



COHASSET SEWER COMMISSION
Meeting Minutes

Tuesday, March 15, 2022

In Attendance:

William McGowan, Chair
Wayne Sawchuk, Member
Paul Kierce, Member
Brian Joyce, Director of Public Works
Pam Fahey, Health Director
Dan Coughlin, Consultant Engineer
Gregg Corbo, Town Council

Meeting Called to Order: 10:07am

Next meeting: March 29, 2022

Cook Estate (Shawn Hardy; Jane Reardon; Ali Babcock) JReardon reports the easement is moving forward, attorneys from both sides are reviewing the agreement. SHardy reports they are working on preliminary design, surveyor has permission to go on property. The work will be on the house side of the wall. The house connection will also be accessed from there. JReardon will make sure the Heggies, 206 Sohier St. know to submit a sewer application separate from Cook Estate. All other Sohier St. applications will be flagged. The line may be similar to CJC where Cook builds the line, privilege fee is paid by Cook, then line is conveyed to the town. SHardy will make sure water is marked out by ToC Water Dept. Discussion on whether or not the town gets an easement to go on the property for maintenance. WSawchuk thinks the line should be owned by the town in case something needs to be moved etc. Cook Estate would have the easement but the language would include that it be maintained by the town. The plan is Cook Estate will put in the line, pay privilege fee then convey the line to the town, at that point the town would own the sewer line. GCorbo suggests the town be a party to the easement in order to service as needed as well as the town taking ownership of the line. It is unclear how the upfront portion is being financed. If it's being financed by betterment assessments, the town finances up front and collects the money through betterments - it's the town's sewer from beginning. However, if Cook Estate finances the work, it would be done by their contractors to the town's specifications/inspections, then turned over to the town, then becomes part of the town's public sewer. JReardon says they are interested in the betterment option to make it more affordable for the residents. She suggests the Cook Estate Council and Town Council connect to discuss all options. PKierce suggests this may be something similar to CJC where we have a financial arrangement to be paid over 20 years. GCorbo points out that CJC are paying for putting in the line, it is the privilege fee payment is on a payment plan - essentially the betterment assessment for the existing portion of the system. The town has the authority to apportion this over time providing there is an agreement enabling the town to lien the properties if it is not paid. The cost of constructing a new line is different. If betterments are going to be assessed with the construction of a new line, the town would have to do the work and must appropriate the money at town meeting either from available funds or authorize borrowing. And the town does the work through its own contractors and assesses the benefitted property by betterment assessment that can be apportioned over 20 years. The difference between the 2 is that under betterment situation, the town is fronting the money and getting paid back over time by the residents as opposed to



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the residents doing the work and paying upfront then turning the line over to the town. JReardon asks if there could be a betterment for privilege fee and a betterment to fund the construction of the line. GCorbo responds yes, provided the town does the work not the developer. PKierce reminds everyone there is no time, Cook needs to construct during 2022 summer. The privilege fee can be apportioned over the period of 20 years but there will be no betterment assessment because Cook Estate is doing the work. Warrant Article 19 is not necessary if betterments not assessed. The only approval you need at town meeting is to allow the extension of the line outside the current sewer service district. PKierce asks what mechanism is in place for the payment of privilege fee over 20 years. Would it be an agreement like CJC? GCorbo reminds sewer commission that there is no similar authority in general laws that allows for the apportionment for the privilege fees in the same way as it allows for the apportionment of betterment assessments. Therefore, an agreement between the town and the developer has to be made which gets passed on to the individual homeowners. The agreement will be recorded in the chain of title, that essentially says that the town has a descending lien like a mortgage for the amount of the privilege fee until its paid off. GCorbo should work with Cook attorney to work on one uniform agreement. PKierce will discuss with DPIatt to make sure it's acceptable. WSawchuk mentions the article should say the sewer commission has the right to finance privilege fee going forward. And must be paid in full upon sale. BJoyce will talk about Cook Estates at SB Meeting. It's not a betterment, so what do we call the privilege fee spread out over 20 years? and what's the mechanism to put on tax bill? It would be easier if it was a direct betterment type system with the assessors which is automatically tied to the property and goes out with tax bills (if not paid, is automatically liened). GCorbo reminds CSC we had this discussion a few months back. There is a provision in the general laws that says if a municipal charge is not paid, it can become part of the tax bill. But its more labor intensive than a betterment assessment (automatically billed as part of the property tax). If that's something the town is interested in pursuing, he recommends it be done by special act. For this particular project, it will have to be done by agreement with the property owner and it will have to be recorded at the registry. That gives the town the right to foreclose on property if fee is not paid. WSawchuk says it should be added to the utility bill, it gets lien on the property if it is not paid. All the programming is already put in. GCorbo says these are specific provisions in the general laws authorizing water and sewer user fees to be automatically added to the tax bill if they are not paid and there is a whole abatement procedure that applies. Those are sections of the general laws (water is Chapter 40 section 42a-f sewer is in Chapter 83 section 16a-f), that can be accepted by the town at Town Meeting. Whereas those sections only relate to the user charges not to something like this, which is a privilege fee or reimbursement to the town for cost of connecting or building the sewer. BJoyce asks SHardy to send any plans he has for the route of the pipe to show the SB as an overview. BJoyce points out that CSC worked with CJC (on payment plan) because there was something in the bylaw or charter that has affordable housing, however, there isn't any language about public health emergency. If there are any changes to the bylaws, he recommends the public health emergency be added to the language. PKierce recaps today's discussion: Cook will proceed with putting in the line privately, convey it to the town and the town will look into getting Cook residents on a payment plan to pay the privilege fee.

Regional Sewer:

WMcGowan, Cory Evans, Jack Creighton and Chris Senior met with 2 members of Scituate select board Jim Boudreau, and their sewer plant engineer. Scituate preference is to have a regional plan with Cohasset, Hull and Hingham. It was suggested CSC make an agreement or take a vote to start exploring



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the regional sewer and all the alternatives. A letter from CSenior and JBoudreau circulated. There is going to be higher level of discussions where one or all sewer board members should be involved. Mr. Boudreau said there are Federal and State grants available for this type of work and 90% or more would be funded through grant(s). WMcGowan proposes the board take a vote to start more active participation in a regional program. PKierce is ok with a vote to move forward in discussing what the needs are. The proposal is a general overview, no header on the document, it could be a term sheet, letter of understanding or letter of intent. In private practice these type documents are non-binding. It appeared to be a list of items that each town “will do”. GCorbo agrees this type document should have some qualifying language which indicates it’s non-binding until there is a fully executed agreement. Separate from this agreement as a sewer commission, our town has to be taken into consideration for what the needs are and how the town will be effected if flows to Hull are increased. If CSC understands what that is, making an agreement with Scituate is much easier. Also, how does it get tied into a grant program? There is an opportunity if we put together a wastewater management plan of some sort that would be \$200,000 - \$300,000 that’s something we can go and try to get appropriated - appropriations funding begins in April. And discussing that this plan has to be provided in order for us to do a regional water/sewer plan. WSawchuk expresses concern for the operation of the system and the costs of sewer treatment going forward. WMcGowan responds that Scituate will pay the Hull rate, as well as a conveyance fee. There will be some way of recouping if Cohasset valves go down etc. - it wasn’t defined but it was mentioned. Discussion regarding offloading 100,000 gal/day to Hull and not having net zero effect on Cohasset. This would have to worked out. It may cost Cohasset users more money just to run their pumps-The system was not designed to work in reverse flow. A municipal agreement between the 3 parties has to happen to spell out who’s responsible for paying for what. BJoyce explains Scituate drafted the document, sent to CSC through CSenior. The document was created as a framework of discussion. The flow sent to Hull, is using our emergency diversion, when we have a plant issue, on how much we can send there. There are only 3 points in the Little Harbor north district where we can divert flow. We can’t just send another 10,000 to Hull, it’s either adding a big chunk of Little Harbor or much less of it. Master meters are important to have wherever there is flow across borders. Truing up the water meters is the only accurate way to know exactly the flow and I/I. High flow diversion is part of the risk management.

Things to be discussed to put in an agreement:

100,000 gpd

Loss of privilege fee

Loss of emergency use

Electricity costs

PKierce mentions the harbor groups are doing storm studies and resiliency plans. If Scituate and Cohasset have an issue at the same time - what is the plan? In an emergency Cohasset can divert to Hull but adding Scituate to that? WSawchuk thinks we need to have a pipe from Scituate through Cohasset and directly to Hull. If there is plenty of funding that’s the smartest thing to do and not try to have everything go in and out of Cohasset plant. DCoughlin responds that he didn’t realize Scituate felt they could do this alone. They have a big I/I in town and if they can apply money to remedy the I/I issue and bring in their flow, that’s a win/win from an environmental perspective. there is a lot of things Scituate can do in town that are better environmentally, instead of a line all the way through Cohasset and letting their I/I continue. DEP may have an issue with that.

WMcGowan makes a recommendation to have a joint board meeting with Scituate.



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1 Pleasant St:

14 units to connect to sewer - totaling 22 bedrooms. What is the capacity for the restaurant of how many EDUs they had? They had a betterment. They've gone through planning review and now they are looking for sewer approval. There is affordable housing element as well.
Rescheduled for next meeting on March 29, 2022.

Sewer Abatement

14 Windy Hill Rd. - No update. Postponed until homeowner submits more information

Other Business:

George Baumgarten would like the sewer board to attend a meeting on April 6 or 11. To discuss harbor resiliency. Center for coastal studies is involved. Are there any funds available to make improvements?, building up a safety wall etc. BJoyce says hazard mitigation and municipal vulnerability grants are out there. The whole concept of discussion is the issue with sea level rise and what is the action plan to protect the plant and the harbor. Wednesday, April 6.

BJoyce bringing attention to the property at end of Cunningham bridge, put a proposal in to connect to sewer. A sewer line was put in across Cunningham bridge but it is not connected on either side. This subject matter will probably be in discussion over the next couple months. There may be 400 feet on the north side and 200 feet or less on the south side of Cunningham bridge.

WSawchuk recalls there is a sewer stub but it needs to be connected before the summer so Atlantic Ave can be paved. BJoyce points out from a bigger capital, the Water Department is proposing to do the water main down Atlantic to Nichols. It's a capital investment but funding it needs to be figured out. The ARPA funding (COVID money) has all been slated for which includes water, sewer and broadband. That's the only thing available right now. The bridge cost was \$35,000 but connecting to either side was too high so the project stopped. Any 2 inch pipes would need to be changed to 4 inch pipes. In activating that line it has to be pressure tested. This will have to be FY24 budget. Another option may be if the owner wanted to connect their side for their benefit. WSawchuk recalls supposedly what they agreed to when work was going on in the street. We should see if we can get prices on getting this done.

MOTION: WMcGowan makes a Motion to adjourn; WSawchuk seconds; all in favor.

Meeting Adjourned: 11:25am