

**TOWN OF EDGARTOWN  
BOARD OF WASTE WATER COMMISSIONERS  
MINUTES OF THE  
REGULAR MEETING OF SEPTEMBER 17, 2020  
CONDUCTED VIA ZOOM TELECONFERENCE**

**WASTE WATER COMMISSIONERS PRESENT:**

Mr. Glen S. Searle, Chairman  
Mr. Scott Ellis, Commissioner  
Mr. Sean E. Murphy, Commissioner

**EWWD STAFF PRESENT:**

Mr. William G. Burke, Facilities Manager  
Mr. Joseph Rock, Chief Operator  
Ms. Jennifer Smyth, Department Assistant, Meeting Host  
Mrs. Pia Webster, Administrative Assistant

**OTHER TOWN OF EDGARTOWN EMPLOYEES PRESENT:**

Mr. James M. Hagerty, Town Administrator  
Mr. Matthew E. Poole, Health Agent

**OTHERS PRESENT:**

Ms. Elizabeth G. (Libby) Baldwin, P.E., Tighe & Bond  
Mr. Ian B. Catlow, P.E., Vice President, Tighe & Bond  
Mr. Douglas R. Hoehn, Principal, Schofield, Barbini & Hoehn, Inc.  
Mr. Tyler McPherson, Agent for 10 Tilton Way  
Mr. Martin V. Tomassian, Esq.

**PREFATORY REMARKS**

This being a teleconferenced meeting, Admin Assistant Pia Webster read into the record a prepared statement titled "Introduction to Teleconference," which outlined the governor's Executive Order and the current State of Emergency declared in the Commonwealth due to the Coronavirus Pandemic; and included cautionary words about the public nature of the video conference, as well as the means by which those listening in could obtain copies of the materials being discussed.

**MEETING CALLED TO ORDER:**

The Board of Waste Water Commissioners of the Town of Edgartown held their Regular Meeting on Thursday, September 17, 2020, at 3:00 p.m. via the Zoom teleconference app. At 3:02 p.m. Chairman Glen S. Searle called the meeting to order and read into the record a written statement titled “Teleconference Meeting Ground Rules.” Public comment would be allowed in this meeting during the New Business section, the Chairman announced.

**NEW BUSINESS:**

**DISCUSSION: SEPTAGE ACCEPTANCE POLICY, FURTHER DEVELOPMENT OF.**

Facilities Manager William G. Burke reported that sewer inflow was down to roughly 210,000 gallons per day and steadily decreasing. At this juncture, he said, the Septage Receiving Station was servicing the Island on an as-needed basis, accepting emergency and failed-system septic pump-outs, porta potty cleanouts, and discharge from full tight tanks. If they were to hold Septage Receiving to 3 percent of the total inflow, then acceptance should amount to about 6,000 gallons per day; three days that week they had already gone over that limit, exceeding it by a factor of two on at least one day.

Mr. Burke added that the two biggest haulers were making arrangements to bring septage off-Island, as had been done in the past. He was suggesting that at least until the Tighe & Bond Septage Cost-Benefit Evaluation was done, they should maintain the current policy, then work with Tighe & Bond to develop the policy further once the study was completed.

Ian B. Catlow, P.E., Vice President of Tighe & Bond, stated that he agreed with what Mr. Burke had said regarding the relation of septage to total inflow at this time. Chairman Searle said that his concern was whether everyone was “being taken care of.” Mr. Burke responded that the Facility was able to address all emergencies and failed systems, as well as the tight tanks and the porta pottys on construction sites and at social events.

Edgartown Health Agent Matthew E. Poole noted that the Town had in excess of 5,000 onsite septic systems, a good number installed before 1995, making them 1,000-gallon tanks, with the post-1995 systems having 1,500-gallon tanks. There had been no maintenance pumping in Edgartown all summer, and he was daily fending off calls about when these homeowners could expect to be able to have this service available once again. He, too, wanted some sense of when maintenance pumping would return. Second, although in Edgartown the assigning of the term “emergency” to a requested pump-out had been applied thoughtfully and sparingly, Mr. Poole’s impression was that in other Island Towns, “emergency” was not being defined as strictly. So this was “starting to produce some strain in the system,” he said.

Mr. Catlow responded that the concept of what constituted an emergency was something that the Town Health Agents needed to sort out among themselves. What he was working on at Tighe & Bond was a cost-benefit analysis, which he expected to have ready for the October Regular Meeting. Regarding maintenance pump-outs, word in the industry was that with the advent of Covid had come an increase in the use of disposable wipes, which often wound up – rightly or not – in septic systems. In addition, with fewer meals eaten at restaurants, more fried food was being cooked at home and more grease was finding its way into septic tanks and, ultimately, sewer plants.

Mr. Catlow also spoke of the plans of two of the septage haulers to discharge loads from their 3,000-gallon trucks into a 9,000-gallon tanker, which would then take the waste off-Island for ultimate disposal. Based on current rates, that would actually be a cheaper solution, he said.

Mr. Burke stressed that clearly the Plant had been taking in too much septage. In an earlier time, prior to 2000, septage had been taken off-Island. But at some point it was decided that the Town of Edgartown would open the Facility to anybody on-Island in unlimited volume, something he considered ill-thought-out; if that decision were being made today, he would advise against it. Right now, he said, he could not offer any other alternative but to continue to do what they had been doing.

Mr. Burke added that Jason “Jay” Araujo, owner of Jay’s Septic, was making plans to have a holding container at the airport that would enable him to take 27,000 gallons of waste off the Island each week.

Mr. Poole stated that his interest was in serving Edgartown taxpayers and property owners. His question was, How much of the septage being treated at the Plant was from out of Town? He thought it was important for those present to be reminded that the available capacity of the Plant should be serving the Town of Edgartown. Mr. Burke responded that although he agreed with Mr. Poole, since the Town had allowed itself to become such a repository for the entire Island’s septage, the Plant still had to accept septage from other Towns until arrangements for a viable alternative were complete.

Mr. Burke and Mr. Poole discussed the possible configurations of the off-Island operations. They also talked about the apparent lack of oversight by the Health Agents in other Towns in determining what constituted an emergency septic pump-out. Asked for his input, Chief Operator Joseph Rock pointed to emergency-pump-out status being issued for out-of-Town systems actually belonging to those Towns. Ultimately, he said, the Plant staff had no control over whether the Health Agents in other Town did their due diligence or not. It was, he added, a source of stress.

Mr. Poole wanted a timeframe for when Edgartown septic-maintenance pump-outs would be allowed. Mr. Burke replied that Mr. Araujo’s operation was expected to be up and running in about three weeks, at which point the Plant could change over to a policy of accepting only Edgartown septage. Chairman Searle suggested they table this discussion until the next Regular Meeting. Then the Chairman moved the discussion be continued to their meeting on October 15, seconded by Waste Water Commissioner Scott Ellis. There being no discussion or comment, the Chairman conducted a Roll Call Vote, with the following result: Mr. Murphy, Aye; Mr. Ellis, Aye; Mr. Searle, Aye.

### **SEPTAGE APPLICATION REVIEW PROCEDURE, TIME LIMITS.**

Waste Water Commissioner Sean E. Murphy said that he had requested a discussion of Article IV Section 1(d) Sewer Application Review Procedure just generally and not with regard to any specific application. For the past 30 years at least, the permitting process had begun with the applicant going to the local Waste Water Department to get a sewer permit; if they were approved, they moved on with the permitting process. The way he read the Application Review section was that the sewer application review process would be suspended if other permits from agencies like the Martha’s Vineyard Commission or the DEP were also required.

If somebody wanted to convert their T-shirt shop into a restaurant, Commissioner Murphy continued, it should be granted conditioned upon a final return from the other pertinent boards, like the ZBA and so forth. Commissioner Ellis said he agreed with that, that it would be better to figure out first if the applicant’s property qualified for the additional flow before they invested money in a lengthy

permitting process. Commissioner Murphy again stressed that the Waste Water Commission had to grant the permit as conditional upon the applicant's receiving the other relevant permits. Then once that process was completed, the applicant would return to the Waste Water Department with the final decisions of those other agencies to apply for the finalized sewer permit. If the other agency or Board did not approve the project, then the Waste Water Commission's or Department's original decision was null and void. Commissioner Ellis and Chairman Searle agreed, as did the Facilities Manager.

Admin Assistant Webster pointed out that the sections of the Residential and Commercial Sewer Permits signed off on by the Building Inspector included questions about whether the project required referral to the MVC, the ZBA or the ConCom. So if the correct procedure was followed and projects came to the Waste Water Department first, then the application format ensured their referral, where appropriate, to other agencies and Boards. In addition, she had met with the Administrators of the ConCom, ZBA and Planning Board, as well as the Building Inspector, who had assured her that in the future the Waste Water Department would be receiving copies of hearing notices from those three Town Boards. So far the new system was working, she added.

Responding to a question from Chief Operator Rock, Commissioner Murphy explained that if, say, the M.V. Commission approved a subdivision with fewer lots (pumps) than the number of pumps Waste Water had approved, then Waste Water's conditional approval would be downgraded to the number of units approved by the M.V. Commission.

#### **DISCUSSION: COMPUTATION OF CHARGES FOR GARBAGE GRINDERS.**

Mr. Burke related that if the Department were to charge for garbage grinders, the annual revenue generated could amount to about \$65,000. He would expect, he said, some pushback on this. Commissioner Murphy said he thought that former Facilities Manager David Thompson always said garbage grinders were banned. Mr. Burke answered that the Plumbing Code determined what was allowed; while grinders were not allowed in houses with septic systems, they were allowed in houses on sewer. Commissioner Ellis noted that in fact there was now a garbage grinder that could be used with septic systems. He agreed that the Department should be charging for the use of garbage grinders. Mr. Burke pointed out that the grinders did increase loading to the sewer system.

Admin Assistant Webster surmised that it would take Department staff about a year and a half to inspect the more than 1,000 existing account sites for garbage grinders. Commissioner Murphy questioned the moral grounds of suddenly charging a customer for a garbage grinder they had been using for 20 years without a fee. Moreover, he questioned the constitutionality of the inspection process. Mrs. Webster thought it would be similar to doing a drain count. Commissioner Murphy pointed out that the preponderance of drain counts were tied to permits; counting it retrospectively was different.

Mr. Burke pointed to Article VII Section 1 of the Sewer Rules and Regulations, Permission to Enter All Properties, which read in part, "The Operator and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations." Commissioner Murphy said he had no problem with counting garbage grinders in houses where OTD Counts were done from this point forward, for either new or revised permits.

After discussion and clarification, the Board requested that Admin Assistant Webster and Department Assistant Jennifer Smyth pull together a motion for the next Regular Meeting authorizing the counting of garbage grinders as OTD units in accordance with Article IX Section 5(g) when doing inspections associated with new permits and revised permits, as well as drain and bedroom count requests.

**DISCUSSION: POLICY REGARDING FAILED SYSTEMS.**

The Facilities Manager explained that under Article XV Section 7, the reduced rate charged for failed systems that had been assigned an Order to Upgrade by the Health Department would remain in effect for 60 days after the Order had been issued, unless an extension was granted by the Waste Water Commission. For instance, if the homeowner could produce a signed contract with an installer and the installer had been delayed, this would be a legitimate reason to extend the 60-day period. If people did not want to comply with the sanitary code of the State, Mr. Burke said, the Department should not be subsidizing their negligence. The Board members agreed to start enforcing the 60-day limit.

**DISCUSS/POSSIBLE VOTE: TYLER McPHERSON ON SEWER TIE-IN FOR 10 TILTON WAY.**

Representing owner Donna McPherson, Tyler McPherson explained that the applicant had previously obtained an Initial Residential Sewer Permit for 10 Tilton Way, for which he had approached Mr. Burke for renewal. Mr. Burke had concerns, he said, about line capacity as well as previous delays in tying in the property. The Facilities Manager said that in fact the permit had already been renewed twice; so this was an unusual situation, and he wanted to get a commitment from the applicant to get the property connected, allowing him one year to get it done. Mr. McPherson said that the project was moving “at full speed” and could get done within that timeframe. Commissioner Murphy made a motion to approve a one-year extension of the Initial Residential Sewer Permit of Donna McPherson for 10 Tilton Way; and further, should the tie-in not be completed one year from this day, all permits would be void. Commissioner Ellis provided a second. There being no further discussion or comment, the Chairman conducted a Roll Call Vote, with the following result: Mr. Murphy, Aye; Mr. Ellis, Aye; Mr. Searle, Aye. Commissioner Murphy left the meeting at this point, 3:57 p.m.

**OLD BUSINESS:**

**UPDATE: IAN B. CATLOW ON PROGRESS OF CIP PROJECTS.**

Ian B. Catlow, P.E., Vice President of Tighe & Bond, related that the previous week he and Town Administrator James M. Hagerty had had a call with a representative of the Harborside Inn regarding what he described as “the **temporary easement** slash license for use of a piece of the parking lot” needed for the **Dunham Road Pump Station Upgrade** Project. The call had gone favorably. Asked for comment, Mr. Hagerty gave a thumbs-up from his car.

Mr. Catlow reported on the **opening on September 16 of the General Bids for the Wastewater Treatment Facility Solids Handling & Septage Upgrades Project (Contract No. WW-21-3) and the Chase Road & Dunham Road Pump Stations Upgrades Project (Contract No. WW-21-2)**, with both bids coming in higher than anticipated. In both instances there was just a single bidder – the same bidder – Robert B. Our Co., Inc. of Harwich, Mass. The bid for Contract No. WW-21-3 was \$2,194,500 for the base bid, with an alternate bid for an additional spare pump at \$78,000. Tighe & Bond’s estimate on the project had been \$2 million, with an estimate of \$68,000 for the extra pump.

Mr. Catlow attributed the difference to higher material and equipment costs, plus the special costs associated with doing business on the Island.

The bid for the Dunham Road and Chase Road Pump Stations Upgrades Project had come in at \$1,449,378, Mr. Catlow continued. The bidder's costs at Dunham Road were very similar to what Tighe & Bond had figured; but some changes that had come into the Plant through the Mass DOT permit process – for example, traffic control, the digging of a relatively deep hole at the site, the tightness of the site – had impacted the design at Chase Road and driven up the costs. Also, the pump costs in particular were higher than Tighe & Bond had expected.

Without the funds available to do both projects, Mr. Catlow said, he and Mr. Burke had concluded that the more urgent of the two was the Pump Station Upgrades Project. So he was recommending that the Waste Water Commission vote to accept the bid for that project from Robert B. Our Co. As for the EWWTF Solids Handling & Septage System Upgrades Project, Mr. Catlow saw three possibilities: (1) obtain additional funding in a fall or spring Special Town Meeting and then re-bid the project; or (2) re-bid a smaller project without the septage piece; or (3) go back to Robert B. Our Co. and talk about pulling the solid-handling pumps and polymer system out of their bid for the Plant and change-order that into the pump station project.

Commissioner Ellis made a **motion to accept the General Bid of \$1,449,378 by Robert B. Co., Inc. for the Chase Road and Dunham Road Pump Stations Upgrades Project**, seconded by Chairman Searle. There being no further discussion or comment, the Chairman conducted a Roll Call Vote, with the following result: Mr. Ellis, Aye; Mr. Searle, Aye.

Mr. Catlow also wanted to let the Board members know that Tighe & Bond and the Department were not currently under agreement for the Construction Phase of the project just voted. He and his colleague, Elizabeth G. (Libby) Baldwin had written up something, which, in fact, needed further revision. So the Board could consider that in the October meeting.

#### **OTHER BUSINESS:**

#### **FACILITIES MANAGER'S REPORT.**

Mr. Burke reported that the door parts for the Old Septage Shed had been ordered. A new second pump had been ordered for the Meshacket Pump Station, since the cost of repairing the one onsite would have been excessive. Town Administrator Hagerty had arranged for Mr. Burke to meet with the Financial Advisory Committee in October to discuss the **MACK Granite 64R Truck**. The Department still did not have its own driver, but the Highway Superintendent would be able to supply a driver on Saturdays during the off-season months.

There was also, continued Mr. Burke, the matter of **cancelling the Transportation of Dewatered Sludge Cake to Disposal Facility Contract (WW-20-10)** with Waste Management of Massachusetts, Inc. Documenting the company's violations, including with photographs, he was confident the Department could void the contract, he said.

#### **CHIEF OPERATOR'S REPORT.**

Chief Operator Rock reported that when cleaning and troubleshooting the UV bulbs, the crew had realized the bulbs were approaching the end of their useful life, based on the manufacturer's

recommendation. Like many items these days, the bulbs were back-ordered. But since they were still running at 100 percent disinfection readings, there was no immediate problem.

In addition, Mr. Rock went on, one of the Operators had had to repair the Schwing PLC, which controlled the Sludge Pump. The Schwing PLC, he said, was made of archaic electrical supplies, and the Sludge Pump, in fact, was a key element of the Wastewater Treatment Facility Solids Handling & Septage Upgrades Project that the Board had just earlier decided to put on hold for the time being. The Facilities Manager applauded the job done by Plant Operator Sebastian Corwin on the PLC repair.

Regarding the Edgartown Yacht Club, the Chief Operator reported that they had had to replace still another pump. Also, the cooling-water inundation issues continued. But he and Mr. Burke had discovered in the Sewer Regulations that the disposal of cooling water is under the sole purview of the Operator [Facilities Manager] of the Waste Water Department. And since cooling water was basically fresh water, it would be channeled into the harbor now, instead of into the holding tank.

Responding to a query by Commissioner Ellis, Mr. Rock talked about how the Sludge Pump part of the Wastewater Treatment Facility Solids Handling & Septage Upgrades Project could be pulled out of that bid package and change-ordered on to the Chase Road & Dunham Road Pump Stations Upgrades Project that had just been accepted.

#### **FINANCIAL REPORTS.**

Admin Assistant Webster pointed to a chart titled “Total Volumes in Septage Receiving July 1 – Sept 14,” covering Fiscal Years 2013 through 2021, showing a 44.3 percent drop in Septage Volume from FY20 to FY21. The next chart – “Comparison of Septage Revenue Figures from July 1 to Sept 14 of Fiscal Years 2013 – 2021” – indicated a 46.5 percent decrease in Septage Revenue from FY20 to FY21. Mrs. Webster also reported that the number of Sewer Permits in the current fiscal year had more than doubled when compared to the first three months of FY20.

The report titled “FY21 Operating Budget Expenditures as of September 14, 2020” showed Total Combined Expenditures at 17.2 percent used, at a point in the fiscal year when 20.0 percent spent could be expected. In addition, the Admin Assistant went over Encumbered Operating Budget Expenditures and the FY21 Capital Accounts as of September 14, 2020.

#### **APPROVAL OF MINUTES.**

Commissioner Ellis made a motion to accept the **Minutes of the Regular Meeting of August 20, 2020**, seconded by Chairman Searle. There being no discussion or comment, the Chairman conducted a Roll Call Vote, with the following result: Mr. Ellis, Aye; Mr. Searle, Aye.

#### **NEW BUSINESS [Continued]:**

##### **DISCUSS/POSSIBLE VOTE: SEWER TIE-IN FOR 87 WEST TISBURY ROAD.**

Douglas R. Hoehn, principal with Schofield, Barbini & Hoehn, Inc., described the site as a three-lot subdivision at 87 West Tisbury Road belonging to Facingwestventures, LLC, and approved by the Planning Board in April 2019. At the time of the subdividing, Mr. Hoehn had met with then-Facilities Manager David Thompson to make sure that the manhole was available and that the tie-in of the three lots was feasible. Admin Assistant Webster pointed to the January 3, 2019 memorandum in the

meeting binders written by Department Assistant Smyth describing Mr. Hoehn's meeting with Mr. Thompson. Mr. Hoehn said he also had assurances from the Water Department that the lots could be tied in to their system. The owners, he added, were planning to sell the three lots as a package and leave the installation of the utilities to the buyers.

Facilities Manager Burke said that he had reviewed the plan and it looked fine but that the manhole needed to be cored with a coring machine. The Chairman questioned Mr. Hoehn about who intended to purchase the lots; Mr. Hoehn said it was not certain.

Commissioner Ellis made a motion to approve the request to tie in the three-lot subdivision at 87 West Tisbury Road with the condition that a coring machine be used to core into the manhole. Chairman Searle provided a second. There being no further discussion or comment, the Chairman conducted a Roll Call Vote, with the following result: Mr. Ellis, Aye; Mr. Searle, Aye.

**ADJOURNMENT**

There being no further business, the Chairman made a motion to adjourn the Regular Meeting, which Commissioner Ellis seconded. Chairman Searle conducted a Roll Call Vote, with this result: Mr. Ellis, Aye; Mr. Searle, Aye. The Regular Meeting adjourned at 4:31 p.m.

Respectfully submitted,

Pia Webster  
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS  
TOWN OF EDGARTOWN

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Glen S. Searle, Chairman

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Scott Ellis, Commissioner

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Sean E. Murphy, Commissioner