

Town of Hingham



Hingham Sewer Commission Meeting Minutes

March 25, 2021

Call to Order

Mr. Higgins called the meeting to order at 10:03 a.m.

Mr. Higgins read the following statement: "This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law"

Members Present

Robert Higgins, chair; Kirk Shilts; and Stephen Harold

Staff Present

Randy Sylvester, DPW Superintendent; Liz Welch, DPW/Sewer Office Administrator; Stephen Dempsey, Sewer Supervisor; Dan Dempsey, Sewer Foreman; Matthew Cahill, DPW Assistant Superintendent; and John Coughlin, Town Counsel

Agenda

Mr. Higgins reviewed the posted agenda with the Commission.

Vote: Dr. Shilts moved to approve the agenda as posted, seconded by Mr. Harold and VOTED (roll call);
members in favor: Higgins, Harold and Shilts
members opposed: none

Meeting Minutes

February 25, 2021

The Commission reviewed the draft meeting minutes of 2/25/21.

Vote: Dr. Shilts moved to approve the minutes of February 25, 2021 as drafted, seconded by Mr. Harold and VOTED (roll call);
members in favor: Higgins, Harold and Shilts
members opposed: none

Action Items:

- **Sewer Commission Reorganization**

Mr. Higgins explained that there is no firm date for the Town Election as it stands right now. Mr. Higgins would like to stay on as chairman until the election results.

Dr. Shilts said with most appointments you serve until you are replaced – but with an elected position, do you serve until the next election or the end of the term? Atty. Coughlin stated that the Governor signed a special act in 2021 to extend the election for municipalities. He said the incumbent will remain in office until the election which has to be before June 30, 2021.

Dr. Shilts explained that the Commission typically has its reorganization (selection of a chairman) the first meeting after the election so we should leave as is until after the elections. Mr. Harold agreed as well.

- **Building Drain Failure and Sewer System Infiltration**
39 Simmons Road

Mr. Dempsey explained that last Friday, 3/19/21, the Sewer Dept. received a call from the resident of 39 Simmons Road who had a sewage break out on his property. Once onsite, Mr. Dempsey said he saw evidence of surcharge and an unknown manhole. He said the homeowner (Adam Zelenka) told him he filled the manhole with stone as he didn't know what it was. Mr. Dempsey said the manhole cover was not secured and viewed this as evidence of an infiltration & inflow (I & I) breach. Mr. Dempsey told the homeowner the manhole was part of his home's sewer service connection and advised him to speak with a drainlayer to inspect the line and have the drainlayer get in touch with him. He said we went back a week later and nothing had been done. Mr. Dempsey introduced a draft letter to the homeowner explaining the Sewer Dept's concerns.

Mr. Harold said he would like to see photos to affirm the letter. Dr. Shilts said the focus seems to be on a private sewer system and the introduction of ground water, an I & I issue. He said a penalty is assessed for an I & I problem. He said where there is discharge to the surface this seems more of a public safety and public health concern.

Mr. Sylvester explained that it is definitely an I & I issue and may well be a public health issue. There was a break-out so the Board of Health (BoH) needs to get involved. He stated that we need to follow a certain protocol and not overreact. Atty. Coughlin explained that in a prior example, the BoH sent out the need for immediate repair notice. So the BoH intervened and gave the Sewer Department the okay to fix the problem because there were public health implications.

Dr. Shilts suggested the Sewer Dept. notify the BoH to start the process and give a time frame for timely repair. And if homeowner does not do it, then the Town would repair the breach as an emergency or condemn the property. Any emergency repair the BoH imposed could then be attached to the property as a lien. He also said the Sewer Dept. should simultaneously move forward with the I & I issue. Atty. Coughlin explained that with the other example, the two Town departments did not work correctly together and follow the proper procedures in order to put a valid lien on a property.

Mr. Sylvester said Atty. Coughlin was sent a copy of the draft letter to look at. Mr. Dempsey asked Atty. Coughlin if the Sewer Dept. made a repair if directed by the BoH because of public health issue could the

Town put a lien on the property. Atty. Coughlin said if we are going to lien properties and collect monies we need to follow the correct steps.

Mr. Higgins said that Mr. Zelenka is now on the Zoom meeting. Mr. Zelenka said that he had a licensed drainlayer inspect the line. He had the rocks pumped out of the manhole and it is now working again. Mr. Zelenka said that further work has to be done, but it is no longer a backflow issue.

Mr. Dempsey explained that he inspected the manhole two days ago and didn't open cover to look inside but his pictures still show an obvious I&I issue. He said the structure needs to be rebuilt or repaired. Mr. Zelenka agreed it does need to be properly repaired but has not scheduled it yet. Mr. Higgins would like to come up with a firm date that this will be property repaired and inspected. He told Mr. Zelenka to get a contractor lined up and get in contact with Mr. Sylvester or Mr. Dempsey.

Dr. Shilts said he was glad the stones were removed and the system is no longer discharging to the surface. He suggested 90-days to repair. Mr. Dempsey suggested 1-month. Mr. Dempsey also said that the system needs to be videoed after it is repaired to make sure the stones haven't moved further down into the sewer system and possibly causing other damage.

Vote: Mr. Harold moved to continue the discussion to the next meeting, seconded by Mr. Higgins and VOTED (roll call);
members in favor: Higgins, Harold and Shilts
members opposed: none

Discussion:

Hingham Sewer Rules and Regulation Update

The Commission reviewed a proposed new section titled: "Inspection of Sewer Connection at Time of Transfer of Title". Dr. Shilts said he mirrored this section on the Town's septic regulations.

Dr. Shilts followed up on the discussion from the prior meeting, which is whether the Commission can mandate that a privately owned building drain be replaced upon the property's transfer of title? He said the consensus last month was to only require an inspection.

Mr. Dempsey said let's inspect when they sell the house to learn the condition of the building drain. Dr. Shilts questioned if we could do a video inspection and charge homeowner as part of the inspection procedure. Mr. Higgins said if we start going onto private property for inspections we don't have staff to do this. Atty. Coughlin said the Commission needs to do this in a thoughtful way and come up with appropriate procedures, and the Commission may be able to mandate a repair if there is a problem. He questioned whether we can mandate a homeowner to upgrade something that is working property? Dr. Shilts said State Title-5 mandates a certain septic system standard to protect the public that is not based on the system just working.

Dr. Shilts said it was wonderful to have Atty. Coughlin at the meeting providing counsel but said the regulations are not ready to send to him yet, but hopefully soon.

Mr. Higgins unexpectedly dropped off the meeting.

Mr. Sylvester reported that Mr. Higgins said he is unlikely to regain a connection.

Vote: Mr. Harold moved to postpone discussion on the Sewer Regulations update until the next meeting, seconded by Dr. Shilts and VOTED (roll call);

members in favor: Harold and Shilts

members opposed: none

Mr. Higgins was absent

Scheduling

No meeting date was scheduled, but tentatively for two weeks.

Adjournment

Vote: Dr. Shilts moved to adjourn the meeting at 11:27 a.m., seconded by Mr. Harold and VOTED (roll call);

members in favor: Harold and Shilts

members opposed: none

Mr. Higgins was absent

Respectfully submitted,
Liz Welch
DPW Office Administrator

Documents reviewed during public meeting:

- *Meeting agenda for 3/25/21*
- *Draft meeting minutes of 2/25/21*
- *Draft Sewer Rules and Regulations update, 3/9/21*
- *39 Simmons Road Service Request, 3/15/21*
- *39 Simmons Road, draft Letter to A. Zelenka*