

**TOWN OF EDGARTOWN  
BOARD OF WASTE WATER COMMISSIONERS  
MINUTES OF THE  
REGULAR MEETING OF JANUARY 10, 2013**

**WASTE WATER COMMISSIONERS PRESENT:**

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

**WASTE WATER COMMISSIONER ABSENT:** Mr. Timothy K. Connelly

**EWWD STAFF PRESENT:**

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

**OTHER(S) PRESENT:**

Mr. Benjamin Lambert Hall, Sr., Seagate, LLC

**MEETING CALLED TO ORDER:**

The Board of Waste Water Commissioners of the Town of Edgartown held a Regular Meeting on Thursday, January 10, 2013, at 1:00 p.m. in the conference room at the Edgartown Waste Water Treatment Facility located at 330 West Tisbury Road, Edgartown, Mass. At 1 p.m., Acting Chairman James K. Carter called the meeting to order.

Acting Chairman Carter welcomed and thanked Commissioner Glen S. Searle, who had been appointed to the Board by the Selectmen three days earlier.

The first order of business was the formal appointment of Mr. Carter as Chairman. Mr. Searle made a motion to appoint Commissioner Carter as Chairman of the Board of Waste Water Commissioners, seconded by Mr. Carter. There being no discussion, said motion carried unanimously by voice vote.

**OLD BUSINESS:**

**DISCUSSION/VOTE: FY11 ABATEMENTS.**

Administrative Assistant Pia Webster explained that the two sets of FY11 Sewer Charge Abatements voted by the Commissioners earlier in the year had to be re-voted because of inaccuracies in the original lists.

Mr. Searle made a motion to accept the Abatements posted June 14, 2012 of FY11 Sewer Charges totaling \$23,885.40. Chairman Carter provided a second, and the motion carried unanimously by voice. Then Mr. Searle made a motion to accept the Abatements posted June 30, 2012 of FY11 Sewer Charges totaling \$15,954.40. Chairman Carter provided a second, and the motion carried unanimously by voice.

**NEW BUSINESS:**

**DISCUSSION/VOTE: ANNUAL TOWN MEETING WARRANT ARTICLE.**

Chief Operator David Thompson provided background on the Warrant Article he had drawn up for the April 2013 Annual Town Meeting, which read as follows:

*That the Town vote to raise and appropriate the sum of \$45,000.00 for the Waste Water Department's Equipment and Collection System Maintenance Account for the Fiscal Year 2014.*

Responding to a query from Chairman Carter, Mr. Thompson explained why the wording of the article was kept so general. There being no further discussion, Mr. Searle made a motion to submit the Warrant Article that the Town vote to raise and appropriate the sum of \$45,000.00 for the Waste Water Department's Equipment and Collection System Maintenance Account for the Fiscal Year 2014. The Chairman provided a second, and the motion carried unanimously by voice vote.

**DISCUSSION/VOTE: FY14 OPERATING BUDGET.**

Chief Operator Thompson referred the Commissioners to his Excel version of the FY14 Operating Budget, where he had "culled out" the big-ticket budget categories – like Electric, Equipment Hire and Equipment Maintenance – and grouped them at the top of the page, leaving the lower-cost categories like Office Supplies and Mileage toward the bottom. Mr. Thompson pointed out that the ten categories at the top of the page accounted for more than 90 percent of Operating Budget Expenses, not counting Salaries and Overtime.

Mr. Thompson continued that he had done a "considerable tweak on the budget." For instance, the sludge handling (Equipment Hire) budget had been reduced by \$20,000. He also went into some detail regarding "very complicated salary issues" concerning his assuming the position of Facilities Manager and the addition of Admin Assistant Pia Webster to the Department. When Chairman Carter remarked on the more than \$15,000 reduction in the Insurance category, Mr. Thompson said that some research had uncovered the fact that the Town's insurance policy

already included protection for a boiler that the Department had been insuring separately. “So all we have to pay for is our vehicle insurance,” he said.

The Chief Operator concluded that the overall change in the Operating Budget was an increase of 1.01 percent. “They were happy with it downtown,” he noted. Mr. Thompson answered a few more questions from the Board. Then Mr. Searle made a motion to accept the FY14 Operating Budget as presented, seconded by the Chairman. The motion carried unanimously by voice vote. At this point – 1:17 p.m. – Mr. Benjamin L. Hall, Sr. made an appearance.

### **REFUND/ABATEMENT REQUESTS.**

#### **Seagate, LLC, Benjamin L. Hall, Jr.**

Benjamin L. Hall, Sr. was there on behalf of his son, Benjamin L. Hall, Jr., who was off-Island that day. With regard to the Seagate property at **66 Main Street (Acct 127)**, in correspondence dated December 15, 2011 and November 13, 2012, the younger Mr. Hall had requested an abatement of his FY12 bill of \$390.00 and a refund totaling \$2,022.80 for annual bill payments going back to FY05 because “all plumbing drains had been removed from the property.”

As for **11 South Summer Street (Acct 353)**, the younger Mr. Hall had argued in his correspondence that Seagate ought to have been charged for seven outlets to drain (OTDs) instead of eight. He was requesting that the Department abate the cost of one OTD (\$65.00) off the FY12 bill and refund the cost of one drain for each fiscal year going back to FY2005.

Chief Operator Thompson agreed that an inspection had been done and that there were, in fact, seven OTDs at 11 South Summer Street. However, he could not go further back than Fiscal Year 2011 in adjusting the Seagate bills. After some discussion, Mr. Searle made a motion to abate off the FY12 Annual Sewer Charge for 11 South Summer Street \$61.60 for one drain in FY11 and \$65.00 for one drain in FY12. Chairman Carter provided a second, and the motion carried unanimously by voice vote.

Returning to the subject of the 66 Main Street abatement and refund, Mr. Thompson explained to Mr. Hall that the Department was willing to abate his Annual Sewer Charge for FY12 and to refund the Annual Sewer Charge for FY11. But to continue to receive an abatement from this point forward, said the Chief Operator, the owner would have to turn off the water service to the property. Admin Assistant Webster referred Mr. Hall to Article IX, Section 8 of the Department’s *Rules and Regulations*, which states as follows:

*“If water is used at any time during the course of the annual billing period, a bill for the full year will be generated for that customer account, except in the case of a new service, when the bill will be pro-rated from the date of service initiation. Whether or not water has been used will be determined by obtaining a copy of the Customer Consumption Statement from the Edgartown Water Department.”*

Mrs. Webster pointed to an Edgartown Water Department Customer History for 66 Main Street, indicating that in fact there *had* been some water usage at that address since the start of FY2005. Mr. Hall argued that there was no plumbing in the building, so there was no sewer service to the building.

The discussion continued along these lines, and Chairman Carter agreed to take Mr. Hall's points under consideration. Then Mr. Searle made a motion to refund Seagate, LLC \$369.60 for the FY11 Annual Sewer Charge for 66 Main Street; and further, to abate the FY12 Annual Sewer Charge for 66 Main Street of \$390.00. The Chairman provided a second, and the motion carried unanimously by voice vote.

After Mr. Hall left the meeting, the discussion continued briefly. Mr. Thompson expressed his personal feeling that in this particular case an exception might conceivably be made to the water-service-off rule, since there were no fixtures inside the building. Mr. Carter clarified that the only source of water was the spigot outside the building. Assistant/Operator Shelley Reed acknowledged that Mr. Hall *did* have an issue, although the Department had no way of knowing exactly when the fixtures had been removed.

**Carbon, LLC, 20 South Summer Street.**

Mrs. Webster provided the background details regarding the refund request of Carol Lattman, owner of 20 South Summer Street (Acct 330). Twenty South Summer Street was a two-story building that the Department had billed at 13 outlets to drain. Ms. Lattman had paid her FY12 sewer bill of \$715.00 on December 12, 2011. She had later requested consideration for a partial refund or abatement of the FY12 bill in an e-mail sent to the Chief Operator in late October 2012.

Mrs. Webster went on that the water service had been shut off to the building from October 28, 2011 to July 1, 2012, as verified by records from the Water Department. Because this had occurred prior the passage of the Department's new rules on abatement requests voted on April 24 of this year; and because the customer base would not be notified of those changes until they received their FY13 sewer bills; the Department was considering this request. Pro-rating the annual bill of \$715.00, Ms. Lattman would be entitled to a refund of \$476.69 for that portion of the fiscal year that her water service had been terminated.

In addition, the Chief Operator had inspected the premises and could attest that the second story of the structure was currently being renovated and was not in use. Mr. Thompson reported two fixtures on the first floor and 11 on the second. So Ms. Lattman would be billed for two drains for the entire fiscal year 2013. Then, when the second story renovation was complete, the Chief Operator would inspect it and count the drains, and a second, pro-rated bill will be generated for the drains on the second floor.

Mr. Thompson tried to put it in the simplest terms: "We're charging her for the active fixtures only." There being no discussion, Mr. Searle made a motion to grant Carbon, LLC a refund of \$476.69 from the payment in full of its FY12 sewer bill, seconded by Chairman Carter. The motion carried unanimously by voice vote.

**Reuben T. and Judith F. Palmer, 1 Marchant's Path.**

Admin Assistant Webster related that Reuben and Judith Palmer, owners of 1 Marchant's Path (Acct 952), had been billed for 14 drains in FY12 but had called to say that actually they had 11.

An inspection was conducted on September 25, 2012; it was confirmed that there were, in fact, 11 drains. The Palmers had already paid their FY12 bill.

Mr. Searle made a motion to abate the cost of three drains off the FY12 Annual Sewer Charge for 1 Marchant's Path, for a total of \$195.00; and further, to return that amount to the owners in the form of a refund. Chairman Carter provided a second, and the motion carried unanimously by voice vote.

**Deborah and Edmund Willoughby, 30 Curtis Lane.**

Admin Assistant Webster explained that the Willoughbys, owners of 30 Curtis Lane (Acct 872), had been moments away from having their FY12 sewer bill liened when they handed a money order for the total amount of the lien plus committed interest over to the Town Collector. However, the payment of \$364.96 included \$39.96 in committed interest that only the Town Collector (and not the Waste Water Department) could collect. Because the Willoughbys' FY12 sewer bill had not yet been liened, the Department could accept only the amount due for the bill itself, \$325.00, plus the interest the Department itself had charged, \$10.73. The difference – \$29.23 – had to be refunded.

Commissioner Searle made a motion to refund to Deborah and Edmund Willoughby of 30 Curtis Lane the \$29.23 that they had overpaid for their FY12 sewer bill interest, seconded by Chairman Carter. The motion carried unanimously by voice vote.

**CLOSING THE BOOKS ON FISCAL YEAR 2012.**

**FY12 Committed Sewer Abatements II – Sewer Bill Abatements.**

Mrs. Webster informed Commissioner Searle and reminded Chairman Carter that the first set of FY12 Sewer Bill Abatements had been voted by the Board in their Meeting of September 25, 2012. This second set, totaling \$11,201.69, should complete the necessary abatements of bills for accounts that were not tied in, for duplicate billings, and in one case, for a property where the water had been turned off for 365 consecutive days. Mr. Searle made a motion to accept the Abatements of FY12 Committed Sewer Charges posted December 1, 2012 totaling \$11,201.69, seconded by Chairman Carter. There being no queries or discussion, the motion carried unanimously by voice vote.

**FY12 Sewer Abatements III – Pro-rated Abatements from Mr. Alosso.**

Admin Assistant Webster related that she had belatedly come across a series of letters written by former Facilities Manager Joseph Alosso to some customers who had tied into the system after the start of Fiscal Year 2012. In the letters, Mr. Alosso offered the customers an abatement of the FY12 Annual Sewer Bill that they had already received.

The abatements had never been recorded in the QuickBooks computer records; some had paid the full bill, some had paid the abated bill, and some had not paid at all. Voting on the FY12 Sewer Charge Abatements III would grant those customers the discounted charge they had been promised.

Commissioner Searle made a motion to accept the FY12 Committed Sewer Charge Abatements III consisting of abatements totaling \$774.58 made by former Facilities Manager Joseph Alosso to customer who had tied in after the start of FY12, seconded by Chairman Carter. The Chairman clarified with staff the nature of the abatement that the former Facilities Manager had been offering to these customers, which had been a straightforward pro-rating by day. There being no further discussion, the motion carried unanimously by voice vote.

**FY12 Committed Sewer Charge Abatements IV – Seagate, LLC.**

She had segregated the Seagate abatements, Mrs. Webster explained, because the outcome of the Board's discussion with Mr. Hall could not have been predicted. Commissioner Searle made a motion to accept the FY12 Committed Sewer Charge Abatements IV consisting of abatements made to Seagate Accounts 127 and 353 totaling \$516.60. Chairman Carter provided a second, and the motion carried unanimously by voice vote.

**FY12 Sewer Abatements V – Uncommitted Interest.**

The last set of abatements, said Mrs. Webster, consisted of all the Uncommitted Interest Charges on FY12 Annual Sewer Bills that were being abated off prior to the *Committed* Interest Charges being assessed by the Town Collector. The Uncommitted Interest Charges totaled \$2,468.33; the Committed ones replacing them came to \$5,550.90. Chairman Carter inquired about the rate of interest that was charged. Twelve percent, answered the Admin Assistant.

Commissioner Searle made a motion to accept the FY12 Sewer Abatements V consisting of uncommitted interest totaling \$2,468.33, seconded by Chairman Carter. The motion carried unanimously by voice vote.

**FY12 Liens.**

The Board turned to what was left unpaid of the FY12 Annual Sewer Bills. These would be liened by the Town Collector. Admin Assistant Webster showed the Commissioners a four-page document that listed customer names; property addresses; maps and parcels; FY12 bill numbers; aging; sewer bill balance; committed interest being assessed; and total liened. The total sewer bill balance liened came to \$56,372.82.

But, explained, Mrs. Webster, \$3,075.00 of that had come from FY12 charges that had not been billed until FY13. So the total liened of FY12 Sewer Charges *billed* in FY12 was \$53,297.82. With Assessed Committed Interest Billings of \$5,550.90, the total amount liened came to \$61,923.72.

Mr. Searle made a motion to approve the liening of FY12 Sewer Charges assessed in FY12 in the amount of \$53,372.82; and further, the liening of FY12 Sewer Charges assessed in FY13 in the amount of \$3,075.00, for a total liened amount of \$56,372.82; in addition to \$5,500.90 in Committed Interest Charges, for a grand total of \$61,923.72. Chairman Carter provided a second, and the motion carried unanimously by voice vote.

**OTHER BUSINESS:**

**SIGN JULY–DECEMBER COMMITMENT AND ABATEMENT STATEMENTS.**

The Commissioners signed Commitment Statements in the following amounts: Commitment No. 1 (July 2012) – \$30,608.97; Commitment No. 2 (August 2012) – \$32,360.85; Commitment No. 3 (September 2012) – \$19,923.30; Commitment No. 4 (October 2012) – \$23,611.55; Commitment No. 5 (November 2012) – \$21,085.66; and Commitment No. 6 (December 2012) – \$10,333.64.

Additionally, Messrs. Carter and Searle signed FY13 Abatement Statement No. 1 (September 2012) for \$14,816.20, which Abatements of Committed Sewer Charges they have voted in the Meeting of September 25, 2012. And lastly, the Board signed FY13 Abatement Statement No. 2 (December 2012) for \$12,492.87. These abatements had been posted in December, but had been approved by the Board in the current meeting.

**SIGNATURE AUTHORIZATIONS.**

The final agenda item related to a vote taken by the Board on September 12, 2011 on the following motion:

*That all bill warrants and payrolls shall have at least two signatures on them prior to their submission to the Town Accountant, with at least one of those signatures being that of a Commissioner. In the absence of the Facilities Manager, the signatures of at least two Commissioners are required. In the event that no Commissioner is available to sign a bill warrant or payroll, the Facilities Manager shall have the authorization to be the sole signatory on the forms so that the bills and payrolls can be processed in a timely manner. In such instances, however, one or more Commissioners, when they are available at a later date, shall review those bills and/or payrolls and shall sign them at that time.*

With this vote, explained Mrs. Webster, the Board of Waste Water Commissioners had rescinded the vote for an earlier, more liberal signature authorization taken in their meeting of August 15, 2011. However, a letter stating the content of the September 12, 2011 vote as the new policy of the Department had never been issued to the Town Accountant, the Town Treasurer or the Town Administrator. So although in practice the will of the Board will be carried out, the Town Accountant had nothing on record officially establishing this as the Department's new way of doing business. This was also a document required by the Town Auditor, since it was key to establishing the validity of almost any document issued by the Department.

Therefore, continued Mrs. Webster, it would behoove the Board to re-affirm the vote of September 12, along with the proviso that until July 1, 2013, when the Chief Operator assumed the title of Facilities Manager, the Chief Operator's signature could stand for that of the Facilities Manager, which position was not filled as of the present date. Afterward, the Commissioners could sign a letter addressed to the Town Accountant stating for the record the Board's embrace of this policy, with copies sent to the Town Auditor and the Town Administrator.

Mr. Searle made a motion to re-affirm the vote of September 12, 2011 regarding Signature Authorizations; and further, that until Chief Operator David Thompson assumed the title of Facilities Manager as of July 1, 2013, his signature would stand for that of the Facilities Manager, which position was not currently filled. Chairman Carter offered a second.

Mr. Searle clarified with staff the fact that basically the way payroll and so forth had to be signed now was already in accordance with the 2011 vote. There being no further questions or discussion, the motion carried unanimously by voice vote. The Commissioners then signed a letter to Town Accountant Kimberly G. Kane dated January 10, 2012, as described earlier in this section.

**ADJOURNMENT.**

There being no further business, 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 2:16 p.m.

Respectfully submitted,

Pia Webster  
Administrative Assistant

APPROVED:  
BOARD OF WASTE WATER COMMISSIONERS  
TOWN OF EDGARTOWN

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James K. Carter, Chairman

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Glen S. Searle, Commissioner