



Joint Dennis-Harwich-Yarmouth
Board of Selectmen,
Finance Committees, and
Water Resources Advisory Committees
Public Meeting Minutes
October 25, 2018

The Joint Dennis-Harwich-Yarmouth Board of Selectmen/Finance Committees/Water Resources Advisory Committees meeting was called to order at approximately 6:03 p.m. at the Dennis Council on Aging and Senior Center by Dennis Selectman Paul McCormick. Selectmen present: Yarmouth Selectman; Dennis Selectmen; Harwich Selectman; Town Administrators; Finance Committee representatives from Dennis, Harwich and Yarmouth; Wastewater Committee Representatives from Dennis, Harwich, and Yarmouth; David Young, Kara Johnston, and Michaela Bogosh from CDM Smith; Lee Azinheira, Michael Yunits, and John Stanbrook from MFN Regional Wastewater District; and recording secretary Laurie Barr.

1. Call to Order, Welcome and Introductions

Paul McCormick opened the meeting at 6:03 pm. He thanked everyone for attending and we were lucky to have the representatives from MFN here to answer our questions. David Young from CDM Smith introduced himself. His firm is the wastewater consultant to Dennis, Harwich and Yarmouth. He introduced his associates Kara Johnston and Michaela Bogosh who helped do a lot of the planning for this. He introduced the guests: Lee Azinheira, the DPW Director from the Town of Mansfield for 20 years and Executive Director of the MFN District since 2014. Lee was also involved in the negotiations and creation of documents that formed the MFN. Mike Yunits the Town Administrator for the Town of Norton for 7-8 years and serves as the Chair of the seven-member commission that oversees the MFN District. John Stanbrook is the Finance Director in the Town of Mansfield and serves as the Treasurer of the MFN District.

2. Mansfield-Foxborough-Norton (MFN) Regional Wastewater District Overview

A presentation was given jointly by the MFN Representatives. Lee Azinheira pointed out that they were 3 contiguous communities just like Dennis, Harwich and Yarmouth. It took quite a few years for the Towns to talk to each other about regionalizing and it took a few more for them to actually come to an agreement. There was a lot of distrust and animosity in the beginning but he was glad they overcame that. DEP was also very helpful in helping them get their permits but he did not believe they would have been as helpful if the three towns were not working together. Mike Yunits pointed out that Norton backed out of regionalizing in the 1980's but Mansfield went ahead so the pipe and the facility was in Norton but only Mansfield was using it. Norton then starting paying Mansfield to use the facilities but the townspeople wanted a say so that was the driving force for regionalization. On the Board, Norton has two representatives; Foxborough has two representatives; and Mansfield has three representatives. Norton does receive a host community fee from the other two towns. John Stanbrook spoke about the District Budget and Cost Recovery Methods. None of the

towns use the Tax Rate. Lee Azinheira explained that the staff was already in place when they regionalized so they are employees of the Town of Mansfield. The most difficult part of the process was overcoming animosity. It was so bad there were even lawsuits but they got everyone around the table constructively. They worked hard to address everyone's concerns. The agreement planned ahead and allowed for some flexibility. Once they found the commission the mindset went from each community looking out for its own interest to the commission looking out for everyone. The advice he had was have a neutral facilitator that had the global best interest at heart. He also suggested limiting the people empowered to make decisions.

David Young gave a brief overview of where the DHY Community stands. The flow percentages were determined by each town. There would be eight phases: one every 5 years over 40 years. Harwich is already doing the East Harwich area. That flow is going to Chatham so it is not factored as part of their flow. There would be common pumping stations and DHY would own and oversee that. The collection would be overseen in each individual community. The DHY would be focused on treatment and effluent recharge. He reviewed the process timeline. DHY is working on a draft agreement modeled after the MFN agreement.

3. Facilitated Questions and Answers between Towns and MFN

Sheryl McMahon, Dennis Board of Selectmen, said that the most recent questions they have received at public meetings were about the region district passes on appropriation with or without town meeting approval; that Town Meeting approval is not required. Mike Yunits shared that the towns receive the budget from the District and have the opportunity to review budget and go back to the Commission to see why the increase. In the agreement there is a provision that if the towns do not pay you can hit their cherry sheet. Sheryl McMahon asked how you alleviated the public's concern about losing their vote at Town Meeting. Lee Azinheira responded that the community has to have high confidence in members of the commission. This was not raised by their towns as a concern. By the end there was a level of trust in the process.

Bob Mezzadri, Dennis Board of Selectmen, asked since the employees are Mansfield employees how are they paid; out of the MFN budget or out of the Mansfield budget. They were already Mansfield town employees; keeping them as Town employees turned out to be simplest way. There is a separate operating agreement just for the employees; Mansfield bills MFN for the employees.

Julie Kavanagh, Harwich Board of Selectmen, asked how MFN arrived at 3-2-2 membership. Lee Azinheira answered that you need odd number. Mansfield had a majority of the plant. They need super quorum five for any of new expenditures. This way no community can totally override the others.

Donald Howell, Harwich Board of Selectmen, stated that MFN started out with an inter-municipal agreement because it did not work out at Town Meetings. He asked if they have you been through a single capital cycle since the District was formed. Lee Azinheira answered immediately; they are just completing the upgrade of an old plant, expansion, and adding the new level of treatment. Mike Yunits pointed out that was why they wanted to form the District; with such a large expenditure they wanted a seat at the table. Donald Howell asked if Town Meetings had access to discuss the borrowing for

the capital and the answer was yes. He asked if the Town Meetings got to vote on the project and the answer was that they did not.

Chris Clark, Harwich Town Administrator, was concerned on the startup cost. MFN has Sewer Enterprise Accounts so that they can build it off of fees, but he asked what they did initially when you didn't have enough flow to meet that need and how did you keep it within Proposition 2 1/2. Mike Yunits answered they first split it 50/50; 50% through taxation and 50% through betterments on the property.

Norm Holcomb, Yarmouth Board of Selectmen, asked how do you deal with initial construction cost and get that paid through the communities when the communities have not yet built out their infrastructure for collection. He asked them to talk about that and how they got capital cost covered. Lee Azinheira answered that because they were already in operation they were in a slightly different position. That is why each community decided how they were going to pass the cost recovery on to their residents. Each town structures their own rate. In Mansfield they felt that at least some of it was on the tax base since everyone benefits. Mike Yunits shared that some commercial developers that pay for flow each year until their project is developed. David Young explained that sewer systems were put in to replace failing systems. Here we are looking to stop an estuary problem.

Mike Stone, Yarmouth Board of Selectmen, asked how the allocation would work here; there are no hard numbers. Lee Azinheira explained it was no different; all costs are based on what share each community owns. You have to define a number. Each community is responsible for their allocation. They can sell it to another community or there are provisions in the agreement on how to sell to each other. But their allocation is their responsibility because they committed to that.

Jim Plath, Dennis Finance Committee, asked if the commission has the ultimate authority regarding the budget without provision other than what the Commission says your Town will pay you pay and the answer was yes. Jim Plath also asked if there was a cap on the bonding authority. John Stanbrook answered that the only bonding is with the Clean Water Trust. There is no bonding cap.

Jon Chorey, Harwich Finance Committee, noticed that in the presentation the initial flow rates of the towns almost equaled the capacity of the initial buildout. David Young clarified that Jon was referring to DHY. That is projected for build out flows 40 years out so initially they would build about ½ in the initial phase. Expansion would be planned as they hit about 80% capacity. The one plant would be able to handle the flow for two communities.

Jessica Norwood, Yarmouth Finance Committee, commented that Yarmouth has some big projects being planned so they are already over the 2 1/2, so she asked how did **MFN** get towns to agree to this in conjunction with other large items coming up. Mike Yunits shared that for Norton it was easy because it does not come out of tax rate. The support for this comes from the economic development. The town needs this tax revenue to continue to develop. Lee Azinheira shared that a lot of development cannot happen without the sewer being available.

Greg Stone, Dennis Wastewater Implementation Committee, confirmed that 50% of costs are paid for taxes and 50% by flow. Mike Yunits answered that originally back in the 80's it was done that way; now it is all betterments or sewer charges. Greg Stone also asked how much does the average homeowner pay. Mike Yunits answered that in Norton they charge \$35 per gallon. For an average 3 bedroom house it is \$11,500 to tie in and for a 4 bedroom house it is \$15,400. They have 5 years to tie in once sewer line goes in. It is tough to enforce that. He has been trying to encourage using more betterments. Whether they tie in or not you start getting money on day one using betterments. Lee Azinheira shared that Mansfield in the past has used betterments for installation of sewer lines and sewer rates based on flow.

Anne Howe, Wastewater Support Committee, questioned how the MFN was handling putting out bids, specifically she wanted to see more cost control, and more restrictive and enforceable contracts. She wants to see models from other towns; she was not sure this is the best model for us. Mike Yunits pointed out that Norton was only 14% industrial. Lee Azinheira pointed out that Mansfield had many young families. Engineering contracts are based on Mass Procurement Laws. Anne Howe wants more stringent contracts and wanted to know how a District impacts that. Mike Yunits stated District responsibility is treatment plant and the lines. Town sewer expansion is through each town.

Chris Flanagan, Dennis Board of Selectmen, thanked the MFN representatives for their time. He asked if the MFN has considered using renewable energies to bring costs down. Lee Azinheira answered that they do not have a plant because there was no space. They may look at this in future; they acquired a parcel for effluent disposal that they are not using. They have not discussed uses for it as a committee but may contemplate this in the future. Mike Yunits shared that they hired someone to do an energy audit.

Sheryl McMahon, Dennis Board of Selectmen, shared that she is also the Treasurer for the Dennis Water District. Her question was if in the MFN communities users were allowed to separate their irrigation with a separate meter to lower their sewer bill. Lee Azinheira shared that Mansfield allows separate sprinkler meters that they do not get charged sewer for. Mike Yunits shared that it is not allowed in Norton.

Edward McManus, Harwich Board of Selectman, asked how they handle recharge. Lee Azinheira shared they had to build infiltration basins. Ed McManus asked if they ship it back to the town or to one location and the answer was one location.

Chris Clark, Harwich Town Administrator, asked how many commercial versus residential customers can the plant take and is there a rate differential. Lee Azinheira stated that the rate is slightly higher for commercial customers. He shared that it would be misleading to look at it by the number of customers because the commercial and industrial areas are the core areas of the sewerage where the residential is spread out. Mike Yunits shared that Norton charges everyone the same rate. David Young pointed out that the District does not get involved in how each town recovers their costs.

Mark Forest, Yarmouth Board of Selectmen, asked what cost information the MFN was able to present at Town Meeting; were you able to provide what it would cost them individually in terms of taxes, user fees, or additional charges. Lee Azinheira stated that in Mansfield they had seen charts because they had to go into Phase 1 improvements and they had 20% and 30% increases and then 6% increases to build up reserves, but the

citizens had been seeing the information for 10 years. Mike Yunits shared that Norton has a presentation at Town Meeting and before Town Meeting held discussions. Mark Forest was interested in seeing those presentations so that he could see the type of information presented to voters. Lee Azinheira shared that they had talked about this for so long and informed the voters that there were no questions at Town Meeting. They had approximate costs to present but they were never exact.

Tracy Post, Yarmouth Board of Selectmen, felt there was an aggressive time line and asked what steps they took to get the support. Lee Azinheira answered that a big part was that the Board of Selectmen were fully behind it; their message to the community was we have to do it and it is more cost effective to do it regionally as opposed to alone. Mike Yunits pointed out that they all belong to the Tri-Town Chamber of Commerce and Canoe River Aquafer Committee. Both were very involved in getting out information especially about the environment. David Young pointed out that there were a lot of meetings in town both with the Finance Committee and informational meetings for the public; they had brochures with the projected costs all leading up to the vote at Town Meeting.

Peter McDowell, Dennis Finance Committee, asked if he heard correctly that the annual cost for a dwelling was \$11,500. Mike Yunits clarified that Norton previously was not doing betterments so they were charged a connection fee. The connection fee is a one-time cost of \$35 per gallon of flow based on Title V so the average 3 bedroom home cost \$11,500 to tie in. Peter McDowell asked if that was the same fee whether you could tie in easily or if your system was in the back of the house. Mike Yunits clarified that was only the tie in fee to the Town; it did not include any work you had to do at your property to tie in. That is between the homeowner and the contractor.

John Chorey, Harwich Finance Committee, asked if the commissioners could be elected instead of appointed. Lee Azinheira felt that if they were appointed more professionals would be willing to serve on a commission or board but would not want to run in an election. The goal is to get people who can focus on technical or financial aspects; not necessarily who can win an election. Mike Yunits pointed out that they always have trouble finding people to run in elections.

Brian Gardiner, Yarmouth Finance Committee, asked how they dealt with people who had just recently upgraded a Title V septic and now have to hook up. Mike Yunits answered that is a major battle and why they changed from 2 years to 5 years to tie in. It can be enforced through Board of Health.

Greg Stone, Dennis Wastewater Implementation Committee, asked how they charge; is it by gallons or cubic feet. Lee Azinheira explained that varies by community; in Mansfield it is per 1000 cubic feet of flow. Mike Yunits explained that in Norton it is \$7.21 per 100 cubic feet

Sharon Pflieger, Harwich Wastewater Support Committee, was looking for clarification on the budget process. Her understanding was that the District comes up with the budget, and then presents it to the Board of Selectmen and the Finance Committee. Her question was two parts: if either the Selectmen or the Finance Committee does not agree what do you do, and if they do agree and the town votes it down then what. Lee Azinheira shared that Mansfield does not present to the Finance

Committee but it is reviewed as part of the Mansfield sewer budget. Sharon Pflieger asked if the Selectmen and the Finance Committee do not agree with the budget what happens. Lee Azinheira answered that it would be up to the Commissioners for reconsideration but that has never happened. The Commission has final say. Sharon Pflieger asked if the Town does not pass the budget at Town Meeting what happens. Lee Azinheira explained they still have to adopt the budget. The bills would still go out and that is why they have language in the agreement that they can take the funds from the cherry sheet.

John Deliso, Yarmouth Water Resources Advisory Committee, asked if the towns were slow, on-time or expeditious in the development of the Tri-Town arrangement and installation of the sewer system. Lee Azinheira could not say they were on time; it took them 30 years. If they had done this in the beginning they would have more capacity than they do today. John Stanbrook explained it was not quick but time was spent where it should be spent in developing the agreement all three communities were happy with. Once the agreement was ready to go things moved fairly quickly. Mike Yunits thought the longest time was spent trying to get towns to agree on flow; that was painful. John Deliso asked if they used incentive contracts in the project. Lee Azinheira explain they went out for competitive bid and they were very lucky the low bidder was well qualified; they are on schedule and under budget and they work well with the staff.

Lee Rowley, Yarmouth Water Resources Advisory Committee, asked if there was a low interest loan program to encourage home owners. Mike Yunits shared that Norton has Title V loan program for residents. Lee Rowley asked how it is funded. Mike Yunits explained it is funded from state. Lee Rowley asked Norton and Foxborough once they signed onto the agreement how long did it take to build out the system. Mike Yunits answered that Norton was still in the process.

Jim Plath, Dennis Finance Committee, asked what the one thing was that they would have done differently. Mike Yunits answered that Norton should have tied in from the beginning because they have been behind the eight ball ever since. Lee Azinheira stated they had to get to a point where everyone was comfortable. It was difficult at times but they got to where they needed to be. Mike Yunits explained the negotiations take time; be persistent and stick with it.

Edward McManus, Harwich Board of Selectman, asked about the tie in fee of \$11,500 because Harwich is in Phase 1 of implementation but the capital costs of that phase is on the tax base of the entire town. When the phase moves into their neighborhood there will be permit fees to go through the process but there will not be the large capital fee. He asked if that was different from the way MFN did it. Lee Azinheira answered that Norton did it that way. Mansfield charges \$600 per bedroom. He was not sure of Foxborough's cost, but each community handles the cost differently.

4. Closing Remarks

David Young thanked the MFN representatives for their time and information.

5. Adjourn

The meeting adjourned at 8:03pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda Dennehy". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Linda Dennehy