

APPROVED

**TYNGSBOROUGH SEWER COMMISSION
MEETING MINUTES
Tyngsborough Town Hall
Meeting Room #1
February 12, 2026**

Commissioners in Attendance:

Brian Martin, Chair
Fred Perrault, Member
Darryl Wickens, Member

Others in Attendance:

Jake Zwicker, Superintendent/Town Engineer, Dept of Public Works
Kathleen Cayer, Administrator
Dan Scott (Woodard & Curran)
Jim Rivard (Woodard & Curran)

Meeting opened at 6:02 p.m. by Chair

Item 1.) Citizen's Time

None

SC will move to Item 3.d)

Item 3.)

d) Flint's Corner Development

Present: Atty. John Geary, Martha & Dan McAuliffe (property owners)

Attorney Geary stated that since their last attendance at an SC meeting in November, they have had a commercial real estate broker marketing the property and currently two potential developers are interested in the site. One of whom, Wood Partners, is working on background research and design plans and coordinating with the Town Planner to get the information they need. Attorney Geary stated he expects a proposal from them soon and requested that the flow allocation for this site continue to be held so that they can get this property under agreement. DW expressed concern that the process continues to be drawn out without anything official in the way of progress and reminded the property owners and their attorney that in November, SC had asked them to submit a proposal to tender something to hold the capacity since there are others also waiting for capacity to become available, and this property is still not under agreement with a developer. Attorney Geary stated, as he did in November, that he felt it was unreasonable to ask the property owners to put up any financial collateral and that they were unable to do so. He also asked if the 27,000 gpd that was being held for them had changed. BM confirmed that the amount had decreased by 6,600 gpd due to SC's vote to approve that amount of flow allocation be taken from the 27,000 gpd being held and granted to Tyngsborough Housing Authority to tie-in. DW suggested that the proposed developer appear before the SC at their next meeting with a check in hand for \$250,000, which would hold the allocation for 4 months. If there has been no progress, the check would be returned to them, and the allocation would be rescinded. Attorney Geary will present this proposal to the developer, including the dates for future meetings of the SC.

Item 2.) Phase 2 Sewer Project

Marcus Partners, owners of 93 Kendall Road parcel, are seeking to enter an agreement with SC to keep their infrastructure private. There are 2 phases--Lot 1 and Lot 2. The owners have installed much of the infrastructure for Lot 2. Since they plan to potentially sell off one of the lots, they would like one agreement between SC and Lot 2, which they've drafted. Once an attorney for the SC has reviewed it, KC will forward it to SC for their review, prior to their next meeting. A second agreement would then be drafted for Lot 1 and 98 Kendall Road parcel across the street.

KC received an email from the property management group for Pondview residential condos requesting information regarding costs to tie-in. KC sent them record drawings showing a stub left for them on the street, and let them know that they'd have to run the line from the street up to the condos. She gave them pricing information regarding privilege and application fees per unit. They asked if it was okay if they did not connect all buildings at once, and KC told them that should be fine. They will have an HOA meeting with their Board, after which they will respond. KC contacted Epigram Brewery because they were exceeding their flow. They will attend the SC meeting on March 26 to present a diagram and other information showing that much of the flow is not going back into the system.

Item 3.) Old Business

a) Phase I West Discussion

A sewer agreement with Global, signed by the SC, was sent to Global's attorney. Warren Allgrove, property owner who leases the land to Global, will sign the agreement after Global does. A one-page addendum regarding updated lease information was prepared. Once ready, the SC will review the addendum, then Mr. Allgrove will sign. BM requested that SC's legal counsel review it before the agreement with the addendum are sent to be recorded at the Middlesex Registry of Deeds.

1) 50 Westford Road

None

2) 130 Middlesex Road Plaza capacity

Applicant had the ability to purchase 4 additional ERU's for the proposed residential development on top of the plaza, but 2 are to be purchased now, to cover the flow that is currently being exceeded in the plaza. After consulting the Town's tax office and Town Counsel, KC will send a bill to the applicant for the 2 ERU's that are due to be paid. The additional 2 ERU's are no longer available, due to lack of response and nonattendance at meetings from the owner, after continuous communications from the SC. This additional flow has not been paid for.

FP: Motion to deny ability to purchase additional 2 ERU's of flow remaining for the proposed residential project at 130 Middlesex Road plaza.

2nd: DW

Motion passes: 3:0:0

b) I/I Program

Woodard and Curran updated the capacity project and remaining work under the first phase. DS (W&C) informed that their flow assessment team reviewed the flows and some field work associated with it last spring through summer, and did not find any excessive I/I. Therefore, they would like to do a more robust flowing program for the whole catchment this spring to confirm if there definitely is an I/I problem and determine exactly where it's coming from. This would include both Worden Road and Middlesex Road catchments. He recommended putting a permanent flow meter behind Chelmsford's meters so those flow measurements can be verified. Middlesex Road meters are running much higher compared with past readings. When last calibrated, it was determined that the meter readings were off by 10%. KC suggested having quarterly or biannual meter calibrations done instead of annually or looking into the cost of a new meter. JZ suggested a new meter may be covered by grant funds within the construction part of the project.

A call will be set up in a couple of weeks with EPA to discuss the next phase in the grant and get their opinion on future plans, etc.

DS prepared and distributed an updated capacity chart. Charles George landfill was permitted 57,600 gpd. For FY25, they are sending almost 16,500 gpd average for the year. The difference, factoring in their permitting, is 40,100 gpd. With that flow, on paper if everyone connected, there would be a deficit of 45,372 gpd.

KC calculated connection fee for Tyngsborough Housing Authority, which is based on actual water meter use per memorandum of agreement with SC. Past 2 years of water use was 3,890 gpd. Capacity chart shows reserved flow of 4,000+ gpd since they used 157 gpd per unit. It was originally thought there would be only 30 units, but there are, in fact, 56 units.

Connection fee calculation, per agreement, is 2 years of water meter readings multiplied by \$15 per gallon. Based on the agreed calculation method, the Housing Authority's connection fee would be \$58,350 for all 56 units.

Capacity reserve flow of 990 gpd for 16 and 20 Kendall Road that were approved through a covenant with SC for Fran Glavin will come from the 2 ERU's taken from 130 Middlesex Road project by SC vote and 1 ERU will come from First Parish reserve. At the last SC meeting, KC had presented a current list of property owners waiting to connect. The property owner at 46 Middlesex Road was approved several years ago, but never finished the application process. They were eventually removed from the reserve list. The owner has since requested to be put back on the list.

Property owner at 32 Worden Road was approved for capacity in March, 2023. In March, 2024, they requested paperwork, but did not follow up with filing the application or making a payment. A certified letter will be sent stating they have 30 days to apply and make payment, with six months to connect, otherwise flow capacity will not be held for them.

FP: Motion to approve sewer connection request for 46 Middlesex Road

2nd: DW

Motion passes 3:0:0

c) Future Sewer Phases

Senator Warren's office contacted Sewer Dept to confirm that the Phalanx project that had been in a draft federal budget is now in the actual federal budget. It would typically be about a year before funding is disbursed. FY27 funds will be available for W&C to finish the design aspect. The \$1.9M grant included installing gravity for 11 homes, as well as refurbishing the pump stations.

e) Tyngsborough Housing Authority-Brimley Terrace

None

f) Bridlevale-120 Pawtucket Blvd

None

g) Asset Management Plan

DS reported that they had the kickoff meeting with the town. Planning work was discussed and minutes will be reviewed. CCTV is planned for the end of March. First drawdown of the grant has been done. PP will coordinate pump station inspections.

Item 4.) New Business

a) Topics that the Chair did not reasonably anticipate would be discussed

None

b) Review and Discussion on Sewer User Fee Rates

SC held a work session on Jan 22, 2026 to discuss sewer user rates. Set for 3 years, they are due to expire June 30. No one from public attended. A public hearing date will be set. KC presented information from MassDOR and several handouts with various budget scenarios. MassDOR sets guidance and best practices with respect to setting sewer user rates. They consider full cost pricing to be a best practice for any sewer utilities, which is recapturing full costs of what it takes to run the entire sewer system (operations and maintenance, capital, debt, emergency reserves, etc.) through fees and charges. This helps to plan long term sustainability and provides sufficient revenues to recover necessary funds. Some benefits of full cost pricing include identifying direct and indirect costs, all operating and nonoperating revenue, capital contributions, and revenue requirements for the costs to

provide services. They suggest when setting rates to consider actual budget versus actual expense reports.

The Town's current residential rate is \$574 per year, per unit. Commercial rate is \$8.36 per thousand gallons. Best practice would recommend emergency reserves of 25% of O&M budget set aside out of retained earnings and review of the cost of replacing the most expensive item.

KC presented a handout with a sample of this practice using FY26 amounts. The budget (excluding capital and betterment debt) is \$2.1M. Under best practice guidelines, one quarter of that, \$528,000 would be set aside for emergency reserve. Cost of largest item is about \$150,000. FY26 budget may be offset by certified retained earnings from FY24. Certified retained earnings would be \$1.165M. Best practice in this case would reserve for emergency 25% of O&M and the cost of the largest item for capital, without touching certified retained earnings, which would leave \$486,000 to offset the budget. Actual amount was \$1.024M to offset the budget. Current method would have left budget with only \$140,000.

KC presented a handout showing last 3 fiscal years of actual expenses and revenues, which included surplus and deficit based on total revenues and expenses. Any deficits would have to be taken from retained earnings to offset budget.

In the past 3 years there have been many connection fees because of the Enclave project. MassDOR's best practices would advise estimating user budget based on user charges on what is actually connected, excluding future projects. User fees are being used to offset capital, which will continue.

DW indicated that legal fees are difficult to estimate, as they can be one-off expenses and vary year to year.

Another handout presented current budget with recapture only through user fees, without using retained earnings.

A handout of a Tighe & Bond Massachusetts sewer rate study from 2024 listed each town's sewer charges. Average cost in MA is \$1,139 per year. The Town's charges are approximately \$500+ per year. Sewer expenses are increasing steadily at 6% per year since 2000, when these studies began. The study showed that aging infrastructure is one of the most common challenges for most of the sewer systems in Massachusetts.

JZ compiled 3 budget scenarios:

- 1) Total budget of \$2.8M--25% of flow is commercial and 75% is residential. Costs would be split proportionately between residential and commercial as such. Costs would be broken down by number of users, which would be \$884 per residential user and \$15.43 per thousand gallons for commercial, which would be enough to cover the FY26 budget, with no emergency reserves.
- 2) A budget of strictly O&M with no capital or emergency reserves, with the same proportionate charges as previous scenario. Cost per residential user to be \$652.12 and cost for commercial user would be \$11.38 per thousand gallons.
- 3) A 7 % increase, which would still include the difference to cover the full budget of \$2.8M, but would need almost \$1M in retained earnings to offset that.

SC discussed the possibility of a 15% increase in fees over a 3-year period.

Public hearing to be scheduled for the SC meeting on March 26. KC will advertise as required.

Item 5.) Sewer Administrator's Report

KC informed SC that FY27 budget was updated with respect to the Town's health insurance rates. Total FY27 budget is \$3.8M, including betterment debt. Amount of earnings to offset the budget is \$1.2M. Expected certified earnings will be \$1.4M, leaving \$150,000 for emergency reserves.

- a) **Work Session minutes to approve from 1/22/26**
- b) **Meeting minutes to approve from 1/22/26**
FP: Motion to approve meeting minutes from 1/22/26 regular meeting and work session
2nd: DW
Motion passes 3:0:0
- c) **Bills warrants to review**
SC reviewed bills warrants.

Item 6.) Senior Foreman's Report

According to JZ, there is ongoing clearing of snow from pump stations. A bioxide delivery was received, and a round of wet well cleanings was done. A manhole was overflowing and surcharging on Tower Road due to an old rope tied between two manholes. It had snaked through the pipe, collecting materials and ended up clogging the pipe.

KC gave an update on Vesper settlement work. DS has provided permitting plans to JZ, and MassDOT's permit for the traffic management plan is in the 75-100% completion stage. The Inn ordered their pumps, and Vesper ordered their pumps. JZ is in contact with Sunshine Paving Corp contractors, attempting to schedule work in the summer. Vesper will need to hire a contractor for their portion. They have removed all prior conditions and want SC to consider having all work done at one time. SC would refer them to Sunshine Paving for scheduling.

Item 7.) Correspondence

None

Item 8.) Complaints

None

Item 9.) Executive Session Update

None

Item 10.) Adjournment

FP: Motion to adjourn

2nd: DW

Motion passes: 3:0:0

Meeting adjourned at 7:45 p.m.