

**Sewer Commissioners Meeting
Minutes of Tuesday, April 26, 2016
Bourne Community Building
Bourne, MA 02532**

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TOWN CLERK BOURNE

TA Guerino

Selectmen

Don Pickard, Chairman
Stephen Mealy, Vice-Chairman
Michael Blanton
Don Ellis
Peter Meier

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, they need to acknowledge such at this time – Michael Rausch Bourne Enterprise arrived at 6:07.

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

Meeting Called to Order

Chm. Pickard called the meeting to order at 6:00 pm.

1) Minutes: March 31, 2015; March 8 2016

Voted Stephen Mealy moved and seconded by Peter Meier to approve the minutes from March 8, 2016 as presented. Michael Blanton abstained. Vote: 4-1-0.

Voted Peter Meier moved and seconded by Stephen Mealy to approve the minutes from March 31, 2015 with one correction. Error on page 3 the first vote Peter Meier moved and Stephen Mealy seconded. Michael Blanton abstained. Vote 4-1-0.

2) Update of the Wastewater Advisory Committee and Progress on Various Projects:

- a) **Buzzards Bay water quality monitoring program by BB Coalition and MMA**
- b) **Queen Sewell Park Topographic Survey**
- c) **Weston & Sampson Preliminary Design of Disposal Field**
- d) **Filing of ENF (Environmental Notification Form)**

Wes Ewell updated the committee on the Wastewater Advisory progress. Both the short-term project and the long-range project are on schedule and moving along. Weston & Sampson was out on Queen Sewell Park last week doing a detailed topographic survey. Finished preparing the Environmental Notification Form, still need a couple of attachment from Weston & Sampson but expect to be submitting that by the middle of May. For the long-range plan we have been having monthly progress meetings with the participants from the four towns. Mass Maritime Academy cadets will be monitoring the water quality. Wareham has hired surveyors to survey the railroad right-of-way, so they

can begin the preliminary evaluation of whether it is feasible to run the outfall line along the railroad. The timeline for the Queen Sewell project will be ready December 2017.

Peter Meier questioned possibility of tying in with Wareham. Why is it being discharged in Bourne and not in Wareham. Mr. Ewell stated it isn't the quality that determines the difference it is the quantity.

Jim Mulvey stated an observation, candidates for Sewer Commissioner in Wareham stated if we can ship our waste water to the railroad bridge then we can enlarge our plant and possible take on input from other towns, by doing that we will increase our revenue. They want to increase the size of the plant. The disbursement, there is a difference from what goes down into the subsoil and the hydrology and leaches out over a period of time and distance as opposed to a hose shooting it into a rather limited amount of water. You have fresh water going into a marine environment. The other consideration is perhaps the nitrogen is lessened by treatment and your bacteria and virus are pretty much gone, but you still have the other dissolved things, like the pharmaceuticals, the hormones and other dissolved metals that will still go down and out even in a treated effluent.

Don Pickard questioned if that were to come to fruition what is the time frame for coming down the railroad track? Mr. Ewell stated that is why it takes ten years to get a permit. All of these need to be evaluated. We are looking somewhere between 10 - 15 years. That is why we want to do the interim plan because we need the capacity before then.

3) 25 Perry Avenue - Project Update Regarding Land Acquisition, Site Development and Allocation

Leonard Bello, Atty., represents Allied Ventures and Ryan Correia.

Gave a brief update for what went on with the closing. In order to move the closing forward they were going to file a petition to partition the property. An opposition was filed by Alex Byron 2 days prior to the court date. He is seeking to partition the actual land and give himself 20% of the land. He is entitled to have a hearing on whether the land can physically be divided by the interests of the ownership. The Court scheduled a pretrial conference for June 15th.

Tom Guerino questioned the pretrial conference is scheduled for June 15th; if there is a request for continuance and it is granted, what is the time table we will be looking at? Mr. Bello stated he cannot answer that because he is not sure what will happen.

One of our alternatives is to put us back in our original position, we own 25 Perry Ave. You made an allocation to Perry Ave. We came before you looking to do a residential project, we switched that over when it was suggested to build a hotel; we can go forward with the residential project and do the hotel later. That is not the ideal, because we have the hotel developers on board now willing to stick with us for the time being.

Mr. Martin Drilling, Plymouth, Representing the 80% of the Byron Family filing the petition. I forwarded the wrong petition; we were suppose to file in the land court but instead filed it

in Barnstable Probate Court. We can provide a copy of the probate court petition to the Sewer Commissioners. Don Pickard suggested he send it to the Town Administrator. Don Pickard questioned how many residential units would you put on the three acres you own? Ryan Correia stated based on the sewer allotment we would do an array of two and three bedrooms, 45 three bedrooms and 78 two bedrooms.

Mr. Blanton stated with regard to the residential development how will this effect the hotel development. Mr. Bello stated the hotel development provides for us to do the residential portion either before or after. It was originally scheduled to put the hotel up first. The goal was to provide the hotel first then bring in the residential project. Now if we are forced into it, we will do the residential project first, but it is not what we want to do.

Don Pickard stated that is for a 100-room hotel and no restaurant? Mr. Correia stated there is a restaurant, it is attached by a covered patio. Don Pickard stated on the plans you submitted through your engineer to the fire chief, there is not restaurant connected to the hotel. It looks like it will be a separate entity. Mr. Correia stated it is a separate entity but it will be attached by a covered corridor to connect the two. The hotel chain would not permit a restaurant to be attached.

Don Ellis questioned for the residential development how many acres for residential? Mr. Correia stated we have 3.5 acres. Mr. Ellis questioned would that be 40B construction. Mr. Correia stated that will not be 40B construction. Speaking with the engineer, based on the bedrooms and the 27,128 gallon per day allocation they gave us a number of 126 bedrooms total.

Don Pickard questioned how much time are you asking the Board to extend your allotment for the hotel? Mr. Bello stated he would like the Board to give us 3 months. But I cannot state that this will be resolved in three months.

Mr. Pickard questioned ideally you would prefer to do the hotel first? Mr. Bello stated yes we would like to do the hotel project first. Mr. Pickard questioned if you could pass in September or October what is the time frame completion for a 100-room hotel? Mr. Bello stated they are looking to resolve this by the end of May this year. In order for them to start construction and have the project ready for the spring of next year, if they can't do that they will wait until the following year. Mr. Pickard stated you have had up to now a year and a half that you have maintained a sewer allocation of 27,108 gallons, which is just sitting there. Would you consider taking the allocation for just the 100-room hotel at 110 gal per day for a total of about 11,000 gallons, so we can accommodate other developers who are ready to break ground?

Mr. Bello stated if that were the direction you would like us to go we would want you to give us the three months to try to get the Byron family to settle. We would have to talk to the Hotel Developers to see if they are OK with that. This is geared to be a much larger development than just to put a hotel up.

Mr. Pickard stated we are trying to accommodate multiple businesses that will bring jobs and people into town.

Mr. Ellis stated we have 2 projects that are waiting. I hope you are doing all you can to get the other side working to correct this problem. We are in a difficult position; we are trying to help you.

Mr. Bello stated we have been put in the position because we have a contract to purchase property; we worked towards that project. We have contracts in place to build a hotel, we have the plans in place to build residential housing, and we have a restaurant theoretically coming down to open up. We have done our part. It is best for the town and best for us to put this project together rather than busting it up.

Stephen Mealy questioned are you proposing to ditch the hotel and restaurant and go into the situation with the housing first? What reassurances does the town have that the fruition of what was proposed will work? I am more comfortable with sitting on this for a few more months. Mr. Bello stated that is a fall back position. We originally came in to do the housing first then look for the hotel developer.

Don Pickard stated I thought the housing was being put off because the allocation could only be 27,108 at that time, we couldn't accommodate that much for housing, because the housing took more than the hotel & restaurant? Tom Guerino stated we would have been up against our allocation amount.

Ryan Correia stated we were going to ditch the residential and do the hotel first. There wasn't enough allocation to do the residential.

Mr. Bello stated we would like the Board to extend us at least 3 months.

Voted Peter Meier moved to extend you out no later than August 15th. If you can't come to an agreement by August 15th you shall forfeit your allocations.

Mr. Bello stated I would prefer if you are going to use that wording, I would like another month of leeway. I don't want to give my opposition the idea that they could just delay this out to this specific date. I would like you to say 6 months, but I don't want this to hurt us in trying to get a speedy resolution.

Voted Peter Meier moved and seconded by Michael Blanton to extend this to August 25, 2016 for the purposes of this matter. Vote 5-0.

Michael Blanton stated he would prefer to amend this so the date is July 15th. After such time if we don't have a satisfactory report we bring back the discussion with regard to limiting the gallonage to what seems to be appropriate given the new direction they may have at that time.

Stephen Mealy stated I would feel more comfortable to go to August because that will give you more time. If this Board is to go to the 25th of August, I would ask that if something happens in July you come in to talk to us, keep us up to date on what is going on with this project.

Don Pickard would like to give you the 11,000 for the hotel and then that would allow us 16,000 gallons for another developer.

Don Ellis stated we are trying to do this the best way. Concerned that in August you are going to come back and ask for more time. If anything happens with your project you need to come in and let us know what is going on.

Tom Guerino stated the August date is advantages, if we get to August and you have a 15-month construction schedule, it is put off a year because it wont be ready for the spring, base on what the attorney said. If we get 4 months down the road and we have a plan ready, in Dec of 2017 the Sewer Commissioners could in fact allocate 11,000 gallons. The Commissioners could allocate the first 16 thousand gallons to this project. In the meantime we look at the reserve capacity allocation policy.

Peter Meier amended the motion date to August 23. Michael Blanton amended his second.

Mr. Meier- Yes, Mr. Mealy - Yes, Mr. Blanton - Yes, Mr. Ellis - No; Chair - Yes. Vote: 4-1

4) Discussion Regarding Future Allocations

Stephen Mealy stated he would like to revisit developing some type of policy to be made by this board relative to allocations so we have some guidelines for us and other developers that are waiting.

Stephen Mealy and Mr. Blanton are subcommittee of the Board of Sewer Commissioners that are charged with coming up with a policy relevant to future waste water allocation for the town, and if you need to rely upon the Waster Water Advisory Committee I suggest you utilize their previous study, if they have one.

5) Next Meeting Date

The next Bourne Sewer Commissioners meeting will be on May 24 at 6:00 P.M.

6) Adjourn

Voted Stephen Mealy moved and seconded by Peter Meier to adjourn at 7:05P.M. Vote 5-0.

Respectfully submitted – Carole Ellis, secretary.