

**GROTON SEWER COMMISSION
MINUTES OF MARCH 9, 2016 MEETING
2:05 PM – TOWN HALL**

MINUTES

Commission Chair James Gmeiner called the meeting of the Sewer Commission to order at 2:30 PM. Also present were Vice Chair, Thomas Orcutt, Clerk, Thomas Hartnett and Business Manager, April Iannacone. Minutes were taken by Ruth Stevens, Water/Sewer Assistant.

Discussion of Pepperell and Sewer Agreement

2:05 PM

Bob Rafferty of Environmental Partners was present to give a preliminary update to the BOSC and advise them as to any changes they might like to see included in the long term Inter-municipal Agreement between the towns of Groton & Pepperell. He started by giving each BOSC Member a handout (see attached) titled Understanding & Applying the New Inter-Municipal Agreements Law and said that since the last Agreement, there have been a number of changes in rules and regulations, including a maximum term limit of 25 years. He gave guidelines on what should be a part of their agreement and drew their attention to Parts 6 & 7, stating that the focus needs to be on the ability of both parties to show transparency in reporting with interim reviews built-in at 5-10 year intervals. He also advised that other key factors would be the ability for both Towns to agree on tracking costs, the sharing of staff between the treatment plant and collection system, and markup sharing etc. He said the biggest item of concern for Groton would be the *breakdown of costs* and that Groton needs to take a closer look into every aspect that affects their cost share. He questioned the cost share being based solely on 25% of the Reserved Capacity which does not represent cost share of Pepperell's upgrades. Mr. Rafferty suggested that what Groton needs to determine, in terms of the upgrade, is to calculate Groton's percentage for phosphate and copper loading. Other needs to be addressed would include more specific scheduled maintenance. Mr. Gmeiner then asked Mr. Rafferty to put a report summary together citing the costs that are a result of Groton's flow. Mr. Rafferty responded affirmatively and added that he would also look at loading and would do some sample testing which would be performed once a week for six weeks at varying times of day. Mr. Gmeiner also asked that Mr. Rafferty, based on his expertise, create a memo supplying practical suggestions/revisions for working on the Agreement and then forward it to Mr. Doneski for his review. Mr. Rafferty told the BOSC he would have memo ready for review by next week.

2:25 PM

The BOSC reviewed a list of the main topics that they would like to discuss with the representatives from Pepperell WWTP, which included the following issues: Attitude, Inflow, Manhole Work, Plan Review, On-site Work/Inspections on public and private property, and IMA.

2:30 PM

Mr. Joe Jordan, Sewer Superintendent and Mr. Paul Brickman (Commissioner) from Pepperell WWTP were in attendance to continue discussion of the Inter-municipal Agreement between the two towns. The discussion began with Mr. Gmeiner telling the meeting that he has been on the Sewer Commission for 25 years and has noticed that suddenly, routine items turn into projects/challenges and that he would like to know what is happening on Pepperell's end. He continued that, in the past, Pepperell had always been available for plan reviews for projects; that manhole repair had always been a part of what was done, and lately it is difficult to get Pepperell here to do the work. He said he feels that cooperation seems to be an issue and that Groton is no longer a partner at the plant, but is viewed as a revenue source. Mr. Brickman responded by saying that the current Pepperell management had walked in to what other former Pepperell management had created. Mr. Gmeiner stated that in the past 5 years, there has been a slow degradation. He mentioned to Mr. Jordan that he is not sure if he is aware of what was normally done in the past, but issues are popping up. With regard to inspections, Mr. Gmeiner noted that there have been no resolutions about Pepperell entering onto private property. He stated that in the past, Pepperell has gone on to private property and has taken a look at what was done and has given their opinion. Mr. Gmeiner expressed that these issues need to be addressed in light of looking at another long-term agreement. Mr. Brickman told the BOSC that he had met with Mr. Kalinowski and Mr. Jordan and said he understands Groton's concerns and believes that former agreements were written for a "different time". He mentioned that he wants to help write a new Agreement and make it work to address concerns. He stated that he cannot change the perception of the past, but can work through to move forward. He also alluded to adding staff for better resources, and that Pepperell has just purchased a Jetter. Mr. Gmeiner noted, on the subject of expenses, to the upgrading of the waste water treatment plant, which would entail large capital purchases and asked how Pepperell was going to pay for it. Mr. Brickman offered that it would be paid for with "retained earnings". Mr. Gmeiner asked if Groton would end up paying for any of it. Mr. Jordan answered that Groton would end up paying for time and equipment used in Groton. Mr. Gmeiner continued in reference to a scenario where if there was an issue in Groton and it required the Jet Truck on-site from Pepperell, asking how they would be billed. Mr. Jordan responded that if the truck was on-site in Groton for 2 hours, Groton would be billed for 2 hours, noting that if they used another contractor, they would be paying a lot more for the service. Mr. Gmeiner said he was pleased that Pepperell now has a Jet Truck that would be available for Groton to use. Mr. Gmeiner then revisited the subject of the Pepperell Plant Upgrade and what the cost to Groton would be. Mr. Jordan stated that they were not sure yet, that they are waiting for a draft report at the end of the month. Mr. Orcutt asked who was doing the report for them. Mr. Jordan said that Wright Pierce was doing it and he wants to get concrete information from them before he discusses it. Mr. Brickman added that they want the focus of the study to look at what was previously done relative to new permit phosphate change challenges. He also stated that they want to make sure it addresses cost concerns as well. He reiterated that the plan is to do it smart, and not require spending a lot of money for something that will not be beneficial. Mr. Orcutt questioned if Groton would be paying for that report. Mr. Jordan responded that it was budgeted for. Mr. Hartnett offered that he thought meeting more often between the two towns would be

beneficial. Mr. Gmeiner then asked that Groton have access to Pepperell's meeting agendas, times and minutes. Mr. Jordan told the BOSC that Pepperell typically meets on the 1st and 3rd Thursday of the month. Pepperell agreed to send the agendas and a copy of meeting minutes to Groton going forward.

In an effort to let Pepperell know about upcoming projects that Groton wants Pepperell to be involved in, the discussion continued with regard to Pepperell entering onto private property in Groton to give overall feedback on inspections before installation and on other matters. Mr. Gmeiner told the meeting that Groton had adopted Pepperell's Rules and Regulations and, in the past, Pepperell would look over the work that had been done and give their opinion on it. Mr. Orcutt asked that they include construction drawings to be reviewed, etc. Mr. Jordan said it made sense to him, but he is not licensed to do it and that he would have to check with Mr. Kenneth Kalinowski on that issue. Mr. Jordan explained that it is their job to protect the municipalities not the private property owner and that he was not willing to take on that liability since having been burned in the past. Mr. Brickman asked for an example of when Pepperell might need to enter onto private property in Groton. Mr. Gmeiner used the case of a failed Grinder Pump. He explained that in the past, Pepperell would get the call of a Groton resident that had a failed grinder pump. Pepperell would have access to a spare core provided by Groton and go out to install the spare core to tie the homeowner over with until a new one could be installed. When he asked Pepperell what they do in a case of a failed grinder pump, Pepperell said they tell the homeowner to call F.R. Mahoney and don't ever visit. Mr. Gmeiner said this is also another example of a shift with Pepperell that had never been communicated to Groton. In addition, Mr. Orcutt told the meeting that there is still some ambiguity on the whole maintenance issue. He continued that it has always been said that the spot where public property ends and private property begins is at the connection points. Mr. Orcutt mentioned that in one incident, Pepperell swore the curb stop was on private property but it was on the right-of-way and they didn't even go to look at it. Mr. Jordan responded that if it is a large commercial complex, like the Groton Inn, then Pepperell would recommend having an outside firm review/inspect the final connection instead. Mr. Hartnett added that there needs to be a policy with regard to who inspects the connection while it is being installed. Mr. Gmeiner agreed and would like to have feedback from Pepperell on smaller inspections. He also agreed that Groton would give Pepperell a heads up on larger inspections needed such as the Groton Inn. Mr. Gmeiner also made Pepperell aware that there has been a change in the law regarding IMA's no longer needing to be presented at Town Meeting, but are now approved by the Selectmen. He also said he would like to have a final draft of the IMA for the Fall. Mr. Brickman emphasized that he wants each town to establish what is fair and equitable. He also stated that there are some issues that work between communities that are unique. Mr. Gmeiner said Groton would be willing to look at costs and how it is going to be recovered. He added that keeping in mind the IMA is for 20 years, each town must list key components that they would like to see addressed. Mr. Jordan added that there are only 5 or 6 pages that he thinks need to be revised. Mr. Gmeiner wants to see cost and upgrades to be broken out separately, and how it will relate to capacity. Mr. Rafferty suggested Pepperell provide a bullet list for Groton as well. Mr. Gmeiner asked if Pepperell was still able to do manhole inspections

and repairs on covers. He said that if Pepperell contracts out a private company to do the work, there could be a cost savings for both towns if it is done together. Mr. Brickman suggested meeting outside of IMA every 6 months to stay on same page.

Follow up going forward:

Pepperell will provide the Plant Report to Groton when they get it back from Wright Pierce. Pepperell will notify Groton of their meeting agendas/dates/minutes in order to keep them informed.

Pepperell will do a plan review with regard to Inspections

Groton will provide a Summary Report citing costs that are a result of Groton's Flow and test sampling results.

Groton will provide Pepperell with a list of bullet points/discussion points with regard to IMA. Groton will provide a Grinder Pump Plan to Pepperell

Bob Rafferty will send a memo on IMA to Mr. Doneski

Bob Rafferty will provide a copy to all on CMOM

Town Meeting Warrant Article - The Article with regard to extending the Sewer District to include 122 Old Ayer Road will be presented at the Selectmen's Meeting/Hearing for Town Meeting Articles on Monday, March 21, 2016 @ 6-8 PM.

Other Business - Mr. Gmeiner asked Ms. Iannacone to put the numbers together for the Rate Hearing.

Next Meeting - The next meeting of the BOSC will be held on **Wednesday, March 23, 2016 @ 2:00 PM.**

BILLS SIGNED

One set of Bills were signed at this meeting for FY-16, Expense Warrants (EW19).

MINUTES of March 2, 2016 - Mr. Hartnett made a motion to approve the previous meeting's minutes Mr. Gmeiner seconded, and the vote carried unanimously.

ADJOURN - Mr. Hartnett made a motion to adjourn the meeting at 3:45 PM. Mr. Gmeiner seconded, and the motion carried unanimously.

Respectfully submitted,

Ruth Stevens,
Water & Sewer Assistant