



TOWN OF EDGARTOWN

WASTE WATER DEPARTMENT
330 WEST TISBURY ROAD
P.O. BOX 1068
EDGARTOWN, MA 02539

TEL. 508 627-5482
FAX 508 627-5169

TOWN OF EDGARTOWN BOARD OF WASTE WATER COMMISSIONERS

MINUTES OF THE REGULAR MEETING OF JANUARY 9, 2014

WASTE WATER COMMISSIONERS PRESENT:

Mr. James K. Carter, Chairman
Mr. Glen S. Searle, Commissioner

WASTE WATER COMMISSIONER ABSENT:

Mr. Timothy K. Connelly, Commissioner

EWWD STAFF PRESENT:

Ms. Shelley Reed, Assistant/Operator
Mr. David Thompson, Facilities Manager
Mrs. Pia Webster, Administrative Assistant

OTHERS PRESENT:

Mr. Richard J. Barbini, Schofield, Barbini & Hoehn
Mr. Keith M. Fenner
Mrs. Rozetta Hughes
Mr. Rupert Hughes
Ms. Colette Kurelja
Ms. Nancy Norton Monahan
Ms. Christiane Norton
Mr. Floyd C. Norton

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown held their Regular Meeting at 2:00 p.m. on Thursday, January 9, 2014, in the conference room at the Edgartown Waste Water Treatment Facility, located at 330 West Tisbury Road, Edgartown, Mass. At 2:00 p.m., Chairman James K. Carter called the meeting to order.

OLD BUSINESS:

REPORT/POSSIBLE VOTE: ROAD TO THE PLAINS SEWER EXTENSION – PROPOSAL TO CHANGE CONDITION.

Richard J. Barbini of Schofield, Barbini & Hoehn presented his argument for reducing the number of tie-ins required for approval of the Road to the Plains sewer extension to just past Vickers Way. *[See the Minutes of the Special Meeting of October 31, 2013, when the original proposal was approved, as well as page 2 of the Minutes of the Regular Meeting of December 12, 2013, when Mr. Barbini first broached the subject of amending the number of committed tie-ins.]*

In the Regular Meeting of December 12, Facilities Manager David Thompson had explained that the number of nine tie-ins had been settled on because of concerns about velocity capacities. However, since the original vote in October, new data had come to light. Mr. Barbini maintained that “statistically it makes no difference whether it’s between three and nine [tie-ins]... and there *will* be between three and nine.”

Indicating she was playing devil’s advocate, Administrative Assistant Pia Webster wondered how many of the eight current properties with interested owners were occupied year-round. Facilities Manager Thompson replied that this factor could not be considered. If it had to be, he said, projects like Dark Woods could never have gotten off the ground.

“Are *you* satisfied, Dave?” Waste Water Commissioner Glen S. Searle asked the Facilities Manager. “Yes,” Mr. Thompson answered. “Is it [the project] going to happen?” inquired Chairman Carter. “Definitely!” declared Mr. Barbini. Pressed for a date when the project would occur, Mr. Barbini pointed out that the pipe had to be laid and the tie-ins completed before the spring, when the road would be paved. After that, the road could not be cut for five years, per Highway Superintendent Stuart Fuller.

The Chairman mentioned that a few people had telephoned him to ask about the project. Mr. Barbini predicted that once the directional drilling machine was in the neighborhood, residents would come out to investigate.

Commissioner Searle made a motion to amend the October 31, 2013 approval of the Road to the Plains extension by reducing the minimum number of hook-ups from nine to seven. Chairman Carter offered a second, and the motion carried unanimously by voice vote.

When two of those attending, Rozetta and Rupert Hughes of 54 Road to the Plains, had some questions about proceeding with the project, Admin Assistant Webster asked of everyone in the room, “To whom should those interested in joining the project address questions?” The answer came from Colette Kurelja: Frank Amazeen, who was not in attendance, or Keith Fenner, who *was*. The discussion wound down.

NEW BUSINESS:

FY14 SEWER BILLS: ABATEMENT/REFUND REQUEST NO. 4.

Constantine B. O'Doherty, 108 Martha's Road, Acct S1115 (Map 28, Lot 93).

Admin Assistant Webster provided some background on Mr. O'Doherty's abatement request, which involved a brand-new house that had never been lived in. Plant Operator Jeremy Osborn had signed off on the E-One pump inspection on May 10, 2013, Mrs. Webster related. According to Water Department records, no water had been consumed at the site during the period of April 15 through October 15, 2013. The Admin Assistant had visited the house to verify that it was empty. Commissioner Glen Searle, who did some caretaking there, also confirmed the lack of occupants. According to his letter, Mr. O'Doherty expected to sell the house in the late winter or spring.

The Admin Assistant argued that this case was comparable to that of a new account where service had been initiated after the start of the fiscal year and where the Board voted to abate for the portion of the fiscal year prior to the start of service. She suggested that the Board abate the charges for the first 107 days of the billing period (through October 15), and not beyond that, no matter when the house eventually sold.

Chairman Carter argued that this was "a guy who built a spec house that didn't sell" and now the Waste Water Department was supposed to help him out with that. He expressed deep concerns about setting a bad precedent if the Board were to approve the suggested abatement. Mrs. Webster maintained that Mr. O'Doherty understood that if the Board approved this abatement, it would be the only abatement offered for the FY14 charges. Moreover, this customer had promptly paid the balance of his bill after the Admin Assistant had worked out what would remain if the suggested abatement were taken.

The discussion continued. The Chairman reminded staff that next spring when they resumed updating the *Rules and Regulations*, the wording about there being no water consumption to qualify for an abatement had to be changed to the water service being shut off at the street. (The water service at 108 Martha's Road was on from April 15 to October 15, 2013, though there had been no usage.) Mrs. Webster agreed that the case before them was problematic. But she thought if the details were laid out plainly in the meeting as well as in the minutes, the Board would not be setting a dangerous precedent.

Commissioner Searle made the following motion: in the matter of the FY14 Sewer Bill for 108 Martha's Road, to abate off the charge for the first 107 days of the billing period, or \$279.13. Chairman Carter offered a second, and the motion carried unanimously by voice vote.

REPORT: JANUARY 8 MEETING WITH FINCOM AND SELECTMEN.

Chairman Carter related that earlier in the day he had met with Town Administrator Pamela M. Dolby and had apologized to her for recommending that the Department

adjust upward the amount of \$131,190 that constituted that Town's 25 percent contribution to the Hazard Mitigation Grant. [See page 5 of the Minutes of the Regular Meeting of June 20, 2013 Amended.] The Chairman explained to those who had not attended the Financial Advisory Committee meeting the previous evening that the Town Administrator, as well as some of the FinCom members, had been perturbed that the Waste Water Department's Warrant Article was asking for more than the \$131,190 shown in the grant acceptance papers.

"I told her it was due to my ignorance," Chairman Carter explained. Admin Assistant Webster assured the Chairman that he had no reason to apologize. Facilities Manager Thompson said that he, too, had assumed that it would be permitted to increase the Town's share of the fund pool. "It's a lesson learned," said the Chairman, who added that the Facilities Manager had "represented the Department well" at the meeting.

Moving on, Chairman Carter initiated a discussion regarding where the Board and staff had erred and how the Department could get more money if the project went over budget or if the bids were to come in too high. Among the possibilities raised was the one proposed by Selectman Arthur Smadbeck: having a separate fund-raising Warrant Article in the future. Admin Assistant Webster spoke of how the Water Department had rewritten its RFP for the so-called communications center when the first set of bids had come in extraordinarily high.

Another subject that had cropped up at the FinCom meeting was the need for an outside consultant to do a complete, independent assessment of the facility. One FinCom member had questioned having a representative of Ovivo/Eimco Water Technologies providing numbers and making recommendations for replacing equipment when said representative's company would be selling the Department that equipment.

Facilities Manager Thompson explained that he had invited Fred Ford of Ovivo because it was Ovivo's equipment that was aging. He would be seeing Ian Catlow of Tighe & Bond, Inc. in a few weeks and could ask him about possibilities for an independent consultant. Chairman Carter suggested that Mr. Thompson call the State. "Maybe the State would do it," he said. "That's not what they do," responded the Facilities Manager, adding, "I can look into it."

DISCUSSION: PROPOSED CAPITAL PURCHASES.

A propos the previous discussion, Facilities Manager Thompson pointed out that in Fiscal Year 2019, he had anticipated a Warrant Article in the amount of around \$45,000 for an engineering evaluation for a plant upgrade. The other capital projects leading up to that were, in his words, "maintenance projects." Chairman Carter remarked, "As long as you feel these are the responsible things, we're good."

Mr. Thompson mentioned that former Facilities Manager Joseph N. Alosso's 2009 Annual Report had described the "major maintenance" needed on the then-15-year-old

plant. The talk returned to the previous day's FinCom meeting and the seeming hostility of one particular member. Admin Assistant Webster suggested that she compose a letter to the FinCom members under the Commissioners' signatures, thanking them for the considerable time they spent with the Chairman and Department staff as well as for their sound advice. Then they could attach the Facilities Manager's updated list of capital projects, something requested by the FinCom. The Commissioners agreed.

Facilities Manager Thompson then finished going through the list titled "Anticipated Warrant Articles, Updated 1-6-2013" *[sic]*. *[See page 5 of the Minutes of the Regular Meeting of December 12, 2013.]*

OTHER BUSINESS:

FACILITIES MANAGER'S REPORT (DECEMBER 2013).

"December was a month of things breaking," began Facilities Manager Thompson. On December 2 he had sought quotes for the Vineyard Golf Club pump replacements, with the final purchase price going just over \$10,000. Another \$3,000 had gone toward repairing a failing motor with bad windings in compressor No. 3.

On December 6, two Ovivo service technicians, along with Mr. Catlow of Tighe & Bond, had inspected the secondary clarifiers and aeration drives. On December 9, the crew had begun rebuilding the return activated sludge (RAS) pumps. On December 13, the unit heater in pretreatment had failed; that would cost another \$5,000 to replace.

On December 17, the Facilities Manager continued, he had worked with Health Agent Matthew E. Poole and Building Inspector Leonard Jason, Jr. to develop a deed restriction concomitant to the Bedroom Regulation of the Waste Water Department. He explained that Mr. Poole had a standard deed restriction which circumscribed the use of rooms in a house; that is, "if you say it's not a bedroom, it's not a bedroom." The deed restriction would go into the account file and would provide Department staff with access to the property for inspection. Responding to a question from the Chairman, Mr. Thompson said that it was legally enforceable.

Next, the Facilities Manager reported on a December 19 letter he had sent to Tisbury Health Agent Thomas Pachico and Administrative Secretary Catherine M. Fuller regarding an incident on December 17; to wit, a hauler had discharged a questionable load, screenings from which were "black, oily and smelling very strongly of petroleum, specifically of diesel." Mr. Thompson had written that the source of the discharge, an auto repair shop, ought to be required to install an oil-and-sand interceptor.

Chairman Carter wanted to know if the Board wished to impose a fine. "They should pay a penalty for that," he declared. The Chairman continued, "Who's responsible? The hauler? The customer? Send *them* a letter.... We need to weigh whether or not to fine them." "I agree," said Commissioner Searle. Facilities Manager Thompson noted that the permit accompanying the load was not a commercial permit but looked like one for a

residence. Chairman Carter expressed the opinion that a letter should be sent to both the auto shop and the hauler. Mr. Thompson responded that he would need to check the *Rules and Regulations* to see what, if any, fines could be levied. The Chairman also requested that the auto shop owner and the hauler be invited to the Board's next Regular Meeting.

The Facilities Manager also related that he had been working on the contract for the Odor Control System Coating Replacement Project. [See page 5 of the Minutes of the Regular Meeting of December 12, 2013, as well as pages 1-2 of the Minutes of the Special Meeting of May 7, 2013.] "We need to scale back the Scope of Work," he said. Also, he had to find out whether a containment tent was necessary. In addition, the original contract did not mention soda blasting as opposed to sand blasting.

Chairman Carter wondered if the Department should hire someone else to write a new proposal. Commissioner Searle agreed with this idea, and Facilities Manager Thompson said he would explore the possibility. Admin Assistant Webster described how the Water Department's communication center had gone from being a stick building to a modular one, resulting in radical cost reductions.

Included in the binders with the Facilities Manager's Report were materials relating to the procurement of the two replacement pumps for the Vineyard Golf Club-Morgan Woods Pump Station, the cost for which had exceeded \$10,000 and had required a Payment Approval For Procurement Form for a Sole Source Provider.

Last came a copy of the Waste Water Department's submission for the 2013 Town Report, which Mr. Thompson had written. Chairman Carter noted that customarily this report was published under the signatures of the Board of Waste Water Commissioners. In addition, the Commissioners ought to have approved its contents before its submission. Mr. Thompson explained that a last-minute demand for the report had come out of left field and that he had not had time to share copies with the Board. Chairman Carter suggested that the Facilities Manager try to be more aware of his deadlines when the next one came due.

DECEMBER FINANCIAL REPORTS.

Facilities Manager Thompson went over the FY14 Operating Budget Expenditures Report as of December 31, 2013. At the halfway point in the fiscal year, he noted, some expense accounts were over the 50 percent expended mark and some were under it; the average was 51.5 percent. He reminded the Commissioners about all of the major repairs that had been done in the past few months. Admin Assistant Webster stressed that these expenditures included the two busiest months of the year, July and August.

Mrs. Webster pointed to a Cash Receipts Report that showed Septage and Sewer Charge Receipts through January 8, 2014. All collections totaled \$1,379,719.46, or 107 percent of the projected revenue for the entire fiscal year. Chairman Carter requested that the

usual Cash Receipts Report for the last day of December, with comparisons to the preceding fiscal year (which was not in the binder), be generated and sent to the Board members. The Admin Assistant said she would do that. She also pointed out that septage gallonage for FY14 had surpassed the one-million-gallon mark and had stood at the end of December at 1,003,669 gallons.

APPROVAL OF MINUTES.

Assistant/Operator Shelley G. Reed said that the **Minutes for the Special Meeting of October 31, 2013** would be ready for the next meeting. Moving on to the **Minutes for the Special Meeting of November 21, 2013**, Commissioner Searle made a motion to approve them as printed, seconded by the Chairman. The motion carried unanimously by voice vote. Next, the Board turned to the **Minutes of the Regular Meeting of December 12, 2013**. There being no discussion, Commissioner Searle made a motion to approve the minutes as written, and Chairman Carter offered a second. The motion carried unanimously by voice vote.

ADJOURNMENT

There being no further business or comment, Chairman Carter asked for a motion to adjourn. Commissioner Searle offered a motion to adjourn, seconded by the Chairman. The motion carried unanimously by voice vote, and Chairman Carter adjourned the meeting at 3:32 p.m.

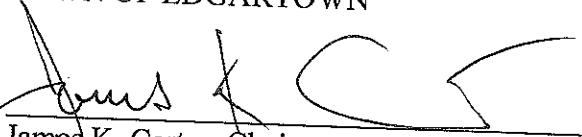
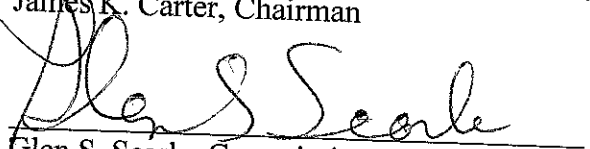
Respectfully submitted,



Pia Webster
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN


James K. Carter, Chairman
Glen S. Searle, Commissioner