



Chatham County, NC

Meeting Agenda

NE Chatham Sewer Study Commission

Monday, April 25, 2022

6:00 – 8:00 p.m.

Agricultural & Conference Center

Lead

Welcome & Opening Remarks

Perry James

Approve March 25, 2022, Minutes

Perry James

Study Commission Journey

Charles Archer

Board of Commissioners Report Preparation

Charles Archer

Closing Comments

Charles Archer

Adjourn

Perry James

NE Chatham Sewer Study Commission Members

- Lee Bowman
- Victor D'Amato
- Francis DiGano
- James Flood
- Halford House
- Perry James
- David Moreau
- Denise O'Gorman-Nowak
- Scott Peck
- Liz Rolison
- Robert Paul Waldrop
- Jason Welsch

Wastewater Study Commission for Northeast Chatham County

Meeting 3

March 28, 2022

[Meeting Recording](#)

(Transcript available upon request)

Welcome & Introductions

Charles Archer called the meeting to order at 6:04 pm. Mr. Archer stated Scott Peck will serve as the Chair for this meeting. Mr. Scott did the roll call.

Commissioner Members Present: Perry James, Liz Rolison, James Flood, Denise O’Gorman, Lee Bowman, Hal House, Scott Peck, Vic D’Amato, Fran D’Giano, Robert Waldrop, Dave Moreau, Jason Welch

Others Present: Charles Archer, Freese & Nichols; Blake Mills, County Utilities Director; Kenneth Bruce, Freese & Nichols; Dan LaMontagne, Chatham County Manager; Lindsay K. Ray, Clerk to the Board of Commissioners; Jason Sullivan, County Planning Director

Mr. Archer reviewed the agenda and alerted the commission that all votes cast in a virtual meeting must be done by roll call under North Carolina law. Mr. Archer then turned the meeting back over to Mr. Peck.

Approve March 1, 2022 Minutes

Ms. Rolison made a motion to approve the minutes as amended with the requested changes emailed to the Clerk prior to the meeting. Mr. James seconded the motion. The motion passed unanimously.

Meeting 2 Recap

Mr. Archer reviewed a flow chart of path from beginning to end of phase 1. This was a review of the scope of work approved by the County Commissioners back in the fall. Mr. Archer discussed how the recent request from the study commission is outside of the scope of work and agreement entered between the County and Freese & Nichols. He suggested spending time at this meeting talking about the other alternatives the commission wishes to explore rather than the planned discussion around package treatment plants. It is possible package treatment plants could be discussed at the next meeting.

Mr. James said a document was distributed among the members earlier in the month with several things the commission members agreed they would like to explore in smaller teams.

Ms. Rolison stated the document outlines a list of information requirements the commission is asking for that align with potential solutions the members have agreed to. She asked if Freese and Nichols will be able to help the commission get the information requested. Mr. Archer explained that Freese and Nichols is trying to follow the scope of work approved by the County Board of Commissioners. The additional research being requested may not be possible to incorporate into the current scope of work at this phase of the work. He believes the Board of Commissioners is looking for the study commission to present some options for it to consider and Phase 2 of this process would be the exploration of those options.

Mr. Peck stated the study commission requires information in order to make an informed recommendation and some of that information is not easily available to the members of the commission.

Mr. LaMontagne confirmed that what the study commission is proposing is Phase 2 and that the contract and scope of work has not yet been approved by the Board of Commissioners. Ms. Rolison stated she believes the goal of Phase 1 is more than just producing a list of potential solutions but also doing a high-level assessment and being able to narrow down to three or fewer recommendations to go into Phase 2.

Mr. Peck said Ms. Rolison's assessment is consistent with the homework the members were assigned coming into this meeting to look at the cost of services from package plants and comparing to the cost of services for regional plants.

Mr. James said it may be that some outside firms need to look at the regionalization and merger partnership possibilities. Mr. LaMontagne agreed with Mr. James that much of the information could not be gathered by study commission members. The County would be responsible for reaching out to other entities in the region (Pittsboro, Chatham Park, Sanford) once they have more information.

Mr. LaMontagne said that in looking at the list submitted by the study commission, several are regional types of solutions. Some of the items would require a preliminary engineering report or a feasibility study and that is not something the study commission was appointed to do by the Board of Commissioners. If that is something the study commission wants to recommend to the Board of Commissioners, then the County could hire a consultant to do all of that.

Ms. Rolison does not believe most of the bullets represent regional solutions. Some of them represent joining other existing solutions like OWASA, Pittsboro and Sanford. She asked if the County has information that can be made available to the study commission to try to help narrow down this list. The study commission is just asking the County to share information that may help make a better recommendation to the Board of Commissioners.

Mr. LaMontagne said he could speculate on some of this but if the study commission really wants to dig into it the County needs to hire a consulting firm to dig into perspective costs, capacities in those areas, etc. He still sees partnering with an existing entity is still a regional solution. That is not the County building a plant by tying it into another plant in the region.

Ms. Rolison stated by that definition most of the items on the list are regional solutions.

Mr. LaMontagne said if the study commission wants to go ahead and present this to the Board of Commissioners then staff can go ahead and get things moving in that direction and ask if the BOC would approve a feasibility study.

Ms. O’Gorman stated she does not feel informed enough about regional ideas to make a recommendation to move forward with regional options.

Mr. LaMontagne and Mr. Archer said that topic is scheduled to be discussed in Meeting 4. Mr. Archer explained the complexities of getting some of this information. He does not know that governance of a system is as important as how it is paid for. The big obstacle will be how to pay for all these improvements. He also stressed the amount of data needed is not done lightly and is not done in the short term.

Mr. House stated his understanding is that the commission would have a high-level concept approach that also includes looking at the package plants, which was approved by the Board of Commissioners. The study commission is a hard-working group willing to do more than was requested.

Mr. Moreau asked for the status of the Town of Pittsboro and their planning for the growth on that side of the county. Mr. LaMontagne stated he has been working closely with the Town trying to get their capacity. They are still trying to build the two million gallon a day force main to Sanford. They are abandoning their 750,000-gallon plant and going into that line. Chatham Park has paid for most of that line and will get somewhere between $\frac{2}{3}$ and $\frac{3}{4}$ of the capacity. That is a band aid for Pittsboro for now. Mr. LaMontagne said the County is putting \$750,000 toward Siler City’s wastewater treatment plant upgrades.

Mr. LaMontagne provided some high-level information. Ms. Rolison said the information was extremely helpful and asked Mr. LaMontagne to go through each bullet and provide additional information. Mr. LaMontagne said he was happy to do that but his answer for some may be that additional study is needed.

Ms. Rolison stated for each of the seven options, two to four study commission members have been assigned and most members have some knowledge in a particular area. The members believe they can gather some of the information to provide a high-level assessment as to whether certain options are viable. The study commission hopes it can narrow down the recommendations given to the Board of Commissioners through this process.

Ms. Rolison continued by saying that dividing the commission members into smaller groups would allow the study commission to continue its work without

violating the open meetings law requirements. The co-chairs have asked each of the small groups to do a high-level assessment, describing what the solution would entail, the pros and cons, and then a high-level assessment of the viability of that option. There is not a lot of time to get this work done but the hope is to have a first draft from each of the seven groups by the next meeting and as commissioners they can determine the solutions that rise to the top.

Mr. LaMontagne cautioned the study commission members about calling themselves commissioners as it can mislead the public. If study commission members speak to other local government entities or industries, they are not to speak on behalf of the County. The County Commissioners are not asking these questions and it is important the study commission members speak as residents of the county. The members are not authorized to speak on behalf of the County and its future wastewater planning. Ms. Rolison agreed study commission members would be acting as residents of the county.

Over the next forty-five minutes, Mr. LaMontagne and Mr. Archer provided additional information around the seven bullet points and answered questions posed by the study commission members.

Ms. O’Gorman asked if the federal funding being sent for water and wastewater could be used to fund some of these solutions. Ms. Rolison stated the study commission is not really looking to identify costs but a more high-level assessment of options available and the pros and cons of each. The study commission discussed the ARPA funding as well as regular annual federal funding for things like MRF studies.

Mr. D’Amato asked if the study commission could clarify the seventh bullet is looking at a centralized regional treatment system specifically for northeast Chatham County. Ms. Rolison said she would make that clarification.

Mr. Archer thanked the members of the study commission for the helpful discussion. He asked the study commission to clarify whether the subgroups would work on their individual items and be prepared to report back at the next meeting.

Ms. Rolison stated the plan is for each subgroup to report back to the co-chairs to avoid a discussion over email among all the members. The co-chairs will give the

groups guidelines and will send an example out later this week for them to work from. Ms. Rolison said the co-chairs will assemble an overall high-level report of all the subgroup reports combined and will share that out to the entire study commission as well as Mr. Archer and Mr. LaMontagne so folks can review it prior to the next meeting.

Mr. LaMontagne expressed his concern that based on the description of the work being delegated to the subgroups, these smaller groups would be subject to the Open Meetings Law because they are essentially subcommittees of the study commission. Ms. Rolison stated the study commission is following the instructions from Ms. Ray at the last meeting that we could email out to all the members of the study commission, but members could not reply to all the members to engage in discussion. Ms. Ray said the study commission could meet in groups of no more than four, which is what is being proposed for these seven items of interest. Ms. Ray asked if she could speak about this issue. Mr. Peck asked Ms. Ray to address Mr. LaMontagne's concerns.

Ms. Ray stated that primarily she wants the study commission to know she does not view her role as Clerk to the Board of Commissioners as an opportunity to hinder the work of appointed boards and committees but instead protect the committees and those who volunteer their service on those committees. As the Public Records Law and Open Meetings Law expert in the County, she desires to not only protect the Board of Commissioners, but also the bodies to which they appoint. Ms. Ray apologized for not going into more detail at the last meeting about the issues surrounding the Open Meetings Law.

Ms. Ray stated that it is one thing for the co-chairs to email out a question to all the members and get individual replies, but it is an entirely different thing to organize seven groups, that have now been mentioned in a public meeting as desired subgroups. She stated this scenario is outside the scope of what she believed the study commission asked her to clarify at the last meeting. Ms. Ray stated the co-chairs can email questions to members and request feedback, but the discussion tonight stated work is being delegated to specific people for specific purposes and she believes these would have to be public meetings.

Ms. Rolison said the co-chairs sent out a list of options based on the input they received from the other members. They then asked members to volunteer for one of the options. The co-chairs have collected that feedback.

Ms. Ray said she completely understands that to many people this seems easy to work through, but it is an extraordinarily complex issue. The study commission identified seven different areas that will be investigated and reported back on. That is a subcommittee. It would be different if someone volunteered to research a topic on their own and then report back to the group.

Ms. Rolison clarified that none of the smaller groups have met to date. She asked how the study commission can do their work from this point forward to get the high-level assessment needed by the next meeting. Ms. Ray apologized that she was not prepared to produce a solution on the spot and said she would appreciate the opportunity to consult with the County Attorney. She said she wants to make sure she does not put the study commission in a bad position.

Mr. Flood requested Ms. Ray consult with the County Attorney, Mr. Archer and Mr. LaMontagne and respond back to the study commission with guidance in the next few days. The future meetings of the study commission have already been set up and the work needs to continue.

Ms. Rolison clarified that meetings of the seven subgroups had not been set up and each group will be responsible for determining how to gather information and possibly meet with third parties.

Ms. Ray summarized the request from the study commission is for her to consult with County Attorney and County Manager and get guidance back to the group soon. Ms. Ray referred to calendars and stated she believed she could get a response to the study commission by the end of the week as it could be difficult for the three to meet in the next day or two. She has some thoughts on a couple of possible options but did not feel comfortable sharing those thoughts in an open meeting without speaking with the County Attorney first.

Mr. Flood stated that was fair.

Mr. House asked if Ms. Ray could explain the difference between no more than four of them meeting together as a small group versus two to four of them meeting as different subgroups.

Ms. Ray stated that if four members of the study commission wanted to get together to discuss an issue, and issue that was not delegated by the entire study commission, those four could meet and it is not a violation of the open meetings law because there would not be a quorum of the entire public body. If two to four members meet as a subgroup to investigate specific issues that have been delegated and agreed upon by the entire study commission, the number of the group is insignificant. A subcommittee is a public body no matter how many members of the study commission serve on that subcommittee.

Ms. Ray stated she wants to give the study commission the best guidance to allow it to move forward quickly and efficiently. Ms. Rolison said it would be a shame not to be able to tap into all the expertise represented in this group. Ms. Ray said she will be sure to get the study commission an answer by the end of the week and she thanked the study commission for the questions.

Mr. LaMontagne reiterated that the study commission members should not speak to other local governments on behalf of the County. Ms. Ray also stressed the importance of remembering that all correspondence relating to the work of the study commission is subject to the Public Records Law and she encouraged the members to retain those records in a way that will make them easy to gather if requested. Ms. Rolison agreed and said that is understood.

Mr. Moreau asked Ms. Ray if it would be possible to designate one person for each of the seven categories to contact third parties. Seven individuals instead of seven groups each made up of more than one member. Ms. Ray believes that could definitely be a solution and she will include that in her conversation with the County Attorney.

Mr. Archer said he believes everyone is on the same page and that the study commission will look into these seven options so that when presented to the group as a whole, the group can narrow down the list. He also confirmed again with Ms. Ray that she will consult the County Attorney and get official guidance to the study commission by the end of the week. The study commission agreed with Mr. Archer's summary.

Commission Homework Review

- Average costs for WW treatment in developments served by 14 facilities
- Suggested criteria for evaluating options (good, better, best)
- Universe of options to solve/mitigate (?) the problems for the short-term.
 - Management
 - Odor control
 - Responsiveness
 - NOVs/SSOs
 - Collection systems operations/maintenance
 - Treatment systems operations/maintenance

Mr. Archer asked how the members wanted to handle the homework. Mr. Peck suggested someone make a motion to bring the data into the meeting minutes for this meeting. Ms. Rolison said she would be happy to summarize the findings and send it to be included in the minutes. Mr. Archer said he can put it in the presentation for the next meeting as well so everyone can see it and it gets captured.

Mr. Archer said that at the next meeting or the May meeting, the study commission can begin discussing what additional information is needed to develop the recommendations for the Board of Commissioners and if there are other things the study commission wants the Board to consider. Is there a scope of work desired for Phase 2?

Mr. James asked Mr. Archer to briefly summarize what the scope of work for Phase 2 originally looked like. Mr. Archer said Phase 1 was the only scope of work approved by the Board of Commissioners. Any work resulting from Phase 1 would inform the scope of work for Phase 2. Mr. Flood asked if the study commission could recommend a scope of work for Phase 2 in its presentation to the Board of Commissioners. Mr. LaMontagne stated the recommendation from the study commission would be based on what needs to be pursued further and then the Board of Commissioners would decide how it wants to proceed with the recommendation. It may not necessarily be with the study commission.

Mr. Archer did a quick overview of how the presentation to the Board of Commissioners could be structured:

- Provide presentation on the study

- Restating what the study commission's charge was and capture the viable options to inform work on Phase 2
- Recap the process the study commission has gone through with these meetings to get to the final recommendations
- Provide detail on what the study commission would like to see happen in Phase 2.
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Capture meeting highlights for Board of Commissioners Report

Mr. Archer asked the study commission members to share the highlights from this meeting they think are important to include in the report to the Board of Commissioners. Mr. Peck said he is encouraged by the open and honest sharing of knowledge that occurred amongst the entire group. Ms. Rolison said she believes the structure of the range of potential solutions can help guide the study commission over the next two meetings. Mr. Flood agreed.

Mr. House thanked Ms. Ray for her input and desire to help the study commission follow the Open Meetings Law and providing the guidance to keep everyone out of trouble.

Closing remarks

Mr. Archer said the next meeting is April 25th and County staff will figure out soon if that meeting will be virtual or in person. He thanked everyone for their time and hard work.

Adjourn