

Town of Hingham



Hingham Sewer Commission Meeting Minutes

APRIL 15, 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; Matt Cahill, DPW Assistant Superintendent; and John Coughlin, Town Counsel

Agenda

Mr. Higgins reviewed the posted agenda with the Commission. Dr. Shilts would like a status update on 173 Main St. and 39 Simmons Rd. where these were discussed at the last meeting. He also said a Superintendent/Supervisor's Report should be a standard item on every agenda.

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

Meeting Minutes

March 25, 2021

The Commission reviewed the draft meeting minutes of 3/25/21. There was a minor grammatical change.

Vote: Dr. Shilts moved to approve the minutes of March 25, 2021, as amended, seconded by Mr. Harold and VOTED (roll call);

members in favor: Higgins, Harold and Shilts
members opposed: none

Action Items:

- **Building Drain Failure and Sewer System Inflow and Infiltration (I/I)
39 Simmons Road**

This matter is continued from the prior meeting.

Dr. Shilts asked staff: (1) what repairs have been done; (2) was the letter that was drafted ever sent to the homeowner; (3) could the rocks the homeowner put in his manhole make the way down the sewer line to the pump station and potentially damage our sewer system; and (4) Is there a definitive date that the homeowner will repair the Inflow and Infiltration (I/I) problem?

Mr. Sylvester said that he spoke with the homeowner, Mr. Zelenka, after the last meeting. Mr. Sylvester said he did not believe that the draft letter was necessary. He said the homeowner had the stones removed from the manhole and they did camera the drain. He said the homeowner stated that he would take care of I/I repair.

Mr. Dempsey reported that he received a call from Drainbalance as they were having trouble getting through the sewer line at this location. He said the blockage was in the town layout. He said he had a lateral camera come in and observed the lateral within the town layout was filled with crushed stone. He presumed it was the stone from 39 Simmons Rd. He said the department cleared out the stones and at this point the line is clear. He spoke to Mr. Zelenka and the repair to his building sewer has not yet been completed.

Dr. Shilts said he does not think the Commission needs to impose an I/I fee at this point as the homeowner is working with the department, although there should be a time frame of 90-days or so to complete the repair. He also said there should be monitoring by the department to the repair and whether any stones have moved further down the line. Mr. Dempsey said he will notify the Commission when the repair is taken care of.

DPW Superintendent/ Supervisor's Reports

The Commission and staff continued the discussion about private sewer line issues.

Dr. Shilts spoke about creating a template letter that would be sent to homeowners when there is a private sewer problem. It would be for either an I/I issue or a public health problem. The template would identify the steps the town could take to remedy the issue. The letter would be clear to state that the Commission could impose a fine for any unresolved I/I issue. He stated the Commission is in the process of updating our regulations including the possibility of doubling the I/I fine after repeated billing cycles. Dr. Shilts said the second piece of the template would be to deal with a public health concern, as we saw last year with the private sewer system at 173 Main St. He said there are three state statutes concerning how a municipality can effectuate a repair of a private sewer system on private property. MGL ch. 83, sec. 3(A) states that a homeowner can simply request and also pay the cost for a sewer department to do a repair on the homeowner's private sewer. MGL ch.111, sec. 123 states that a town's Board of Health (BoH) can ORDER the homeowner of a private sewer to repair their faulty sewer system or face a sizeable daily fine. And finally, MGL ch. 111, sec. 125 states that if a homeowner fails to comply with a repair ORDER, the BoH can make the repair of the faulty sewer on private property and then recover the cost from the homeowner.

Dr. Shilts said the sewer dept. should make the preliminary decision on whether the BoH should get involved with a private sewer system incident based on the risk to the public and needed repair. But unless specifically requested by a homeowner or by ORDER of the BoH, the Sewer Dept. can't repair any private sewer system on private property. He said last year's repair on the private sewer system at 173 Main St. should have had clearer steps that the town followed, which the proposed template would now identify. Atty. Coughlin said the Sewer and Health Departments need to work together. He said the BoH has a lot of power to come in and force a repair. He asked the Commission to please send him the draft of letter when it is done.

Mr. Higgins suggested, that going forward, if there is a sewage outbreak on private property the Sewer Dept. should immediately notify the BoH. He said it would then be within their court for getting it repaired.

Mr. Sylvester said the matter at 173 Main St. was on private property and not the Sewer Dept's responsibility. He said the Sewer Dept. notified the BoH about the sewage outbreak. He said he eventually took responsibility to

repair the issue due to its environmental impact. He said unfortunately there was not a clear process to collect the costs for the work at that time, and will be happy to forward all of these private property situations to the BoH. Atty. Coughlin wanted to be clear of what he explained at the last meeting that if the town wants to lien a property and get reimbursed, we need to follow a process. He said he thought the Sewer Dept. did the best it could in regards to the 173 Main St. incident but going forward, the Commission needs to follow a process with the BoH.

Mr. Harold suggested that the Commission be given a little more information at our meetings on issues going on in town like this so the Commission can be better informed.

Mr. Higgins asked to adjourn the meeting early

Discussion:

- **Hingham Sewer Rules and Regulation Update**
no discussion

Scheduling

no meeting date was scheduled.

Adjournment

Vote: Mr. Harold moved to adjourn the meeting at 11:00 a.m., seconded by Mr. Higgins and VOTED (roll call);
members in favor: Harold and Higgins
members opposed: Shilts

Respectfully submitted,
Liz Welch
DPW Office Administrator

Documents reviewed during public meeting:

- *Meeting agenda for 4/15/21*
- *Draft meeting minutes of 3/25/21*