

PUBLIC WORKS COMMISSION MEETING MINUTES

The Public Works Commission met at 6:30 p.m. on Monday, April 4, 2016, at Rm. 253 at the Concord Carlisle Regional High School located at 500 Walden Street, Concord, Massachusetts. Pursuant to Chapter 303 of the Acts of 1975, notice of the above meeting was duly filed with the Town Clerk, Town House, and Monument Square, Concord, Massachusetts.

PRESENT:

Commissioners:

- Andrew Boardman
- Arthur Fulman
- Toby Kramer
- Nick Pappas
- Peter W. Wallis

Staff:

- Richard K. Reine, PWLF, Public Works Director
- Alan Cathcart, Water/Sewer Superintendent
- Melissa Simoncini, Water/Sewer Sr. Environmental & Regulatory Coordinator
- Rod Robison, Environmental Services Program Administrator

A: ACTION ITEMS

Call to Order –

The meeting was convened at 6:30 p.m. by Commissioner Fulman.

Discussion Relative to Article 45 – Bylaw Prohibiting Polystyrene in Food Service Ware

Commissioner Fulman explained that materials have been distributed to the Commissioners relative to this article. Director Reine added that the Town Meeting Coordination process was reviewed with the Commission at a previous meeting where numerous articles were discussed in great detail to determine which articles would be appropriate for the Commission to indicate a position to Town Meeting. During that time it was determined that no position would be taken on Article 45.

It appears that there is support in the Town for this article. The petitioner has made significant changes since presenting the first version of the article primarily to obtain support from Crosby’s Market and respond to feedback from REUSIT, the Select Board and other entities. The Select Board asked the Public Works Commission to review the revised language of the article to determine if they will take a position prior to the Select Board meeting which is scheduled for this same evening. The Recreation Commission and the Council on Aging were not comfortable supporting this article. The article was changed so that the Town Manager will designate which Department will be responsible for

enforcement as well as when any waivers, extensions or exemptions will be granted. The Public Works Director indicated that if a volunteer effort could be led by the petitioner over the next year to ensure all affected parties are in compliance by the July 2017 enforcement date, CPW would work cooperatively with the Board of Health – to enforce the bylaw, with the Board of Health inspectors in the field providing notification to CPW of potential violations. The Town Manager committed to working with CPW in the FY18 budget cycle to provide funding for a part time intern for the first year or two to assist with enforcement.

Rod Robison, Environmental Services Program Administrator, explained that Article 45 also includes the ban of extruded polystyrene (EPS) Foam and #6 rigid plastic. The polystyrene ban applies to food establishments that serve or prepare food and it also applies to retail establishments. The original article prohibited retailers from selling polystyrene products, but it has since been amended to allow retailers to sell polystyrene products as long as there are other alternative products for sale. This article is endorsed by REUSIT and ConcordCAN.

There are ten other communities in the Commonwealth that have some type of Polystyrene ban. Eight of them have a Styrofoam™ ban only. Two of the ten actually took it a step further to ban #6 rigid plastic. Three other Towns including Cambridge, Lee and Lenox, Mass. are looking into the possibility of some type of polystyrene ban. There also is a potential future State ban on the use of polystyrene.

One of the main benefits of this article would be a reduction of polystyrene related environmental and health impacts. This might cause a financial hardship to some businesses that might claim that alternative products may be more costly than the current polystyrene products. Some challenges from an enforcement standpoint are that not all #6 rigid polystyrene products are actually labeled as polystyrene, such as utensils and some businesses have upwards of ten different #6 polystyrene products.

Director Reine added that there are some assumptions made by Mr. Richardson such as the EPA calculation of discarded plastics of 18%, which really is a national average that takes into account many communities that have no or a very low recycling program. There also was a calculation of 20% of polystyrene food service ware in discarded plastics in Concord. This was derived by the petitioner's audit of his own solid waste. Both of these figures will vary. The petitioners intent is to reduce, reuse and then recycle.

Commissioner Wallis **MOVED** and Commissioner Boardman **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

The Public Works Commission takes no position on Article 45.

Nagog Pond Update

Director Reine explained that the last time this was discussed with the Public Works Commission we were looking at an EIR that was issued with various steps that were needed to be taken including archaeology studies, Article 97 research, a greenhouse gas emission study and a suggestion that we look towards trying to minimize clearing on the site for the solar facility. A meeting was originally scheduled in February, which was continued until April 11. Just recently this was continued until July 18.

A comprehensive master planning process was undertaken to look at many different energy alternatives including geothermal, wind power and solar. Distributed energy is another option that has recently gained attention, which includes such things as Cogen or combined Heat and Power (CHP). One of the representatives of Tecogen, a manufacturer of CHT systems, happens to live in Concord. At the Special Town Meeting which included the long term lease for the Nagog solar facility this individual asked several insightful questions. He then had a more detailed discussion with the Director, where he provided an overview of the distributed energy option and the potential economic and environmental benefits. After a comprehensive analysis of this CHT option by the project team, including alternative energy engineers and financial analysts it was determined that it was worthwhile to explore this option further . Documentation regarding the total power demand for the facility has been put together as well as what would a distributed energy or Cogen system look like at our facility. We were able to determine the cost and payback. This was calculated to be 7.84 years based on 21 cents per kilowatt hours of energy. Energy New England, an energy consultant which provides services to the Light Plant has been contacted to provide a third party peer review of this alternative and if required will work with the Town to develop procurement criteria. This option could resolve the potential Article 97 lease conflict which may be part of a solar facility project, and would also eliminate the need for an archeology study.

As the Commission is aware certain parties have also questioned the Town of Concord's water rights which were acquired through 1884 Acts. We're confident of the rights Concord retains and counsel has reviewed them in depth.

Commissioner Fulman mentioned that there have been some inquiries by Acton with their State Senator and State Representative, which looks like might lead to a meeting with the Town Managers, a Select Board member, Public Works Directors, Public Works Commissioner and other representation from both towns to discuss and possibly resolve some of the issues. Director Reine suggested that it may be helpful to formally appoint Art Fulman to attend this meeting when it occurs on behalf of the Public Works Commission.

Commissioner Pappas **MOVED** and Commissioner Wallis **SECONDED**, and it was **UNANIMOUSLY VOTED** as follows:

To appoint Arthur Fulman, or his representative to represent the Public Works Commission at a meeting to be set up with the Town of Acton and Town of Concord Town Managers and other representatives to discuss Nagog Pond and water supply.

ADJOURNED: 6:55 P.M.

Respectfully submitted,

Approved,

Anna R. Trout	Arthur Fulman
Administrative & Special Projects Coordinator	Public Works Commission
Concord Public Works	