



APPROVED

RELEASED

MINUTES
SELECTMEN'S MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
MONDAY, AUGUST 30, 2021
6:00 PM Regular Meeting

SELECTMEN PARTICIPATING: Michael MacAskill, Larry Ballantine, Donald Howell and Mary Anderson

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER: Chairman MacAskill called the meeting to order and invited attendees to join in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS:

- A. Announcement of Non-Resident Taxpayer videos available on the Town of Harwich website

Town Administrator Powers announced the availability of the Non-Resident Taxpayer video. In years past an Annual Non-Resident Taxpayers Meeting has been held. Last year, due to COVID it was not held in person. However, an offshoot of that is that the video was very well received. Based on that and working with Jamie Goodwin and Caleb Ladue, our Channel 18 team, many department heads and Town Administrator Powers participated in that video. It is now available on the town's website and if anyone has any questions they can reach out to staff.

CONSENT AGENDA:

- A. Vote to accept a gift from the Ora Gaylord Arooth Trust to the Community Center in the amount of \$11,400.00

Mary Anderson moved to approve the Consent Agenda as presented, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye by roll call.

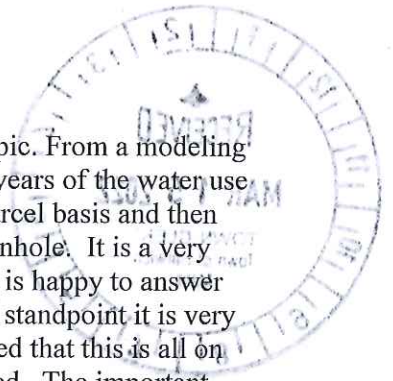
NEW BUSINESS:

- A. Presentation by GHD - SewerCAD Model Review

Russ Klekamp Engineer with GHD and Jim O'Brien Designer were present along with Mark Drainville and Lenna Quackenbush. They are all part of the team working on the Sewer Model for the Town of Harwich. At the last meeting Mr. Klekamp shared some locations for pump station sites. They are putting together a Sewer CAD which stands for Computer Aided Design. The model designs the sewer system by putting in the input to start. The most important is where the pump station locations are. There are 32-33 pump stations sites with the question of how far they could extend gravity sewers with a maximum depth of 20 feet. Mr. Klekamp described the Google Earth Screen that he was showing and what the colors represented. Some are gravity systems and others are pump station locations. He also described various options for the different areas. There are some areas that they will have to make decisions on tonight. What is critical with this is that it is broken down into small sections and gone through piece by piece. Last week was the pump station locations. Tonight discussion is about the extent

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of the gravity sewer coverage. The next step talks about the flows which is a hot topic. From a modeling perspective the flows are simply input. The way this is done is to look at the last 5 years of the water use information, take the highest year of water use information and go on a parcel by parcel basis and then assign it to the parcels you see on the screen. That then gets assigned to a sewer manhole. It is a very accurate way to put the flows in. The question then is, what about future flows? He is happy to answer questions about it tonight but it is a little premature at this meeting. From the model standpoint it is very simple to put flows, change flows, and do different scenarios. Mr. Klekamp explained that this is all on Google Earth and by clicking on a manhole, all the information about that is provided. The important piece is depth. This is based off Lidar information which is topographic information which is accurate to plus or minus 6 inches. There are an additional 3 from what was presented last week and the locations were described. This model is being developed to satisfy the town's obligation to develop a design for conventional sewerage. Because Division Street divides Harwich and Dennis, they reached out to the Town of Dennis thinking in the future they may tie into the system. They extended the Sewer CAD model into the Town of Dennis to see what is feasible if a sewer line is run down Division Street. If Dennis contributes flow into Harwich and then Harwich contributes back to Dennis, there may be a balance that would benefit both towns. That is later down the line but it was taken into consideration.

Mr. Howell asked for clarification, Mr. Klekamp mentioned Rte. 28 and Town Hall a number of times.

Mr. Klekamp clarified that he was referring to the Chamber of Commerce parking lot on Rte. 28.

Mr. Ballantine commented, when taking about low pressure areas and the options, one was to put in low pressure pumps. The second was to go somewhere else. What we're going for is to remove the requisite nitrogen. He asked if that means we have to pick up some areas elsewhere.

Mr. Klekamp replied yes, that'd be one of the first decisions made. They would look at the nitrogen removal rate within that watershed and if they need to sewer it then they won't. But if those parcels need to be captured to meet nitrogen removal rates, the decision would have to be made to either put the sewers deeper, do we add a pump station or do we look at low pressure technologies.

Kathy Clobridge commented that she doesn't get the acronyms and asked for clarifications.

Mr. Klekamp explained that IA is innovative alternative which is an advanced type of septic system for an individual property. Right now we have title 5 septic systems which don't remove nitrogen, the wastewater coming-out of those can have 30-50+ milligrams per liter of nitrogen concentration. An innovative alternative system gets it down to roughly 10 milligrams per liter which is a tremendous improvement over traditional septic systems. An IMA is an inter-Municipal Agreement. When there are multiple towns that share wastewater services, the 2 main ways they come together is either through regionalization (the DHY regionalization project) or they can have an inter-municipal agreement. Right now, the Town of Harwich has an inter-municipal agreement with the Town of Chatham to pump x amount of gallons a day to the town. TMDL is the total maximum daily limit.

Clara McCardy asked if the large areas of town that aren't colored at all are ineligible for gravity fed sewer or are they areas that don't need nitrogen removal.

Mr. Klekamp replied that the town had provided them with the figure of defined areas for sewerage. What you are seeing is literally the defined outline of what they were asked to sewer.

Mr. Ballantine explained that they have gone from the initial of trying to sewer everything to what would have to be sewered to meet those limits. That is why they don't sewer all the areas and also how they could move somewhere else if they needed to.

Mr Klekamp explained that they start this in Autocad which is a different software and they laid everything out. They started with the sewer mains and profiled everything. He explained the graph on the screen. That information then goes to GIS which is Graphic Information System. It is then exported as a file into the sewer CAD software. It is a conceptual sewer design for all the wastewater infrastructure for the Town of Harwich which is a tremendous amount of information, very useful to have.

Marilyn Kavaleski asked a question, for the people who can't be gravity fed and they have the pump. If they lose electricity, are they unable to flush their toilets or is there some kind of new process that there are generators hooked up to keep the flow going?

Mr. Klekamp responded that in every town they do this their own way. One town has a dedicated crew. When there's a power outage, they take their truck with a trailer mounted generator and they go to each grinder pump and they pump that out. Is there more work from the home owner's perspective, absolutely, it's a mechanical system. But who's responsible for that system each town decides. A positive is that because they're a pressure system, they do not allow excess water to get into the system. That's known as INI which is infiltration and inflow. Also a grinder pump macerates from those homes so there are no blockages. Mr. Klekamp referred to the yellow areas on the map. They will look at the the removal rates are for nitrogen. He asked the Board their preference. Would the like to see how deep the sewers would have to be to get those areas 100%? They could say the sewers need to be 35 feet deep to run a gravity line. The number 20 feet of cover is often discussed. He explained that heavy equipment can only dig so deep but also the deeper the sewer, the more weight is on top of the pipe. Traditionally sewers are made with PVC or plastic which are corrosion resistant. He went on to explain that hydrogen sulfide builds up and can eat away at concrete and the metal pipes. When you have to go deep, the PVC may not be strong enough and then a ductile iron or iron pipe. There are other things to think about when you go down to 30 feet. Besides the pipe, it's an issue if something breaks that far down. That is why they try to keep it at 20 feet. For the yellow areas they could also show where to add a pump station. The average number of parcels for a pump house is 12-14. Some of those yellow areas have 2 or 3. They can come back with the number of pump houses they could put on those yellow areas with enough parcels.

Mr. Ballantine commented on the good points regarding the extra parcels. He would like to know the number of properties that Mr. Klekamp is referring to. An issue is who pays for what. One alternative is for the town to pay for the grinder pumps and then the homeowner pays for the maintenance. He would like to know how many grinder pumps are we talking about.

Mr. Klekamp replied that the number of parcels that are yellow is 775. He will get a number of how many buildings are in the low pressure area.

Ms. Anderson thinks that while we're in the planning stage they would want all of that information including which parcels wouldn't need to be sewerred.

Mr. Klekamp will get the requested information, the number of buildings, the number of parcels, potentially how deep the sewers would need to be if we're staying with the pump stations, and if we were to keep the sewers at 20 feet and add pump stations where would the pump stations be placed. Also the requirement to sewer based on what they're removing from other areas.

Mr. Howell mentioned one off IAs as they're doing that examination.

George Vermonet of 7 Wooded Drive in Harwich commented that there is nothing on the agenda that speaks to the letter that he sent to the Board regarding phase 2 and the elimination of Continental and

Widdah Drive from the sewer installation. He asked if they were going to discuss any of that tonight because there are many people here for that issue.

Mr. MacAskill replied that if it's not on the agenda, there's no discussion on it. When Dan Pelletier the Water Superintendent speaks, there are some recommendations that he is going to make related to the roads.

Edward McManus commented that the issue of planning comes to tradeoffs. How deep you go and how much area you cover. Some of the information is how many buildings will need grinder pumps and how many are serviced by the gravity flow. It's all about finding that sweet spot, at 20 feet this is the results you get, or 28 or 21 feet. He asked if there is a way to do that analysis.

Mr. Klekamp replied yes, one of the options we're going to look at is, what would that depth have to be if they wanted to get 100% of these parcels by gravity. What they'll come back with is, if you want to get everything 100% you'll have to go to 28 feet or 29 feet. Whatever that number is. That sweet spot is the lowest cost alternative.

Sandy McClardy of East Harwich asked about the goal and what that target is. He feels that figuring out what our goal is will play a part into how close we are. An example, how close are we to our target with the old plan and then based on our new buildup assumptions that would answer if we even need to look at some of these yellow parcels. If we're overpowering, we don't need to keep going. It's all part of the same discussion.

Mr. Klekamp agrees, all of these questions are part of the discussion. It is what is part of their scope as well. He will look at the nitrogen removal rates and work with the Wastewater Superintendent. They can then look at the model and what the extents for the conventional sewerage method have to be to meet the nitrogen limits.

Patrick Ott of East Harwich asked Mr. Klekamp if this was the plan he was given by the Board and this is what he is vetting out here.

Mr. Klekamp replied that it was in the CWMP.

Mr. Ott asked if Mr. Klekamp if he could see any variability here that could expand efficiency or if he has to stick to the CWMP layout and plan.

Mr. Klekamp replied that the next agenda item includes how they changed the CWMP which is a Notice of Project Change or NOPC. The CWMP is a guidance document which basically spells out how the town is going to manage wastewater for the next 20 years. But it is a living document. Five years from now there could be new technology. Right now we're forced to use technologies approved by Mass DEP. He also explained that as consultants, they don't make decisions for the town but they give the town the information it needs to make the decisions. If they see things in the existing CWMP that, through their experience doing wastewater planning for other towns, they see something they feel the Town of Harwich should look at, they would absolutely will bring it up.

Mark Drainville, a principal from GHD made a presentation. He has been working with the Town Administrator Joseph Powers, Town Engineer Griffin Ryder and Wastewater Superintendent Dan Pelletier, looking at the changes that were desired to be made to the CWMP, Comprehensive Wastewater Management Plan. The Harwich CWMP was completed in 2016. In order for that to go through, the town worked with a department in the state called MEPA-Massachusetts Environmental Policy Act office. MEPA deals with large projects that trip environmental thresholds. An example would be extensive

sewering. He has been working with MEPA as part of this discussion. In earlier discussions with Mr. Pelletier and Mr. Ryder, a series of items came up that would be desired to be looked at again. One was to take a fresh look at the growth assumptions which would be a combination of population projects as well as developmental growth. The second one was to take a look at IA Systems, Innovative and Alternative onsite septic systems. Since the CWMP was done in 2016, newer IA Systems that are approaching lower limits are closer to a reality. They are in a provisional approval state within the state. In 2 or 3 years they may be allowed to go onto properties. Other things that have changed since 2016 is the landscape of working with neighboring towns. An example would be the DHY or an inter-municipal agreement. Another opportunity may be to work with Brewster and collect some flow from them. Another major item would be to look at project costs again, to take those costs and work with the town's Finance Department to figure out how they can be implemented and worked within other major expenditures of the town. And then to continue town presentations and ultimately document the findings in a report. The report that is likely to be needed in this particular case is something called a Notice of Project Change. That is a term that NEPA has for changes to an approved CWMP. MEPA's recommendation is that the town go through some of the initial reconsideration of growth and IA Systems and to see what potential impact that may have on the plan itself. That'll go back to MEPA and they will provide some final guidance on what would be needed to document all these changes. The document that GHD provided has some very specific tasks that they generated based on the general list of potential changes. It's not fully defined but they have a good idea about what's likely to be needed based on their conversations with the state.

Mr. Howell commented that what predicated this included what appears to be an egregious error in East Harwich when it's compared to what's actually allowed for growth factor. He hopes they hold that thought in mind.

Mr. Drainville replied that what they'd be doing in the first part is to make sure it's all properly documented, growth projections and working closely with the town. He is aware of what Mr. Howell is referring to and they have that in mind as they are working through this.

Mr. Ballantine commented that there was a discussion going on at the time for an East Harwich building center which was added onto and what the growth factor was based on zoning as an outlier. That somehow has taken center stage and that's the number everyone is talking about. That showed a 41% growth but if you use the same growth factors based on what would be allowable in zoning, that actually drops down to 14%. There is a misunderstanding that they have not communicated well and he agrees that needs to be corrected going forward.

Ms. Anderson commented that she likes the 3 tasks and subtasks and she assumes that once they get started, one will have a deliverable date with them.

Mr. Drainville replied that the schedule is on the last page of the packet.

Ms. Anderson directed a question to the Town Administrator regarding the start date of December 1st. She asked if that had something to do with funding.

Town administrator Powers replied that yes, it does. The companion item coming up next is discussing whether this should come before a special Town Meeting October or if the Board wants to talk about it for the spring Town Meeting.

Mr. Klekamp mentioned that the memorandum in the packet is a draft memorandum, not a contractual agreement. They can add or subtract as needed to meet the goals of the project.

Mr. Ballantine commented that going through the process initially, MEPA has the final word. But they also worked with the Cape Cod Commission. He asked if they have a role on the change document as well.

Mr. Drainville replied that yes they would. The Cape Cod Commission would be an entity that would be involved. He focused on MEPA because they are the final authority and everyone gets involved through them.

2. Discussion and possible vote to include this topic in the Special Town Meeting or Annual town Meeting Warrant

Town Administrator Powers referred to the memo he sent a few weeks ago and this topic was the first bullet point. This is the primary reason they are contemplating a Special Town Meeting. They need to seek an appropriation to fund the tasks they've outlined. It is the critical next step getting deeper into the CWMP and modifying it to reflect where we're at and where we want to go. In the memorandum, there is a price range of \$250,000.00 which was anticipated. He referenced the American Rescuer Plan Act and whether this is something that may be eligible. Within that is an infrastructure that applies to wastewater.

Ms. Anderson commented that she would like it on for the October meeting.

Mr. Howell commented that he wouldn't want to vote on a project unless he knew what they were building and why they were building it.

Ms. Anderson moved to include this topic in the Special Town Meeting October 18, 2021, 2nd by Mr. Howell.

Mr. Klekamp noted that the range of \$200,000.00-\$250,000.00, they would recommend it being set up as an hourly contract. Some projects are lump sum but this way if they don't spend \$200,000.00 they won't bill for that.

Mr. Howell notes that they are not debating the article right now but rather instructing an article to be developed to be placed.

Clare McCurdy thanked Mr. Drainville and Mr. Klekamp. She has worried about this but has a really good feeling about what they've laid out. She appreciates how they communicated it, it is reassuring.

The vote was 4-0-0 with Ms. Anderson, Mr. Howell, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

Town Administrator Powers noted that the discussion that was just has, both items A and B and the vote that was just taken, is a significant milestone. There was a time when the Board was contemplating taking action at the Annual Town Meeting in May 2020, long before we were concerned about COVID-19. We as a town and an administration struggled with that issue. As we've gotten through the months of pandemic we have always contemplated some item to come back before the town in the form of Town Meeting. That is this topic tonight and it is significant. There has been radical change from where the town was 2 years ago, but in a good way.

C. Update from Pleasant Bay Alliance on the Watershed Permit Status and Watershed Modeling

Carol Ridley, Coordinator for the Pleasant Bay Alliance presented the update. The Alliance was formed by the towns of Harwich, Chatham, Brewster and Orleans in 1998 and oversees a research management plan for the Pleasant Bay Watershed. A major focus of their work over the past 20+ years has been the issue of nutrient pollution in Pleasant Bay. She is here to talk about the status of their work under the Pleasant Bay Watershed Permit. Also they have received some implementation support in grants from Southern New England Program which is a program of US EPA, administered by Restore America's Estuaries. She is joined by Allen Thompson who is appointed to the steering committee along with Dorothy Howell, Mike Giggy and Wright Pierce who is a technical consultant to the Pleasant Bay Alliance. She reported progress on the Watershed Permit. A copy of the most recent annual report is in the packet. Discussed were the findings of studies funded under SNEP (Southern New England Program) Watershed Grants to support non-traditional technologies and the updated MEP model. The next step is for Harwich to focus on the use of additional SNEP resources in support of the Town. Ms. Ridley shared numbers and percentages of nitrogen removal responsibility divided between the towns with Harwich responsible for 25% of the total. All the towns are making progress towards the goals outlined in the Watershed Permit. Harwich has a plan in place to remove nitrogen. She explained what the different towns are doing, their successes along with ideas that have not worked. They are framing out what some of the program might look like and how it'd be structured. The model that is underpinning all of the Comprehensive Wastewater Management Plans for all towns on Cape Cod was shared. It is the basis for establishing the total maximum daily loads. As a result of this model update they have much better information for towns to use to assess all of the new ideas that'll come from the CWMP revision. The gist of this effort is to achieve nitrogen concentrations in the water column, in the water they monitor, certain levels at certain stations throughout the bay. With the targeted Watershed Management Plan and the new model, 7 out of 8 stations comply. This is good information to help our towns refine their plans. In the process, they have found that there is more watershed load in the watershed at Pleasant Bay but there is increased flushing so that balances that out. The new actuation factors are of most concern to Harwich and Brewster. They found 2 areas in the system where attenuation rates changed significantly. This has a direct bearing on what the town's credit would be for the nitrogen management actions that are proposed. She explained how that takes place, specifically involving Muddy Creek and Tar Kiln Creek. It has a positive effect for Harwich and a negative effect for Brewster. It is a topic that deserves more attention and more study to understand the implications. Because of the significance of the new information and the millions of dollars potentially it could mean for our communities, they want to give the best information possible. In terms of where Harwich is in the process, the graph shows 1622 kilograms per year of removal at the end of this year. To sum up, things are on track with the potential Harwich has met its 5 year total early but that's a gross target that doesn't look at the individual for sub-watersheds. Projected growth and development are big factors, nitrogen load will be amply taken care of and not kick Harwich out of compliance with the total maximum daily loads.

Mr. Ballantine commented that the presentation had quite a bit of helpful information, including on attenuation. He looks forward to understanding that and the implications.

Ms. Anderson asked for an explanation of nitrogen trading and asked if it means cash for nitrogen removal between towns.

Michael Giggy, who is leading that study explained that part of his job was to look at the four Wastewater Management Plans. There are a lot of differences in the assumptions and expectations with respect to nitrogen removal. Of the four towns there are 7 different technologies involved and 11 different projects. He took the 7 technologies and tried to figure the costs and he found a broad range. Some were as low as \$300-\$400 per pound for towns like Harwich who is sewerage and as much as \$700-\$750 a pound in towns looking at nontraditional technologies. There is very little interaction between towns to compare notes or to help each other. The theory is that if a town could do more of the low cost technology on behalf of another town, who would do less of the high cost technology, there'd be some net savings. If the

towns would cooperate there could be a lower overall cost savings to the buyer of those credits and an income to towns like Harwich that might be on the selling side of that equation.

Mr. Howell commented that he is extremely grateful that this alliance was formed in the late 1990's. This is the framework so the public understands this, it's more than a generation of hard work that's gone into this.

Mark Kelleher from Harwich commented that there's an over wash on North Beach opposite Chatham Bars Inn. He asked, if that becomes a break, how soon would that additional flushing out of Pleasant Bay be reflected in your figures and is it a viable option that it would have a positive effect on the Pleasant Bay nitrogen levels?

Ms. Ridley replied that all of those natural changes in the hydrodynamics have impact. Their website has a whole section of hydrodynamics and on the changes that have already happened. It is difficult to predict what the implications of that would be but the 2007 inlet is becoming the dominant inlet in terms of the upper portion of the system.

Patrick Otton from East Harwich asked how the changes that are being recommended occur and if it means going back to the CWMP and making changes there.

Ms. Ridley responded that their model is a collaborative one, all the towns are part of their conversations about this. It's a process of sharing information, getting new science and presenting that the communities. It's up to the communities to make the decisions.

- D. Update from the Superintendent of Water and Wastewater
 - 1. Recommended next steps
 - 2. Nitrogen attenuation rates

Dan Pelletier Superintendent of Water and Wastewater spoke to residents in East Harwich who were sewered under contract. He had a substantial completion walk through for construction contract one. That was Robert Ours' contract that was mostly Rte. 39 and Rte. 137. Once they get past completion, the next hurdle is to have customers come on line. The Board of Health is working on a sewer connection regulation. That is important because in order to be eligible for the up to \$6,000.00 tax credit, residents have to be mandated to connect to the sewer. There are a couple of properties in East Harwich that are under mandate already or they are otherwise new construction and not eligible for the tax credit. He has made contact with a number of builders to get those people on line. They will be mailing out a package including the stub card to be provided to your registered sanitarian or engineer to complete the design of your sewer service. It will also have the do's and don'ts of sewer, a list of approved installers, registered sanitarians and engineers. He called attention to the August 3rd Cape Cod Times article stating that Yarmouth was intending on moving forward on their own to construct a wastewater treatment plant. That plant is proposed to be on Buck Island Road which makes it conceivable less feasible for Harwich to send the effluent to a DHY plant in Yarmouth. There is still a regional option with the town of Dennis. This allows us to refocus on East Harwich and our obligation to remove nitrogen through the targeted Watershed Management Plan. A slide was presented with the implementation schedule from the Watershed Permit with the alliance. For the success of the CWMP the removal has to occur where the 4400 kilograms is on the map that Mr. Pelletier showed. It is distributed among four individual watersheds. He described the areas and the amounts in each and he explained how the nitrogen attenuation rates impact the sewerage program. Attenuation rates have changed over the years and this time they changed for the better. He feels they should move quickly to develop a new partial phase 3, with the passing of a pending trillion dollar infrastructure bill, Harwich would be best served to have a shovel ready project when that funding is distributed. He also talked about the Continental and Widdah

Neighborhood Association and the only ones to hire an engineer due to what the town had told them. In his opinion, the town should make them whole either through sewerage that neighborhood or through reimbursing the association. He recommends that Harwich make plans to meet baseline nitrogen removal in the Pleasant Bay and Round Cove sub-watersheds. He also recommends appropriating money at a Special Town Meeting this fall due to the infrastructure bill passing. It's important for the town to consider formally putting a dry pipe on Route 28. The Water Department is currently working on a watermain project from Lower County Road to the Dennis town line. Mass DOT is planning to pave Rte. 28 from the Dennis town line to the Herring River Bridge. There is going to be a 5 year road cutting moratorium and ultimately if we don't get that backbone down there we're locked out of doing anything west of the Herring River. Harwich should look to work with Dennis on a regional solution and draft an IMA with Dennis while looking to utilize the full capacity of what has been purchased in Chatham. The capacity that Harwich purchased in Chatham is the cheapest we will get any gallon of wastewater treated.

Mr. Ballantine commented that working with Dennis he sees 2 options. One is a regional plan and 1 is an IMA. With regional we're sitting at the table as its being formed but with an IMA often times is looked at as one town being a whole city and the other town buying into that. He would rather be on the front of that rather than having to pay impact fees.

Mr. Pelletier explained that there is a difference between Harwich's and Dennis's plans that could make a conversation about a regional plan interesting. He based his recommendations on what Harwich has said which is that Harwich is sewerage not for economic purposes but to remove the nitrogen to satisfy the TMDL's. Dennis is looking at this from an entirely different perspective, they are looking at economic growth.

Mr. Ballantine appreciates using existing flows in the diagrams for how we're moving forward. He feels that what we could do with current zoning and not building beyond that or planning for extensive large developments should be taken into account when looking at flows.

Ms. Anderson asked Mr. Pelletier how receptive he thought Chatham would be, she wasn't aware that it was specific to 2 watersheds.

Mr. Pelletier replied that he had that discussion, it's not a no, and it is a conversation that needs to be had. Also we have the capacity with what we've purchased in Chatham to handle the flows from Continental and Widdah.

Town Administrator Powers noted that on the Selectmen's Meeting on August 23rd, they voted Amendment Number 1, the Chatham Harwich Inter-Municipal Agreement as it relates to wastewater. The Chatham Select Board voted 2-1 Tuesday evening to that amendment. That was the result of the IMA work group that Mr. Pelletier, Mr. Ballantine and he are a part of. When they first broached this subject, they wanted to get through Amendment Number 1 and they knew of this meeting. We will be able to reach out to Chatham to initiate the conversation as early as next week.

Mr. Howell commented that this is a professional look at this as compared to 4 or 5 years ago. Words like partnership and control have meaning to people in the audience and taxpayers in general. The approach to come up with a DHY in its prior context was creating a new entity that no longer allowed any towns to have an opinion on anything. It was run by its own Board. If we could come up with a regional approach with something more analogous, he would be willing to look into that himself.

Mr. Pelletier commented that they could have had an annual water District meeting like the Dennis Water District does. Their water system is independent of the town government and they have their own meeting.

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Mr. Howell noted, that is not what DHY was, there was no place in that agreement for an annual meeting where the public could come and give their opinion. He fought hard to codify in the agreement that the Boards of Selectmen would have to approve the budget each year but that was only with public input. He feels this should be based on a democracy and that was not what was occurring. Regarding the Continental Widdah Association, the prior administration didn't cut off the letters being sent out from private businesses to those residents. He would like to know how much it would cost to complete the sewerage in those areas versus buying out the expense that they have already laid out.

Mr. Pelletier hasn't put that figure together yet but it would be millions less to pay them back the \$40,000.00 they invested.

Mr. MacAskill commented that they also have to look at the IAs vs sewer system. We're going to remove more nitrogen with a sewer system than with the IAs.

Town Administrator Powers added that the last official meeting that entity had was Friday, June 18th of this year. At that meeting he had said that he would report back to his Board and as we did our process, he would keep the lines of communication open. What we're talking about is a concept that exists in Harwich but we are ready to have conversation when the Board finds it advisable.

Mr. MacAskill commented that he appreciates the recommendations that Mr. Pelletier made. Harwich is in the race and doing better than most towns on sewerage, the DHY papers never made it out of committee. He asked Mr. Pelletier how many gallons a day he anticipated going to Chatham with phase 2 contract 1 and 2.

Mr. Pelletier replied that it was around 80,000 for both fully connected.

Mr. MacAskill noted that the Town of Harwich purchase 300,000 gallons a day capacity from Chatham and we're paying fixed costs on 300,000 gallons per day. He feels it's incumbent upon the Board to do what they can in East Harwich and other parts of town and renegotiate with Chatham to send from other parts of town before we buy into another plan. He asked where Continental and Widdah are compared to Bascom Hollow.

Mr. Pelletier showed a slide with a map that shows the area and said they've already gone past on both sides.

Mr. Howell noted the 5 year moratorium coming up once they open up and reseal Route 28. He feels at some point it would be advantageous to have some piping there. He suggested they should know the number of what dry pipe would cost and then it can be evaluated.

Martha Donovan, a resident on Continental Drive and Secretary of the Pleasant Bay Home Owners Association which represents the 57 houses on Continental and Widdah, clarified the record. They did not move forward with the stub plans because there was some unscrupulous engineer. There was a town meeting in the fall of 2018, they were sent letters from the town in 2018 to have the stubs, if they wanted to, available for the March 2019 phase 2. They moved forward based on information the town gave them and she wants to make that very clear. As far as transparency and communication, they still have no idea why they were taken off of phase 2. They understand that there was a money issue but there was some selecting that went on underneath there that they were totally blind to. Also, this should be taken under consideration. That neighborhood was built in 1985, it's 36 years old. For all of them who have a 36 year old septic system, their preference would be to hook up to the town sewer system. Their final point of concern is that what is created here. If you're looking for a house in East Harwich, you can pick a

house that has a sewer system vs a house that has a 36 year old septic system. Their houses now have less of a value long term because they're not connected to sewer. Those are some considerations that they think about as home owners that have not been brought up in terms of that map. Their neighborhood is the only one not sewerred. It will have an effect on them in the long run and that is their concern.

George Vermonet complimented Mr. Pelletier saying he was extremely cooperative and was always available when they wanted to talk to him. He stated that the first letter they got from the town was dated October 29, 2018. It clearly stated that phase 2 included their 2 roads. It also stated that they would be required to identify where they wanted their sewer stub to be located on their property line. In 2019 members of the town, Chris Clark and Charlie Sumner, visited them at their annual meeting and gave a presentation. It was not by accident, they were being told and were being proactive as good citizens of a community, backing the sewer plan. They were and are still for it. It was a suggested they hire an engineer and 40 homeowners signed up with Coastal Engineering and got it all done. They are ready and just need to know where the town is going to run the line. They want the sewers and they hope the town considers that.

Susan Gaus who lives on Widdah expressed that it's been concerning her for a year and a half, why their street was passed over. She wants to understand why their home that come right down Rte. 137 were just bypassed.

Mr. MacAskill stated that from the comments and the strong recommendation from Mr. Pelletier and the Board, they agree with what is being said. They can get them whatever answers looking back but they agree that right now the streets should be hooked up. They haven't made that decision yet but he doesn't want them to think they all have to get up, the Board hears what they are saying. They also have a lot more trust in Mr. Pelletier and in GHD than they had in the past engineer. They are making corrective measures.

Mr. Pelletier responded that the town was appropriated a total of 24 million dollars in 2018 and a lot of that was already committed. When the first construction contract went out to bid it came in over 10.3 million dollars. They expected 7.5 million worth of work. They no longer had the money to do the full phase 2 which would have included Continental and Widdah. The shed on Church Street is for the parcels noted on the map.

Jacqueline McKeehan of Widdah understands what they're saying but wants the Board to know that she bought a house here. She went to the town in 2019 and they only temporarily approved her septic system. She has to have an idea of what's going on or she will be double paying. Had she known that, she would not have bought the house. She stated that they have done her wrong as a tax payer. She was assured by the town that she was on the list. There is a problem with her septic and she only has so much time before she has to tell them what she's doing.

Mark Kelleher of West Harwich asked to return to DHY. If we were in DHY, the Harwich portion would be about 20 million dollars. If we built it on our own, based on Orleans, it'd be around 50 million dollars.

Mr. MacAskill interrupted to say that they will take this up at another meeting. This is not the time to talk about DHY because DHY doesn't exist. He suggested that Mr. Kelleher send him a request to be on an agenda to revisit DHY.

Clara McCardy has 4 different questions. She is curious how much overlap there is between the sub watersheds and the Pleasant Bay shed. She asked if you ever remove in Lower Muddy Creek, does some of the over removal help the target number for Pleasant Bay?

Mr. Pelletier responded that an over removal in Upper Muddy Creek doesn't result in us having to do less in Lower Muddy Creek, for example.

Ms. McCurdy referred to nitrogen trading. Not over removing at Continental and Widdah couldn't possibly help Brewster meet its goals. If it can't help us meet Pleasant Bay goals, how could it help Brewster?

Mr. Giggy responded that the entire Pleasant Bay is divided into 19 sub water sheds. The entire system is called Pleasant Bay Main but there is a Pleasant Bay sub watershed. With nitrogen trading it would be a question of the Pleasant Bay Main sub watershed. Harwich would remove more than its share and then Brewster could remove less than its share. The way the sub watersheds are delineated, that trade is possible. It's possible that there could be a trade between sub watersheds but it's not a one for one. There's a much reduced equivalency factor between the two.

Ms. Ridley offered that as a general statement, trades are more likely to be workable if both towns are within the same sub watershed. When you talk about separate watersheds that becomes extremely economically and ecologically.

Mr. Vermonet asked Ms. Ridley, when you do all your calculations, were Continental and Widdah included in phase 2?

Ms. Ridley clarified that they did not participate in the phasing of the work, that's within the CWMP. The numbers that she was sharing were the sub watershed loads and low load removal requirements which are needed to achieve the regulatory thresholds. The town takes that information and make the phasing of the plan.

Ms. McClardy asked if the access sewerage in this neighborhood (Continental and Widdah) would be beneficial to our nitrogen trading. On the same concept with Bascom's Hollow, a developer wanted to build cottages and should not, in her opinion, have been allowed to because the sewer wasn't there. He was allowed to put in title 5 systems which we know are ineffective and contribute to our nitrogen loading. She asked how much money we're paying for a developer's profit which eats into the woodlands and doesn't help with affordable housing or any of the goals. She would like to consider what we sewer going forward from the most ecological benefit, not to help developers and not to help Bascom Hollow avoid the expensive IAs. The idea that we can sewer in excess to sell capacity to Brewster, she's skeptical of that. She also feels they should change current zoning as a way to reach our ecological goals to clean up water rather than suggest a plan under current zoning. She asked what percent removal is needed in West Harwich area along Rte 28 where the DOT is going to be doing work. She's interested in having a conversation about areas that have a lower percent removal required and other ways of handling it besides this expensive infrastructure. If we put pipes in the ground, it'll be another place that we're committed to sewer infrastructure. We can't even have a discussion about whether it would be appropriate there and limits to growth there. The more we move forward, if we get ahead of ourselves we preclude all the conversations that we want to have to examine the different opportunities. She also stated that to quickly do something because we might get some money from the Federal Government may be a logical fallacy. She would like to see the plan really well designed for the ecological benefit and the benefit of the community. She understands that it's exciting to have our local taxes not go up but our first priority is to design this accurately, effectively and to consider the ecological impacts of where we sewer and why we sewer or whether or not we use other technologies. We could get into a situation where we have to identify a recharge site because we could be taking out so much that we have to have recharge. That's a reason to consider a smaller infrastructure.

Sandy McClardy spoke to the Continental and Widdah discussion. A lot of these homes are on what's called the Round Cove Well.

Mr. Pelletier corrected that it's Lower Muddy Creek not Upper. There are no homes on Continental or Widdah on well water.

Mr. McClardy commented that he has looked at the map extensively, he's missing some key things from the map he had but there are a lot of homes that were in contract 3. He feels those homes should not be sewerred because their nitrogen is not going to the Bay or the watershed. They are going to the well. We're getting credit for it even though we're not actually improving the Bay. The idea of overpowering is concerning to him because the people on Continental and Widdah are not paying for the sewer, they're paying a portion of that. We're asking the town to pay for this. He feels bad and it sounds like a botched communication with this neighborhood, we're asking hard working people in other areas to pay for this. Ultimately the fiduciary is to the whole, not just one little neighborhood. Regarding the attenuation in Upper Muddy Creek, it looks like we're not getting the attenuation from the fresh water system. We would be getting more credit now because of our sewer. This still leaves the question of our actual target which hasn't changed. He commented on the attenuate and losing the benefit of that as houses are sewerred. He suggested they show caution and not get too excited that now we're getting all this credit, whether it's removed by sewer or freshwater systems, it's all got to get removed.

Mr. Pelletier commented that they have to get to Pleasant Bay somehow. Whether it's up Church Street or Rte. 39, we have to remove nitrogen from Pleasant Bay and Round Cove, to improve our removal efforts along the way makes sense.

Mr. MacAskill asked Mr. Pelletier what he needs from the Board to continue with recommended next steps.

Mr. Pelletier responded that it is his understanding that the Board would like to see an estimate of what it would cost to sewer Continental and Widdah.

Mr. MacAskill replied that an overall plan would be more accurate. They'd like to look at what the next contract 3 would look like obviously including what they have discussed tonight. They need to look at some numbers and also a dry pipe number for Rte. 28.

Town Administrator Powers asked if the Board is directing the subgroup to engage in those conversations with our partners in Chatham.

Mr. MacAskill polled the Board and they all answered yes.

E. Discussion-Wastewater Funding

Town Administrator Powers referred to the agenda and the discussion on Wastewater Funding and the next item, the Water Infrastructure Investment Fund. They are tied together and given the late hour, he was hoping to put out into the public sphere some of the funding sources or opportunities that may exist for wastewater. By not having an in-depth discussion tonight we will not be doing a disservice because you'll be getting a draft warrant next week at the regular meeting for a Special Town Meeting which will include discussion on the Wastewater Investment Fund (WIF). As an end point to tonight's discussion, this was a discussion they were hoping to have in a room full of people without masks to begin the discussion of where we go from here. We have discussed a funding source that did not exist a year ago which are the Arbor Funds. There is information in your packet on the WIF.

Mr. MacAskill clarifies that there are 2 funds being considered. He asked that they be given an over view so that they can get a consensus from the Board and move forward.

Town Administrator Powers started with the WIF. It is an infrastructure fund that exists. The materials of the Department of Revenue and Division of Local Services provide, it can also be used to impact upon Wastewater. The town may contemplate establishing a water infrastructure fund when our Land Bank payments subside which is FY 2024. The town can earmark a percentage to fund the Land Bank and that is capped at 3%. As we go forward the town and the Board would have to contemplate, do we want to establish this investment fund and if so what is the threshold percentage of tax revenue that we want to divert into the fund and do we want to do what other towns have done and impact upon their CPC allocation by reducing our 3% to a lower percent and using the difference as a percentage to fund this mechanism. He is working with counsel to draft the language that could be contemplated for October but we have to have a deeper discussion at the Board level next week.

Carol Coppola Finance Director spoke regarding the WIF. The only other revenue that can go into that fund is investment revenue. This would be in the hands of the Treasurer who would be responsible for investing those funds. The land debt is winding down quickly and in FY24 the debt payment will be about \$165,000.00. 3% of a surcharge on real estate taxes is about 1.5 million that goes into the CPC funds.

Town Administrator Powers continued that the Special Stabilization Fund was an article being contemplated for the May Town Meeting that just passed. It is a stabilization fund but specifically related to and earmarked for wastewater infrastructure. It's governed by Chapter 40 that also governs the WIF. There are certain parameters that the town has to be aware of. To draw out of that fund requires a two-thirds vote a town meeting. It is meant to be a super majority act of Town Meeting and for a very specific purpose. One of the directives from the Board was for staff to look at funding opportunities that aren't directly related to the operating fund or the general fund and certainly beyond debt exclusions. Finally to give comfort to the public at Town Meeting that we have a better handle on what we're doing and looking towards the future of how to fund this.

Mr. Howell commented that it sounds like something we should be looking into. Other towns are already acting on it.

Mr. Ballantine feels we need a good public discussion on it so now's the time to start. He asked Mr. Howell to bring them back to procedure for money for seeking funds from the Clean Water.

Mr. Howell responded that he fought really hard to make sure that everybody would get something. The fact that we've gotten more than a million dollars in the first round was indicative of that. We had finished a project and we were eligible to be considered because it was an eligible project. Anything new, we'd have to go back to the end of the line again and cue up with all the other towns.

TOWN ADMINISTRATOR'S REPORT

No report

SELECTMEN'S REPORT

No reports

Mr. Pelletier thanked Ms. Anderson for helping them get the telephone pole on Church Street in front of the pump station replaced. They tried for months to no avail and a few phone calls from Ms. Anderson and they were out there the next day.

August 30, 2021

Mr. Howell moved to adjourn.

Respectfully submitted,

Judith R. Moldstad
Recording Secretary

August 30, 2021

