

Town of Hingham



Hingham Sewer Commission Meeting Minutes

June 11, 2020

Call to Order:

Mr. Higgins called the meeting to order at 10:15 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 and Staff Present:

Commissioners: Robert Higgins, chair; Kirk Shilts and Stephen Harold

Staff: Randy Sylvester, DPW Superintendent; Stephen Dempsey, Sewer Supervisor and Liz Welch, DPW/Sewer Office Administrator

Meeting Minutes of May 12, 2020:

Dr. Shilts suggested a few grammatical changes.

VOTE: Dr. Shilts made a motion to approve the minutes of May 12, 2020 as amended, Mr. Harold seconded.

* *members in favor: Shilts, Harold & Higgins*

* *members opposed: none*

Sewer Connection Application:

7 Howard Road

Property owner: Michael Garrity

Mr. Garrity is seeking a second sewer hookup on his property from the main sewer line in the easement to a pool house.

- Mr. Higgins said that it is not appropriate use of an easement to serve a pool house. The easement is designed for a main line to serve a property.
- Dr. Shilts questions having two sewer connections per lot as you can't have two water connections per lot. Dr. Shilts said this is president setting as there is not a policy on this yet. He said the Commission should come up with a policy for these situations and add these types of accessory structures to the draft regulations that are in the works.

Town of Hingham



- Dr. Shilts said if the applicant wants to move forward, he should hook the pool house to the established main drain to this lot inside the house. He said since there is no spokesperson on the meeting call that it could be tabled or removed from agenda, since the Commission was not prepared to have an extensive discussion on overall policy.
- Mr. Dempsey wanted to clarify that there are elevation issues that make connecting to the main drain somewhat difficult.

VOTE: Dr. Shilts made a motion to deny the application for a separate sewer connection to a proposed detached structure/pool house at 7 Howard Road, and that the Commission take up the issue of sewer connections to a detached structure at a future meeting, Mr. Harold seconded.

* *members in favor: Shilts, Harold & Higgins*

* *members opposed: none*

Sewer Easement Encroachment Request:

27 Isaac Sprague Drive

Property Owner/spokesperson: Trevor Byrne

Mr. Byrne is seeking permission to place hardscape and utilities across a sewer easement.

- Mr. Harold is not in favor of allowing utilities over the easement as it is something the Commission has never allowed. He said an easement is not meant to be constructed upon.
- Mr. Byrne explained that the only thing he needs is a solution to provide electrical service to a pool area on the opposite side of the easement as the homeowner's association prohibits above ground electrical wires. He said he would like to bury the electric utility in the easement.
- Mr. Byrne said that he would also like to have a transition patio from his house to the pool area on top of the sewer easement. He understands that he would have to bear the cost if the patio and stairs ever had to be taken up.
- Dr. Shilts suggested putting electricity through a PVC pipe buried just under the bluestone pavers and an electrical connection on both sides so it could be easily disconnected and removed. He suggested that Mr. Byrne come back with plan from the wiring inspector with a detailed above ground layout.
- Mr. Byrne explained there is elevation change from house to the pool and proposed stairs going over the easement. He would like to hide the wire in a stone wall that would be constructed beside the stairs.
- Mr. Higgins explained there is a need to protect our easements and an existing policy that prohibits utilities within an easement.
- Mr. Sylvester suggested Mr. Byrne get a revised plan, and the Commission will have Town counsel review the plan and potentially come up with a legal agreement between the Commission and homeowner that protect the town's interest.

VOTE: Dr. Shilts made a motion to postpone action on the 27 Isaac Sprague Drive easement encroachment request for up to 60 days, Mr. Higgins seconded.

* *members in favor: Shilts, Harold & Higgins*

Town of Hingham



* *members opposed: none*

Sewer Connection Application:

128 Hersey Street

- Dr. Shilts said the Commission has no documentation beyond what was provided last month, so the Commission is unprepared to act on this application.
- Mr. Sylvester said he has been in touch with the MWRA and they are supposed to supply a map that shows the 200 foot 'reach in' into the Hingham Sewer District but he has not heard back from them.
- Mr. Higgins said we need to have an application and plan in order to proceed on this subject.

The Commission took no action on this matter.

Private Sewer System Failure:

173 Main Street

- Mr. Dempsey explained that on May 26th the Sewer Department had a complaint about a sewer odor at 171 Main Street. He said there was discharge of effluent around a manhole in the driveway of 171 Main St. He said this is a private sewer connection for 167, 171 & 173 Main St. He explained his findings to the Board of Health who continued to get calls of odor.
- Mr. Dempsey said each homeowner didn't feel it was their sewer connection. He said a diagram showed that the manhole belongs to 173 Main Street. The Board of Health notified the resident at 173 Main Street that it was their responsibility to perform a repair; nothing was done and the Sewer department fixed the problem and is now looking to get reimbursement from homeowner of 173 Main Street.
- Mr. Sylvester said he talked to Town Counsel and he is waiting on their determination on whether to bill the homeowner or put a lien on the property. He said the Sewer Department had to fix this problem because it was a public health order.
- Mr. Dempsey explained that this problem is going to reoccur as the infrastructure is compromised. He said a permanent resolution needs to be done and wanted to know if the Commission could mandate a private sewer system owner upgrade their infrastructure. Mr. Sylvester believed we could not.
- Dr. Shilts explained that a draft update to the Sewer Regulation has a new Private Sewer System section that has already been voted to post for public comment. He said the new section requires a private sewer owner, connected to the public sewer system, supply as-builts of the private system as well as a maintenance program for I&I purposes. He said the Commission should promptly act on the draft regulations as it provides a solution.

The Commission gave direction to staff on this matter.

Mr. Harold excused himself from the meeting

FY2020 Sewer Use Charge Assessment:

Town of Hingham



The Commission reviewed the sewer use charges for the May 2020 bill totaling \$1,958,688.39. Additional penalties and interest since the December 2019 preliminary bill totaled \$9,790.45 - resulting in a total May 2020 Sewer Use Charge Assessment of \$1,968,478.84. This amount will be reported to the Town Accountant.

VOTE: Dr. Shilts made a motion to approve the May 2020 Sewer Use Charge Assessment of \$1,968,478.84 for the Hingham and Weir River Sewer Districts, Mr. Higgins seconded.

** members in favor: Shilts & Higgins*

** members opposed: none*

Mr. Harold was absent

Abate

The Commission reviewed the sewer bill abatements from 804 Tuckers Lane, 17 Isaac Sprague Drive, 27 Park View Drive, 25 Broad Cove Road, 109 Kilby Street, 12 Cottage Street, 7 Causeway Road and 287A Hull Street.

VOTE: Dr. Shilts made a motion to approve the submitted abatements for 804 Tuckers Lane, \$927.00; 17 Isaac Sprague Drive, \$1,545.00; 27 Park View Drive, \$976.44; 25 Broad Cove Road, \$655.08; 109 Kilby Street, \$210.12; 12 Cottage Street, \$3,473.16; 7 Causeway Road, \$2,694.48 and 287A Hull Street, \$2348.40, Mr. Higgins seconded.

** members in favor: Shilts & Higgins*

** members opposed: none*

Mr. Harold was absent

Public Comment:

Chris Moran, 24 Mann Street, wished to speak about a pending matter. Mr. Higgins stated that this matter will be on agenda for the July public meeting.

Adjournment:

VOTE: Mr. Higgins made a motion to adjourn the meeting at 11:42p.m., Dr. Shilts seconded.

** members in favor: Shilts & Higgins*

** members opposed: none*

Mr. Harold was absent

Respectfully submitted,
Liz Welch
DPW Office Administrator

Documents reviewed during public meeting:

Town of Hingham



- *Meeting agenda for June 11, 2020*
- *Draft meeting minutes of May 12, 2020*
- *Sewer Connection Application & Trench Permit for 7 Howard Road*
- *Sketch of 7 Howard Road project*
- *Email dated 6/3/20 & Map from T. Byrne, 27 Issac Sprague*
- *Email dated 6/8/20 from J. Fulgoni, 128 Hersey Street*
- *Email dated 6/4/20 from S. Sarni, Hingham Board of Health, regarding 173 Main Street Private Sewer*
- *Copy of letter dated 6/1/20 from E. Nee, Hingham Board of Health to Robert Tivnan & Haidee Jew, 173 Main Street*
- *Copy of Rosano Davis bill for 173 Main Street*
- *Copy of proposed invoice to Robert Tivan & Haidee Jew, 173 Main Street*
- *Sewer Use Charge Assessment letter to S. Nickerson, Town Accountant*