

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

**MINUTES OF THE  
REGULAR MEETING OF JANUARY 19, 2017**

**WASTE WATER COMMISSIONERS PRESENT:**

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

**EWWD STAFF PRESENT:**

Mr. Joseph Rock, Plant Operator  
Mr. David Thompson, Facilities Manager  
Mrs. Pia Webster, Administrative Assistant

**OTHER(S) PRESENT:**

Mr. Frederick J. "Fred" Hurley

**MEETING CALLED TO ORDER:**

The Board of Waste Water Commissioners of the Town of Edgartown held their Regular Meeting on Thursday, January 19, 2017, at 4:00 p.m. in the conference room at the Edgartown Waste Water Treatment Facility, located at 330 West Tisbury Road, Edgartown, Mass. At 4:00 p.m. Chairman Glen S. Searle called the meeting to order and went straight to New Business, as Frederick J. Hurley had already taken a seat.

**NEW BUSINESS:**

**DISCUSSION: REQUEST FROM FREDERICK J. HURLEY FOR EXEMPTION FROM  
BEDROOM REGULATION AT 129 UPPER MAIN ST (20C-4.11).**

Mr. Hurley, owner of 129 Upper Main Street, which lies in the R5 Zoning District, had come before the Board to ask for an exemption from the Waste Water Department's Bedroom Regulation. According to Sections 2 and 5 of the Regulation, structures on this 0.35 acre (15,246 square foot) property could not expand beyond the five bedrooms already in place except by a vote of the Board of Waste Water Commissioners (Section 9).

Mr. Hurley said he appreciated the Commissioners taking the time to hear his request. He presented a set of plans that laid out the main structure on the property (the Ashley Inn) and a garage at the back (Oliver Street) end of the property, as well as an abutting property owned by Janet E. Hurley (22 Oliver Street, 20C-4.12), where the Hurleys live. Mr. Hurley was hoping to construct a bathroom and a bedroom in the garage on the former property for use by his elderly mother. He also had in mind that an older daughter with a child could occupy it later on.

Facilities Manager David Thompson stated that he was “not bothered by the added capacity.” What did trouble him was making an exception to the Bedroom Regulation without, for instance, the “added component of affordable housing” present in the Alex Morrison exemption request. *[See pages 1-3 of the Minutes of the Special Meeting of September 29, 2016.]* Chairman Searle said that he had no objections to the request, which was being made for a good reason. Waste Water Commissioner Scott Ellis agreed.

Administrative Assistant Pia Webster pointed to, and then read aloud, Section 9 of the Bedroom Regulation: “The Wastewater Commission reserves the right to grant exceptions based on a case by case basis if in the opinion of the Commission there is a benefit to the town.” “That’s the question,” she said. “Is there a benefit to the Town?” The discussion ended. Commissioner Ellis then made a motion to grant Mr. Hurley’s request for a sixth bedroom on the property at 129 Upper Main Street as described in his presentation. Chairman Searle provided a second and conducted a voice vote. Commissioners Searle and Ellis voted aye, and Commissioner Sean E. Murphy abstained because he had a conflict.

**OLD BUSINESS:**

**REPORT: START OF DOCK ST HAZARD MITIGATION PROGRAM PROJECT.**

Facilities Manager Thompson related that he had had “a reasonable expectation” that the Robert B. Our Company would have started the Dock Street Pump Station Project by this point. Progress, though, was being held up by the required fabrication of a valve apparatus, he explained. Commissioner Ellis noted that the DigSafe marks in the area of the project had “almost washed away.” Commissioner Murphy wanted to know for how many weeks the area would be fenced off. Six, replied, Mr. Thompson, adding, “I want it all cleaned up by April.” The Facilities Manager answered a few more questions.

**UPDATE: INFILTRATION AND INFLOW (I/I) PLAN – MassDEP AND GHD INC.**

Mr. Thompson referred the Board members to an e-mail he had written to Brian A. Dudley of the MassDEP Southeast Regional Office regarding the Infiltration and Inflow (I/I) Plan, the report on which was due to the Commonwealth by December 31, 2017. The Board was requesting funding for the study, to be done by Marc Drainville and Anastasia Rudenko of GHD Inc., through a Town Meeting Warrant Article to be voted April 11, with the funds becoming available on July 1. In his e-mail the Facilities Manager had expressed concern that “[i]f the 24-week data collection period could not encompass the spring high-groundwater window to the satisfaction of DEP, then the study might have to be delayed.”

Mr. Thompson went over the details of Mr. Dudley's response, which read, in part: "Ideally you would want to capture the spring groundwater window. If you have any free cash that you might be able to use to cover the initial months this year, that would be ideal, and then pick up the rest of the program after funds are available in FY 2018. If that isn't an option, then I would suggest that you complete as much of the I/I study as you can in order to submit a report by 12/31/17. There, you can explain that funding restrictions prevented you from doing the monitoring."

**NEW BUSINESS [Continued]:**

**REPORT: RENEWAL OF SLUDGE CAKE DISPOSAL CONTRACT.**

The Commissioners had in their meeting binders copies of a document titled "Invitation For Bid: Town of Edgartown, Massachusetts, Wastewater Commission, Edgartown Waste Water Treatment Facility Dewatered Sludge Cake Disposal Reference #: WW-17-21-1." The Facilities Manager reported, "I put this in the Central Register." He added that the bid opening would take place on March 1 and a Special Meeting would be scheduled for a vote on acceptance of the successful bid.

Commissioner Murphy clarified with Mr. Thompson that the Board was considering only the disposal of sludge cake. Yes, said the Facilities Manager, this is for the incineration by Synagro. (The Admin Assistant had mistakenly included "Transport and" in the wording of the agenda item.) Commissioner Murphy inquired whether Mr. Thompson expected Synagro Technologies to be the only bidder. The Facilities Manager replied, "If *they* didn't bid, I'd be in deep sludge cake."

**REPORT: NEW HANDLING OF GRIT/SCREENINGS.**

The Facilities Manager related that since the Facility had opened, items like paper and plastic caught in the influent screen, as well as screened sand and grit from the septage station, had been taken to the Martha's Vineyard Refuse District Transfer Station. Recently Mr. Thompson had heard from Refuse District Director Don Hatch. "They don't want it anymore," said the Facilities Manager. "It's an aesthetic issue and a health issue."

Responding to a question from Commissioner Ellis, Mr. Thompson explained that his crew double-bagged the waste and transported the bags to the Transfer Station in the Department's dump truck. He continued that he had done some research and learned that the Town of Bourne Department of Integrated Solid Waste Management (ISWM) accepted "grits and screenings." The amount they were talking about was perhaps a level dump truck once a week.

Commissioner Murphy wondered if Bruno's Rolloff would take the grits and screenings off-Island. Other possibilities were mentioned. The Department, said Mr. Thompson, could buy another container to hold the waste and then have an outfit like Howland Disposal Services, Bruno's Rolloff or ABC Disposal Services take it off-Island as necessary. The Facilities Manager added that if the Waste Water Department used the Bourne ISWM Facility, TCLP (toxicity characteristic leaching procedure) testing at the Edgartown Facility would be required on an annual basis.

**DISCUSSION/VOTES: ABATEMENT REQUESTS – FY17 SEWER USER CHARGES.**

Admin Assistant Webster noted that FY17 Sewer User Charges Abatement No. 1 was dated December 19, 2016 – the date of the Commitment – and consisted of the total of \$1,292.90 subtracted from the bills of nine accounts where charges were prorated because sewer service had been initiated after the start of the fiscal year on July 1, 2016. She indicated the signed Abatement form directed to the Town Accountant, as well as the MUNIS Bill Adjustments Report dated December 19, 2016, which listed data about the nine accounts, including the amounts of the original charges, the amounts abated and the new charges.

The Board then considered recently submitted abatement requests. The Admin Assistant pointed to a list of the six requests, which, if accepted by the Board, would result in \$3,875.20 being abated off the December 19, 2016 Commitment. (The per-drain rate for FY17 was \$70.)

**William S. Minton & Karen A. Sawyer, 78 Old Purchase Rd (21-134.20, S0934).** Mr. Minton, who purchased the property in June 2015, had called the office shortly after the billing to say that he thought he had fewer drains than he was being billed for. A drain count on December 29, 2016 revealed that the renovation outlined in the original 2009 sewer service application had never been done; there were only 10 drains and not 15. Commissioner Ellis made a motion to abate off the FY17 bill for 78 Old Purchase Road the amount of \$350, seconded by Chairman Searle. Commissioners Searle and Ellis voted aye, and Commissioner Murphy abstained because he had represented a party involved.

**122 South Water Street LLC, Jonathan Lindenberg, 122 So Water St (29B-28, S0324).** Mr. Lindenberg had e-mailed his request on December 28, 2016, explaining that his house had been torn down and was being reconstructed. Mrs. Webster verified that the water meter had been removed and service terminated on September 19, 2016. Staff at the Building Department confirmed the demolition in October. Completion of construction was not expected until at least July 1, 2017. Mrs. Webster proposed prorating Mr. Lindenberg's bill, charging him only for the 81 days of the fiscal year (July 1-Sept 19) that he would have had water and, thus, sewer service.

Commissioner Murphy made a motion to abate off from the FY17 bill for 122 South Water Street the amount of \$655.20, seconded by Commissioner Ellis. The motion carried unanimously by voice vote.

**Martha's Vineyard Venture LLC, 94 Peases Point Way S (29A-55.1, S1189).** Admin Assistant Webster said that this was a case where the Department had caught an error and tried to remedy it before discovery by the customer. The property in question, 94 Pease's Point Way, had been under a sewer permit by its previous owner, HHC One Massasoit LLC, for a project that increased its drain count from 11 to 33. The project was never done; unluckily, the file wound up in the pile of completed-project files, and the customer was billed for 33 drains.

A few days post billing, the Admin Assistant was processing a new permit application by the new owner of the property, increasing the count to 32. After some asking-around, Mrs. Webster learned what had happened and called Dudley Cannada, one of the owners, to explain the mistake. Mr. Cannada agreed that there were, in fact, 11 drains, and he promptly sent a check for those.

Commissioner Ellis made a motion, seconded by Chairman Searle, to abate \$1,540 (22 drains) off the FY17 bill for 94 Pease's Point Way South. The motion carried unanimously by voice vote.

**Benjamin L. Hall, 15 Simpsons Ln (20D-225, S0174); 21 Oliver St (20C-3, S0333); 40 Main St (20D-198, S0688).** This being the fifth year in a row these particular requests were being heard, the Board dispensed with them straightaway. The three properties in questions had had no water consumption in a number of years, as attested to by Water Department reports; and Water Department service continued to be shut off at the street level at all three properties.

Commissioner Murphy said that he moved, "again reluctantly," to abate the FY17 Sewer Bills of \$630.00 for 15 Simpsons Lane; \$560.00 for 21 Oliver Street; and \$140.00 for 40 Main Street. Chairman Searle offered a second, and the motion carried unanimously by voice vote.

**DISCUSSION: JANUARY 11 AND JANUARY 19 MEETINGS WITH  
FINANCIAL ADVISORY COMMITTEE/SELECTMEN.**

Commissioner Murphy started the discussion by providing a summary account of that afternoon's session with the FinCom and Selectmen for Commissioner Ellis, who had not attended. We had submitted a request for about \$700,000 in Warrant Articles, he joked, and "Dave succeeded in snatching defeat from the jaws of victory." Mr. Thompson explained that since this request was going to be part of a Proposition 2½ override, it was a sensitive topic.

"We have to take the \$13,000 offer," said Commissioner Murphy. He was referring to agreeing to drop the \$14,000 Air Dryer Warrant Article, paying for it out of the Equip, Repair, Replace & Upgrade account, and adding \$13,000 to the original Fire Alarm Replacement Warrant Article request of \$90,000. This left the Warrant Article total at \$709,000.

Commissioner Murphy directed a suggestion to the Facilities Manager: "Next year we'll [the Commissioners will] be the lead dogs and you'll be the technical advisor." Chairman Searle spoke about how effective a presenter Marc Drainville of GHD Inc. had been. Commissioner Murphy then made a motion to remove the Air Dryer Warrant Article from the Board's ATM request, while adding \$13,000 to the Fire Alarm Replacement Warrant Article. Chairman Searle offered a second, and the motion carried unanimously by voice vote.

"That resolves all of the Town Meeting issues?" asked Commissioner Murphy. "It should," replied Mr. Thompson, who said that the \$1.2 million FY18 Operating Budget should give him enough flexibility to do the job. Discussion returned briefly to the adjusted estimate for the Fire Alarm Replacement Project, which stood at \$102,841. "The bottom line is," observed Commissioner Murphy, "the FinCom was fine with it... We kept it under \$710,000."

**OTHER BUSINESS:**

**FACILITIES MANAGER'S REPORTS.**

The Facilities Manager went over highlights of the Chief Operator's Reports of November and December 2016. The Bed Valve Replacement Project had gone over budget by \$4,000 to \$5,000, he said. Mr. Thompson spoke about building more contingencies into the budget. For

example, about \$13,000 from the Dock Street Pump Station Project and the overage from the Roof Replacement Project – projects funded capitally – would be/had been paid for out of the Operating Budget.

Commissioner Murphy inquired about applicants for the Junior Operator-Plant Operator-Chief Operator position. The Facilities Manager said that with the deadline the following day, two promising applications for the position of Junior Operator had been submitted.

Referring to an incident at the Vineyard Golf Club on December 9, Mr. Thompson related that it “brought to the forefront a lurking issue.” The contemporary reality of Edgartown finished basements included wainscoting, sophisticated sound systems and home movie studios, and thus big claims when wastewater backed up and the Town was liable.

“We need some sort of insurance policy,” suggested Commissioner Ellis. “Or get out of liability for a basement that’s a ballroom,” said Mr. Thompson.

A discussion ensued. Mr. Thompson pointed out that for the customer to be liable, the source of the sewer backup had to be evident and assignable, for example, if they “put drapes down the toilet.”

Plant Operator Joseph Rock posed this question: “Isn’t it a situation because we’ve taken the liability of being the on-call repair service...?” “No, not really,” answered the Facilities Manager, “we don’t install the grinder pump.” He added that the Department did replace the pumps.

“It all depends on what happens,” said Commissioner Murphy, after Mr. Thompson had turned to the attorney among them to ask about liability.

## **FINANCIAL REPORTS.**

Admin Assistant Webster reviewed the FY17 Sewer Billing Revenue Figures, which stood as follows: Commitment No. 1, \$1,270,794.00; Less Sewer Abatements Nos.1 & 2, -5,168.10; Net FY17 Sewer Revenue (Adjusted Commitment), \$1,265,625.90. This constituted a 5.2 percent increase over FY16 revenue, without having imposed a rate increase. She noted that at 16,410, the number of OTDs had grown by 5.5 percent over FY16’s total of 15,561.

As for FY17 Sewer Revenue Collections, said Mrs. Webster, as of that day, just one month after the bills had been mailed, the Town Collector had taken in 57.2 percent of the Adjusted Commitment.

The Admin Assistant went over a chart she had laid out for the FinCom and Selectmen earlier in the day titled “End-of-Year Septage Numbers at a Glance” that included projected revenue for FY17 of \$427,000, down 1.48 percent from the record FY16 total of \$433,201.90. It was looking, she said, as if the FY16 numbers had not been a fluke.

The Board next considered the FY17 Operating Budget Expenditures Report as of January 17, 2017. Mr. Thompson and Mrs. Webster answered questions on financial matters, then the discussion wound down.

**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 4:53 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