

Holden Water & Sewer Advisory Board

Meeting Minutes

August 29, 2023 – 18 Industrial Drive Holden, MA, Holden Public Works Facility and Remote via Zoom

Call to Order

Mr. Buckley called to order a meeting of the Water & Sewer Advisory Board at 7:23 PM on August 29, 2023 at the Holden Public Works Facility, 18 Industrial Drive, Holden, MA and via Zoom.

Roll Call

Board Members Present:

Joseph Buckley (vice chair) and Mark Johnson (remote via Zoom), Larry Kowalczyk and Robert Dempski (in person).

Board Member(s) Absent:

None.

Other Attendees:

John Woodsmall, Joseph Kenney and Kara Rodwell of the Holden DPW and Dawn Michanowicz.

1. Public Comment

Dawn Michanowicz expressed that she is attending the meeting because she is interested in joining the Board.

2. Review and Approval of July 12, 2023 Meeting Minutes

The Board agreed to review the July 12, 2023 meeting minutes at the next scheduled meeting.

3. Reorganization Vote for Board Officers

The Board decided to wait until the next meeting to discuss to allow for Mrs. Michanowicz to officially join the Board.

4. Review proposed changes to Sewer Rules and Regulations and vote on recommendation to Town Manager and Board of Selectmen (BOS)

Mr. Woodsmall reviewed the proposed changes as presented. The Board had a group discussion on the topic and noted the following concerns:

- The fact that there is already an appeals process available to residents through the courts. The concern that such a change would create a political response to a technical decision setting an unwise precedence throughout Town.
- The issue of taking decisions away from professionals without being held liable or responsible for the potential negative outcomes such as sewer back-ups and system shut downs.
- The concern that the BOS does not have the technical skill set or expertise to make these decisions. Thus potentially jeopardizing the health, wellness and operation of the Town.

Mr. Kowalczyk made a motion that the Board recommend to the Town Manger and the Board of Selectmen that section 40 of Chapter 9.5 Sewer Rules and Regulations remain as presently written to state the Superintendent of Sewers will have the final determination of additions to the sewer infrastructure. Mr. Dempski seconded the motion.

The Board further discussed that the Superintendent has the expertise and knowledge of the system to competently make these decisions. Mr. Woodsmall pointed out that the sewers were first installed in 1943, the current Rules and Regulations have been in place since 1967 and this issue has never been brought up before.

Mr. Buckley called for a vote on the motion. The motion passed unanimously by roll call vote. Mr. Woodsmall advised that he would forward the BOS meeting agenda when available and copy the members of the Board on his email to the Town Manager to report the outcome of the vote.

Mr. Woodsmall thanked Mr. Buckley for his hard work and dedication to the Board.

5. Discuss Next Meeting Date

The next meeting date was not selected.

6. Adjourn

On a motion by Mr. Buckley to adjourn the meeting, seconded by Mr. Dempski, it was unanimously agreed to adjourn the meeting by roll call vote at 8:02 PM.

Documents Presented and Attached:

A. Redline of Sewer Rules and Regulations - with Appeal Process (A7821105x7A575) BOS Review Version

Minutes taken and submitted by: Kara Rodwell

Minutes approved by: WSAB on 11/28/2023

Chapter 9.5 Sewer Rules and Regulations

RULES AND REGULATIONS

RELATING TO THE CONSTRUCTION AND USE OF PARTICULAR SEWERS

Adopted September 18, 1967

1. These rules and regulations are adopted by the Board of Selectmen of the Town of Holden in accordance with authority granted by Chapter 83, Section 10 of the General Laws.
2. The word particular sewer, shall mean the connection of a private building to the common sewer.
3. Any person wishing to connect a particular sewer to the common sewer shall make application, on a form provided, to the Superintendent of Sewers. Said application shall contain the number, type and location of fixtures to be drained, as well as a full description of the building. The Superintendent of Sewers may require the applicant to submit a plan showing the location of the fixtures to be drained, the location of the particular sewer, and its connection with the common sewer.
4. These rules and regulations shall apply also to the entrance of a particular sewer directly into the Holden - Rutland M.D.C. trunk sewer line.
5. The sum of Fifty (\$50.00) Dollars shall accompany the application.
6. The Superintendent of Sewers shall furnish the applicant, upon the issuance of a permit, with a list of contractors, who have filed with the Town a bond authorizing them to make connection to the common sewer. The Superintendent of Sewers shall be notified, in writing, at least three days before the start of construction.
7. A licensed contractor connecting a particular sewer to a common sewer, shall, before work is commenced, file with the Town a performance bond in a sum not less than One Thousand (\$1,000.00) Dollars for each entrance of a particular sewer into the common sewer.
8. The cost of installation and maintenance of all particular sewers shall be borne by the owner of the property.

9. All house connections of sewers between the mains and the outlet of the plumbing system, and all openings into public sewer shall be laid under the supervision of an Inspector to be appointed by the Superintendent of Sewers.
10. No plumbing shall be connected with the Town Sewers without the approval of the Superintendent of Sewers or his authorized agent. All plumbing required in making these connections shall be in conformity with these rules and regulations and the Plumbing Regulations of the said Town of Holden.
11. Each particular sewer shall be laid directly to the building sewered, and a manhole as approved by the Superintendent of Sewers shall be constructed at all angles.
12. Plumbing connections with any particular sewer must be made into the branch of an iron Y, with a heavy brass screw cleanout placed at the end of said Y, accessible and with at least four feet of space free from obstruction in direct line therefrom.
13. Not more than one building can be connected with any particular sewer, through the same pipe, unless at the junction of the two pipes a brick manhole be constructed, approved by the Superintendent of Sewers.
14. Cast iron pipe with lead joints, asbestos cement with rubber joints, vitrified salt glazed pipe with rubber or compound joints or plastic pipe when approved by the Superintendent of Sewers may be used for particular service sewers to not less than five feet from the foundation wall of the building drained. A heavy iron soil pipe is to be laid through the wall. Concrete or Mortar shall not be used for any joints except with permission of the Superintendent of Sewers.
15. The inclination allowed in laying any particular sewer five inches in diameter shall be one-half inch to two feet, all lines and grades and connection to the common sewer shall be approved by the Superintendent of Sewers.
16. No particular sewer will be allowed to pass under or within five feet of the cellar wall of any building except than the one sewered.
17. The contractor, before opening a street, shall obtain a permit to open said street from the Assistant Clerk of the Board of Selectmen.

18. When making a connection to a sewer in the State Highway, the contractor shall obtain a permit from the Massachusetts Department of Public Works prior to the issuance of a permit to connect to the common sewer. All work under the sewer connection permit will be done in accordance with the provisions of the permit issued by the Massachusetts Department of Public Works where applicable.
19. If blasting is required, the contractor shall, if he is not licensed to blast, obtain a licensed blaster, and shall file a bond, in a sum not less than Twenty thousand (\$20,000.00) Dollars with the Town, unless a bond has previously been filed with the Commonwealth.
20. Backfilling of trenches on town layout shall be puddled and tamped in six inch layers, the surface shall be restored so that it corresponds with the street surface. All areas shall be properly restored and approved by the Highway Superintendent.
21. The contractor shall protect sidewalks, curbings, berms, etc. in the moving of his equipment from the highway to private property.
22. The contractor shall, as soon as practicable, temporarily fill the excavation in the public street to permit travel, and the contractor shall protect all underground structures.
23. All excavation and obstructions in public or private ways in the Town of Holden must be properly protected at all times. To make the street safe for travel, the contractor must place and maintain, between twilight and daybreak, near obstructions or openings, a light or lights fixed to barricades, or in some other manner to protect the public from injury.
24. Where a cut is necessary a saddle Y shall be used.
25. Minimum size of drains shall be five inch cast iron, 4" or 5" asbestos cement pipe with collar and rubber ring gaskets, or 4 inch or 5 inch vitrified (extra strength) clay pipe, all as determined by the Superintendent of Sewers.
26. No trench or part of trench opened for the purpose of making a sewer connection shall be backfilled until the installation therein has been inspected by the Superintendent of Sewers or his authorized agent.
27. Screened washed gravel shall be used below grade on all drains. The depth of washed gravel to be determined by the Superintendent of

Sewers. Cover material for all drains should be of suitable gravel to a height of 12 inches above the pipe.

28. The inside of every drain after it is laid, must be left smooth and clean throughout its length. In joining pipes, jute shall be packed into the joints with a caulking tool, the joints are to be completely filled with leadite or a filler of equal quality, in such manner as to prevent roots of trees and water from entering the drain.

29. No steam exhaust, blow-off, or drip pipe shall connect with any sewer, but shall discharge into a suitable tank or condenser.

30. Cesspools, vaults, roof conductors or rainwater catch-basins shall not be connected to the particular sewer, and all cesspools and vaults when abandoned must be cleansed and filled in a manner satisfactory to the Board of Health or their authorized agent.

31. Sewage will not be allowed to enter any public sewer or particular sewer under pressure without the permission of the Superintendent of Sewers.

32. No person shall discharge any contents of a privy vault, manure pit, carriage or car wash into a public or particular sewer except through an intervening catch-basin, the outlet pipe of which shall be high enough above the bottom to prevent anything but liquid contents from passing over into the sewer. An approved trap shall be placed in every drain connecting such catch-basin with the sewer.

33. No waterline, gasline, electric or telephone conduit shall be laid in the same trench with the Sewer line.

34. An inspection fee of Ten (\$10.00) Dollars is to be charged for inspection in connection with the installation of any particular sewer and each additional building connected thereto. An additional minimum charge of Ten (\$10.00) Dollars per hour will be assessed for inspections made after the usual hours worked by the Town of Holden Sewer Department.

35. The Superintendent of Sewers shall be notified prior to 4:30 P.M. for inspections of drains to be laid the following day.

36. Whenever any particular sewer shall become clogged, obstructed, broken, out of order, or in any way unfit for sewerage purposes, the owner or

occupant must, at his expense, reconstruct, cleanse or repair said particular sewer subject to the provisions of these rules and regulations.

37. Upon the connection of a particular sewer to the common sewer, the owner of the property shall be charged the minimum rate for sewer disposal per rates at the time of installation.

38. Whenever the provisions of these regulations or the plans and specifications approved thereunder, or the conditions set forth in the permit, are not complied with, a stop work order shall be served upon the owner or his representative and a copy thereof shall be posted at the site of the construction, which stop work order shall not be removed except by written notice of the Superintendent of Sewers after satisfactory evidence has been supplied that the violation has been corrected.

39. Any person who violates any provision of these rules and regulations shall be liable to a fine of Twenty (\$20.00) Dollars for each offense.

40. (a) Any person requesting an appeal of a ruling or determination by the Superintendent of Sewers made under these Rules and Regulations shall, within thirty (30) days of the date of such ruling or determination, submit a written appeal to the Town's Board of Selectmen, with a copy to the Town's Sewer Advisory Committee, the Town Manager, the Superintendent of Sewers, and the Town Clerk. The appellant's submission must state the basis for the appeal and include copies of any plans, technical data, or other relevant information.

(b) Within thirty days of the date of filing the appeal, the Sewer Advisory Committee shall schedule and hold a meeting to review the appeal. The appellant and the Superintendent of Sewers shall be provided with written notice of the date and time of the meeting of the Sewer Advisory Committee to consider the appeal. At its meeting, the Sewer Advisory Committee shall review the appeal and receive testimony and evidence from the appellant and the Superintendent of Sewers. The Sewer Advisory Committee shall vote its recommendation on the determination of the appeal and forward the same to the Town's Board of Selectmen.

(c) Within thirty days of the date of issuance of the recommendation of the Sewer Advisory Committee concerning an appeal, and unless the appellant has withdrawn its appeal, the Board of Selectmen shall schedule and hold a meeting to review the appeal and the recommendation of the Sewer Advisory Committee. The appellant, the Superintendent of Sewers,

and the Sewer Advisory Committee shall be provided with written notice of the date and time of the meeting of the Board of Selectmen to consider the appeal. At its meeting, the Board of Selectmen shall review the appeal, the recommendation of the Sewer Advisory Committee, and receive testimony and evidence from the appellant and the Superintendent of Sewers. The Board of Selectmen shall vote on the appeal, either denying or approving the same. The decision of the Board of Selectmen shall be final.

(d) The appellant may appeal the written decision of the Board of Selectmen in accordance with MGL c. 83, section 1E or other applicable law.

(e) The filing of an appeal does not and shall not stay an enforcement action or other required action as directed by the Superintendent of Sewers in the interest of public health and safety.

41. The Town may enforce these rules and regulations by a Bill in Equity in the Superior Court.