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TOWN CLERK  
HARWICH, MA

2022 APR -5 P 1:14

MINUTES

HARWICH BOARD OF SELECTMEN  
Regular Meeting 6:00 P.M.  
Tuesday, December 8, 2020

APPROVED

RELEASED

**SELECTMEN PARTICIPATING:** Larry Ballantine, Donald Howell, Michael MacAskill & Ed McManus

**ALSO PARTICIPATING:** Interim Town Administrator Joseph Powers, Dan Pelletier & Griffin Ryder

**CALL TO ORDER**

Mr. Ballantine called the meeting to order at 6:00 p.m. The vote was 3-0-0 with Mr. Ballantine, Mr. Howell & Mr. MacAskill all voting aye by roll call.

**NEW BUSINESS**

Mr. Powers stated that he has been working with the Wastewater Superintendent Dan Pelletier, Town Engineer Griffin Ryder & Finance Director Carol Coppola on items relating to wastewater. The plan is to get information to the Board and then to the general public. Mr. Powers is aware that the Board is looking for an update on the Inter Municipal Agreement with Chatham as well as information on the Dennis-Harwich-Yarmouth Partnership and the East Harwich sewer service area. The intent of this meeting is to kick start discussions on many items relating to wastewater.

*Mr. McManus arrived at 6:05 p.m.*

Mr. Howell wants to make sure that the Board is able to do a deeper dive into the wastewater details so that the public is fully aware of what we are trying to accomplish.

**A. Discussion of the Comprehensive Wastewater Management Plan (CWMP)**

Mr. Pelletier stated that the goal of these discussions is to try and help everyone see the goals and milestones that the town has accomplished so far. He provided a brief history of the events that have brought us where we are today, starting with the adoption of the CWMP in 2016, various Town Meeting articles, a peer review and bid phases.

**B. Discussion of the East Harwich Sewer Service Area (EHSSA) Phase 2**

Mr. Pelletier reported that the Chatham wastewater treatment plant staff have advised that there would be no negative impacts on plant operations or effluent water quality if phase 2 contract 3 were to be delayed. Beyond FY22, a further delay will result in decreased revenue and increase reliance on funding from general government. The majority of operating expenses will remain fixed, flow variance expenses that will be slightly reduced but negligible with respect to lost revenue and fixed costs. He went on to review the capacity purchase fee schedule which consists of 4 payments.

Mr. MacAskill asked what the anticipated due date is for the 2<sup>nd</sup> payment to Chatham. Mr. Pelletier responded that the 2<sup>nd</sup> payment would be due on commencement of flow. When the order letters to connect are sent out is when Harwich would be on the hook for the payment. He anticipates that to be June/July 2021.

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Mr. MacAskill asked how many homes we will be sending flow from to Chatham for the 1<sup>st</sup> year. Mr. Pelletier responded that it would boil down to the order to connect and how much it is enforced and how many connections are made. He anticipates that maybe 25-50% of the 440 homes would be connected. Mr. MacAskill wanted to confirm that the 3<sup>rd</sup> payment of 1.5 million dollars would be due in 2022 no matter what. Mr. Pelletier confirmed this to be true.

Mr. MacAskill feels that the 50,000 gallons per day number for the 3<sup>rd</sup> payment seems high to him. He asked Mr. Pelletier to review the operation and maintenance costs for the existing agreement. Mr. Pelletier responded that the fixed costs make up the big part of what we will pay to Chatham on a quarterly basis. Mr. MacAskill added that it is his understanding that the fixed costs are the same if we send 10 gallons or 300,000 gallon. Mr. Pelletier responded that fixed costs would amount of \$180,000 that we will owe Chatham, regardless of the flow.

In addition to the flow consideration and impacts on the IMA, it is also important to understand the regulatory requirements and commitments that Harwich has made. Mr. Pelletier reviewed the Watershed Permit which is a joint permit to implement the mitigation strategy for Pleasant Bay. This will provide the communities an opportunity to employ a greater range of solutions to address their water quality needs, not just traditional wastewater systems, but also alternative approaches such as fertilizer reduction, aquaculture or permeable reactive barriers. The watershed plan is a 20 year implementation schedule that we are presently in the first phase of. The town's commitment to remove nitrogen per year was based on nitrogen thresholds from 2006 and 2010 reports, with some small updates along the way. Should the town choose to postpone contract 3, it would allow for us to evaluate the latest data against the nitrogen removal thresholds. Massachusetts Department of Environmental Protection has recognized the town's actions that we have taken so far.

Mr. MacAskill asked how it would affect Chatham on the revenue side if we don't send them an additional 200,000 gallons. Mr. Pelletier reviewed how the flow variance costs are calculated. The total Harwich flow is measured as a percentage of Chatham's total flow. The one year order to connect had a difference of 40,000 gallons which was about \$20,000 in expense difference. Mr. MacAskill stated that when Harwich toured the plan and was negotiating the deal, he got the feeling that \$20,000 is not a small amount. He also feels that Chatham came to the table because their plant was not being efficiently used because they were not receiving enough flow.

Mr. Ballantine commented that the Board needs to take a look at the one-year versus two-year connection order.

Mr. Pelletier stated that he did the math with Chatham's monthly flows and that with the one-year order to connect with 440 customers, Harwich's flow only makes up 6.5% of Chatham's flow for the entire quarter. Once Harwich figures out how we want to move forward, we will have to pitch it back to the Pleasant Bay Alliance and Department of Environmental Protection. With the remodeling, comes impacts on all 4 towns in the alliance and the nitrogen thresholds. We are not alone in potentially revising our plan. Mr. Ballantine added that DEP has stated that they are willing to work with us. Mr. Howell commented that we had agreed for certain things to happen at certain times with DEP. If Harwich does not move forward with contract 3, there is still a mandate that some kind of nitrogen be removed.

Mr. MacAskill stated that because of a lack of data, we may be getting a pass currently, but that when the data arrives, if we are not removing the amount of nitrogen from Pleasant Bay and the watershed that we

said we would, we will be required to remove more. Mr. Pelletier responded that it is not that we don't have the data, it is that the data has changed.

Jon Chorey was present and asked for Mr. Pelletier to review the slide regarding the possible fertilizer reduction bylaw. Mr. Pelletier responded that the targeted watershed management plan came with specific activities and action items. One of the items was the enactment of a fertilizer bylaw. He has had conversations with the Health Director and is under the impression that she would be taking this to the Board of Health. Mr. Ballantine added that the State has regulations regarding the application of fertilizer. You cannot apply fertilizer during certain months. It is not a ban, but a regulation or bylaw that only allows for the application of fertilizer during certain months. The town can enforce this using the state regulations. Early on there was a reluctance from Harwich because we did not have the resources to enforce the bylaw. Enforcement continues to be an ongoing discussion. Mr. Powers added that at present, there are no warrant articles regarding a fertilizer regulation. If article(s) are to be created, they would go through their own vetting process.

#### C. Discussion of Sewer Modeling

Mr. Pelletier briefly reviewed sewer modeling. Along with parcels in the originally identified areas of 4, 5 & 6 in the CWMP comes unanticipated costs. He discussed the unfavorable impacts on short term progress of sewerage in the East Harwich area. To better understand the financial burden, the town contracted with GHD to complete a sewer contract financial model. Budgetary costs have been escalated at 3% annual from 2020. With a cost estimate of 83 million plus the plant, it is likely cost prohibitive to continue to sewer in East Harwich. The town could consider re-evaluating the CWMP phasing methodology to reflect smaller but more frequent construction sequences. This would allow the town to adapt to more easily changing conditions and take advantage of cost saving opportunities as they arise.

#### D. Discussion of the Dennis Harwich Yarmouth (DHY) Clean Waters Community Partnership (CWCP) Draft Agreement

Mr. Pelletier provided the Board with a DHY re-phasing update. Until we have flow commitments from each community, we do not know what size plant needs to be designed. To put a price in the plan now would be premature without knowing what Dennis and Yarmouth will have for their flows.

We currently only have a sewer CAD model for part of town. Additional funding would be required to fill in other areas. This would allow us to pick away and identify smaller more frequent contracts that we have been discussing. Mr. Pelletier stated that it would be a tremendous investment for us to do a CAD model for the rest of the sewer project, but it would help to inform future discussions.

Mr. Ballantine commented that a lot of the phasing that Mr. Pelletier has reviewed is driven primarily by cost considerations. He pointed out that the phases need to be data driven as we receive additional information.

Mr. Ryder stated that the CWMP is intended to be a living document and change as more data becomes available. We want to be sure that we are not sewerage areas that we are not going to receive credit for.

Finance Director Carol Coppola reported that she is working on long term debt schedules for the town which will look at tax implications for sewer schedules. She has the town's financial advisor reviewing all of the information and will have a report to come back to the Board.



Mr. Powers said that they will be having a meeting next week of the DHY subgroup. We know that the Town of Dennis has affirmed a tri-town agreement concept and that the Town of Yarmouth is in discussions with their Board of Selectmen. This meeting will be a critical milestone to re-energize sewer conversations. There are different funding sources that will be available and we have been talking about the water investment infrastructure fund.

Mr. Howell would like to see more discussion on the clean waters act.

Mr. MacAskill would like to continue discussion on what flow is being sent to Chatham and if there are any other phases that we may consider sending to Chatham.

Mr. Pelletier informed the Board that he would send them the narrative that he was reading from.

If the Board is going to consider changing phases, Mr. McManus would like to see a discussion on how that will be received by the wastewater board.

Mr. Pelletier stated that he has followed up with Carole Ridley at the Pleasant Bay Alliance and that they have reached out to DEP to try and set up a meeting. Mr. Ballantine added that he has had conversations with Brian Dudley at DEP and that Mr. Dudley seems willing to work with us. Mr. Ryder suggested that we may also need to go through MEPA with any changes.

#### **ADJOURNMENT**

**Mr. MacAskill moved to adjourn the meeting at 6:12 p.m., 2<sup>nd</sup> by Mr. McManus. The vote was 4-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Howell & Mr. McManus voting aye by roll call.**

Respectfully submitted,

Jennifer Clarke  
Recording Secretary