



Chair/James Gmeiner
Vice Chair/Thomas Orcutt
Clerk/Michael Bouchard

Town of Groton Sewer Department

173 Main Street
Groton MA 01450

Date: May 24th 2023

Time: 2:00 PM

Members Present: Chair/James Gmeiner
Vice Chair/Thomas Orcutt
Clerk/Michael Bouchard

Others Present: John Amaral/Omni Properties, Robert W. Anctil Esq./Perkins & Anctil, Greg Roy/Dillis & Roy, Ann Livezey/Assistant, Lauren Crory/Business Manager

The Meeting was called to order by James Gmeiner at 2:00 PM

Commission Reorganization

Mr. Orcutt made a motion for Jim Gmeiner to remain the Chair of the Board of Sewer Commission Mr. Bouchard seconded and the motion passed unanimously. Roll Call: Gmeiner – Aye, Orcutt – Aye and Bouchard - Aye

Mr. Orcutt made a motion for Michael Bouchard to become Vice Chair of the Board of Sewer Commission Mr. Gmeiner seconded and the motion passed unanimously. Roll Call: Gmeiner – Aye, Orcutt – Aye and Bouchard - Aye

Mr. Bouchard made a motion for Thomas Orcutt to become Clerk of the Board of Sewer Commission Mr. Gmeiner seconded and the motion passed unanimously. Roll Call: Gmeiner – Aye, Orcutt – Aye and Bouchard - Aye

Budget Transfer

Ms. Crory told the BOSC that Center Sewer wages will be short for FY23 because the portion that was supposed to come out of Four Corners for this fiscal year was not set up. She asked that we do a transfer of \$7,387.00 from Four Corners wages to Center Sewer.

Mr. Orcutt made a motion to transfer \$7,387.00 from Four Corners wages to pay Center Sewer Mr. Bouchard seconded and the motion passed unanimously. Roll Call: Gmeiner – Aye, Orcutt – Aye and Bouchard - Aye

500 Main Street – Groton Farms

Mr. Anctil told the BOSC out of his Legal Position he looked to see if there were any prior records concerning connection fees with a water credit and he did not find anything. He said Mr. Amaral's goal is to move this along and feels that the offer that was submitted was fair based on the information that was provided.

Mr. Gmeiner explained that the "units" used in the May 18, 1990 agreement between the Town and NEBS were "uniform units" used to assess betterments under Ch. 83 MGL Sec 15. as Permanent Privilege Assessments, as opposed to assessment for betterments based upon frontage. While a "unit" was equal to a daily use of 145 gallons of water, this was for the purpose of determining the Permanent Privilege Assessment (PPA) for a property which was due at the time of connection and was not a purchase of capacity. The 343 additional 'units' were a credit toward additional Permanent Privilege Assessments which might be due. This was considered the PPA and only applied to the betterment for that construction. As the town has paid off the original construction debt, it no longer assesses a Permanent Privilege Assessment. Mr. Gmeiner explained we got revised those Regulations because the original system had been paid for and you don't reassess betterments. Our new regulations are based on connection fees to support the costs of debt payments to Pepperell for plant upgrades, buying more capacity, pump station work, and building out the system. Mr. Gmeiner said Chapter 183 Section 15 says there is no right to discharge a guaranteed number of gallons and that the betterments were assessed on a unit basis and this is not guaranteed flow.

Mr. Gmeiner said we are facing upgrades at the Nod Road pump station and we have had debt upgrades costs with Pepperell. He said the cost of a new pump station is 4.5 million and if we use the allotted capacity we have now, we will have to upgrade the force mains too. Mr. Gmeiner said he wanted to make clear that this project is not the cause of the Nod Road pump station upgrades, it's been a long time coming.

Mr. Gmeiner also added that the comparison of Emerson/Danvers are both good cases, but Danvers has their own sewer system and are not intermunicipal like Groton. Groton also has limited sewer customers therefore our connection fees benefit the rate payers. With that being said Mr. Gmeiner said he is sticking with the connection fee of \$1.5 million based on our current regulations.

Mr. Amaral said at this point he does not agree with that fee and feels its unfeasible and unrealistic. He feels the offer in the letter of \$300K is a reasonable offer and this was based on previous owner payments and if the Board agrees, it should agree to reduce the connection fees. Mr. Amaral said this is a large project and every penny is important in order for this project to move forward.

Mr. Anctil told the BOSC they figured out what the old flow was and they compared that to the new flow and with the adjustment of the prior payments made by the property owner and Mr. Roy came up with \$491,250.00 due. Mr. Gmeiner said our regulations state based on "building space" and that is how he reached his number of \$1.5 million.

Mr. Anctil said Mr. Roy's letter shows 36,960 gpd proposed for the apartment complex as a whole (336 beds x 110 gpd/bedroom = 36,960 gpd), 15,342 gpd is the prior use so 21,617 gpd is the difference of the two uses (36,960-15,343 = 21,617). The increase is 21,617gpd ÷330 gpd which results in 65.5 ERUs and with the sewer connection fee of \$7,500.00 per ERU the total fee is \$491,250.00.

Mr. Amaral said he is in disagreement with the current regulations and feels they are not in line with what the State permits. He said he feels this is a gross overcharge and he recently did a project of 268 units in Walpole and the fee was \$245K. Mr. Gmeiner said we base it on our district regulations, he also said that Town Counsel said that 40B is good for Zoning, but it does not give the right to trump our regulations and fees. Mr. Amaral said the recent letter that was submitted did not ask for a credit for the 40B. Mr. Gmeiner said he is not doing this as an impact fee, but we have regulations in place that need to be followed.

Mr. Anctil does not believe it reads that a 3-bedroom (330 gpd) connection should pay the same as a 1-bedroom (110 gpd) connection. Mr. Gmeiner explained that the concept of the ERU was actual replicated from Ayer's regulations.

Mr. Anctil said if we look at Mr. Roy's letter again with the existing flow and subtract where we are now the number is \$491,250.00. He said he does not see the definition of building space is relevant when there is an existing structure involved. He said the rates should be based on gpd and not on the number of hook ups. He feels we should be at \$491,250.00 and that is based on the BOSC regulations and how they read.

Mr. Orcutt said he feels good about this number with the credit for bedrooms and using the 15,343 gpd usage. Mr. Anctil said this is how the regulations read and he said the math is the same when you do the calculation with the 1,2 & 3 bedrooms. Mr. Gmeiner said in order to get there we would have to waive the regulations and with that he told the BOSC that we might want to consider rewriting the regulations in the future. Mr. Gmeiner said we will also have to hold a Public Hearing in order to get to this figure.

Mr. Amaral said if it takes holding a Public Hearing, he understands that. He also told the BOSC that he has worked hard in the community for over 20-years and he wants to come to an agreement that they can both walk away feeling good about. Mr. Gmeiner said he can get to that number if we are not doing minimum building space at 330 gpd, but it will involve a waiver.

Mr. Bouchard asked if we have the capacity available and Mr. Gmeiner said we will by cleaning the pump station and replacing the pumps.

Mr. Amaral, Mr. Anctil and Mr. Roy stepped out at 2:45pm and returned at 2:58pm. Mr. Amaral said they are willing to move forward with the \$491,250.00 connection fee and will support the calculation method at the public hearing.

The BOSC was in agreement and will hold a Public Hearing on June 14th, 2023 to determine the fees and discuss the waiver.

Pepperell IMA

No Discussion

201 Boston Road/Lindemer New House

No Discussion

Review I&I

No Discussion

Review Nod Road Pump Station and Flow evaluation

No Discussion

220 Main Street (Parish house) - Capacity

No Discussion

Expansion Limits

No Discussion

FY22 & FY23 Budget

No Discussion

Other Business: Bills, Minutes, etc.

Next Meeting – June 7th, 2023

BILLS SIGNED – No bills signed

MINUTES:

ADJOURN – *Mr. Orcutt made a motion to adjourn at 3:15 P.M. Mr. Bouchard seconded the motion. Roll Call Gmeiner – Aye Bouchard - Aye*

Respectfully submitted,

Ann Livezey
Water & Sewer Assistant