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**MEETING OF THE ORLEANS
BOARD OF WATER/SEWER COMMISSIONERS
February 16, 2022**

The Board of Water and Sewer Commissioners held a Zoom meeting on Wednesday, February 16, 2021 to conduct regular business:

Those present were Alan McClennen, Robert Rich, Richard Hartmann and John Meyer of the Board; Mark Berson and Len Short, Associate Members of the Board, Todd Bunzick and Susan Brown of the Water Department, Tom Daley, Director of Public Works and Natural Resources, Ian Catlow, Tess Laffer and Tim Harrison from AECOM, and Kevin Galligan, Select Board liaison. Absent was Herbert Kinney of the Board. Len Short, Associate member of the Board was late to the meeting and Mark Berson voted in the absence of Herbert Kinney.

Alan McClennen called the Board of Water and Sewer Commissioners meeting to order at 1:00 p.m.

CONFLICT OF INTEREST LAW

Reminder to all Board members to read and sign the "Summary of the Conflict of Interest Law for Municipal Employees".

MINUTES

On a motion by John Meyer seconded by Mark Berson, the Board voted to approve the minutes of the meeting of January 19, 2022 as written. The sewer portion of the minutes were unavailable and will be voted on at the next meeting. The vote by the Board was 5-0-0 with Alan McClennen, Mark Berson, Robert Rich, Richard Hartmann and John Meyer all voting aye by roll call.

WATER DEPARTMENT REPORT.

STAFFING SHORTAGES

The Water Department currently has two vacant positions for which there have been no applicants to date.

WTP COMPRESSOR AND AIR DRYER

The Board was informed that the Water Department was working with Ron Collins and the Cape Light Compact on potential energy improvements at the WTP with regards to the air compressors and blower. Timing will be crucial as the Water Department has been having recent troubles with a compressor.

TOP 100 CONSUMERS 2021

The Board was provided with a list of the top 100 users for calendar year 2021. The Board asked that this list be included in the packet for their regular meeting in March.

NEW BUSINESS

COMMITMENTS/ABATEMENTS/REFUNDS

A motion was made by Mark Berson seconded by John Meyer to commit for the month of January 2022 to rate \$512,063.30, to installations \$0.00, to services \$900.00, to usage \$0.00 and to added billing \$929.56. The vote by the Board was 5-0-0 with Alan McClennen, John Meyer, Richard Hartmann, Robert Rich and Mark Berson all voting aye by roll call.

A motion was made by John Meyer seconded by Robert Rich to refund an overpayment to account 2328 in the amount of \$488.67. The vote by the Board was 5-0-0 with Alan McClennen, Robert Rich, Richard Hartmann, John Meyer and Mark Berson all voting aye by roll call.

The Board was provided with a memo dated January 24, 2022 from the Town Collector/Treasurer Scott Walker regarding abatements of interest and penalty fees. In it he states that M.G.L Chapter 60, Section 15 makes it clear that the Tax Collector may not waive these charges for any reason. He asked that in order to maintain continuity in Town Hall procedure and policy that the Board of Water and Sewer Commission also not waive these charges.

A motion was made by John Meyer seconded by Robert Rich to deny interest and penalty charges for 23 John Kenrick in the amount of \$11.54. The vote by the Board was 5-0-0 with Alan McClennen, Robert Rich, Richard Hartmann, John Meyer and Mark Berson all voting aye by roll call.

A motion was made by Mark Berson seconded by John Meyer to deny interest and penalty charges for 8 Beach Rd in the amount of \$10.97. The vote by the Board was 5-0-0 with Alan McClennen, Robert Rich, Richard Hartmann, John Meyer and Mark Berson all voting aye by roll call.

A motion was made by Mark Berson seconded by Robert Rich to deny any abatement of water usage from leaks for both 23 Thayer Ln and 21 Bog Hollow Rd. The vote by the Board was 5-0-0 with Alan McClennen, Robert Rich, Richard Hartmann, John Meyer and Mark Berson all voting aye by roll call.

WASTEWATER

See attached by AECOM for the minutes related to wastewater.

ADJOURNMENT

On a motion by John Meyer seconded by Leonard Short the Board voted to adjourn the meeting at 2:30 pm. The vote by the Board was 5-0-0 with Alan McClennen, Mark Berson, Richard Hartmann, Robert Rich and John Meyer all voting aye by roll call.

LIST OF DOCUMENTS USED

1. Draft Minutes January 19, 2022
2. Copies of advertisements for two open positions in the Water Department

3. Copies of email correspondence with Ron Collins regarding possible WTP CDA improvements
4. 2021 Top 100 Users List
5. Commitments January 2022
6. Letter, Brian Nelsen of 23 John Kenrick Rd
7. January 25, 2022 letter from Geraldine Viglas representing 8 Beach Rd
8. February 29, 2022 email from Chet Crabtree requesting reduction in water bill for 23 Thayer Ln.
9. November 1, 2021 letter from A & S Construction requesting reduction in water bill for 21 Bog Hollow.

The next regular meeting is scheduled for March 16, 2022 at 1:00 pm.

Secretary, Board of Water/Sewer Commissioners

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Board of Water and Sewer Commissioners Meeting February 16, 2022

Board of Water/Sewer Commissioners
Meeting Minutes

Part VI. Sewer Update

Meeting Date
February 16, 2022

Meeting Location

Webinar: <https://us02web.zoom.us/j/82864206038>

Project No.: 60587515

Attendees

BWSC Members: Alan McClennen, Robert Richard, Leonard Short, Mark Berson, Dick Hartmann, John Meyer
Town of Orleans: Todd Bunzick, Susan Brown, Tom Daley
AECOM: Tim Harrison, Nicholas Broderick
Ryder Wilcox: David Little
Tighe & Bond: Ian Catlow

Time Meeting Convened (by Alan McClennen)

1:00 PM

Time Meeting Adjourned (by Alan McClennen)

2:34 PM

Summary of Discussions (Prepared by Amy Hunter)

1. Background

- a. The purpose of Part VI of the Board of Water/Sewer Commissioners (BWSC) meeting was to provide an update on the Town of Orleans sewer work including contract 2019-01 Wastewater Treatment Facility and Effluent Disposal and contract 2019-02 Downtown Area Collection System and Pumping Stations.
- b. This was posted as an open meeting beforehand and the public may attend if desired.

2. Discussion

- 14 Lots Hollow Road
 - Tom Daley explained that Dave Little has requested a potential change in use to justify the increase in flow allotment. Dave put a package together and is here today asking for that increase.
 - Alan clarified that the increase is 49 gallons, and that he will need to get a variance from the Board of Health.
 - David Little (Ryder Wilcox) confirmed the 49 gallons increase request.
 - Alan McClennen requested that Tom Daley keep track of these
 - Tom Daley confirmed that this is the second request.
 - Motion to increase flow allotment from 757 to 806 moved by Mark Berson and seconded by John Meyer, vote 5-0
 - Tom Daley requested that Tim Harrison provide the excel sheet for tracking flow allotments, Tim Harrison replied that he will provide them.

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- Quarterly updated on the Downtown Sewer Project
 - Alan McClennen explained that the BWSC is meeting with the Select Board Wednesday 2/23/22 at 5:30 PM, and several members of the BWSC are meeting tomorrow with Cathy Doane, Tom Daley, and Tim Harrison to put together items for the agenda for that meeting
 - Ian Catlow (Tighe & Bond) presented the update on the Wastewater Collection System and Treatment Facility. See the attached presentation slides for details.
 - Dick Hartmann asked Ian Catlow when users will be able to hook up.
 - Ian replied that hookups may be ready to go around 9/1/22.
 - Alan McClennen stated that he participated in the contract negotiations with Suez together with Mike Ford and John Kelly and that it was a three month negotiation.
 - Alan McClennen summarized items for the Select Board agenda that includes the quarterly update as just presented by Ian Catlow. The next item will be on the Meetinghouse Pond (MHP) Area Collection System final design. We are waiting on the Intended Use Plan (IUP) from the State Revolving Fund (SRF). The Federal Infrastructure money for water and wastewater gets fed through the SRF IUP and then they will have to figure out how to integrate that new money into the plan. We are hoping MHP will get a grant to help us. Studies have been done on freshwater ponds in Orleans, one was Uncle Harvey's Pond, there was a recommendation 6-8 houses upstream of Uncle Harvey's Pond be sewerred. We previously told the Marine & Fresh Water Quality Committee that we could not change the boundaries, but we now may be able to amend the boundaries to include those upstream Uncle Harvey's Pond properties to be able to remove phosphorus from the pond. The BWSC is still waiting on State legislature on House 2196, it was passed by the house and was brought to the Senate in December, somebody objected, so it did not pass at the time, there is no action taken yet. The fourth discussion item is the collection system betterments options and recommendations. Starting tonight when the Select Board talks about the Enterprise Fund for sewer operations, that the total cost projected in the coming year is a little over \$1.9 million. Currently there is over \$700,000 in the Enterprise Fund, the difference (\$1.2 million) will be transferred from the Stabilization Fund with \$600,000-700,000 balance remaining. The Stabilization Fund will be paying for the first year of startup since there won't be income in for a while. We will also discuss setting user charges to be approved by Town Meeting in May, for startup in September. This requires a public information effort to undertake between now and Town Meeting.
 - Tim Harrison (AECOM) presented Betterments and Financing. See the attached presentation slides for details.
 - Alan McClennen explained that the Betterment Cost Summary on slide 5 will be presented to the Select Board. The message is that we have an existing draft betterment policy approved by BWSC in February two years ago, but the Select Board has not voted to approve it. Based on that, people connected to the system receive a benefit for sewer service therefore they should pay for that benefit through a betterment. When betterments were discussed for the Downtown Area it made sense because zoning bylaws allows to do all these things in the Downtown Area, where the Title IV systems says you can't, so the sewer system provides an economic benefit. No one realized that when sewerred areas like MHP, Tonset, and Rock Harbor that you're only paying for the collection system, and these areas have less density so the cost of the collection system increases because you increase the length of the pipe. What was a \$20k betterment for the Downtown Area, is a \$50k betterment for MHP.
 - Alan McClennen continued the presentation on slide 6 explaining the breakdown of Project Cost financing for the Downtown Area since May 2019 and projecting to July 2022. Projections for 30-years of financing suggests that the Cape Cod & Islands Clean Water Trust, Hotel/Motel Tax and Short-term Rental Tax will pay for the entire project and taxpayers won't have to pay anything and betterments won't be necessary. We don't know yet what MHP will cost, but the mismatch between the Downtown Area and MHP betterment estimates might be eliminated by eliminating the betterment policy. The Hotel/Motel and Short-Term Rental is a little over \$1.5 million/year will appreciate with inflation over time.

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- o Mark Berson asked with the legislation at the State level, will a betterment policy be requested to access this money? Is there anything that would prohibit us from obtaining the future Federal funds?
- o Alan McClennen responded that to his knowledge there will be no betterment requirement.
- o Mark Berson asked what would be done with the surplus.
- o Alan McClennen replied that with MHP there won't be a surplus, and with future projects. In MHP slightly more than half of the 480 parcels (250) will require a grinder pump. Based on our research in Chatham, it looked like the cost to hook up with a grinder pump is \$20,000, a property without grinder pumps the median was \$8,500. Those 250 properties with grinder pumps will be spending \$5 million to help clean up our waters in MHP. In addition, there are 36 parcels with long connections and those people will have to pay more. People in MHP will have to invest \$7.5 million already, so why put a betterment on those properties when they can't get economic benefit from the sewer system because the area is zoned predominately for single family (except for some parcels along Main Street). MHP is different from Downtown where there is an economic benefit.
- o Dick Hartmann asked if we don't need a betterment bylaw is the checkerboarding is tied up with that too?
- o Alan McClennen replied that we got permission to checkboard in 2008/2009, I don't know if it is a requirement or an option, or if legislation doesn't pass if we have to get rid of the checkerboarding option because the policy is that everyone has to hook up. That is a legal question I don't have the answer to.
- o Dick Hartmann asked Tim Harrison to provide the costs associated with each of the project financing fractions (slide 6) for the Select Board meeting.
- o Alan McClennen explained that when we started this, this entire project was on the taxpayers, there was no support. Through efforts by Cape & Islands we've been able to remove the financing from the taxpayers
- o Alan McClennen asked Tom Daley to discuss water and storm water projects to be included in MHP. Tom Daley explained that similar to the Downtown Area there are areas that require storm water improvements and have the contractor replace the old 1960s water services within that area. For Phase 1 there was an article for stormwater improvements, an article for water service replacement, and some water main improvement projects that makes sense to do it before you pave the road. Additionally, because a large contractor is in town to do the work we got it done very cheap. Again, these three articles will show up for MHP on the Select Board's list of warrant articles. I am working with AECOM to pull together that detail for the articles.

VII. Motion to adjourn at 2:34