen 48 hours ahead of this meeting)****Correspondence**

1. Letter from Hideaway Village regarding contract agreement between Town of Bourne and Hideaway Village

James Potter spoke about the letter from Hideaway Village; they are wondering what the status is regarding the letter. Mr. Potter said he would like to get a consensus from the Board on how to respond to them.

They are looking to continue the agreement, they stated what they feel they have contributed overtime. Don't think it is a good agreement, because it is for a specific user, commercial enterprise. From a financial standpoint we can't afford it, it is a burden to our bottom line. All the sewer rate payers are subsidizing their operation by having that agreement. The money that would go into this agreement could be put into retained earnings instead of going to the agreement. It would be making everyone on the system better off. We should respond, but wanted the Commissioners' opinion on how to respond.

Peter Meier said we could wait until we get the rate study, we can use that as documentation as to why we don't want to continue with the current agreement.

Judy Froman said we should respond in some way to be fair because they have to plan their budget. If we already have some data that it is diminishing return, we should tell them.

George Slade said we can respond and let them know we are waiting for the rate study data.

2. Letter from Buzzards Bay Coalition requests the Immediate approval as Final of the Megansett-Squeateague Harbor Estuarine System Total Maximum Daily Loads for Total Nitrogen [CN-452.0

Jim Potter said this is important because they are pointing out an impairment in one of the bays. We want to show that we are taking steps to reduce our nitrogen. They pointed out we need a 12% reduction to the whole system.

J. Public Comment

Stephen Mealy said the Association to Preserve Cape Cod their website has a state of the waters interactive map. Indication on how bad the waters are around Cape Cod. The information wasn't generated by the APCC it was gathered by the APCC.

6) Future Agenda Items [Tracking 1st half of 2020]

1. Bourne Scenic Park/Campground Sewer
2. Sewer Rate Study – Tighe & Bond
3. Wastewater Allocation Policy and Procedures
4. New Wastewater Treatment Package Plant update and Policy updates
5. Sewer Rate setting/vote — July 2020

K. Adjourn

Voted: Peter Meier moved and seconded by Jared MacDonald to adjourn at 8:39 P.M.
Vote: 5-0-0.

Respectfully submitted – Carole Ellis, secretary.