

# Proposed Sewer & Water Commission

## A Very BAD Idea

Though the petitioner's intentions may sound sincere, it creates a biased and distorted picture of the need to create an elected Sewer and Water Commission (S&WC) to meet the needs of the Town of Millis. Its premise is faulty and the issues raised deviate far from any supposed need to create such a commission. There are several issues that are raised in an attempt to justify such a commission. However, they are flawed and self-serving.

Let us address the four most blatant, though primarily ancillary, issues:

- Chargeback for DPW employees assigned to tasks other than those for which they were hired
- The need to manage PFAS remediation in the Town's water supply
- Need for a sewer bylaw or policy to control sewer capacity and discharge rates
- Time availability for Select Board (SB) members to manage water and sewer issues

### DPW Employee Chargeback

The basic premise of this part of the petitioner's missive remains that funds are being diverted from sewer and water to Town employees and projects other than those for which the employees were originally hired. A secondary issue is that indirect costs associated with the management and billing of the sewer and water systems is also being charged disproportionately to the sewer and water Enterprise Funds. This has been the petitioner's mantra since leaving the SB and chairing the now defunct Enterprise Funds Advisory Committee (EFAC). Of course, one might ask why in three years as a member of the SB, on of which the petitioner was chair, this issue was not addressed, but there is no sense going down memory lane on this.

At one of the first meetings of the SB that I attended as a Select Board member, this issue was brought to the attention of the SB. As a result of our initial understanding regarding the complexity of the issue, and with the support of the Town Administrator and DPW Director, it was decided that a study was needed by an organization that had familiarity with issues of this type. The firm we retained, Paradigm Associates, is comprised of members who have had extensive governmental experience in the Commonwealth. The resulting study concluded the following:

- They found nothing illegal or necessarily wrong with what the Town was doing.
- They did recommend changes to be enacted over a period of three or so years.
- They did note that the use of employees for other tasks when there is available time is not an issue. It is understood that a small town must have individuals able to fulfill multiple roles.
- There is the issue of charging back time, or direct billing, if you will. However, if the Town requires individuals to have licenses for specific job duties and if they aren't needed at all times to perform those duties, then using them elsewhere is fine and they do not have to be charged at the rate of the licensed work for which they were hired. Nor do they necessarily even have to be charged back at all.
- In reference to the previous point, this also holds true for indirect costs associated with clerical support as they pertain to the Enterprise funds. It is critical to have staff available to perform the work necessary to support the management of the funds, such as to verify the bills, review the charges, manage the payments, be available to residents for questions regarding their bills,

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support the phones, computers and other items that are necessary to ensure that all resident issues are handled appropriately at all times.

- All of this has been reviewed by legal counsel and the Director of DPW who have determined that these services are reasonable, necessary and that the processes now in place are appropriate.

Having the staff and support structure in place to manage these activities on a regular and timely basis is costly. It isn't possible to have an "on call" staff that is available only when it is needed for a specific activity. Its time has to be covered as part of the indirect costs that are charged as part of the overall support processes and services that the Town offers the public.

The petitioner is correct that this has taken extra time for the SB to provide appropriate direction, but it's not an either/or issue. It should also be remembered that even if a sewer commission had been in place, the SB would still have had the responsibility of reviewing the issue, deciding if a study was necessary and if so, recommending the appropriation of funds for the study. Only the SB has this authority, regardless of what a commission or committee might recommend.

### PFAS

This is the thousand-pound gorilla in the room and it's an issue that isn't going away. Regardless of whether one agrees with the level of the mandates involved, the acceptable limits of 20ppt are now law and as a result all towns in the Commonwealth must adhere to these standards with respect to use of the public water supply. The specific consequences for Millis are financially significant. The EFAC did review this issue, but the information that has been disseminated to the public has largely come from the DPW. The SB has become deeply involved in this issue because of both the need to mitigate any contamination and the cost of providing mitigation facilities. All of this was largely beyond the scope of the EFAC, though they could have taken a more proactive course to provide more public meetings to discuss the entire scope of the issues associated with PFAS. This is something that they were encouraged to do by the SB on several occasions. The former EFAC, like the proposed S&WC, would be expected to perform these functions, but like the EFAC, and what we're now learning from most towns that have a S&WC, it is unlikely that a S&WC will in fact execute these responsibilities.

Once the SB became familiar with the issue and the need to deal with the problems associated with PFAS mitigation, it has held numerous meetings and conversations with our State and Congressional representatives, the EPA and the DEP. As recently as April 5<sup>th</sup> the Chair has had discussions with our representatives and has been assured that our request for PFAS mitigation funds has been added by Representative Linsky to his budget letter with Chair Michelwitz. Our primary focus has been, and remains, to obtain funds to offset the cost of PFAS mitigation to the Millis community. The costs will be substantial, between \$5.5M-\$6M for each mitigation facility that we build. At the present time, it appears that it may be necessary to build three such facilities over the next few years, totaling approximately \$18M. Both of our state representatives and our state senator are fully aware of our need for these funds and are actively working with us to obtain additional funding. Likewise, the Town Administrator and the SB Chair, in conjunction with our State representatives, met with Congressman Jake Auchincloss on March 23<sup>rd</sup> to request additional funds for the Town's PFAS mitigation facilities.

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These are actions that even if a S&WC did exist the SB would have been responsible for managing, as they are the chief operating officers of the Town.

### Sewer Capacity

During the time that the EFAC existed, the advisory committee was asked to work on the issue of sewer capacity and develop an option to allow the Town to meet our sewer capacity constraints as required by our contract with the Charles River Pollution Control District (CRPCD). Although the EFAC developed the bylaw that was requested by the CRPCD, it failed to produce an action plan for informing the residents, and especially the sewer users, of the bylaw and the need for the bylaw. As a result of this inaction on the part of the EFAC, even after several requests from the SB to do so, and the clear lack of understanding of the need for this bylaw on the part of the residents and specifically the potential sewer users, it became necessary for the SB to assume responsibility for moving forward on this issue at the continuing request of the CRPCD. Due to the lack of understanding by the 162 affected residents, even after multiple open meetings on this issue over a period of two years, it was decided to both eliminate the EFAC and to withdraw the bylaw. Unfortunately, the issue isn't going away.

Let us be clear regarding the time involved in this issue by the SB. Regardless of whether the EFAC had provided all of the information necessary to effectively evaluate this issue, the SB would of necessity have had to become immersed in the details of the issue. Of greater import however is the direct correlation between the effectiveness of the EFAC and that of the proposed Sewer and Water Commission. If the EFAC was unable to frame the issue such that the residents could fully understand it, how is this circumstance likely to change in the event that we have an elected body presumably constituted to do the same thing? The only difference would be that the SB would have less ability to intervene and to decide how best to move forward with the community or to rescind its action, as was done, when it became clear that the issue was not fully understood by the residents. More important, it is for just this reason that virtually every town that responded to our request for their suggestions regarding the implementation of a S&WC said, without qualification, to avoid it at all costs.

As noted previously, the issue is not going away. We are at, or actually slightly above, the discharge limits per our contractual obligations with the CRPCD. We do need to put a policy or bylaw in place, but we'll do this later this year with the continued involvement of the community. We will also work with all sewer users so that they understand the risks of not doing so and the costs to existing rate payers who are carrying the costs of those who have not connected to the sewer system but have the right to do so. And though time-consuming, this is yet another responsibility of the SB, regardless of whether a S&WC or EFAC were in existence.

### Select Board Time

As you can see from these explanations made herein, the creation of a S&WC is not likely to alleviate the workload of the SB to any great degree. In fact, based upon what other communities have told us, just the opposite is likely to occur. It adds yet another layer of committees between the operating authorities of the Town and the public. After discussing this issue with several towns that do have such a commission, it becomes clear that in many cases a S&WC is more of a hindrance than a help in resolving issues. We have learned that many times there is dissension and division on these committees to such a degree that they must be circumvented to address pressing problems. They become enmired

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in specific issues of arcane interest to them to the detriment of the needs of the community. As a result, an extra burden is placed upon both the Town Administrator and the SB to assume the necessary responsibility to move critical issues forward that should otherwise have been addressed by the S&WC. We have already encountered this with the former EFAC. If the S&WC were formed, it would create an even greater burden on the SB.

### Reflections From Other Towns

We asked a number of town managers if they would be willing to share their views of an elected S&WC based upon their experience. With but one exception, all were opposed to its creation and recommended that we not go down that path. The one town that said it was working had both a S&WC and a SB that had not had any member changes in over 10 years. Even they said that unless the parties on both boards were knowledgeable, they would not advise moving in that direction.

### Summary

In summary, we believe that the petition to create a S&WC is a bad idea. It will add another layer of decision making and control between the public and the Town's operating officials. It potentially creates a body that may have dissension in its own ranks and thereby divert attention from the immediate issues at hand, as we have seen occurred with the former EFAC and is occurring in other communities. As a result of discussions with other communities that have such a commission, they advise against it. And it doesn't diminish the workload of the SB which is still responsible for understanding, funding and communicating with the community. For these reasons, the SB is not in favor of the adoption of these petitions.