

MEETING OF THE ORLEANS
BOARD OF WATER/SEWER COMMISSIONERS
SEPTEMBER 20, 2023

The Board of Water and Sewer Commissioners held a hybrid meeting on Wednesday September 20, 2023 to conduct regular business.

Those present were Robert Rich, Alan McClennen, Mark Berson, Richard Hartmann, John Meyer, Len Short and Kevin Mahoney of the Board; Virginia Farber Associate Member of the Board; Todd Bunzick and Susan Brown of the Water Department; Kevin Galligan of the Select Board and Wastewater Management Advisory Committee; and Lynn Bruneau, liaison from the Finance Committee. Absent was Tim Counihan, Associate Member of the Board and Tom Daley, Director of Public Works and Natural Resources.

Robert Rich called the Board of Water/Sewer Commissioners Meeting to order at 1:00 p.m.

MINUTES

On a motion by Alan McClennen and seconded by Len Short, the Board voted to approve the minutes of the meeting of August 16, 2023. The vote by the Board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

WATER DEPARTMENT REPORT

49 S. Orleans Rd., Waive Additional System Demand Fees

The two buildings have two meters for the five units total. Now that sewerage is required, the owner is requesting other units be separated out to have five meters for the five units. Request to waive demand fee for additional three meters.

A motion was made by Alan McClennen seconded by John Meyer to waive the demand fee of the additional three meters to be installed at 49 S. Orleans Road. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

WELL #4

Well 4 has been reinstalled and started and the water department is in the process of sampling for testing. Hoping for well 4 to be back online later this week.

NEW BUSINESS

COMMITMENTS/ABATEMENTS/REFUNDS

A motion was made by John Meyer, seconded by Alan McClennen to commit water receivables for the month of August, 2023 a total of \$3,293.79. The vote by the Board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

A motion was made by Mark Berson seconded by Alan McClennen to commit sewer receivables for the month of August, 2023 a total of \$52,042.80. The vote by the Board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

310 S ORLEANS RD WATER LEAK

310 S Orleans Road is requesting an abatement due to the length of time it took them to locate the leak. The water department told them to look for a toilet as the possible source of the leak, and the water department shut the valve off in each unit and the meter continued to move each time. The leak was not in the building but in a private line. Nate Norgeot proposed a replacement. An abatement would help to fund replacement. The water department did give timely notification to the property of the leak. The BOWSC policy would not allow for the abatement. The letter declares hardship consideration but the amount of the bill is not as high as expected to request hardship consideration. A possibility is for the Board to offer an extension of payment terms without interest. However, relief has never been granted since the policy was put into effect. Alan McClennen recommends due to the slow response time to the leak, the Board should not grant relief, but allow an appropriate time to pay this without interest.

A motion was made by Mark Berson seconded by Alan McClennen to deny the request of relief. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

SHUT-OFF, FAILURE TO FIX AND RETEST BACKFLOW DEVICE

There are two backflow devices that failed in June and have not been repaired. 310.CMR.2222 they have 14 days to repair and provide access to retest. Two properties have not done so. Sue Brown requests to send a notice to shut off water if they do not fix and allow testing. Letters have been sent and water staff have been on site requesting access.

A motion was made by John Meyer seconded by Mark Berson to issue shut off notices to the two properties. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

KEEPERS OF THE TOWN PUMP

On July 20, 2022 BOWSC recommended to the Select Board that the Water Department become keepers of the pump. We have not notified the Select Board of the vote. The Water Department has performed work to make this site beautiful.

Alan suggests we have the historical commission put the picture located at the Water Department on a plaque at the pump, as this is a historic location.

Kevin Galligan will add this to the Select Board meeting agenda.

A motion was made by John Meyer seconded by Len Short to recommend the keepers of the town pump to the Select Board. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

Mark Berson moved to establish a subcommittee of the BOWSC members to include an alternate member to plan and review the succession of the water and sewer department members. This item is not on the agenda, Select Board liaison, Kevin Galligan recommends we do not even have this conversation. Kevin asks that we be mindful of putting this charter on the agenda in the future. Staff work with and under the town manager and one of her goals is succession planning.

Alan McClennen stated there is a warrant article in the town meeting agenda for October 16, to be visited town wide. There is no need to take any action including tabling as it is already under way in Article 12.

ARTICLES FOR OCTOBER 2023 SPECIAL TOWN MEETING

ARTICLE 5, FUND REPAIRS TO WELL 4

Article 5, Transfer \$15,000 from water surplus fund for costs related to pump repair

A motion was made by Alan McClennen seconded by John Meyer to support Article 5. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

ARTICLE 8, FUND DESIGN OF SOLAR PROJECT AT THE WTP

Article 8, Transfer \$25,000 to fund conceptual design services for the solar project at the Water Treatment Plant and to authorize the Select Board under article 97 to petition for special legislation to allow for installation of solar arrays for water purposes only.

A motion was made by John Meyer seconded by Alan McClennen to support Article 8. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

Len Short states we should seriously look into vertical solar panels, horizontal are not as efficient as the reports say for vertical panels. There is a trend away from horizontal panels, and horizontal panels may lead to an abolishment of trees.

Alan McClennen states Article 97 has a specific procedure for any public land that experiences a change in use. The conceptual design study must be done prior to going to legislature for Article 97.

Lynn Bruneau states that the article does not state what the process is, which is why the finance committee had voted 1-6-0 against the article. Now the committee has an understanding and will be able to vote appropriately.

ARTICLE 9, FUND CONCEPTUAL DESIGN/BID SERVICES FOR REPLACEMENT OF AIR HANDLING AT WTP

Article 9, Transfer \$75,000 to fund conceptual design services for replacement of air handling at the Water Treatment Plant.

The need for this is because the air compressor is in a room where you cannot get the tanks out or new unit in, looking to have design to get new air compressor and drying units and whatever may be needed to add to the building to have a new unit and old unit. If the air handling system is not working there is no water treatment, valves need to be able to open and close.

A motion was made by Alan McClennen seconded by Len Short to support Article 9. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

ARTICLE 24, HOME RULE PETITION FOR PESTICIDE REDUCTION BYLAW

Article 24, The Select Board supports the advancement of this home rule petition.

Recognizing this petition would give power through a bylaw to implement this. By just dialogue and discussion, we have raised significant awareness about poisons going into our lands. It sends signals that the community cares deeply about the environment.

The BOWSC has always prohibited use of pesticides on our land.

A motion was made by Alan McClennen seconded by Len Short to support Article 24. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

ARTICLE 26, EXPAND PHASE III PRELIMINARY DESIGN OF THE CWMP

Article 26, Expand the lakes and pond sewer study area to include 54 additional properties.

A motion was made by Alan McClennen seconded by Len Short to support Article 26. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

ARTICLE 27, EXPAND MEETINGHOUSE POND SEWER COLLECTION AREA

Article 27, Part of Meetinghouse Pond was not included in the bid, but with the money that we have in the bond authorization, the Town can sewer 100% of Meetinghouse Pond, which requires 100% nitrogen removal.

A motion was made by Alan McClennen seconded by Richard Hartmann to support Article 27. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

ARTICLE 29, AUTHORIZE CHANGES IN FEE SCHEDULE

Article 29, Sewer Use Rules and Regulations fees

A motion was made by Alan McClennen seconded by Richard Hartmann to take no action in the support of Article 29. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

These changes are subject to a public hearing by the Select Board. Failure to connect may be changed after the public hearing.

Lynn Bruneau of the finance committee, states the committee voted 6-0-1 in support of this. In the 9/7 finance committee meeting conversation took place that people were very concerned about the \$250 failure to connect fee due to lack of engineers and contractors available and get this done on time. Residents also state there is an inordinate amount of time to submit an application and to get final approval. The process is not in the SURR. Lynn recommends the Town look at the application approval process. People state they are holding off to see if the town improves their process.

John Meyer wants to hear from Tom Daley on this matter. The Board decided to revisit this when Tom Daley returns.

OLD BUSINESS

SEWER DEPARTMENT REPORT

ROCK HARBOR VILLAGE

Rock Harbor Village requests a waiver due to the installation of a system in 2013. They are in a nitrogen sensitive area, the Board of Health will handle this when they get to it on their agenda.

18 WEST ROAD

Condos require reserve studies to determine if monies put aside are sufficient for capital improvements. 18 West Road is requesting a phased connection over the next five years, through 2028. The association currently has a system in place that removes sufficient nitrogen levels. The association states that affordable is no longer affordable. They request to remove the betterment due to the efforts to remove nitrogen and improve water quality.

Alan McClennen states that under Mass General Law, there is no way for the Town to waive the betterment for a private entity. This project was built with an arrangement between the Board of Health and the developer. The only way to build this association was to install this I/A system, and the Board of Health granted that two years after substantial completion, the association must connect to the collections system. It is absolutely mandatory that this project be engineered to clarify costs. By waiving this property, it increases the cost for all others in town. The Board cannot come to a decision today but advise the association to proceed as best as they can to get control of this issue and comply with the agreement made with the Board of Health. If they get close to that date and cannot do it they need to come back and request an extension. No extension will be granted today.

NAUSET FARMS LANE

Conflicting letters were received for this property.

A motion was made by Alan McClennen seconded by John Meyer to review Nauset Farms Lane with Tom Daley present. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

SEWER USE RULES AND REGULATIONS

No updates to the SURR. They are in their final draft.

MEETINGHOUSE POND UPDATE

Kevin Galligan states progress is underway on Phase 2. The contractor is C.C. Construction and in weekly progress meetings with them, there is great coordination with contractor and town staff. We are looking forward to the next two years, the website will continue to be updated and social media to push information out. The Sewer Ombudsman remains the same for questions regarding Phase 2 connections. Letters have gone out to all Phase 2 properties with a drawing of property and stub placement. Please advise if there is an issue. Funding requires signs for the project to be put up and be maintained throughout construction.

WASTEWATER TREATMENT PLANT UPDATE

Kevin Galligan states the collections system and treatment plant are under the performance period that goes through next year. We are in the final stages of closing out

project related change orders to provide certified cost to define the betterment. Hopefully by the end of next month we will have those numbers ready to go during the Select Board meeting. It is important to know there are legitimate noise complaints coming out of the plant, steps have been taken to improve this both temporary and permanent. Feedback from property owners will help to identify exactly where and when the noise is coming from. These costs should be covered under the capital project costs.

WASTEWATER MANAGEMENT ADVISORY COMMITTEE

Kevin Galligan states the committee is meeting biweekly. There is a need required by the energy secretary of the state to file an update due at the end of this year. Special meeting tomorrow to go over the outline and confirm all bases are covered for what is required for the filing. Joint efforts with Eastham for Rock Harbor and Town Cove to understand where they are where we are. Also reaching out to Brewster about common watersheds. We are working Phase 3 efforts and doing studies and planning for future phases.

VEOLIA UPDATE

Edwin Mcauliffe not present today.

The monthly operating report has been provided. Two additional properties are connected as of 9/19.

ADJOURNMENT

On a motion by Len Short seconded by John Meyer the board voted to adjourn the meeting at 2:33pm. The vote by the board was 7-0-0 with Alan McClennen, Richard Hartmann, Len Short, Kevin Mahoney, Mark Berson, John Meyer, and Robert Rich all voting aye by roll call.

LIST OF DOCUMENTS USED

1. Draft Minutes of the August 16, 2023 Meeting
2. Town of Orleans Water Department Commitments, August, 2023
3. Town of Orleans Sewer Department Commitments, August, 2023
4. 310 S. Orleans Road Abatement Request
5. Town of Orleans, Water Department, Keeper of the Pump Letter
6. Town of Orleans, Water Department, Town Pump Picture
7. 18 West Road Connection Status Letter
8. Rock Harbor Village Connection Status Letter
9. Nauset Farms Lane Connection Status Letters
10. Town of Orleans Sewer Department, August, 2023 Monthly Operating Report

Submitted by: Marinna Raucci, Veolia