

Minutes of Joint Meeting

Route 20 Sewer - Citizen's Advisory and Steering Committees

Wednesday September 12, 2012

CAC Attendees: Craig Blake (Chairman), John Baranowsky, Kirsten Roopenian , Jon Danielson, Dan Kenn, Andrew Sullivan, Peter Cramer, Peter Abair, Jonathan Lapat, Ellen Winer-Joachim

Steering Committee Attendees: Rich Robison, Bill Cossart, Jody Kablack, Mike Coutu, Ted Pasquarello, Stephan Grande, Bob Haarde, Brian McNamara, Eric Poch, Joan Carlton

Others: Steve Eppich, Mark Minassian: CAC nominees

Chairman Craig Blake having determined quorum present called the joint-meeting to ORDER at 7:42 PM.

Mr. Blake asked all present to reintroduce themselves for the benefit of prospective new members.

Old Business

- **Quorum Issue**

Neither committee achieved quorum for the July 11 and August 8, 2012 meetings. No votes were taken or official business conducted.

- **Approve Minutes**

The June 13, 2012 Draft Joint Meeting Minutes were discussed with edits made. A MOTION was made, SECONDED, and unanimously VOTED to accept.

New Business

- **Board of Selectmen Questionnaire**

Craig Blake stated that a need to improve member participation has been identified and is being addressed by the Board of Selectmen (BOS).

Bob Haarde provided an update on the BOS outreach effort based in part on responses to a questionnaire developed and sent out to Route 20 CAC members. Questions included 1) prior attendance history, 2) likely future attendance history, 3) whether meeting conflicts exist, 4) interest in remaining as a non-voting associate member, and 5) member suggestions.

Along with the effort to improve current CAC member participation, new members are being sought for appointment. Bob Haarde described logistic constraints. When a prospective new member comes forward, he must first be recommended by the Steering Committee before being brought to the BOS for appointment. Since Steering has experienced quorum difficulties, the new member appointment process has been significantly delayed. If the Steering approval

vote is relaxed, this constraint can be overcome resulting in a more manageable and timely appointment process. The BOS has agreed to implement this change.

These delays while more pronounced during summer months have plagued quorum compliance (both committees) since January. The priority solution is to recruit new members more willing to commit to meeting attendance.

Not all present felt that new member recruitment was the best course of action. Bill Cossart stated that he does not believe so as the time required to get new members up to date would adversely affect progress.

Bob Haarde disagreed. His observation is that there are sufficient volunteers in the resource pool willing to step forward and contribute meaningfully and without delay.

Jono Lapat stated that he has spoken to Peter Wiernik of Sudbury Music about volunteering to serve as a CAC member and that Mr. Wiernik is interested and should be contacted further to gauge his interest and qualifications.

Bob Haarde mentioned that Steve Eppich and Mark Minassian have expressed interest. Steve has been attending the meetings regularly and getting up to speed.

Kirsten Roopenian stated that another alternative to address the quorum option is to combine the two committees (CAC and Steering) as one.

This option was discussed further with Mr. Haarde stating that since both committees have experienced quorum problems combining two into one is not a viable solution. Further, the mission statements and expectations of these two committees differ in ways that consolidation does not address.

- **Member Reapplication**

The BOS requires each CAC member undergo reapplication for the purpose of reappointment. Forms have been sent out with instructions to complete, return and sign same by September 12, 2012 (today) as this matter is listed for action by the BOS at their September 18, 2012 meeting. Mr. Blake collected completed forms from those CAC members who had not yet reapplied or indicated their intention to resign for the purpose of forwarding the forms to the BOS.

Three CAC members (Dave Duane, Hal Garnick and Richard Cohen) notified the BOS of their intention to resign as a result of increased time demands at work. Two prospective new members seek appointment.

- **Vote to Recommend New Members (Item not posted)**

While drafting these minutes, John Baranowsky discovered that the official agenda posted by the Town Clerk did not include this item although an updated unofficial version in circulation did so. Town staff advised him that the Town Manager is aware of the problem and will ensure

clarification is made at the BOS meeting (Tuesday, September 18) to allow BOS to act appropriately in ratifying these appointments.

Candidate Mark Minassian was interviewed for a position on "Route 20 Sewer CAC" as FinCom liaison. Mr. Minassian is a six-year resident who supports the project. He is a Certified Public Accountant (CPA) since 1999 and owner of Minassian Associates in Waltham. Mark hopes that his financial experience can be brought to good use working on this project.

A MOTION to nominate Mr. Minassian for appointment to the Route 20 Sewer CAC was made, SECONDED, and without further discussion VOTED favorably.

Since the other candidate had not yet arrived, Mr. Blake moved to the next item.

- **Discussion of Sewer Alternatives**

Craig Blake displayed a color-coded plan of the proposed sewer district showing in yellow the district, pink the force-main to Curtis, blue the force-main to East Marlborough, and green the force-main to an MWRA trunk-line sewer in Framingham.

Richard Robison, Chairman SPS Committee, mentioned that approval and acceptance of the proposed groundwater recharge of treated wastewater on the site of the Curtis Middle School had not yet been voted on and accepted by the SPS Committee, the duly authorized body having care and control responsibilities for this site. Mr. Robison further explained that this matter came up at the most recent SPS Committee meeting. He intends to place this matter as an action item for a future meeting.

Jody Kablack may also attend the SPS Committee Meeting as a resource to assist SPS Committee in further understanding the implications of this decision and to address any concerns that SPS may have in this regard.

East Marlborough Treatment Alternative

Mr. Blake asked Jody Kablack to describe how the process of approaching the City of Marlborough to begin negotiating a regional wastewater treatment agreement for disposal of Sudbury Route 20 Sewer District flow at the existing East Marlborough plant might begin.

Jody responded that such a proposal would start as a political dialogue between the Mayor of Marlborough and the Town Manager (TM) of Sudbury on behalf of their Board of Selectmen (BOS). Prior to this, the BOS would first instruct TM of their intent to pursue this alternative; TM would go ahead upon receipt the BOS directive. In response to a question, Jody stated that there is no legal impediment to beginning this dialogue. She went on to say that fees would be imposed by Marlborough as set out in an inter-municipal agreement to be agreed upon by the parties.

Some background and history between the parties was discussed. Ten years ago the parties engaged in contentious litigation having to do with effluent nutrient (nitrogen and phosphorus) from East Marlborough into Hop Brook alleged by Sudbury to have caused algae blooms downstream of the discharge point in Marlborough. Marlborough now has been issued a new more stringent NPDES permit which requires major plant upgrades for permit compliance.

Advantages to this alternative were discussed briefly. This alternative would remove wastewater treatment responsibility from the proposed Sudbury Route 20 Sewer District in exchange for user fees for treatment services paid to the City of Marlborough. For this alternative, the force-main to Curtis Middle School would not be required.

Also discussed was the possibility of bringing the Wayside Inn property into the district. This would require an exception to the rule that no direct connections to a force-main be made downstream of the proposed pumping station.

Mr. Blake then posed the following question. Should we decide to pursue this alternative how do we start? Bob Haarde replied that he would approach BOS Chairman O'Brien to request that this item be placed on the agenda for a future BOS meeting. Should the BOS move favorably on having the CAC investigate this option, a subcommittee would be assembled.

Craig Blake asked whether any CAC members would be interested in working on this task as a sub-committee. Andrew Sullivan, Brian McNamara and Stephan Grande expressed interest.

Kirsten Roopenian offered up a task list reading from notes then sought CAC authorization for the subcommittee to begin the discussions with the City of Marlborough for their response to the items on her list.

John Baranowsky stated at this stage this list is limiting; it would be more prudent to move forward without such constraints and to ensure arguments are more fully developed as the other party is approached.

Kirsten asked Mr. Blake to include her name on this sub-committee roster.

Framingham Wastewater Disposal Alternative

Framingham purchases water from and discharges wastewater to the Massachusetts Water Resources Authority (MWRA), a regional quasi-state agency.

The proposed route of the "Framingham alternative" was presented on a plan by Mr. Blake. This alternative has also been referred to as the "MWRA alternative" as Framingham is an MWRA wastewater member community.

The water supply sources for MWRA are the Wachusett and Quabbin Reservoirs while all wastewater comprising the MWRA transport system is delivered for treatment to Deer Island

(located in Boston Harbor), after which it is disposed of into Massachusetts Bay, a distance 13 miles out beyond the Deer Island Treatment Plant.

Such a wastewater connection alternative would be viewed skeptically by the regulatory authority, Commonwealth of Mass., Department of Environmental Protection (DEP) as an “inter-basin transfer”. Water drawn from the Sudbury Water District groundwater source would not be recharged after treatment, but instead would be disposed of into the Mass Bay resulting in depletion of the SWD source supply.

Craig Blake commented that the Town of Framingham transport system “is in decline” relative to the City of Marlborough case stating that Marlborough has been ordered by Mass DEP to upgrade their treatment facilities to meet the more stringent, recently issued DEP NPDES permit.

Therefore, the major problem with this alternative is that the water-resource supply is not recharged. Andrew Sullivan replied that he would research this matter with MWRA and report back with his findings.

Craig Blake asked Jody Kablack to come up with a plan as to how we might best proceed with developing further this alternative with MWRA.

Craig Blake asked those present whether they sought to pursue other wastewater disposal alternatives. No others were offered.

- **MassWorks Grants Program**

Peter Abair has done some research into this program and presented his finding.

With respect to timeline, program application generally occurs in the fall so that the time to apply for a 2013 grant is now. If this is not possible, then we would apply next fall for a 2014 grant. Peter stated that before applying, the applicant must be ready to proceed with “all ducks in a row”; the consensus from the group was that if such is the case, we could not apply for the 2013 grant given the fact that we are not ready to proceed.

Victoria Maguire is the point of contact for the MassWorks program.

Craig Blake observed that the largest grant that he is aware of under this program is three million dollars, far short of our requirements. Furthermore, the grant must be tied into a specific development plan.

Brain McNamara described why we simply do not meet the criteria for this grant program listing specific areas not met.

Jody Kablack and Craig Blake countered this argument by stating that these criteria could be met by tying the proposed Route 20 Sewer into a private/public development plan. However, it was

noted that the MassWorks program does not typically fund “sewer projects” as to do so would conflict with the State Revolving Loan program.

Peter Abair mentioned that this program was used recently for a grant to the Town of Chemlford.

- **Route 20 Zoning Changes – Status Update**

Peter Abair serves as liaison to the Planning Board. He stated that discussion of zoning changes with the Planning Board have not taken place.

Craig Blake asked Jody Kablack the question: “what would you need to bring back to the Planning Board as a directive for that Board to move forward in identifying any changes to the Zoning Bylaw required to complete the vision for the Route 20 corridor renewal project?”

Jody Kablack concurred with Mr. Abair that the Planning Board has not discussed zoning-bylaw changes since the MAPC initiative in the fall of 2011. She has given Peter Abair some build-out figures from 2000 assuming no change to existing zoning, which are also used in the betterment spreadsheet developed by Weston & Sampson, Engineers (WSE). The Planning Board is not in favor of creating new zoning before the sewer is built. There is a need to discuss timeline.

Bob Haarde addressed the timeline stating that he prefers to see the bylaw changes go to annual Town Meeting (May 2013) with the sewer article in the fall 2013, special TM if scheduled, or ATM 2014 if not.

Jody continued stating that these built-out figures could best be characterized as concept ideas that have not been fully vetted across the entire community. Property owners get very nervous when the discussion turns to changes to the Zoning-Bylaw, less so when the redevelopment occurs as increased density under the existing zoning by-law.

John Baranowsky questioned whether it was possible to increase density building allowances under the by-law without actually changing the by-law since the bylaw by definition defines density in each respective zone.

Jody Kablack responded that to some extent this can be done on parcels which are not fully built-out to the maximum Zoning-Bylaw permitted density.

The Central district now has the highest potential for increased density based on the WSE betterment figures at forty percent while East and West Districts trail at fifteen and twelve percent density, respectively. Three spreadsheets showing actual data exist and these were used as a basis for projecting growth by the density concept.

WSE has produced and delivered two key documents to the Town of Sudbury; 1) Assessment of Wastewater Management Needs for the Route 20 Business District 2001; and 2) Wastewater Management Plan Update August 2010.

Notwithstanding these efforts, Jody stated that the build-out analyses done to date by MAPC, WSE and the Town of Sudbury are by no means exact.

Eric Poch stated that the WSE wastewater design-flow range is from 180,000 to 300,000 gallons per day under current zoning arranged in hierarchical use-needs table matrix (2001 t3-1) without giving specificity to the matrix criteria used for point scoring.

Jody reiterated that the Planning Board does not favor working on any changes to the Zoning Bylaw before the Route 20 Sewer is certain.

But this response prompted others to ask “what specifically will the sewer allow the property owners to do?”

Shaw’s Plaza parcel was mentioned as having development potential that to fully exploit might require rezoning.

Eric Poch replied that this would not be the best approach and cautioned against any planning effort that would introduce spot-zoning. He proceeded to reiterate the WSE build-out approach methodology where one lists “allowed”, “not-allowed” and from there pursues on the “allowed” path thereby avoiding rezoning constraints.

Several members of the Steering Committee weighed in on the matter.

Mike Coutu stated that there needs to be some level of commitment and that business owners must be told what this level is before they move ahead. This should be clarified for each individual property owner and not generically.

Stephan Grande stated that he has a problem with this basic concept needs approach. Before he goes to the bank for financing, he needs to know as a commercial property owner much more about the Town’s plan for the sewer and how it will be financed. Otherwise, he suggested that the owner could finance the sewer infrastructure then later find it has insufficient funds left to complete the site plan development.

Ted Pasquarello stated that in his view it all trickles down to his tenant when the property is fully leased. He went on to say that without the zoning in place, there will be no interest on the part of his tenant.

Mike Coutu stated that there needs to be a firm vision for Route 20 and that this vision should be clear with the vehicle being an updated Master Plan for Route 20.

The Planning Board needs to accomplish these tasks to remove these impediments to development.

Andrew Sullivan brought up the issue of the improved streetscape for the Route 20 corridor. In response he was advised that Mass Highway controls curb-cuts and standards along Route 20.

- **Project Cost Allocation**

At prior meetings where this narrative has been introduced, rudimentary tables and/or graphs were displayed to illustrate the effect that tax/betterment cost allocation has on cost for the “average assessed property value”.

This evening, new cost allocation scenarios were presented for the following tax/betterment ratios:

Tax %	Betterment %
100	0
75	25
50	50
25	75
0	100

Craig Blake distributed handouts intended to quantify impacts for the above cost allocation ratios on individual parcels within the proposed sewer district; such data formatted as a [118x25] rectangular matrix (one-hundred and eighteen rows by twenty-five columns consisting of 2,950 elements per scenario).

The matrix structure is organized such that rows drill-down throughout the individual land parcel set vertically while columns show specific component symbols, values and expressions having to do with costs are included as one moves across left to right.

Print markings reveal source of origin as Weston & Sampson Engineers, circa 4-17 (likely 2010).

The 118-row array is sorted first alphabetically by street (twelve) and then for each street by number as follows:

Group	Street Address	Number of Listings
1	Boston Post Road	81
2	Concord Road	2
3	Highland Street	3
4	King Phillip Road	1
5	Maple Avenue	1
6	Nobscot Road	1
7	Nokomis Road	2
8	Raymond Road	1
9	Station Road	2
10	Stone Road	1
11	Union Avenue	21
12	Uplook Drive	2
Total		118

Similarly, the 25-column array is structured from left to right as follows (column element definitions are broken into three sections to fit letter-page sheet size):

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Street Address	Assessor Parcel Map No. Parcel No.	Use Name	Use Type COM-1 or RES-2	Grinder (True or False)	Estimated Water Use (gpd)	2x Existing Water Use (gpd)	BOH Approved Title V Design Flow (gpd)	Estimated Design Flows Title V (gpd)

(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Existing Title V Design Flow	Estimated Betterment Units Existing Flow	Projected increase	Estimated Built-out Flow	Estimated additional Betterment units Future	Total Units (Estimated and Future)	Assessed Value	Betterment Assessment

(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)
Ave. annual betterment cost (20 year loan)	Ave. Annual Tax Increase	Ave. Annual Capital Cost	Ave. Annual O&M	Ave. Grinder Pump Installation	Ave. Sewer Hook-Up Cost	Total Estimated 1 st Year Cost	Estimated Annual Total Sewer Cost

Global variables appear outside matrix cells comprised of the following:

Tag	Description	Value
(1)	Estimated Construction Cost	\$14,000,000
(2)	Estimated Annual O& M Cost	\$430,700
(3)	Estimated Daily Wastewater Flow	205,010 GPD
(4)	Estimated Grinder Pump Capital Cost	\$10,000
(5)	Estimated Grinder Pump O & M Cost	\$1,000
(6)	Estimated Sewer Hook-up Cost	\$5,000
(7)	Betterment Loan Interest Rate	4%
(8)	Betterment Loan Term	20 yrs.
(9)	Construction Bond Interest Rate	3%
(10)	Construction Bond Term	20
(11)	Total Betterment Units	627
(12)	Municipal Bond Terms	20 yrs. @ 3%
(13)	Tax Impact Residential per \$100k	\$23.35
(14)	Tax Impact Commercial per \$100k	\$30.54

As shown, there are fourteen (14) such static global variables for the five scenarios; should one or more be changed for further “what-if” analysis, such change would affect each scenario in ways not yet under consideration. Some of these global variables represent output values (i.e. Tax Impact Residential per \$100k (Tag 13) and Tax Impact Commercial per \$100k (Tag 14)) and as such are dependent on the static values chosen as input (i.e. Betterment Loan Interest Rate, (Tag 7) and Betterment Loan Interest Term (Tag 8)).

As expected, given these complexities, several attendees asked Mr. Blake whether the Excel spreadsheet could be provided and he replied that this would be possible.

Some relationships are readily apparent irrespective of the ability to view spreadsheet formulae. For example, twenty-four (24) properties (Column 5) require grinder pumps. Therefore, each of these properties is assigned a grinder-installation cost (Column 22). A direct dependence exists for all of these properties (all located in the West District).

With respect to likely betterment assessment costs (Column 17) past discussion indicated that these are entirely flow-based. Flow-values (Columns 6 through 10 and 13) are used as input to generate betterment units in (Columns 11 and 14). While seventy-three (73) properties by all accounts use less than one flow-based betterment-unit, in no case are these properties assessed less than one betterment-unit due to rounding up to the nearest whole unit.

The capital-cost component, global variable (Tag 1), is distributed as a function of assessed property value (Column 16) and shown (Column 20) for each property for each of five scenarios. Similarly, the annual Operations and Maintenance cost are shown.

Finally, the right most column (Column 25) purports to show annual total sewer-cost for each district parcel for the five scenarios for the given global variables and based upon WSE's build-out and cost assumptions.

Time did not permit a question/answer forum or further discussion on the five scenarios. However, attendees could see clearly wide-cost swings both by property and as the tax/betterment ratio for the five scenarios is altered.

Craig Blake asked committee members to choose five properties and fill out the cost sheets, and to bring the results back to the next meeting.

- **Vote to Recommend New Members (not posted – Part II)**

Before closing, Craig Blake went back to discuss Stephan Eppich as a Route 20 Sewer CAC candidate. Mr. Eppich has been attending the unofficial meetings (quorum lacking) over the summer months and as such his credentials are known. (BA, MBA, thirteen-year resident employed as an economic executive and analyst to retail industries who wants to get involved in Town initiatives believing his experience will serve the Route 20 Sewer project well.

A MOTION was made, SECONDED, and unanimously VOTED in favor of (See Part I above for context).

- **Schedule Meeting**

The next meeting is scheduled for Wednesday, October 10, 2012.

At 9:09PM a MOTION to ADJOURN was made, SECONDED, and unanimously AFFIRMED.