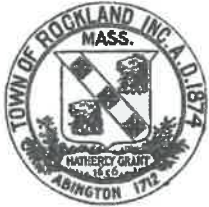


# Town of Rockland

## SEWER COMMISSION



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Charles Heshion, *Commissioner*  
Daniel E. Duross, *Commissioner*  
Douglas Cope, *Commissioner*  
David P. Taylor, *Interim Superintendent*

**Remote Teleconference**  
**Recorded for Public Playback on WRPS**  
**(local cable access tv)**  
**[www.wrpsrockland.com](http://www.wrpsrockland.com)**

**Rockland Sewer Commissioners Meeting**  
**March 3, 2022**



In Attendance: Chuck Heshion, Dan Duross, Sherri Vallie, Tony Riley and Mary Parsons

### Introductory Remarks

Chuck Heshion.

***Motion made by Dan Duross, 2<sup>nd</sup> by Chuck Heshion, to begin the meeting at 7:00 pm, March 3, 2022. All in favor 2-0.***

Chuck Heshion will be on the agenda next week at the Capital Planning meeting to discuss the financial affairs of the Sewer Department, requesting funds from the undesignated fund balance.

Wright-Pierce will be providing an overview of the CWMP (*Comprehensive Wastewater Management Plan*) at our March 24<sup>th</sup> meeting. Please email any questions to the Sewer Department prior to the 24<sup>th</sup>.

### Sewer Ordinance February 2011 Application Requirements

Chuck Heshion would like to tie up loose ends with the permitting process. The moratorium went into effect on July 1, 2021. Some permit holders were approved prior to that date, and they need to be accommodated. Chuck Heshion would like to develop a procedure for future projects to be added to the permit waiting list.

The Sewer Ordinance currently provides for (2) years where a permit is active. Chuck Heshion feels that this portion of the Sewer Ordinance has not been strictly enforced and he'd like to see that changed. He explains that when developers have a project, they approach the Planning Board; the Planning Board issues a Form-K to departments that are impacted by the project, for sign-off. The Sewer Superintendent historically has reviewed the technical specs and states that the project meets the minimum requirements of the Sewer Department. Chuck Heshion wants to add the project to our list

after the project has been approved by all Departments and the Sewer Commission has had a chance to review final specs, not when the Form K is first received at the Sewer Department.

Chuck Heshion also feels that the language of the Sewer Ordinance is ambiguous regarding the one-time remediation fee to the town in lieu of waiting and needs to be clarified; especially the 11:1 ratio language that the town proposed in the 2006 corrective action to the DEP.

He also wants to add language where any approved projects would require the developer to come before the Board in (6) month increments to allow for the Sewer Commission to ensure that the project is moving forward and any changes to the project do not happen without oversight of the Commission.

Chuck Heshion believes that we do not have the authority to make changes to Zone 1 and Zone A language as those parameters are set by the regulating authority (DEP). Chuck Heshion would like to add additional approval after the Board of Selectmen approval.

Chuck Heshion's understanding is that the industry standard for a lateral is 6". He does not agree with David Taylor's assessment of 2" going into a grinder pump meets the industry standard. Chuck Heshion wants to develop a form that is signed by the owner, the drainlayer and the Superintendent. The form would include a requirement for a 10 year inspection after the initial tie-in.

The applicant can only get on the waiting list for a new permit after the Sewer Board of Commissioners have reviewed the stamped plans in the appropriate time-lines and all of the requirements are spelled out in the ordinance. The Form K, as we currently utilize it, does not guarantee a spot on the sewer waiting list for new connections. It does serve to let the Sewer Commission know that the project is in the pipeline.

*Suggested changes:*

The longest time you can be on the list, without connection, is one year. Project plan changes must be brought to the Board within 60 days of proposed changes.

The Sewer Ordinance is a moratorium. Currently we are at 4.1 MGD currently; our limit is 2.5. The EPA wants us to respond any time that we are over 80% of capacity, which is 2.0. We probably will not be able to approve any permits for another year or more until we lower our GPD per the moratorium. We currently have no development, so we're not generating development fees. We recently implemented a user rate increase. We have a rate study in progress and a CWMP (*Comprehensive Wastewater Management Plan*) that will be blended into the rate study. This process will determine what rate we need to charge going forward.

Project approvals prior to July of 2021 should be notified regarding the change to the Ordinance. They will have 6 months to begin the work on their projects or they will become subject to the revised Sewer Ordinance moratorium and may require a grinder station.

Chuck Heshion gave the following example: for a project requiring 5,000 GPD, we would need to have 55,000 GPD available per the 11:1 ratio in order to approve the project.

Chuck Heshion referenced testimony from 2004 where Aquarion stated that we were 200,000 gallons per day over capacity at that time, illustrating that we've had over capacity issues over the last 18 years. A quick analysis to the EPA stated that we've removed 500,000 gallons over 15 years. This equals just over 33,000 gallons per year.

Chuck Heshion is expecting problems from the town with his expectation that any and all meetings of developers with large projects that require tie-in to sewer be in open public meeting with the Rockland Board of Sewer Commissioners or a (voted on) delegated member of the Rockland Board of Sewer Commissioners.

Zone 1 and Zone A need DEP/EPA approval to be waived. The Sewer Superintendent does not have the authority to issue sewer permit connections. The Superintendent can only state on the Form K that we have the flow available, and the design meets the current design and spec standards.

Chuck Heshion would like the Addendum page 71 updated. Tony Riley (land attorney for the town) mentioned that rules and regulations may be voted on by the Sewer Commission. If it is truly an ordinance it would require a vote at town meeting.

With no evidence that the Sewer Ordinance was voted on at town meeting, the sewer ordinance could be renamed as rules and regulations and would only require only a vote of the Board of Sewer Commissioners to make changes.

Rules and regulations are enforceable even during an appeal. The board can enforce their own rules in rules and regulations.

Chuck notes that on Section 16 page 71 of the Sewer Ordinance it states revised, passed and adopted at a duly authorized meeting of the Board of Sewer Commissioners (*February 2011*). He asks Tony to review Section 16 item B "Any rules and regulations consistent with this ordinance may be adopted and/or amended ....."

Tony Riley believes that all of the additions to Section 10 are ok. Chuck Heshion asks if Town Counsel needs to sign the changes. Tony Riley feels that is not necessary, although he advises that someone familiar with the technical aspects may want to review it.

Mary Parsons commented that Zone 1 and Zone A comments should not be included in the changes. Chuck Heshion agrees to remove those changes.

### **Moratorium Modification Discussion**

Chuck Heshion wants to ensure that those approved projects before the moratorium went into effect are not financially hurt.

### **Superintendent Search Update**

We have (3) applicants. Interviews will be scheduled after the town elections when we have a full Board. Chuck Heshion will ask Stacey Callahan to share copies of the resumes to Dan Dross.

Chuck Heshion wonders why we're so light on applicants; he wants to review the Suez contract for an option for them to manage and see if they can run the plant from soup to nuts, reporting into the Sewer Board of Commissioners. He will follow-up with Legal. Any decision would be by vote of the Board.

The last Superintendent was hired as an employee-at-will through the Town. Chuck Heshion wonders if we should go back to a (5) year contract with a (1) year probationary period. Chuck Heshion has contacted the Attorney General to run a seminar on model Water and Sewer Commissions. He will provide (9) copies to Robyn to be available. Chuck Heshion feels there is a mis-understanding of

responsibilities and wants to ensure that everyone knows that the Sewer Commission is the *end-all-say-all* when it comes to the permits and the Department. In 2004, the Sewer Commission was cited for failure to supervise the Superintendent and the Department appropriately. Chuck Heshion says he's been accused of interfering with the Department and states, he's not trying to run the Department but he will be asking the questions. He also says the Water and Sewer Departments are the only true Departments that report to the public.

Chuck Heshion asks Dan Duross to forward any questions or changes to the Ordinance through Robyn.

***Motion made by Dan Duross, 2<sup>nd</sup> by Chuck Heshion, to adjourn at 7:50 PM. All in favor 2-0.***