

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS**

**MINUTES OF THE
REGULAR MEETING OF APRIL 18, 2019**

WASTE WATER COMMISSIONERS PRESENT:

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

EWWD STAFF PRESENT:

Mr. David Thompson, Facilities Manager
Mrs. Pia Webster, Administrative Assistant

OTHERS PRESENT IN THE BOARD ROOM:

Mr. Ian B. Catlow, P.E., Vice President, Tighe & Bond
Mr. Ed Charter, Agent for Iron Bank Development, LLC
Mr. Seth Charter, Employee of Mr. Ed Charter
Mr. Michael A. Goldsmith, Attorney, Reynolds Rappaport Kaplan & Hackney LLC

OTHERS PRESENT VIA CONFERENCE CALL:

Ms. Catherine L. Clairmont, Duarte Circle Sewer Association Trust
Ms. Deborah I. Ecker, Attorney, KP Law
Mr. Patrick W. Kager, Duarte Circle Sewer Association Trust
Mr. Gary A. Mena, Attorney, Buchanan & Associates
Ms. Johanna W. Schneider, Attorney, Hemenway & Barnes LLP
Mr. Matthew Sweet, Attorney, Hamel Marcin Dunn Rearden & Shea PC

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown held their Regular Meeting on Thursday, April 18, 2019, at a special time – 3:00 p.m. – in a special location, the Board Room on the second floor of the Edgartown Public Library, 26 West Tisbury Road, Edgartown, Mass. At 4:00 p.m. Chairman Glen S. Searle called the meeting to order. Also present from the Board were Waste Water Commissioners Scott Ellis and Sean E. Murphy.

OLD BUSINESS:

REVIEW AND DISCUSSION OF REQUESTS FOR SEWER LINE EXTENSION FOR DUARTE CIRCLE – MOTION FOR EXECUTIVE SESSION.

For the first item of business – the review and discussion of the requests by Patrick W. Kager and Catherine L. Clairmont (the Duarte Circle Sewer Association Trust) and the Duarte Circle Homeowner Group to extend the Road to the Plains sewer main down Duarte Circle – Chairman Searle elected to move from Open Session to Closed. The Chairman motioned that the Board go into Executive Session for review and discussion of requests for the sewer line extension for Duarte Circle, under the authority of Massachusetts General Laws Chapter 30A, Section 20(a)(3), to discuss strategy with respect to threatened litigation if an open meeting would have a detrimental effect on the litigation position of the public body, if the Chair so declares, after a Roll Call Vote, and to obtain or receive the advice of counsel, if requested, and that the Board may return to Open Session. Commissioner Murphy offered a second.

The Chairman asked the Admin Assistant for a Roll Call Vote. Administrative Assistant Pia Webster conducted a Roll Call Vote, with the results as follows:

Chairman Glen S. Searle	Yes
Commissioner Scott Ellis	Yes
Commissioner Sean E. Murphy	Yes

“All ayes, unanimous,” said Mrs. Webster. The Chairman announced that the Board was going into Executive Session and would return to Open Session afterward. The time was 3:04 p.m.

RETURN TO OPEN SESSION.

At 3:19 p.m. the Board returned to Open Session. Present in the Board Room were: Commissioner Ellis; attorney Michael A. Goldsmith of Reynolds Rappaport Kaplan & Hackney LLC; Commissioner Murphy; Chairman Searle; Facilities Manager David Thompson; and Admin Assistant Webster. Still on speaker phone was attorney Deborah I. Ecker of KP Law.

New to speaker phone were: Catherine L. Clairmont and Patrick W. Kager of the Duarte Circle Sewer Association Trust (sometimes referred to as “the Kagers”); attorney Gary A. Mena of Buchanan and Associates, representing June D. Ameen (13 Duarte Cir); attorney Johanna W. Schneider of Hemenway & Barnes, LLP, representing Jinane Abounadi and Munther Dahleh (7 Duarte Cir), Judith A. Conley (15 Duarte Cir), Henry R. Fauteux, Jr. (9 Duarte Cir), and Nick and Patricia Lewitz (12 Duarte Cir); and attorney Matthew Sweet of Hamel Marcin Dunn Reardon & Shea PC, representing Susan and Richard Tressider (10 Duarte Cir). Introductions were made.

Commissioner Murphy noted that three e-mails had been sent on April 15, one from Mr. Mena, one from Ms. Schneider and one from Mr. Kager. The ones from Mr. Mena and Ms. Schneider were identical, while Mr. Kager’s contained an additional clause about the removal of Condition 2 from the Amended Decision Under Article X of the Sewer Rules and Regulations dated March 12, 2019.

Facilities Manager Thompson asked if any members of the Duarte Circle Homeowner Group intended to connect to the system immediately. Mr. Mena said that his client did not, and Ms. Schneider answered that she was not sure if any of her clients had plans to tie in soon. Mr. Sweet said that the Tressiders had the same feeling. Mr. Thompson said that nonetheless the situation now differed from when there had been the prospect of only the Kagers being initial participants; now there was a reasonable prospect that a second pump would tie in to the new line in the near future. He added that he was willing to go with the Kagers' plan as designed.

Commissioner Murphy confirmed with Mr. Thompson and the other Commissioners that there were no objections to removing Condition 2, notwithstanding the fact that it was not ideal to have only a single active pump on the line.

Commissioner Murphy made a motion to amend the Amended Decision Under Article X of the Sewer Rules and Regulations Re: Proposed Sewer Extension for Duarte Circle, Edgartown, MA by removing Conditions 2, 3, 4, 5, 6, 7, 8, 9 and 10 from that Decision. Commissioner Ellis provided a second, and the motion carried unanimously by voice vote.

Mr. Kager wanted to know if he and Ms. Clairmont could proceed with the sewer extension; and Commissioner Murphy said that contractor Andrew Farrissey could reach out to the Facilities Manager in the morning. The conference call ended. Attorney Goldsmith left the meeting. The time was 3:30 p.m.

NEW BUSINESS:

PRESENTATION: DARK HOLLOW LANE SEWER EXTENSION.

Present for the Dark Hollow Lane Sewer Extension discussion were Ed Charter, agent for Iron Bank Development, LLC, and his son and employee Seth Charter. Mr. Charter explained that he and the party he represented wanted to put a sewer line down Dark Hollow Lane, along with a terminal manhole. Using as templates the agreements executed by the Dark Woods and Vicker Street homeowners' groups, Mr. Charter had drawn up the "Dark Hollow Lane Sewer Association Trust Easement and Agreement," included in the meeting binders.

Facilities Manager David Thompson related that he had asked Mr. Charter to draw up such an agreement. Upon further thought, though, a simpler way to avoid recent complications, he said, was to require that the line installer get all abutters to the line onboard with a registered letter from the installer and signed acknowledgments from the other lot owners that they understood, for instance, that they would have to tie in to the sewer system if their septic system failed.

Mr. Thompson added that Dark Hollow Lane had been part of the 2005 Dark Woods DEP plan but that none of the lot owners there had wanted to extend the sewer line down their street at that time. Commissioner Ellis remarked that Mr. Charter's proposal sounded like a good one; and Chairman Searle expressed agreement.

Mr. Charter wanted to know what would happen if one of the abutters opposed the plan. Then you've got a problem, said Mr. Thompson. Mr. Charter thanked the Board members for their time and consideration. He and his son left the Board Room.

OLD BUSINESS [Continued]:

IAN CATLOW OF TIGHE & BOND: PROJECT SPECS FOR TASKS 2 & TASK 3.

Ian B. Catlow, P.E., Vice President of Tighe & Bond, went over the schematics of Task 2 (Primary Scum Pump Replacement) and Task 3 (Chase Road Pump Station Control Panel) of the WWTF Capital Improvement Program (CIP) Project. Mr. Catlow explained that much of the work could be done off-Island. He had gotten quotes of just under \$30,000 for the scum pump itself and \$20,000 for installation. Coming in under the \$50,000 threshold, Task 2 could be bid out simply by gathering three quotes. That could be done by the following week, he added.

As for Task 3, Mr. Catlow explained that he had based his design for the Chase Road Control Panel on an Allen-Bradley Micrologix 1400 PLC (programmable logic controller). The project would cost around \$20,000, depending on the electrical costs, and a shelf spare could be purchased for about \$5,000.

NEW BUSINESS [Continued]:

**CIP PROJECT ENGINEER'S ESTIMATE OF COST FOR REMAINING TASKS;
POSSIBLE VOTE(S): TASK 1, TASKS 4-7 CAPITAL IMPROVEMENT PROGRAM.**

Using a color publication titled "Edgartown WWTF CIP Project April 18, 2019" as a guide, Mr. Catlow summarized the Upgrade Design and Construction Phase Services in the three remaining Capital Improvement Project items expected to be tackled within the next year. These were: Task 1 – Basis of Design: \$36,300; Task 4 – Wastewater Facility Upgrades & Septage Storage Design: \$140,200; Task 5 – Dunham & Chase Road Pump Station Upgrades: \$84,500; Task 6 – SCADA System Upgrade: \$63,600; and Task 7 – Bidding Services: \$14,200.

Commissioner Murphy made a motion to approve Task 1 and Tasks 4 through 7 of Tighe & Bond's Upgrade Design and Construction Phase Services for the CIP. Commissioner Ellis provided a second, and the motion carried unanimously by voice vote. Chairman Searle signed the agreement with Tighe & Bond titled "Proposal for Capital Improvement Program Upgrade Design & Construction Phase Services."

OLD BUSINESS [Continued]:

UPDATE: VISITORS CENTER UPGRADE.

Facilities Manager Thompson reported that the Visitors Center Upgrade was happening in mid-May. The meeting binders included an e-mail from Mr. Thompson to VTA Administrator Angela G. Grant outlining the work and relating that the Visitors Center restrooms would be closed for at least one day.

NEW BUSINESS [Continued]:

The agenda item "Outline of Terms for Future Privately Financed Sewer Extensions/Sewer Regs" was tabled.

SMAST WATER QUALITY REPORT – EDGARTOWN GREAT POND.

Mr. Thomas reported that the UMass Dartmouth School of Marine Science and Technology had issued water quality assessments for all of the Island’s estuaries and salt ponds, none of which had been glowing, except for their comments on the Edgartown Great Pond. That report read in part: “If TN [Total Nitrogen] levels in 2019 and 2020 remain below the MEP [Massachusetts Estuaries Project] threshold, this is a good indication that the opening schedule and the improved WWTP effluent are resulting in a stable TN concentration and that the improved management is having a sustained positive ecological response.... The addition of the 2018 monitoring results indicates that if sustained, Edgartown Great Pond may have achieved compliance with the USEPA/MassDEP TMDL [Total Maximum Daily Load] issued under the Clean Water Act.”

OTHER BUSINESS:

FACILITIES MANAGER’S REPORTS.

The Facilities Manager noted that one highlight of the March Chief Operator’s Report was the handling of the voltage problems at the panel behind Town Hall, which had required an extensive troubleshoot and the assistance of Rob Young and Ian Catlow.

Another highlight, said Mr. Thompson, was the mid-March inquiry from Martha’s Vineyard Airport about tying in the Airport Industrial Park to the Edgartown Waste Water Treatment Facility, not a good idea because doing so would: import more nitrogen into the system; import stormwater into the system; and surrender plant capacity at the expense of Edgartown residents.

FINANCIAL REPORTS.

Referring to the Septage Volume and Septage Revenue Reports (FY13 to the present), Admin Assistant Webster related that Septage figures for the current fiscal year were up 1.8 percent when compared to those for FY18 at the same point in the fiscal year. She expected an overall increase of 4 to 5 percent by the end of the current fiscal year.

Mrs. Webster asked the Commissioners to turn next to the report titled “FY19 Operating Budget ‘Deficit’ Spending as of April 22, 2019,” specifically the section “Progress Since December.” There a chart laid out improvements from an 11.2 percent deficit of \$62,934.79 as of December 26, 2018 to one of 3.7 percent or \$21,438.64 as of the latest bill warrant. With more than \$60,000 expected to be available for a Chapter 77 Transfer, said the Admin Assistant, Mr. Thompson could now relax and make some needed purchases he had been putting off.

APPROVAL OF MINUTES.

The Commissioners considered the **Minutes of the Special Meeting of March 12, 2019**. Commissioner Murphy made a motion to accept the Minutes of March 12, 2019 as written, seconded by Commissioner Ellis. The motion carried unanimously by voice vote.

Next, the Board members took up the **Minutes of the Regular Meeting of March 21, 2019**. Commissioner Murphy made a motion to accept the Minutes of March 21, 2019 as written, seconded by Commissioner Ellis. The motion carried unanimously by voice vote.

ADJOURNMENT

There being no further business, Chairman Searle made a motion to adjourn the Regular Meeting, which Commissioner Ellis seconded. The motion carried unanimously by voice vote. The Regular Meeting adjourned at 4:18 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

Glen S. Searle, Chairman

Scott Ellis, Commissioner

Sean E. Murphy, Commissioner