

PUBLIC WORKS COMMISSION

MEETING MINUTES

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Public Works Commission in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 suspending certain provisions of the Open Meeting Law was held at 4:00 p.m. on Wednesday, January 13, 2021. This meeting has been properly noticed with the Town Clerk and has been recorded.

PRESENT:

Commissioners:

James Terry
Andrew Boardman
David DeLong
Jef Fasser
K.C. Winslow

Staff:

Alan H. Cathcart, Director
Aaron I. Miklosko, MSFM, Highway and Grounds Superintendent
Steve Dookran, Town Engineer
John Rogers, Water & Sewer Superintendent
Bob Hill, Management Analyst
Paul Reinhardt, Management Analyst
Melissa Simoncini, Environmental Services Program Administrator
Anna R. Trout, Administrative & Special Projects Coordinator

Other:

Stephen Crane (Town Manager)
Robert Hilsinger (League of Women Voters Observer)
Philip Swain (Finance Committee Observer)
Patrick Cleary
Karlen Reed

A: ACTION ITEMS

A-1 through A-3 - The meeting was convened at 4:00 PM. by Commissioner Terry. Attendance roll call of commissioners was made as follows: James Terry, Andrew Boardman, K.C. Winslow, David DeLong and Jef Fasser.

The regular meeting minutes from November 24, 2020 were approved by roll call: James Terry, Aye, Andrew Boardman, Aye, David DeLong, Aye, Jef Fasser, Aye and K.C. Winslow, Aye.

The Executive Session meeting minutes from November 24, 2020 were approved, not to be published at this time, by roll call: James Terry, Aye,

Andrew Boardman, Aye, David DeLong, Aye, Jef Fasser, Abstains and K.C. Winslow, Aye.

A review of the calendar including future proposed meeting dates occurred. It was pointed out that the February meeting would include a Solid Waste & Recycling Program Rate Hearing.

D: DISCUSSION/ACTION ITEMS

D-1: 13B Commonwealth Ave. – Wastewater Capacity Appeal

Director Cathcart reminded the Commission that wastewater capacity is finite and the Public Works Commission (PWC) has a longstanding program and associated policies in place to help manage the allocation of this valuable and limited resource. The capacity of the municipal wastewater treatment facility is regulated through Federal and State permits that include flow and quality standards. Over the last twenty years, the policies associated with this management strategy have evolved based on a variety of community interests and economic drivers. In 2013, the PWC determined that any large new request or change in use for an existing site that is already served by or has legal frontage to the municipal sewer, if they exceed 1,000 gallons per day peak design flow, based upon Title 5, shall be reviewed and approved by the PWC. This policy has been successfully administered as evidenced by the fact that the Town has been able to accommodate some economic growth and development without creating a violation of its wastewater permit.

Patrick Cleary, one of the current owners and one of the original developers of Brookside Square and 13B Commonwealth Avenue was introduced and asked to provide the PWC with information relating to this specific appeal. Mr. Cleary stated that his firm was requesting a 2,643 gallon per day allotment of wastewater capacity, in line with the Title 5 regulations, for a mixed use development in West Concord that would include two and three bedroom residential units as well as the commercial units. Mr. Cleary reviewed key arguments that were presented in the packet of material provided to the commission, making the case as to why he believed the project merited the allowance of wastewater capacity requested. There will be 1.5 parking spaces per unit on the residential side and four spaces per 1,000 square feet on the commercial side for a total of 33 parking spaces. Twenty five percent of the eight units will be designated for affordable housing.

Director Cathcart explained that capacity is being managed day to day. In this case, there is available capacity. A sewer extension is not required, which is very important. Mr. Cleary acknowledged that he understands the conditions related to this matter.

Commissioner Boardman **MOVED**, Commissioner DeLong **SECONDED**, and it was **UNANIMOUSLY VOTED** by roll call vote as follows: James Terry,

Aye, KC Winslow, Aye, Andrew Boardman, Aye, David DeLong and Jef Fasser, Aye.

To approve the appeal made by 13B Commonwealth Avenue, LLC, the property owner of 13B Commonwealth Avenue, (Parcel 2184-1-2) of the administrative denial for its requested increase in wastewater flow in accordance with Title 5 Sewer Review # 20-166, dated January 4, 2021, with the understanding that it satisfies recommendations included within the memorandum submitted by the Public Works Director dated January 3, 2021.

This approval shall remain in effect for a period not to exceed one year from date of approval at which time a building permit must have been issued for the project or an extension of the approval has been made in writing to and granted by the PWC.

D-2: Private Ways - Winter Maintenance

Director Cathcart explained that winter maintenance (snow plowing) is performed by Concord Public Works within private ways as authorized under the provisions of Mass. General Laws Ch. 40 Subsection 6C and in accordance with acceptance of these guiding principles as adopted at Town Meeting in 1964. Essentially, this practice authorizes public works to remove snow and ice from private ways that are open to public use, at the Town's expense. This practice is also subject to obligations that must be fulfilled by the owners of these private ways. Most notably, these owners are responsible for maintaining these private ways in a condition that will allow CPW to perform snow plowing service without incurring any liability, without damaging municipal equipment and in a manner that will allow for reasonable passage of emergency vehicles.

Superintendent Miklosko provided an overview of existing operations and practices noting that there are 25 private ways that are maintained by Concord Public Works in the wintertime. The approximate length of these ways are just over four miles. The private roads that are provided with this service meet criteria that had been endorsed by the Select Board including:

- At least one house per every 500 feet
- Pre-1955 layout
- Road width of at least 12 feet
- Adequate, safe place for snow removal in private way
- Open to public
- Road is safe for plow
- Abutters sign a hold harmless agreement with the Town
- Approved subdivision roads not yet accepted

The reason for bringing this policy to the attention of the Public Works Commission is to seek guidance and support in anticipation of needed outreach/notification to owners of several private ways that are in need of maintenance and repair (at private expense) required to allow the Town to continue to provide snow plowing services, without compromising equipment.

Specifically the operations group have identified three roads whose condition is not acceptable and approaching the point where it is not safe for CPW to clear snow and ice without damaging equipment. The Engineering Division has also assessed the condition of these particular roads and agrees with the Highway Division's opinion that they are approaching the condition of not being safe to plow.

Commissioners discussed an understanding and challenge that private property owners may have if they are unaware of their obligation. It was suggested that owners be given as much notice as possible in hopes that they can plan ahead for any significant expenditures that may be required. It was also suggested that staff explore how new residents could potentially be informed of their responsibilities.

Staff agreed that we could continue to maintain these roads during this winter season, but would take the advice of the Public Works Commission to put owners on notice, with a goal of providing a reasonable period of time for them to make necessary repairs. Staff also agreed to work with these residents and provide them with some guidance and recommendations as to what they need to do to bring these roads up to an acceptable condition.

D-3: General Fund Capital Planning

Director Cathcart explained that the annual budget planning process for the General Fund has begun. Concord Public Works has a number of divisions that are supported by the general fund including Public Works Administration, Highway, Park and Tree, Cemetery and Engineering. In addition to the FY22 operating and capital budget plan that is under development, a five year plan has been requested for the larger capital investments by the Finance Department. A memo from Director Cathcart dated Jan. 7, 2021 was provided to the commissioners which provided details of these capital plans.

Town Manager, Stephen Crane provided more information regarding the Town-wide budgeting process. There is a capital planning task force, which is focused on the very large projects that are valued over five million dollars. This task force is beginning to look at a ten year plan for capital projects. There are two types of capital plans, cash capital, which is 2-3 percent of the general fund and non-excluded debt capital, which is 5-7 percent of the general fund. The FY21 budget reduced both the cash capital and non-excluded debt capital because of the impact of the pandemic on the budget.

Mr. Crane noted that he was going to look at the actual percentages to see what can be done with the FY22 budget. It is understood that we need to look realistically at the effect of the pandemic on the overall Town Budget. Once the economy recovers, he is optimistic that the Town can go back to fully funding cash capital and non-excluded debt capital.

Director Cathcart explained that CPW is aware of the long-term capital planning interest and will be working with division heads to identify larger capital needs over a ten year period. The most obvious program that is in need of development and financial support is the roads program. Commissioner Fasser highlighted the need to keep options open that would allow the Town to leverage its funding with potential grants.

D-4: Director's Report

- **Solid Waste and Recycling Program (Presented by Melissa Simoncini, Environmental Services Program Administrator) –**
 - **Compost Site Activity** – Over the past two weekends, more than 1,000 Christmas Trees were accepted and chipped by CPW's Park and Tree crew. Over two hundred bags of Styrofoam has also been collected for recycling.
 - **Curbside Program Update** – Planning has shifted to continuity of operation and program adaptation to allow residents to safely recycle items that can't be collected at the curb. We are looking to develop a short term agreement with Waste Management for the next year, and defer longer term planning. Based on information collected to date, there will be an increase in the trash and recycling costs.
 - **Cardboard** – The volume of cardboard recycling has doubled. This increased demand has caused increased cost. It was suggested that communications to residents might be presented in the Concord Journal pointing out the increase in demand and the resulting effect on cost of recycling.

- **Engineering (Presented by Steve Dookran, Town Engineer) –**
 - **Cambridge Turnpike Improvement Project** – The work in the location of the Crosby culvert area has been completed and the road was open to traffic on December 24. Final paving and other work will be completed in the spring.
 - **Guardrail Replacement at Annursnac Hill Road** – This work will be completed over the next two weeks.

- **Highway, Grounds and Cemetery (Presented by Aaron Miklosko, Highway and Grounds Superintendent) –**
 - **Doug White Field Maintenance** - This field was plowed at the request of the High School to provide access for students and other sports groups during the winter.
 - **Snow Removal From Business Districts** – This complex coordinated effort to remove snow from the business districts was

performed on December 18.

- **Water/Sewer (Presented by John Rogers, Water/Sewer Superintendent)-**
 - **Lowell Road Pump Station Renovations** – An old fuel tank was removed as part of the project. The generator has been installed.
 - **Assabet Pump Station** – Mechanical equipment has been replaced in the interior along with other important work.
 - **Butternut Circle Water Main Break** – This water main break was repaired.

D-5: Commissioner's Comments

Commissioner Boardman, who is also a member of the Nuclear Metals/Starmet Reuse Planning Committee, provided a presentation to make the Commission aware of the progress. This property is located at 2229 Main Street in West Concord. It is a forty acre site, which was originally a manufacturing site for depleted uranium. The company has since gone out of business and the site is being cleaned up by the EPA and their contractors. The Town is considering taking over ownership of this property.

Public input is being sought for potential reuse. In the past, the Town had identified a lot of needs. He noted there was some discussion about having this property utilized by Public Works, however, recalled it was not deemed favorable because of its location and challenges with community response times and traffic issues, amongst other things.

Town Manager, Stephen Crane cautioned that there is a long way to go for completion of the cleanup and the Town's willingness to accept ownership of the property. He also commented that the site would not be amenable to use by Public Works.

Stephen Crane provided some information relative to COVID vaccinations. A five town vaccination clinic is starting tomorrow for first responders. The Town receives its vaccination shipments from the State. The Department of Public Health is determining the amount of vaccinations that are supplied to communities. As soon as notification regarding vaccination to the community is provided, it will be communicated.

Commissioner Winslow was approached by a resident who expressed concern regarding fire protection regarding the lack of fire hydrants on Westford Road. Director Cathcart explained that there are no hydrants because there is no water main in that particular area. He reminded the Commission that there is a policy by which a property owner could request a water main extension and staff provide guidance to such individuals regularly. It was noted that the cost for design, permitting, and construction of a water main are all privately funded –

in keeping with the fact that the water fund is an enterprise operation and not funded through taxes.

Commissioner Terry mentioned that he has noticed some safety signs that seem to be in disrepair. Superintendent Miklosko asked that an email be sent to him on the specific signs. Maintenance is done by CPW, with repair or replacement.

D-6: Public Comments

None.

Commissioner DeLong MOVED to adjourn the meeting at 6:12 PM, Commissioner Winslow **SECONDED**, and it was **VOTED** by roll call vote as follows: James Terry, Aye, Andrew Boardman, Aye, David DeLong, Aye, Jef Fasser, Aye and KC Winslow, Aye.

Respectfully submitted,

Approved,

Anna R. Trout
Administrative & Special Projects Coordinator
Concord Public Works

James Terry
Public Works Commission