

## **Minutes of Joint Meeting**

### Route 20 Sewer - Citizen's Advisory and Steering Committees

Wednesday June 19, 2013

CAC Attendees: Craig Blake (Chairman), John Baranowsky (Clerk), Kirsten Roopenian , Daniel Kenn, Jonathan Lapat, Peter Cramer, Steve Eppich, Andrew Sullivan and Mark Minassian

Steering Committee Attendees: Joan Carlton, Ted Pasquarello, Stephan Grande, Jody Kablack, Lisa Eggleston and Rich Robison

Guest: Scott Nassa

Chairman Craig Blake having determined quorums present called the meeting to ORDER at 7:36 PM.

Mr. Blake welcomed one new member and one new member nominee to the Steering Committee and the Citizen's Advisory Committee respectively then asked each member to introduce themselves and their affiliation. Lisa Eggleston has been appointed (by the BOS) as the Sudbury Water District representative to replace Michael Fee on the Steering Committee. Scott Nassa has volunteered to replace Ellen Joachim on the CAC.

#### Old Business

- Approval of Minutes – May 9, 2013

The draft previously circulated generated edits received beforehand (provided by Mr. Blake and Ellen Joachim). This version was discussed. An additional edit was suggested by Andrew Sullivan. Without further discussion, a MOTION for ACCEPTENCE as revised was made, SECONDED and VOTED unanimously IN FAVOR.

#### New Business

- Reports from Subcommittees
  - Sewer Alternatives (MWRA/Framingham & Marlboro) – Andrew Sullivan updated progress completed to date by the Alternatives Sub-Committee. A memorandum dated June 13, 2013 entitled "Draft - Marlborough and Framingham Alternatives" was distributed to the Joint Committee membership (Attachment I).

As noted (opening paragraph), the subcommittee has met on four occasions to discuss various sewer alternatives with representatives from the Massachusetts Water Resources Authority, the City of Marlborough Department of Public Works, the Framingham Department of Public Works and internally (as a subcommittee on June 13, 2013) respectively. The most recent meeting (and memorandum) incorporates findings

to date from all prior meetings. The following Joint Meetings (Route 20 Sewer Steering and Citizen's Advisory Committee) Minutes of Meetings also contain specific updates and attachments as applicable: May 9, 2013, March 13, 2013, February 13, 2013, November 14, 2012 and September 12, 2012. Review of these prior reports and other documents available on the Town web-site may provide detail to help in further understanding conclusions reached in the June 13, 2013 memorandum.

To facilitate the discussion, Mr. Blake passed around a layout plan showing the proposed force main connection to the Marlboro Easterly Wastewater Treatment Plant (copies not available). Both monetary and non-monetary issues will come to bear on wastewater collection and treatment alternative selection.

Lisa Eggleston commented that the Massachusetts Department of Environmental Protection (DEP) much prefers alternatives which do not require transfer of water or wastewater between drainage basins (i.e. the "Marlborough" vs. the "Framingham/MWRA" alternatives). Further discussion followed endeavoring to address the point.

Mr. Blake acknowledged the prior experience the City of Marlborough had with the Town of Northborough where a poorly conceived inter-municipal agreement between the parties created a climate of distrust on Marlborough's part for such agreements. Marlborough may now be more willing to enter into an inter-municipal agreement with Sudbury provided that their concerns are fully met by the proposed agreement as they have excess wastewater flow capacity not needed now or in the future and significant capital upgrade costs required that they could share with the Town of Sudbury upon negotiation of a satisfactory agreement.

Next, the degree to which the sum of total costs (initial mitigation, capital, and operation and maintenance) will influence alternative selection by way of contrast and in relation to "non-monetary" cost considerations came up.

Stephen Grande advised that it would not be advantageous to Sudbury when negotiating with other entities for an inter-municipal agreement to disclose favorable cost-data scenarios for specific alternatives as to do so could hinder such negotiations by benchmarking alternatives against the capital sum of \$14 million for the Route 20 Sewer Decentralized alternative.

The counter argument to the disclosure question is that some of this information (i.e. Attachment II May 9, 2013 meeting) is part of the public record and available upon request.

As it stands, the Alternatives Subcommittee does not recommend pursuing the "Framingham/MWRA Alternative" for a variety of factors including a complex legislative approval process, high upfront Infiltration/Inflow (I/I) mitigation costs, the need to

purchase water for properties within the proposed sewer service area from MWRA and the uncertainty of future capital improvements to the Framingham/MWRA transport system.

After discussion, a motion from the CAC to dismiss the Framingham/Alternative was sought by Chairman Blake and the MOTION made by John Baranowsky, SECONDED by Mark Minassian and without further discussion was VOTED for unanimously.

Following this, a similar MOTION was requested by the Steering Committee. This MOTION was made by Joan Carlton, SECONDED by Lisa Eggleston and without further discussion VOTED for unanimously.

The discussion then turned to how to address the “East Marlborough Alternative” recommendation brought forward by the subcommittee. John Baranowsky explained that the appropriate MOTION was made at the March 13, 2013 Joint Meeting as reflected in the Final Minutes of Meeting.

A new MOTION was offered by Andrew Sullivan as a LIMITING MOTION with respect to time. “Move to request the Joint Committees place this matter on the Board of Selectmen Agenda for their July 30, 2013 meeting”. The MOTION was SECONDED by Kirsten Roopenian.

There was further discussion as to need and benefit of the LIMITING MOTION, specifically why such a motion was necessary. Two new members are scheduled to be sworn in at the next scheduled meeting (July 9, 2013), then these members would have the opportunity to hear the merits of this proposal at the following meeting (July 30, 2013) and further delays beyond July 30 by the five-member board would put the entire project timeline in jeopardy of slipping back unnecessarily.

After this discussion, the CAC VOTED unanimously in FAVOR. Following this, the Steering Committee MOTIONED similarly. The MOTION was SECONDED. Without further discussion, the MOTION passed unanimously.

- Cost Allocation/Financing – No report.
  
- Facility Operations/Management – John Baranowsky reported that this subcommittee recently lost member Ellen Joachim. Mr. Blake was not concerned with recruiting her replacement as he believes the task at hand can be accomplished by the remaining subcommittee membership.

The subcommittee has not met recently. For the benefit of the new members, a brief listing of the possible governance alternatives with and without project participation via

an inter-municipal agreement with the City of Marlborough (see alternatives subcommittee report) was presented.

Alternatives include a Sudbury Sewer Division reporting to the Sudbury DPW, a new independent Sudbury Sewer District, some operational sharing between Marlborough and Sudbury, partnering with private entities (Contractor/Consultants) or some combinations of these.

- Utilities – Bob Haarde is in the process of setting up a meeting for the buried utilities component of the project. The next meeting will be more inclusive than a prior meeting with just NStar and will include Verizon, National Grid, Comcast, Raytheon, Sudbury Department of Public Works and Sudbury Fire Department.

This project component is an important, complicated ancillary piece of the Route 20 Sewer Project that will require a significant coordination effort by all parties for successful implementation.

Andrew Sullivan mentioned that he has researched a similar project (although smaller in scope and scale) in the Town of Northborough. He intends to further reach out to the Mass DOT Right of Way group to find what other similar projects are underway or in the planning stages.

Mention was made of how at the intersection of Union Avenue and Route 20 plans are underway to replace the Colonial Auto Shop with a more attractive commercial bank. More of these redevelopment opportunities could come to fruition as the corridor becomes more pedestrian friendly as part and parcel to the utility burial project component.

- Outreach/Public Education – The Outreach Sub-Committee was asked by Mr. Blake to focus more on the proposed outreach program and less on the outreach content at this time. Once an outreach program is accepted by the CAC then the message content can be developed for presentation to the Town.
  
- Zoning – No report.
  
- Other New Business – Jody Kablack mentioned that she recently took possession of the final project evaluation report from Weston and Sampson, Engineers. The document is quite large and hard copies are generally not available. The entire document will be posted to the Town of Sudbury website in the near future. Ms. Kablack believes that the report contains significant data tables and analysis useful to those interested in learning more about the project or searching for answers to frequently asked questions and project information.

- Next Meeting – July 17, 2013

At 9:01 P.M. Jon Lapat MOTIONED to ADJOURN, Andrew Sullivan SECONDED and the MOTION carried unanimously.

**ATTACHMENT - I**

TO: Route 20 Sewer Steering Committee  
Route 20 Sewer Citizen's Advisory Committee  
FROM: CAC Alternatives Sub-Committee  
DATE: June 13, 2013  
RE: Marlborough and Framingham Alternatives

A sub-committee of the Route 20 Sewer Citizen's Advisory Committee (CAC) has investigated 2 alternatives to the proposed Sudbury decentralized wastewater system. One is to transport the wastewater collected from the Sudbury service area to Framingham for treatment through the MWRA system at Deer Island, and the other is to transport Sudbury's wastewater to Marlborough for treatment at their Easterly Wastewater Treatment Plant. The sub-committee met on October 25, 2012 with representatives from the Massachusetts Water Resource Authority; on February 27, 2013 with the Marlborough Department of Public Works; and on March 26, 2013 with the Framingham Department of Public Works.

Below is an assessment of these alternatives by the sub-committee.

**Framingham MWRA Alternative**

The sub-committee has investigated transport of Sudbury's wastewater to the Framingham municipal system. Framingham's wastewater system is part of the Massachusetts Water Resources Authority (MWRA) system. Wastewater flow from Framingham is treated at the Deer Island Wastewater Treatment Facility and discharged into the Massachusetts Bay. Framingham has an extensive wastewater transport system which includes over 50 pump stations, gravity sewers and hundreds of miles of pipes. Framingham also purchases all of its drinking water from MWRA.

In order for Sudbury to utilize the MWRA system in Framingham, it will be required to purchase water from MWRA, as the ultimate discharge point for the wastewater - Massachusetts Bay - would be considered an out-of-basin transfer of water by the Department of Environmental Protection and would be prohibited. Without the purchase of MWRA water, the transfer of Sudbury's groundwater to Massachusetts Bay could have serious long term effects on Sudbury's aquifer. The only way to avoid the out-of-basin transfer issue would be to purchase water from MWRA. Water purchase would only be necessary for the properties within the proposed sewer district. A system of water distribution pipes would need to be installed throughout the sewer district area.

The legislative ability to utilize Framingham for wastewater treatment and disposal would be complicated. Sudbury is not included in the MWRA service area, therefore it would require Town Meeting and legislative approval to join. An inter-municipal agreement between the Towns would dictate the terms of provision of services. Given the town meeting form of government in both towns, this could be a time consuming and complex process.

Currently the MWRA sewer system is constrained, which limits its capacity to permit new communities from joining the Authority. MWRA Policy # OP.11 lists the admission criteria for new communities to utilize MWRA services, which includes significant mitigation payments for upgrades to the MWRA infiltration and inflow systems (I/I), and the consideration of all feasible alternatives. MA Department of Environmental Protection approval is also required.

The I/I fee is required for all incoming MWRA member communities to fix existing infiltration issues during rain events when storm water overwhelms the MRWA sewer lines. This fee is based on the

community's 3 year average flow (estimated to be 180,000/gpd for Sudbury) multiplied by four. With an estimated cost to 'fix' infiltration issues of \$5-\$8 / gallon, this cost would be \$3,600,000-\$5,760,000 for Sudbury's current flow. These funds are used to decrease storm water from seeping into the MWRA sewer line either in Framingham or in communities down the line.

Additional upfront costs anticipated would be MWRA sewer and water entrance fees, construction costs of installing water and sewer pipes from Sudbury to the appropriate connection in Framingham off Harrington Road (approximately 1.5 miles), and a proportional shared operation and maintenance fee covering recent capital upgrades made to the system in Framingham. On-going costs (typically paid for by users of the system) would include user fees and future capital improvement costs to the system as needed. Capital improvement costs are difficult to predict, but there is significant infrastructure in the Framingham wastewater transport system, and upgrades would be required to accept Sudbury's additional flow. System users would also be responsible for maintaining any pipes and pump stations needed in Sudbury.

The benefits from joining with Framingham/MWRA are the ability to expand the district's flow as redevelopment in Sudbury occurs. Other than receiving pump station capacity (and the inherent costs of upgrading those), there does not appear to be a capacity issue within the Framingham system which would prevent expansion.

Based on the complexity of the legislative approval process, the up-front costs of the I/I mitigation, the need to also purchase water for the sewer district properties, and the uncertainty of future capital improvements to the complex Framingham transport network, this alternative is not recommended for further exploration.

#### **Marlborough Easterly Treatment Plant Alternative**

The sub-committee also investigated transport of Sudbury's wastewater to the Marlborough Easterly Wastewater Treatment Plant (WWTP), located at 860 Boston Post Road and within 1 mile of the Sudbury Town line on its western border. This plant has a design flow of 5.5 MGD, of which currently only 3.7 to 3.8 MGD are treated on a daily basis. The plant discharges to an unnamed tributary of Hop Brook, which winds its way through Sudbury and eventually flows into the Sudbury River. Due to the proximity of the Marlborough Easterly WWTP, this option has been more seriously explored.

The Marlborough Easterly WWTP has been ordered by the Environmental Protection Agency to be upgraded at a cost of approximately \$40 million, which began construction in 2012 and is anticipated to be completed in spring of 2015. The cost for the upgrade will be paid for by the users, and a rate increase is anticipated, according to the Marlborough Director of Public Works, Ronald LaFrienere. The plant currently operates at approximately 68% capacity. The sub-committee recommends starting discussions with Marlborough officials to see if a mutually beneficial arrangement can be made to utilize a small portion of the excess capacity in their system. The costs to construct the proposed sewage treatment plant in Sudbury could then be transferred into a user fee to gain access to the Marlborough plant. This arrangement would eliminate Sudbury's need to construct and maintain a plant, as well as the need to construct the disposal field at the Curtis Middle School.

Sudbury's primary responsibility would be to install and maintain pipes along Route 20 from the commercial district to the treatment plant in Marlborough, and to pay Marlborough for the cost of treating Sudbury's wastewater. If acceptable to both parties, one option is for Sudbury to pay Marlborough to maintain the infrastructure (pumps and pipes) located in Sudbury as well. Upfront costs anticipated with this alternative would be construction costs of installing approximately 4.1 miles of sewer pipes from

Sudbury into Marlboro at approximately \$1 million per mile, and a proportional share of the plant upgrade. It is assumed that this would be based on Sudbury's flow volume, which is approximately 7.3% of the total plant capacity (400,000 gpd/ 5,500,000 total volume of the plant). Given the known cost of the upgrade at \$40 million, 7.3% would be approximately \$2,920,000, however this cost has not been negotiated with Marlboro and is unknown at this time. On-going costs (typically paid for by users of the system) would include user fees, maintenance of pipes and pump stations in Sudbury (unless maintained by Marlborough as discussed above) and capital improvement costs to the system as needed, however all infrastructure in this system would be new and capital costs could be minimal for many years.

In order to create the legal authority for Sudbury and Marlborough to work together, an Inter-Municipal Agreement would need to be created. Any agreement between the Towns would need Mayor/City Council approval in Marlboro, and Town Manager/Board of Selectmen approval in Sudbury. There are models for this type of agreement, as Marlborough treats wastewater from Northborough, Southborough and Berlin at its Westerly Wastewater Treatment Plant, however such agreements are intricate and require careful legal review.

Sudbury's wastewater would be treated in Marlboro, but there would be no need to purchase water from Marlborough. The discharge from the Easterly WWTP is Hop Brook, which would not constitute an out-of-basin transfer according to DEP. With the issuance of the revised EPA permit, and construction of the plant upgrade, it is anticipated that there would be no detrimental impact. The project will be subject to statewide environmental review to determine and mitigate any impacts.

The CAC sub-committee met with the Marlborough DPW Commissioner, Ronald LaFrienere, and Sewer and Water Division Chief, Michelle Higgins, in February, 2013. The purpose of the meeting was to introduce the idea to Marlborough, and get their initial feedback. Mr. LaFrienere seemed supportive, but also noted that he would be retiring in 2013. Ms. Higgins questioned what would be the incentive for Marlborough to accommodate Sudbury in the Easterly WWTP, and the capacity in the plant was discussed, with Sudbury noting that it would seem economically prudent for Marlborough to sell its excess capacity. Mr. LaFrienere was encouraged that Sudbury had an alternative plan in place, should Sudbury's needs exceed Marlborough's capacity in the future. He noted that the Town of Northborough initially contracted for treatment of a small volume of wastewater, but at present sends nearly 100% of that municipality's sewage to Marlborough.

Mr. LaFrienere recommended that Sudbury contact the Mayor and City Council with a persuasive argument in favor of joining with Marlborough, with the following points:

- Sudbury's decentralized alternative plan of constructing a plant and discharge field is available if the capacity of the Marlborough plant is reduced or threatened in future years.
- This plan creates regional solutions to common municipal issues, which is popular at the state level.
- Adding Sudbury's wastewater flow to the plan will not jeopardize Marlboro's growth since the easterly sector of the city is largely built-out.
- This plan may also provide a solution to the wastewater problems at the Wayside Inn, which is an important tourism destination for Marlborough as well as Sudbury.
- Including Sudbury would contribute additional funds towards the plant upgrade costs.



DRAFT

- Marlborough can assume responsibility for pipe and pump maintenance, which would spread its fixed operation and maintenance costs over a larger service area, if agreed to.
- Sudbury's wastewater is mainly residential/commercial, with little industrial discharge.
- Any new contract/Inter-Municipal Agreement can be written which will have the benefit of the failures/omissions in the old Northborough contract.
- Sudbury is seriously considering adopting growth management zoning controls so that large scale residential development is curtailed once the sewer system is constructed. This will restrict the expansion of the system and minimize increases in the wastewater needs of Sudbury.

The sub-committee recommends continuing to explore this alternative, as it would remove the need to construct a treatment plant and disposal field in Sudbury, and could be a simpler approach to sewerage a small segment of the Town.

**Next Steps**

The Board of Selectmen is urged to begin discussions with the appropriate Marlborough officials to determine the viability of this alternative, and the potential costs. Member of the Citizen's Advisory Committee are available to attend any meetings scheduled, or to provide further information.

cc: Board of Selectmen