

**RECEIVED**

By KWilber/Assistant Town Clerk at 9:02 am, Jul 17, 2024

**WATER & SEWER COMMISSION  
MEETING MINUTES – MAY 21, 2024**

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5:30 PM – Conference Room B – Town Hall, 63 Main Street Northborough, MA 01532

**MEMBERS PRESENT:** John Meader  
Bryant Firmin  
David Pepe

**ALSO PRESENT:** Scott Charpentier, Public Works Director  
Tim Davison, Water & Sewer Operations Manager  
Robert Luke, Administrative Assistant

Commissioner Meader opened the meeting at 5:30 PM.

**CONSIDERATION OF MINUTES FROM THE MARCH 19, 2024 REGULAR MEETING**

A motion was made by Commissioner Pepe to approve the meeting minutes of the March 19, 2024 regular meeting as amended with a second by Commissioner Firmin. Vote was taken by roll call, Commissioner Firmin “aye,” Commissioner Pepe “aye,” Commissioner Meader “aye.” The vote was unanimous with three votes in favor.

**INTERMUNICIPAL AGREEMENT (IMA) UPDATE**

Director Charpentier began by noting that both the Northborough Select Board and the Marlborough City Council ratified the settlement agreement as well as the Intermunicipal Agreement (IMA) this week.

Commissioner Pepe inquired if the Town had enough money set aside to cover the settlement in full and Mr. Charpentier explained that the Town did, in fact, have the necessary funds available for payment.

Mr. Charpentier explained, in round numbers, that the Special Master’s findings were such that the Town of Northborough owed back payments of five million dollars which is also the number that Northborough presented to the court; therefore the Special Master agreed with Northborough’s testimony and submissions. The Special Master recommended twelve percent (12%) interest as that is the standard issuance by the courts. Northborough continued negotiations with Marlborough when the new Mayor was in office and arrived at a final settlement amount of seven-million five-hundred thousand dollars for principal

and interest combined. Director Charpentier explained that the sewer fund balance will continue to be in a healthy position even after the settlement is paid.

The new IMA mimics the payment method of the prior IMAs. It also includes important provisions such as Marlborough must accept Northborough flow for as long as Northborough is a co-permittee on the National Pollutant Discharge Elimination System permit, and that any future flow increases shall be shared proportionally among both parties.

Commissioner Meader requested a moment to introduce the Commissioners to Timothy McInerney (Town Administrator) and welcome him to the meeting as an audience member. Commissioner Meader was also introduced to Michael Scott of the Land Design Collaborative of Westborough. Michael stated that he was in attendance for the proposed Lawrence Street sewer extension.

### **PROPOSED LAWRENCE STREET SEWER EXTENSION**

Mr. Charpentier began by explaining that both the Motel 6 and Casa Vallarta restaurant properties on Route 9 (westbound) have failed septic systems and the Motel 6 property owner had engaged several engineering firms to look at the possibility of a sewer extension that runs the length of Lawrence Street. The sewer would connect into the existing Town sewer on Otis Street. Rough estimated flows were presented to the Director years ago but everything was placed on hold due to Covid.

About three weeks ago, the owner of a large parcel of land on Lawrence Street came forward with a plan to build 178 residential units as well as commercial space. This resulted in a total projected project flow of approximately one-hundred and three-thousand gallons-per-day. The Select Board decided at their last meeting to not support a proposed Town grant application to potentially fund the sewer extension project construction.

Michael Scott, Land Design Collaborative, introduced himself as a representative of the parcel owner on Lawrence Street. He questioned what might have been factors for the Select Board to not support the project. Mr. Charpentier responded that the Commission and this meeting relates to the proposed flow allocation and not actions of the Select Board.

Commissioner Meader began a discussion of sewer betterments/privilege fees and the legislation that enabled them. There has always been confusion as to when they are assessed but after legal opinion, it was determined that the privilege fee will be assessed at the time of connection.

## **OTHER BUSINESS**

No other business was presented before the Commission.

## **NEXT MEETING**

The next meeting will be in-person on Tuesday, July 16, 2024 at 5:30 PM.

## **ADJOURN**

A motion was made by Commissioner Firmin to adjourn at 6:45 p.m. with a second by Commissioner Pepe. Vote was taken by roll call, Commissioner Firmin “aye,” Commissioner Pepe “aye,” Commissioner Meader “aye.” The vote was unanimous with three votes in favor.

Respectfully submitted,

Robert Luke  
Administrative Assistant

### Documents used during meeting:

1. May 21, 2024 meeting agenda
2. March 19, 2024 regular meeting minutes
3. Estimated sanitary flow map for Lawrence Street dated April 23, 2024 as prepared by Bohler Engineering