



**TOWN COUNCIL
WORKSHOP
MEETING MINUTES
FEBRUARY 13, 2018**

Normand Albert, At Large 2018
Kasie Kolbe, District 1 2018
Allen Ward, District 2 2018
Christopher Brunelle, At Large 2019
Mark Lunt, District 1 2019
Kris Crawford, District 2, 2019
Fern Larochele, At Large 2020

CALL TO ORDER. The Chairman, Allen Ward, called the meeting to order at 6:01PM.

ROLL CALL. Members present were Councilors Ward, Kolbe, Larochele, Brunelle, and Lunt. Also present were Diane Barnes, Town Manager; Ryan Leighton, Public Works Director; Steve Alveoli, Sewer Operation Manager; Bill Alexander, Superintendent of Water Department; Miriam Alexander-Morgan, Assessment Review Board/Appeals Board; and Annaleis Hafford, Engineer with Olver Associates.

SEWER USE ORDINANCE

Mrs. Barnes said Mr. Alveoli, Mr. Leighton, and Mrs. Hafford of Olver Associates had worked together on many of the updates to the Sewer Ordinance. Mrs. Barnes said she and Mrs. Megan Lavigne had also updated the abatement sections of the ordinance.

Mrs. Hafford explained many of the updates were a reorganization of what was already present in the original ordinance. Mrs. Hafford said many of the definitions and fees were moved to appendixes to decrease clutter and make them easier to reference. Mrs. Hafford said the construction standards were also updated and included in a separate appendix so that contractors could be given just that portion and not have to sift through the entire ordinance. Mrs. Hafford said many sections were clarified and added an abatement section.

ARTICLE 34.0 - GENERAL – Provides ordinance scope and purpose

ARTICLE 34.1 – REFERENCE TO DEFINITIONS – Refers to definitions moved to appendix A.

ARTICLE 34.2 – USE OF PUBLIC SEWERS REQUIRED – Provides general restrictions regarding wastewater disposal and provides requirements to connect the public sewer within 90 days after date of notice provided said public sewer is within 200 feet of the structure to be served. Provides that a septic system can be utilized even if a sewer system is available, based on “undue hardship” as defined in section 34.14.2(b) of this ordinance.

ARTICLE 34.3 – PRIVATE DISPOSAL SYSTEMS

34.3.1 - Where a public sewer is not available within 200 feet of the structure as provided in 34.2, the building sewer shall be connected to a public sewer.

34.3.2 – Requires a plumbing permit from the code enforcement officer prior to construction of a private wastewater disposal system.

34.3.3 – Requires a private disposal system to be inspected prior to use and changes the notice from 24 hours to 48 hours to provide final inspection prior to covering the system.

34.3.6 – Defines that suitable material is clean bank run gravel. Also indicates that a septic system if in good working order can be continued to be used in accordance with article 34.2.4.

ARTICLE 34.3 – PRIVATE DISPOSAL SYSTEMS

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Mr. Leighton said, in the past, other locations were within 200 feet but had a functioning septic system. The intent was to require the property to connect to the sewer system when that septic system no longer functioned.

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ARTICLE 34.4 BUILDING SEWERS AND CONNECTIONS

34.4.1 – Requires a sewer connection permit and all connections to be done by a person qualified and acceptable to the Superintendent.

34.4.2-34.4.4 – Refers to the fees which now have been located in appendix b.

34.4.5 – MONETARY DEPOSIT FOR CERTAIN DISCHARGES REQUIRED (NEW) – Provides a monetary deposit sufficient to cover the cost to review the application of a sewer connection involving multiple buildings, industrial entity, etc. The funds would be kept in a non interest bearing account.

34.4.6 – PERMIT AVAILABILITY – Requires that the permit be posted for inspection at all times at the site of the work.

34.4.7 – SEPERATE AND INDEPENDENT SEWER REQUIRED – Requires a separate sewer for each building, but in certain cases where a building is behind another, permits the use of the sewer to serve more than one building but limits it to 4 structures.

Mrs. Hafford stated this would prevent too many users on one pipe.

34.4.8 TO 34.4.15 AND 34.4.23 – These sections refer to the construction standards in appendix C and provide some key requirements. New requirements are cleanouts at every 100 feet of a sewer line and no connections to forcemains.

34.4.16 TO 34.4.21 AND 34.4.24 – These sections refer to the inspection of such sewer connections and indicate that the cost of connection is borne by the owner. These sections also refer to appendix C.

34.4.22 – PRIVATELY OWNED SEWER LINES (NEW) – This section requires that any design for the construction of sewer lines within subdivisions and other developments shall comply with this ordinance and shall be submitted to the town for written approval. This section also provides that the developer shall pay for any inspection or review conducted.

Mr. Leighton stated, in the past, when private sewer lines were run all the way up to the public sewer lines, but the lines were run along a public right of way, the town had to pay for repairs. Section 34.4.22 maintains that these lines remain private sewer lines and all repairs would be the responsibility of the owner except when run along public right of way.

Mrs. Hafford said the intent was to give the town a choice of whether to accept the sewer line running along a public right of way or consider the line to be private.

ARTICLE 34.5 SEWER EXTENSIONS

34.5.1 – TOWN CONSTRUCTION OF SEWER EXTENSION – The town can construct a sewer extension under public contract if approved at town referendum.

34.5.2 – PROPERTY OWNER CONSTRUCTION OF SEWER EXTENSION – Added reference to appendix C.

34.5.3 – STATE LAW ADOPTED – Included subpart 3442 to 3445 in appendix E.

34.5.4 – SEWER EXTENSION DESIGN REQUIREMENTS – Requires that all extension to the sanitary sewer system be reviewed by a professional engineer and pay the cost of this review. The plans must be submitted at least 45 days before the planning board meeting.

34.5.5 – Requires that sewer testing is done in the presence of the superintendent and refers to the construction standards in appendix C.

34.5.6 – REQUIRES A SEWER MAINTENANCE BOND FOR SEWER EXTENSIONS – this was changed from 10 percent up to 100 percent of the estimated cost of the extension.

34.5.7 – Makes it clear that an approved method of sewage disposal is required prior to obtaining a building permit.

35.5.8 – Makes it clear when a sewer extension can be connected to the town's public sewer system.

35.5.9 – Provides the steps the town should take and the requirements the town should have if a private sewer is to be accepted as public.

ARTICLE 34.6 USE OF THE PUBLIC SEWERS

34.6.1 – Requires that nonpolluted water such as storm water, surface water, groundwater, roof runoff, etc. not be discharged to the sanitary sewer system.

Mrs. Hafford said this gives the town the right to disconnect a source that is causing a direct overflow to the pump station.

34.6.2 – Requires that unpolluted cooling water be discharged upon approval by the superintendent but in accordance with DEP regulations, etc.

34.6.3 – This section lists wastes and wastewater and limits for certain wastewaters that will not be permitted to be discharged to the collection system.

Mrs. Hafford stated some of the discharge limits were too strict so some limits have been raised, and language regarding pH limits was added as well. Mrs. Hafford said the list allows the town to set limits for things that might be of local concern.

34.6.4 – This section requires that the superintendent have the opportunity to review the discharge of high strength wastewater and requires pretreatment in certain cases.

34.6.5 – This section requires a grease, oil and sand interceptor for certain discharges based on review of the superintendent or code enforcement officer. This section was also amended to provide strength to require exterior grease traps in certain situations where it is warranted.

34.6.6 – This section indicates that the superintendent has the right to accept unusual or high strength wastes and charge extra for these discharges as long as it does not violate federal or state law.

ARTICLE 34.7 PRETREATMENT AND PERMITTING OF INDUSTRIAL, COMMERCIAL OR UNUSUAL WASTES

34.7.1 - 34.7.2 – These two sections discuss the town's right to require pretreatment and the decisions that can be made depending upon the discharge.

34.7.3 – This section provides the approval process for these wastes and the items that must be demonstrated in order to accept this type of wastewater.

34.7.4 - 34.7.5 – These two sections indicate that the town can require the user to install flow equalizing facilities/pretreatment and that they must be maintained and effectively operated by the user.

34.7.6 - 34.7.8 – These three sections permit the superintendent/town to require a sampling manhole on the user's property, sufficient monitoring facilities as needed and the user must utilize proper sampling and analysis procedures.

34.7.9 – Dilution is not permitted to achieve compliance with any standard.

34.7.10 - 34.7.11 – If a new limitation is implemented by epa categorical pretreatment standards, it supersedes an existing limit and the user subject to such standard will be required to meet the new standard within 9 months of its promulgation.

34.7.12 – This section was added to clarify that local limits for certain pollutants may be established by the town to protect against pass through, etc. These limits can be more stringent than any federal limitation.

34.7.13 - 34.7.16 – These sections provide the requirements for permitting an industrial, commercial or unusual waste discharger and all of the information that shall be provided on the form. The permit shall be signed by a principal executive officer and have the certification provided under 34.7.14. The superintendent shall evaluate the information provided on the permit and may issue a permit with terms and conditions.

34.7.17 - 34.7.18 – These sections permit the superintendent to prevent passthrough and interference by establishing limits to protect the plant influent, effluent and the sludge. The permit conditions are listed in section 34.7.18.

34.7.19 – Permits will be issued for a specified time period not to exceed 5 years.

34.7.20 – The permit can be modified with good cause and must notify the user 30 days prior to the effective date of the change.

34.7.21 – WASTEWATER DISCHARGE PERMITS ARE ISSUED TO A SPECIFIC USER – the ordinance will permit a 90 day period of operation under the existing permit to facilitate a transaction to a new permit holder.

34.7.22 – Wastewater discharge permits will require pretreatment devices and may also include a compliance schedule for the new pretreatment device

34.7.23 - 34.7.25 – The superintendent may require any user to develop and implement an accidental discharge/slug control plan. At least once every 5 years, the superintendent shall evaluate whether users need such a plan. This section indicates what would be required in the plan and requirements for notification for an accidental discharge. Notice to employees is also required if there is an accidental discharge.

34.7.26 – Where additional pretreatment and/or operations will be required to comply with the ordinance, a compliance schedule will be required. This section provides what the schedule would require.

34.7.27 – All significant industrial users shall at the frequency stated in their wastewater permit as determined by the superintendent, but in no case less than twice per year, submit to the superintendent a compliance report.

34.7.28 – No user shall implement any planned significant change unless the superintendent has responded in writing to the user's notice.

34.7.29 – If sampling by a user indicates a violation of the permit or the ordinance, the user must notify the superintendent within in 24 hours of becoming aware of the violation.

ARTICLE 34.8 – POWER AND AUTHORITY OF INSPECTORS

34.8.1 - 34.8.2 – Duly authorized employees of the town can access industrial, commercial, etc. sites or easement areas for the purpose of inspection, observation, sampling and testing.

34.8.3 - 34.8.6 – Inspectors have the right to inspect installations, sampling and metering and have access to all records related to compliance with the permit.

34.8.7 – Users may have confidential information and in certain cases can request that this information be held confidential to the public.

34.8.8 – If the superintendent has been refused access for the purpose of inspection, the town can seek to secure an administrative inspection warrant.

ARTICLE 34.9 – SEWER SERVICE FEES, RATES AND CHARGES

34.9.1 - 34.9.3 – The town has the right to adopt fees and charges for retiring debt services, capital expenditures, ready-to-serve charges and operation and maintenance fees, permit applications, etc.

34.9.3 Provides that the number of units would be determined by assessment records or an assessor's review. Alternatively, a customer can purchase a meter and outside reader from the water department.

Mrs. Hafford said the current fee for sewer usage is based on a two bedroom dwelling.

Mr. Leighton stated a discussion about the summer average rates, which are calculated by looking at the average usage during two winter quarters. Mr. Leighton said the alternative option would be for the owner to purchase a water meter, installed by the water department, and have it read quarterly instead of being billed on the Summer Average rate. Mr. Leighton said the meter would allow the owner to be billed for actual usage.

34.9.4 – Refers to billing abatements in sections 34.9 and 34.11.

34.9.5 – The town's billing policy is to allow for the correction or abatement for the excessive summer usage due to irrigation and filling pools. Billing for the two summer quarters will be based on the average of the two winter quarters or consumption reported by the water department as referenced in appendix D.

34.9.6 - 34.9.8 – These sections provide the town with the right to change rates of sewer service charges, collect unpaid rates, and charge interest at the same rate as established by the town for uncollected taxes.

34.9.9 – Establishes that the town can establish a special sewer service charge if the strength or characteristic of the waste alone would overload or upset the capacity or efficiency of the treatment facility.

34.9.10 – The town may assess a ready-to-serve fee to be paid by any property owner that has an active building permit and sewer application permit or if the lot was previously billed unless the stub was capped. This only applies if the stub is within 200 feet of the building to be served.

Mr. Leighton stated the town does not currently charge owners a fee if they have an existing private septic system and they do not wish to hook up to the public sewer system. Mr. Leighton said if dwelling is within 200 feet of the public sewer the ordinance allows town to charge "Ready to Serve" fees to offset the cost of making sewer service available to the property in the future. Mr. Leighton explained when an existing structure gets demolished or a new structure is built the owner of the property has the option to pay the "Ready to Serve" fees quarterly, or the owner can cap the sewer hub and not have service until they decide to rebuild. However, the owner would then have to pay a hook up fee to restart service.

34.9.11 – Refers to the requirement to pay a connection fee prior to any connection to the sewer system.

34.9.12 – In instances where any proposed development or use of a parcel of land in the town results in the need to provide or update the sewer system in order to accommodate the development, the town may require the payment of an impact fee to cover the cost of the required improvements.

34.9.13 – The town may elect, at its sole discretion, to construct excess capacity in a service area in conjunction with a project requiring the assessment of impact fees and if the developer pays for the full capacity, the town can access these charges from future connections and shall refund the developer or their assignees.

ARTICLE – 34.10 LIENS FOR NON-PAYMENT

34.10.1 – Each sewer charge levied pursuant to the ordinance is hereby made a lien on the premises and if the same is not paid within 30 days after it is due and payable.

34.10.2 – The town shall have the rights under 38 M.R.S. 3406 to collect sewer service charges as provided in appendix e.

ARTICLE 34.11 – ABATEMENTS (NEW SECTION)

34.11.1 – All requests for sewer abatement shall be forwarded to the superintendent for recommendation and then to the town manager for decision. The abatement under this section may be granted where the rate payer can demonstrate that a loss of water did not enter the sewer and was of no fault of the rate payer or if there was an error in billing.

34.11.2 – This section would permit a onetime sewer abatement at the request of the property owner for consumption calculated to be four times the average water use for the previous year. This abatement can only be used once per each property owner.

34.11.3 – This section provides direction on how to estimate the abated water. The estimate shall be based on the previous four quarters of water consumption if available, and if not available, shall be based on the current flat rate billing procedure until such time there are two quarters available.

34.11.4 – When an abatement is granted, the town treasurer shall be responsible for taking the necessary steps to correct the billing. Any abatement being applied can only apply to the specific account being abated. If no prior history is available on which to base the abatement, an excessive first bill will receive an abatement based on what the non-metered rate would be for a similar building. After the property has been billed for consumption for the first year, the abatement shall be reassessed and appropriate charges made.

34.11.5 – Abatements will not be granted for water used for outside uses outside the summer average quarters unless ratepayers at their own cost install a secondary water meter measuring water used for this purpose. The town manager can also prorate and abate the first bill of a non-metered flat rate account based on the date of the sewer entrance permit.

34.11.6 – An abatement request shall only be considered for a maximum six month period. The town manager in special cases can approve a request outside this timeframe but no longer than a one year period for due cause.

34.11.7 – No abatement request will be reviewed for any billing quarter in which outstanding sewer bills, interest or penalties remain unpaid, except the current billing quarter will be considered.

34.11.8 – Any ratepayer who uses water in its end manufactured product which is shipped from the ratepayer's facility or in the process of manufacturing a product and where the water does not enter into the sewer system, either in whole or in part, may apply for consideration of an abatement. The superintendent would review the information provided and the town manager would make the final determination if an abatement is warranted.

ARTICLE 34.12 PROTECTION FROM DAMAGE

34.12.1 – Provides that no person shall damage or tamper with any structure or equipment that is part of the sewer works and indicates that any person violating this provision shall be subject to arrest under charge of disorderly conduct.

34.12.1 – This requires a certificate of insurance for liability coverage in an amount established annually by the town but no less than \$1,000,000/\$2,000,000 for bodily injury and a \$300,000 amount for property damage. The town also has the right to charge a higher amount for sewer extensions.

ARTICLE 34.13 ENFORCEMENT AND PENALTY

34.13.1 – Provides that any person violating any provision of the ordinance shall be served by the town with written notice stating the nature of the violation and they also can be prosecuted and punished under the Maine Criminal Code.

34.13.2 – Permits the town to suspend service when it is necessary to stop an actual discharge which may present an imminent or substantial endangerment to the health or welfare of the public.

34.13.3 – Provides that any user who violates the conditions under this section could have his permit revoked.

34.13.4 – Provides that the town must provide notice stating the nature of the violation and within 30 days, a plan for the correction of the violation shall be submitted to the town by the user.

34.13.5 – This section provides that any user, who causes or allows an unauthorized discharge to enter the POTW, may be ordered to show cause before the town council. Subsection d. was updated to read council in place of selectmen.

34.13.6 – Provides that the town has the right to take legal action if necessary for violations.

34.13.7 – Provides that the town can fine a user that has violated an order of the town or violates a requirement in the ordinance. The monetary amounts were just moved to appendix B.

34.13.8 – Any person who knowingly makes any false statements or representation or certification in any application, etc. can be fined as established in appendix B.

34.13.9 – The town shall annually publicize in the Lewiston Daily Sun a list of users which were in significant noncompliance.

Councilor Ward requested 34.13.9 read "publicize in the newspaper" rather than specify a particular business.

ARTICLE 34.14 BOARD OF SEWER APPEALS

34.14.1 – This section provides the composition of the board and was updated to remove the requirement to be a resident and the requirement that they serve without compensation.

Mrs. Barnes stated 34.14.1 as written conflicts with the rules of the Zoning Board of Appeals, and changes need to be made to reflect the correct composition and election of the officers.

34.14.2 – This section provides the powers and duties of the board of sewer appeals. This was updated to include more information regarding variances and defines the terminology "undue hardship".

34.14.3 – This defines that the board of sewer appeals shall meet the third Monday of the month at 7:00 pm as necessary. This section also defines the notice to the board and the advertisement process.

34.14.4 – This section describes the appeal procedures and deadlines as well as the fees payable to the town treasurer which are now found in appendix B.

34.14.5 – This provides the right of a new appeal if the chairman of the board of appeals believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done.

ARTICLE 34.15 REPEAL OF CONFLICTING ORDINANCES - All previous ordinances regarding the sewer system will be repealed once this ordinance is signed.

ARTICLE 34.16 SEVERABILITY - The invalidity of any section, clause, or provision of the ordinance shall not affect the validity of any other part.

ARTICLE 34.17 EFFECTIVE DATE - This will define the date that the ordinance is effective and adopted by the council.

Councilor Larochelle asked if there was a provision in the ordinance requiring waste transporters, who dump into the town's treatment plant, to be bonded or have some type of insurance in case damage occurs. Mrs. Hafford stated that in the town's Septage Management Policy and the Passthrough and Interference rules in this ordinance allow the town to take legal action, but do not mention insurance requirements. Mrs. Hafford said she would add language that would cover the responsibilities of waste haulers.

Mrs. Hafford stated that once the sewer ordinance gets passed the fee structure needed to be updated. Mrs. Hafford said the fees are lower than the average fees other towns charge.

Mr. Leighton stated the workshop was held to answer any questions, and to get any input the council may have regarding the sewer ordinance before sending it through the process of approval. Councilor Larochelle said this was better than to try and read through the ordinance during a council meeting.

Ms. Morgan-Alexander stated this sewer ordinance gives the appeals board the tools to do their job.

Councilor Ward asked about storm over flow and the pressure on the system. Councilor ward wanted to know why it is cost prohibitive to get more out of that resource.

Mr. Leighton stated the sewer system evaluation conducted by Olver and Associates identified the areas with significant inflow and infiltration, and those areas are what the town has targeted for the sewer bond. Mrs. Hafford said from an engineering point of view it never pays to look at each individual location, and that is why it is important to start with the sewer system and fix the larger issues first because it is impossible to find every source of overflow. Mr. Leighton said the revisions fix some minor deficiencies in the sewer ordinance thus giving the town more flexibility to take overflow on a case by case basis.

MS4 DISCUSSION

Mr. Leighton presented an update on our MS4 permit. If we are not successful in being removed from the program, the town is required to issue a Notice of Intent to apply for a new permit by July 1, 2018. On January 19, 2018, the town received a letter pertaining to a report submitted to MDEP regarding the cleaning of catch basins. We have over 400 catch basins to be cleaned, and we cleaned over 300 by June 2017. The permit schedule does not correspond with the town's cleaning schedule, thus the review expressed concerns about the town's compliance with the MS4 program. Mr. Leighton stated he met with representatives from Auburn, Lewiston, and Sabattus to discuss drafting a joint letter to MDEP about inconsistencies with inspections statewide.

ADJOURNMENT

VOTE (2018-31) Councilor Larochelle, seconded by Councilor Brunelle moved to adjourn at 8:18 PM.
Order passed - Vote 5-0.

Michelle Foss, Assistant Town Clerk
Date Approved: March 6, 2018