

Town of Hingham



Hingham Sewer Commission Meeting Minutes

June 10, 2021

Call to Order

Dr. Shilts called the meeting to order at 10:04 a.m.

Members Present

Kirk Shilts (presiding member) and Clark Frazier
Stephen Harold was not present.

Staff Present

Randy Sylvester, DPW Superintendent; Liz Welch, DPW/Sewer Office Manager; Stephen Dempsey, Sewer Supervisor;
and Matt Cahill, DPW Assistant Superintendent

Chairperson message

Dr. Shilts welcomed Mr. Frazier to the Sewer Commission.

Agenda

Dr. Shilts reviewed the posted agenda with the Commission.

Vote: Mr. Frazier moved to set the meeting's agenda, as posted, seconded by Dr. Shilts and VOTED (roll call);

members in favor: Shilts and Frazier

members opposed: none

Public Meeting Minutes:

• **April 15, 2021**

The Commission reviewed the draft meeting minutes of 4/15/21.

Vote: Dr. Shilts moved to approve the minutes of 4/15/21, as drafted, seconded by Mr. Frazier and VOTED (roll call);

members in favor: Shilts and Frazier

members opposed: none

• **May 13, 2021**

The Commission reviewed the draft meeting minutes of 5/13/21.

Vote: Dr. Shilts moved to approve the minutes of 5/13/21, as drafted, seconded by Mr. Frazier and VOTED (roll call);

members in favor: Shilts, Frazier

members opposed: none

Commission Reorganization

Dr. Shilts asked to table selecting a new Commission chairman until all three Commissioners are in attendance.

Vote: Mr. Frazier moved to table the Commission Reorganization until all three Commissioners are in attendance, seconded by Dr. Shilts and VOTED (roll call);
members in favor: Shilts and Frazier
members opposed: none

Action Items:

- **Final FY21 Sewer Use Charge Assessment**

The Commission reviewed the sewer use charges for the May 2021 bill totaling \$1,665,685.38. Additional penalties and interest since the December 2020 preliminary bill totaled \$10,951.69 – resulting in a Final 2021 Sewer Use Charge Assessment of \$1,676,637.07. This amount will be reported to the Town Accountant.

Vote: Dr. Shilts moved to approve the Final 2021 Sewer Use Charge Assessment of \$1,676,637.07 for the Hingham and Weir River Sewer Districts, seconded by Mr. Frazier and VOTED (roll call);
members in favor: Shilts and Frazier
members opposed: none

- **Sewer Connection Fee Waiver Request:**

- **29/31 Rhodes Circle**

Emily Wentworth, Hingham Town Planner, explained that 29/31 Rhodes Circle is a Town-owned parcel where there is a two-family unit that the Hingham Affordable Housing Trust (HAHT) purchased in 2019. She said the HAHT would like to convert the property from onsite septic to public sewer. Ms. Wentworth asked the Commission to waive the sewer connection fee for a Town-owned property.

Vote: Mr. Frazier moved to waive the sewer connection fee for 29/31 Rhodes Circle, seconded by Dr. Shilts and VOTED (roll call);
members in favor: Shilts and Frazier
members opposed: none

- **Sewer Connection Request:**

- **96 Hull Street**

Dr. Shilts said the applicant is seeking to connect this property to the Weir River sewer system under a hardship request. He said the existing septic system reportedly failed Title 5. Dr. Shilts said all of the available sewer bedroom-units in the Weir River Sewer District (WRSD) are allocated to those properties that have paid a betterment. This property has not paid a betterment. The claim for hardship centers on this being occupied dwelling rather than a new construction situation. He said the current policy is that the WRSD is closed to new connections aside from those with betterments. He said if the Commission would like to develop a new policy specific to existing dwellings, this could be considered but he didn't think we had enough information to vote on this today.

Mr. Sylvester explained that the WRSD has a certain amount of capacity and for the past few years there has been no capacity left in the system. He said we have not allowed anyone to connect unless there was capacity. He said if the Town wanted to obtain more capacity, there would have to be a conversation with Hull and Cohasset and their Select Boards.

The applicant, Brian Joyce, said the existing septic system is a cesspool and the site is on ledge so the ability to put in a new Title 5 septic system would not work. He provided an inspection form to show the current system is in failure. Mr. Joyce said MGL chapter 83, section 3 says if municipal sewer goes by the front of a property it is required to connect to it. He said the Hull treatment plant has additional capacity. He also said he can't close on the sale of this property without a Title 5 compliant septic system or a sewer connection.

Dr. Shilts said he spoke the Hingham Board of Health (BoH) Executive Health Office, Susan Sarni, and she said if this came before her Board they would expect the Sewer Commission to explore all avenues before the BoH would consider permitting a new septic system in a sewer district that required a variance from the Town's health and safety regulations. Ms. Sarni joined the meeting and added that the Title 5 inspection form from the applicant was incomplete.

Mr. Frazier said he does not support having septic systems in the sewer district and he does not support a septic system here. He asked staff to come up with some interim arrangement until the Hull Intermunicipal contract expires at the end of this year (25-year term). He said we should move forward as soon as possible. Mr. Sylvester explained that the contract isn't up at the end of this year. He said Town Counsel looked into it and there was special legislation passed, not for an extra 5-years (30-year term) but 7-years (32-year term) which expires in 2028.

Mr. Frazier said when sewer district was formed in the 1990's there was supposed to be enough capacity for every existing dwelling and he believes that homeowners should not have had the option not to connect but rather everyone should have been required to pay a betterment.

Dr. Shilts asked staff to provide the Commission with the number of bedroom-units being held under betterments and the number of dwellings within the WRSD that did not pay a betterment and revisit this matter when we have more information.

Vote: Dr. Shilts moved to table this application for up to 60-days, seconded by Mr. Frazier and VOTED (roll call);
members in favor: Shilts and Frazier
members opposed: none

Discussion Items:

- **Sewer Regulations Update, & Appendix K (Sewer Fee Examples)**

Dr. Shilts reviewed the draft updates the Commission reviewed thus far. He said Division 2 of the regulation is remaining. He said the proposed update will take the fees and fee examples out of regulations and put them into a fee schedule so in the future we don't have to vote on all the regulations every time a fee is changed. He said Appendix K is the fee for any example placed onto a single page. He said the fees in yellow highlight are changes that equate the same standard that exists in the Hingham Sewer District to the WRSD.

Mr. Dempsey asked that an after-hour inspection fee be added to the current fee schedule. Mr. Sylvester explained that contractors are requesting inspections after hours and they should pay for the overtime rather than this overtime coming out of the sewer budget.

Mr. Frazier asked to charge more for sewer connections in areas in the flood plain because it is going to cost more to deal with these properties due to climate change.

Dr. Shilts said all proposed updates to the regulations have now been discussed by the Commission along with a consensus. He would like to get the draft regulations and fee schedule voted on at the next meeting for posting and public comment.

- **Beal's Cove Village Sewer Maintenance Contract (private sewer system)**

Cynthia Wall, chairperson of the Beal's Cove Village Board of Trustees and Andrea Tsoumas its secretary, presented to the Commission to ask if their condominium complex could piggy back on the Hingham Sewer Department's contract with the National Water Main Company to service their private sewer system. They

would like to execute a memorandum with the Town, as a backup, if their sewer repair vendor could not solve their problem. They said the system has some 900 units with about 1,300 bedrooms.

Mr. Sylvester explained that the Town cannot bid for a private entity nor have a private piggy back on a public contract. He suggested that Beal's Cove Village get a reputable contractor who will inspect and provide maintenance and repairs. He said in an emergency, the Town has the ability to step in and help but the private entity has the responsibility to reimburse the Town.

Ms. Wall said her condo's management company doesn't deal with sewer issues – and so the responsibility unfortunately falls on their condominium association run by residents. She said they have a company who does some monthly maintenance and pump repair. She said they are in process of getting estimates from vendors to clean and inspect. Ms. Wall said there are four other entities connected to their private sewer system that they didn't expect they were responsible to also manage, which include the Back River condominiums, Hingham Woods condominiums, Lynch Field owned by the Town and The Cove condominiums. She said her complex's original sewer system of 198 units and an office building is now way-over its designed capacity which is not their fault.

Dr. Shilts said the Commission is in the process of updating its regulations to have all private sewer systems develop an inspection and maintenance plan. Because Beal's Cove Village is a sizable system with multiple entities connected to it, we will help you come up with a plan that is appropriate and affordable. Ms. Wall said they would like to establish a cooperative relationship with the Town and provide comments and concerns on the new regulations. Dr. Shilts said the draft regulations will soon be posted and the Commission will entertain public discussion before any final vote.

- **Comprehensive Wastewater Master Plan (CWMP) Update**

Dr. Shilts explained that the State requires all towns with a municipal sewer system have a CWMP. He said a CWMP Committee was formed back in 2004 and put together a plan. The draft plan has gone before the State for preliminary review and the State requested that it be more specific relative to the proposed South Hingham Sewer District. He said the Commission wrote to the Towns of Weymouth and Rockland last year to see if their sewer capacities may have changed since the draft CWMP was written. He said we have not heard back from those towns and Ms. Welsh will resend the letters.

Dr. Shilts said he worked with the former Town Engineer on moving the draft plan forward and hopes to work with our new Town Engineer and maybe the DPW Assistant Superintendent as well to complete or CWMP.

DPW Superintendent/ Sewer Supervisor's Reports:

- **Lincoln Street (Route 3A) Sewer Main Upgrade Project Update**

Mr. Sylvester explained that there has been work on the Stoddard's Neck project and the Town is working with the MWRA, MA-DEP and other state agencies to get it done. He said the \$124,000 funding we have right now will not be sufficient. He said we also don't have the necessary easement and it still needs special legislation. He said the engineering isn't done since we can't get test holes until we get the easement. He said we can't put in a request for additional funds until the preliminary design and test holes are finished. It is legal hands right now. Mr. Frazier would like to be on record to the urgency of moving forward with this.

- **Hull Intermunicipal Agreement Update**

Mr. Sylvester explained that the current contract will expire in 7-years. He said he will provide the Commission with the legal documents that confirms this time frame.

- **FY-2022 Capital Plan Overview**

Mr. Sylvester explained that for FY-22 there is \$50,000 in service replacements to replace sewer laterals on the road construction list; \$187,000 in pump station renovations which are planned for Walton Cove, South Street and Lewis Court stations; and \$100,000 for Inflow & Infiltration (I&I) investigation which is ongoing.

Mr. Frazier asked how much money do we need to bring I&I flow down. Mr. Sylvester explained that we have spent over million dollars over the past five-years. He said usually the bulk of I&I work is funded by the MWRA with a 75% (State) - 25% (Town) match which had been about \$300,000 per year from the MWRA. He said the match program stopped last year but he hopes it will start it up again next year.

- **2021 Resiliency Grant Submission Update**

Mr. Sylvester said the resiliency grant application for Lincoln Street written by the Commission's engineer (Weston & Sampson) is in. He said he will send the Commissioners a copy and is waiting on word from W&S about the next step.

- **FY-2022 Inflow/Infiltration Plan**

Mr. Dempsey went through a list of I&I projects planned for this year. He said these are areas that Weston & Sampson identified as most problematic. He gave an example that in 2019, out of the 37,000 feet of line that was inspected we found 130,000 gallons of I&I, and a lot of FOG in the lines. He added that because of COVID-19, no FOG inspections were done in 2020.

- **39 Symmons Road Update**

Mr. Dempsey said the private sewer system manhole has been repaired.

Scheduling

Next meeting is July 15, 2021 at 10:00am.

Adjournment

Vote: Mr. Frazier moved to adjourn the meeting at 12:11pm., seconded by Dr. Shilts and VOTED (roll call);
members in favor: Shilts and Frazier
members opposed: none

Respectfully submitted,
Liz Welch
DPW/Sewer Office Manager

Documents reviewed during public meeting:

- *Meeting agenda for 6/10/21*
- *Draft meeting minutes of 4/15/21 and 5/13/21*
- *Email from Andrea Tsoumas, Beal's Cove Village Board of Trustees, 5/24/21*
- *Email from Bryan Joyce, 96 Hull Street, 5/21/21*
- *Updated draft Sewer Regulations, 5/26/21 and Appendix K, 10/8/20*