

Town of Hingham



Hingham Sewer Commission Meeting Minutes

May 13, 2021

Call to Order

Mr. Higgins called the meeting to order at 10:02 a.m.

Mr. Higgins read the following statement: "This meeting is being held remotely as an alternate means of public access pursuant to an Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law"

Members Present

Robert Higgins, Chair; Kirk Shilts; and Stephen Harold

Staff Present

Randy Sylvester, DPW Superintendent; Liz Welch, DPW/Sewer Office Administrator; Stephen Dempsey, Sewer Supervisor; and Susan Murphy, Town Counsel

Agenda

Mr. Higgins reviewed the posted agenda with the Commission. Dr. Shilts stated that under Action Items, Commission reorganization typically occurs at the meeting following town elections. He also said Chairman Remarks customarily precede the meeting. Mr. Higgins stated he would rather make a final personal statement at the end of the meeting.

Vote: Mr. Higgins moved to set the agenda, as amended, seconded by Mr. Harold and VOTED (roll call);
members in favor: Higgins, Harold and Shilts
members opposed: none

Meeting Minutes

April 15, 2021

Dr. Shilts asked to table this item until the next meeting where he hadn't had a chance to review the minutes yet.

Vote: Dr. Shilts moved to table approval of the 4/15/21 minutes until the next meeting, seconded by Mr. Harold and VOTED (roll call);
members in favor: Higgins, Harold and Shilts
members opposed: none

Discussion:

- **Forget Me Not Lane – Private Sewer Line**

Mr. Sylvester explained that he had a meeting with the residents of Forget Me Not Lane regarding the

condition of its paving and its private sewer main. Mr. Sylvester had Town Counsel see if there was an easement on Forget Me Not Lane and if the Town had any responsibility to maintain the sewer line on this private way. He said Town Counsel determined that there is no easement, so the Town has no responsibility and he notified the residents of this fact. He said the residents asked to be put on the agenda to discuss the matter with the Commission.

Atty. Murphy explained that Forget Me Not Lane has not been accepted as a public way. It was sold to a developer in 1940 who developed the lots. She said an easement was granted to the Hingham Water Company to install a water line. She explained there was no sewer system in Hingham in 1940. Sewer was established in the mid 1940's and not constructed until the 1950's. She said the Special Act of 1946 reads that the Town may install sewer mains in private ways by a Town Meeting vote. The main was approved in 1955 for Forget Me Not Lane among other streets. A betterment was assessed for the line's construction at the owners cost. Ms. Murphy said while the Sewer department has the right to make inspections and otherwise confirm that the sewer line is operating in conformance with the sewer rules and regulations, the department has no legal right or obligation to repair the private sewer line. She referenced MGL Ch. 83 Sec. 3A that gives permission for the Town to make repairs if requested by the homeowners and at the homeowners' expense.

Mr. Dempsey said a sewer line camera inspection along South Street discovered the final manhole on Forget Me Not Lane had sunk. He said the sewer line is pitched in the wrong direction and not flowing properly. He said this needs to be fixed.

Sheela Calhoun, 5 Forget Me Not Lane, explained that her title insurance said there was an easement from the Town for sewer and the Sewer Commission had permission to lay and construct the sewers on their private way. She also stated that the road became disrupted by the recent water line installation which could have compromised the manhole and sewer line. She said the homeowners were not informed of the sewer issue until the water line replacement was done.

Atty. Murphy reiterated that what Ms. Calhoun is referencing is not a sewer easement. Any time a property has a special assessment it is recorded and the title ins. she referenced only gave the Town the ability to install the sewer line on private property but not own it.

Julie Heger, unknown address, explained that the homeowners are asking for support financially from the Town. She said the sewer repair bids are around \$100,000, and the road is also in need of repair and going to cost an additional \$50,000 to repave it.

Mr. Higgins said that this is a private way and there is no easement. The Commission cannot get involved in this financially unless the homeowners go to Town Meeting to request a betterment from the Town to replace the line where the homeowners would then repay the Town over 20-years or up front. Mr. Sylvester stated the Town cannot spend public funds on a private way.

Dr. Shilts explained that for the past year, the Commission has been working on an update to the Sewer Rules and Regulations for Private Sewer Systems including new standards for how private sewer systems need to be maintained and inspected. The Commission wants to educate the public who are purchasing properties on a

private sewer system to what their responsibilities are. He said we can't spend town funds on private sewer systems but we can give cost-saving assistance and advice.

FY21 Sewer Rate

Ms. Welch explained the FY-2021 Sewer Rate was calculated on actual expenses and income from FY-2020 and the anticipated expenditures (appropriations) and credits for FY-2021. The proposed new rate will be \$11.21 per hundred cubic feet which represents a decrease of 10.3% over the current rate of \$12.36. This decrease was due to less work being done in 2020 as well as more water usage as most residents were working from home during the pandemic.

Vote: Dr. Shilts moved to set the FY-2021 Sewer Rate at \$11.21 per hundred cubic feet, seconded by Mr. Harold and VOTED (roll call);

members in favor: Higgins, Harold and Shilts

members opposed: none

Sewer Commission Reorganization

Mr. Higgins requested a vote on this where after next week's Town Election there will not be a Commission Chairman.

Dr. Shilts said when the Chair was not running for reelection on the Board of Health some years ago, the member with most seniority ran the meeting after the election where the typical reorganization vote was taken. He said if you resign today, the Commission could vote a new chairman to serve over the upcoming week and run the next meeting until the reorganization vote.

Mr. Higgins said he was not going to resign and will finish out his work until the election.

DPW Superintendent / Sewer Supervisor's Reports:

Dr. Shilts requested an update on 39 Simmons Road and an explanation on 2 Beal's Cove Road.

- **39 Simmons Road Update**

Mr. Dempsey stated the line had been jetted and the stones cleared at 39 Simmons Road but he has not yet seen evidence that the broken private manhole has been repaired. Dr. Shilts would like the private sewer system 39 Simmons Road added to the next meeting to consider imposing the Infiltration/ Inflow (I/I) fee if it has not been repaired.

- **2 Beal's Cove Road Condominium Incident**

Mr. Dempsey explained that he received a call at 7:00 p.m. on a Friday night regarding a sewer blockage at 2 Beal's Cove Road. He said raw sewage was in some of the condominiums. There was a company working on their private sewer line for hours and they were unable to clear the blockage and quit. Mr. Dempsey said he coordinated with the Beal's Cove Village Association and Town Counsel to draft an agreement to have the Town go in and clear the blockage the next morning with the cost being the Association's responsibility.

Dr. Shilts said a private system owner needs to have a repair contractor with adequate resources. Mr. Sylvester said the Town shouldn't be responsible for private sewer system repairs. He said we had the Town's own contracted repair company offer assistance in this emergency situation but we are getting

reimbursed for all expenses. He said we don't want the liability on the Commission or the Town as it could be a possible law suit down the road. Mr. Dempsey added that the agreement has the Town held harmless.

Hingham resident, Clark Frazier, said Beal's Cove Village is larger by flow volume than our Weir River Sewer System. Mr. Higgins stated his main concern that private sewer system lines get inspected and cleaned periodically. Dr. Shilts stated that in the draft Sewer regulations there is a new section that all private sewer systems have a compliance program including a repair company that is adequate and available to service their system.

Chairman Remarks

Mr. Higgins stated that it is important for him as member of the Sewer Commission for 9 years to thank all past and present Commission members and all the staff at the DPW and Sewer department. He said we have accomplished a lot together as a team and there are a lot of challenges ahead that he knows the Commission will meet them. He hopes that in the future that we qualify for federal funds to attack some larger issues and start planning for those events. Please continue the great work. Thank you and good luck!

Scheduling

No meeting date was scheduled.

Adjournment

Vote: Mr. Harold moved to adjourn the meeting at 11:21 a.m., seconded by Dr. Shilts and VOTED (roll call);
members in favor: Harold, Higgins and Shilts
members opposed: none

Respectfully submitted,
Liz Welch
DPW Office Administrator

Documents reviewed during public meeting:

- *Meeting agenda for 5/13/21*
- *Sewer Use Rates – years 2000-2021*