

**Town of Millbury
Minutes of
Sewer Commission Meeting
February 25, 2020**

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MILLBURY, MASS.

Present: Gary Nelson, Lisa Allain, Keith Caruso - DPW Supervisor, Frank Stachura – Sewer Plant Operator and Christine Billington Clerk
Guests present Attorney Brian Falk.

Happy Erickson was absent

CALL TO ORDER

Chairman Gary Nelson called the meeting to order at 5:15 p.m.

ITEM TWO – PUBLIC ATTENDEES:

Attorney Falk started off stating that the Chairman Nelson needs to state that the meeting is being recorded per the open meeting law. Attorney Falk also stated that there can be a sign placed in the room stating that the meeting is being recorded and that will cover the open meeting law. Chairman Nelson introduced Attorney Brian Falk to the meeting to discuss the Sewer Departments Rules and Regulations. Attorney Falk passed out marked copies of the Rules and Regulations. Attorney Falk stated that the privilege fee assessment is just for Millbury. Attorney Falk talked about what happens when the line goes in and when it is billed for whether it is built on right away or not. If you want to make the amendment it has to be done through a special act and that needs to be voted on at a Town Meeting. Chairman Nelson would like to get this done at this Town Meeting coming up in May. Chairman Nelson would like them to pay the betterment fee at the cost now not when the pipe went down the road. Attorney Falk stated that the Board wants to go back to the original connection fee. Lisa Allain stated that they were trying to protect the homeowner from paying a higher amount. Attorney Falk stated that it is a simple warrant article to go back to 1973 had as a true connection fee. Chairman Nelson stated that this is what he wants to do. Chairman Nelson asked if this is something we can do now and Attorney Falk stated that it needs to go to Town Meeting vote and then the legislature for their approval. Chairman Nelson stated that we need to get this moving now.

Attorney Falk spoke about the Rules and Regulations stating that to change the Rules and Regs only required the approval of the Board and not a Town Meeting. Lisa Allain asked about Chapter 800 of the Acts of 1973 this is a special act which is different from the Rules and Regs. This needs to be clarified and should be in the back as appendices. Most of the changes are just housekeeping issues. Page 9 regarding the Upper Blackstone needs to be checked to see if there are any requirements that need to go into the Rules and Regs. Chairman Nelson did not think that anything needed to be put into it, but he will check. Attorney Falk stated that the sewer regulations will need to be advertised once this is complete. Lisa Allain asked if this is something that this can be completed with just the board and Attorney Falk stated yes, this can be completed at any time. Page 20 should be a put in the special act addendum. This should be in the back of the rules and regs as appendix. Lisa Allain asked if the sewer privilege fee be raised and Chairman Nelson stated that we need to change the wording to a connection fee first, Chairman Nelson stated that it is hard to get this passed at town meeting. Lisa Allain asked if there can be a separate fee for new residents compared to old residents. Some towns have a 1 year grace period for existing homeowner that have not tied in yet. This is what is happening now and this is what needs to be changed. Attorney Falk stated that the key with any fee it needs to be a reasonable service fee. It needs to be justified. This is the issue that is going on now. Lisa Allain stated that the \$5,000.00 fee is low compared to other town. Attorney Falk stated that this can go to town meeting as an article to seek amendments. Chairman Nelson stated that this would need to be voted on and it is hard to get the residents to increase the fee because residents do not want to pay a higher amount. Lisa Allain stated that this needs to be completed by next week, March 6, 2020 is the deadline for warrant articles. There was more talk about housekeeping with wording. Attorney Falk talked about the Drainlayers go through the Board of Selectmen for their licensing. They are the licensing authority by statute. Attorney Falk stated that the fee schedule should be separate than the rules and regs as a separate item because if we do not they the whole rules and regs will need to be published and that is very costly. Chairman Nelson stated that when they come into pull a building permit they should be paying for the betterment fee. Lisa Allain stated that when they get their building permit they pay for their connection fee. But there is a strict process that each department needs to sign off on the permit. Can the wording say installation fee instead of the work connection. It was asked if when someone comes into the office to pull a permit for a connection fee they can be charged the betterment fee at the same time.

Chairman Nelson spoke about the rate change going up to \$12.30 and he stated that this should be separate. Lisa Allain stated that it is a privilege connection to the town sewer system.

Chairman Nelson stated that two warrant article will go on the warrant to amend the special acts of 1973 to revert back to the privilege fee reverting back to when they tie into the sewer system that they pay the privilege fee. The second warrant article will be for increasing the privilege fee. Chairman Nelson stated if this passes how long it will take before it goes into effect. The special act will not change until the legislature approves the new fees and any subdivision that is going on now the use fee will be the same until it passes. More discussion took place on what can be said on the article. Lisa Allain asked what happens when a developer comes in with ten homes left to connect and how are they going to pay and they are going to want to prepay but you cannot take in funds that you are not supposed to. Attorney Falk stated that he can make the changes and read line things that need to be changed. Chairman Nelson will look into Upper Blackstone. Attorney Falk stated that this needs to be voted on to authorize Chairman Nelson to submit the change of fee for the Board. Lisa Allain made a motion to authorize the Chairman Nelson to work with council to submit the two warrant article for the Annual Town Meeting. All in favor of the motion.

Chairman Nelson spoke about the bill for Autumn Gates pump station with the money coming out of the balance from bond that the Planning Board has for \$10,000.00, this should be a charge to Autumn Gate to withhold the money from the bond. Attorney Falk stated that you need to make sure that there will be enough money in the bond to make sure that the board gets paid for the maintenance. The best way would be to get a check from Autumn Gate. Chairman Nelson asked Keith Caruso if he knew of anything that the Planning Board would hold money back on and Keith stated that he is not sure. Attorney Falk stated this should be set up as an invoice to Autumn Gate for the \$10,000.00, this should be done by the DPW.

Chairman Nelson thanked Attorney Falk for his time with helping with Board with the Rules and Regulations and other issues that he has helped with today.

Lisa Allain will check with Westboro to see what they did with their connection fee.

Jennifer Kerzon Attorney for Fox Gate LLC “Autumn Gates” came into the meeting to speak to the board about the \$10,000.00 bill for the pump station. Jennifer spoke to Chairman Nelson asking him if he received the email that she forwarded from Town Planner Laurie Connors. Jennifer spoke with her clients and they said that her client will not pay another dime towards this project, Jennifer asked the Town Planner if she can petition the town to give the board \$10,000.00 for the pump station, Lisa Allain stated that just let Attorney Falk know about this. If the Sewer Commission is onboard with getting this resolved as soon as possible then Jennifer can draft everything up and have it signed off so the money can be given to the Sewer Commission. Jennifer gave information from the pump station on plan and information on the remote control system and the building materials. There is also a laminated copy of the manuals on the doors. Chairman Nelson asked Keith if we had anything on the pump station and Keith did not find anything in the office on Autumn Gates. Keith stated that Steven Gallo gave Mr. McNeil information on Autumn Gate but he did not find anything. Jennifer stated that she did not know if anything was given or not. Jennifer also spoke about the alarm system. Chairman Nelson stated that the big question was the money and how fast would they get the money and Jennifer stated that it would have to go in front of the Planning Board and usually they do not have a problem giving the money and Chairman Nelson will speak to Laurie Connors on this and see what she says. Jennifer stated that Chairman Nelson should have a copy of the as builds that she emailed him today. Chairman Nelson will email them to Clerk and she can open and save to a file. Christine supplied Jennifer with her email. Jennifer asked if once the assignment is finalized Attorney Falk will give it to Chairman Nelson as Chairman Nelson stated he should.

ITEM THREE – INVOICES

Miscellaneous invoices reviewed, approved and signed by Sewer Commission.

Chairman Nelson asked for a motion to sign the Warrant for Commitment #44 for \$350,000.00, Lisa Allain made the motion and Chairman Nelson seconded the motion all were in favor to sign the Warrant for Commitment #44 in the amount of \$350,000.00.

ITEM FOUR – CORRESPONDENTS:

Nothing at this time

ITEM FIVE - MINUTES:

Nothing at this time

ITEM SIX – OPERATIONS:

Chairman Nelson asked Frank Stachura how everything was going and Frank stated that they are getting projects completed thanks to having their new employee, he is working out great. Chairman Nelson asked if the solar panels were working properly and Frank Stachura stated that he said they are working and making power he just does not know how much.

ITEM SEVEN – ABATEMENT REQUESTS:

2 Montgomery Drive – Denise Marlborough Treasurer/Collector brought this over and said that the town owns this property and should be made inactive. Home has been in foreclosure and will go out to auction in April.

Chairman Nelson asked for a motion to abate Lisa Allain made the motion and Chairman Nelson seconded the motion all were in favor of the abatement and make account inactive until it is built again.

ITEM EIGHT – BETTERMENTS:

Nothing at this time

ITEM NINE– SEWER EXTENSIONS/CONNECTIONS:

19 Wildwood Road – Murilo Silva – Mid State Sewerage Company, Chairman Nelson asked Frank if he looked over this and Frank stated that it was all good to go, Chairman Nelson asked for a motion to approve Lisa Allain made the motion and Chairman Nelson seconded the motion all were in favor.

ITEM TEN– ADDITIONAL TOPICS

Chairman Nelson spoke about receiving an email from Chad Boardman of Eastland Partners on Clearview the flow amount of 4.15 per cubic foot of flow and then pay whatever the Upper Blackstone charges.

Chairman Nelson asked Lisa Allain if she was ok with all the changes from Attorney Falk and Lisa stated yes she is good.

Frank Stachura stated that he would like something put in the fee schedule for a person from the town to go out and take care of a problem if there is an emergency. Lisa will check into this.

The meetings from now on will be 5:00 pm instead of 5:30 p.m.

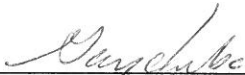
ITEM TEN – FUTURE MEETING DATE

The next regular scheduled meetings will be held March 10, 2020 and March 24, 2020. Meetings will be held the 2nd and 4th Tuesday of every month unless otherwise posted and/or cancelled. Time change of the meetings will be 5:00 pm unless otherwise posted.

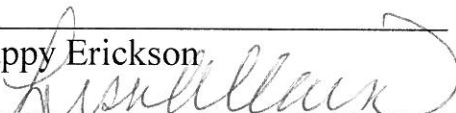
ITEM ELEVEN – ADJOURNMENT

At 6:30 p.m. Chairman Nelson asked for a motion to adjourn, Lisa made the motion to adjourn all were in favor to adjourn.

Respectfully submitted,
Christine Billington
Clerk-Sewer Department



Gary Nelson

Happy Erickson


Lisa Allain