

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

**MINUTES OF THE
REGULAR MEETING OF AUGUST 15, 2013**

WASTE WATER COMMISSIONERS PRESENT:

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

EWWD STAFF PRESENT:

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

OTHER(S) PRESENT:

Mr. Wesley Brown, Treasurer, St. Andrew's Episcopal Church
Mr. Stuart Lollis, Congregant, St. Andrew's Episcopal Church

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, August 15, 2013, 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.

With two guests from St. Andrew's Episcopal Church present for a refund hearing under New Business, Chairman Carter opted to move ahead to that agenda item.

NEW BUSINESS:

ABATEMENT AND REFUND REQUESTS.

St. Andrew's Episcopal Church Parish House, 51 Winter Street, Map 20D, Lot 109.2 (Acct S0417). Representing St. Andrew's were treasurer Wesley Brown and congregant Stuart Lollis. Mr. Lollis provided Administrative Assistant Pia Webster with a copy of a

January 22, 2012 letter written by Mr. Brown and addressed to the Board requesting a refund of \$4,004.80 for overpayments made to the Department for sewer bills from FY02 through FY10. (The letter was new to Mrs. Webster.) The treasurer had argued that up through FY10, the church had been billed for 21 outlets to drain (OTDs) when, in fact, the parish house had only 13 OTDs. Mrs. Webster noted that Assistant/Operator Shelley Reed had conducted the drain count at the site that verified the number.

The Admin Assistant referred those present to a chart she had drawn up which listed all of the bills and the payments from the time the parish hall was first billed until the present. The total billed was \$13,003.40; the total paid, \$11,357.60. The total amount that *ought* to have been billed to the church was \$8,998.60. The amount overpaid from FY02 through FY10 was \$4004.80, *but* the church still had not paid its FY11 bill of \$800.80 nor its FY13 bill of \$845.00.

Chairman Carter explained that the year before, the Board had tried to address this issue by abating the church's FY11 bill and applying that credit to the last two years of the overpayment. [*See page 3 of the Minutes of the Regular Meeting of June 14, 2012 Amended.*] However, the Town Accountant had rejected that approach.

Commissioner Timothy K. Connelly had questions about why the parish house had not been checked earlier. The original permit listed three apartments upstairs, but the latest inspection indicated only one. Chairman Carter pointed out that the Waste Water Department depended upon the information contained in the permit. That was the source of the 21 OTDs. There was some discussion regarding ways to ensure that departures from the permits were caught.

Commissioner Connelly questioned whether the Board could refund overpayments going back so far. Would the Town Accountant even approve this? he wondered. Admin Assistant Webster acknowledged that it had been the Department's policy not to go back more than two years in considering abatement and refund requests. However, the Town Administrator had asked her to handle this. When Mrs. Webster had expressed doubt that the Town Accountant would process such a request, Mrs. Dolby had spoken to the Accountant, who in turn had told the Admin Assistant to get the Board's vote and to "provide the paperwork."

Commissioner Connelly also wanted to know if the motion to abate the FY11 sewer bill had to be withdrawn. The Admin Assistant said no.

Commissioner Connelly then moved that the Board abate the following amounts from the sewer user invoices billed to St. Andrew's Account Number 417: the amount of \$436.00 for the FY02 Sewer Bill; \$436.00 for the FY03 Sewer Bill; \$436.00 for the FY04 Sewer Bill; \$436.00 for the FY05 Sewer Bill; \$436.00 for the FY06 Sewer Bill; \$436.00 for the FY07 Sewer Bill; \$448.00 for the FY08 Sewer Bill; \$448.00 for the FY09 Sewer Bill; and \$492.80 for the FY10 Sewer Bill, with said abatements totaling \$4,004.80; and further, that the total of those abatements will be refunded to St. Andrew's Episcopal Church provided that the Church shall pay the FY11 Sewer Bill of \$800.80 and the FY13 Sewer Bill of \$845.00. Waste Water Commissioner Glen S. Searle provided a second. There being no further discussion or comment, the motion carried unanimously by voice vote.

"Thank you very much," said Mr. Brown. "Thank you, and good-bye," added Mr. Lollis.

J. Talbot Young, Jr., Trustee, 29 Morse Street, Map 20D, Lot 248 (Acct S0134). Admin Assistant Webster related that water service to the site had been terminated from December 27, 2012 through May 30, 2013, confirmed by Water Department work orders. Prorating the \$910.00 sewer bill at a rate of 57.8 percent would result in a reduction of \$384.02 and an adjusted bill of \$525.98.

Mrs. Webster emphasized that although the water service had been off for less than 365 consecutive days, the Board was able to grant this customer an abatement because the house had been demolished in the meantime. Thus, the potential for use of the system had been removed.

Commissioner Connelly moved to prorate the FY13 sewer bill for 29 Morse Street, reducing it by \$384.02 for the period when the water service was turned off for major renovations. Commissioner Searle provided a second, and the motion carried unanimously by voice vote.

Ann H. Barnett, 47 Martha's Road, Map 28, Lot 148 (Acct S1067). The first part of Ms. Barnett's request related to the fact that she had tied into the sewer system mid-fiscal year. Mrs. Webster said that the November 14, 2012 tie-in would result in a proration of 62.46 percent. Second, Ms. Barnett, who had been charged for 16 OTDs, had written that since the tie-in, only eight of the outlets had been available to her while the construction project had been progressing. (The project was near completion.)

The Admin Assistant continued that Plant Operator Jeremy Osborn had inspected the home in question and verified that there were 15 (not 16) OTDs in all but that only eight of these were in the part of the house cordoned off and available to Ms. Barnett as living quarters during the project.

Mrs. Webster did the math. Eight available OTDs times \$65 apiece equals \$520.00; 62.46 percent of \$520.00 comes to \$324.79. Thus, \$715.21 had to be adjusted off the original \$1,040.00 bill. Since Ms. Barnett had already paid the bill in full, the adjustment was, in effect, an overpayment and would be refunded.

Commissioner Searle made a motion to adjust \$715.21 off the FY13 sewer bill of Ann H. Barnett of 47 Martha's Road, refunding her the credit that resulted. Commissioner Connelly provided a second.

Commissioner Connelly objected to the trouble taken to address Ms. Barnett's request. He proposed a policy providing that the day the sewer customer received his Certificate of Occupancy was the day he could use all the drains listed on the permit. Chairman Carter pointed out that the Board and Staff had no control over who was signing an occupancy permit for what. He added that this would be a worthwhile discussion for another meeting.

Admin Assistant Webster noted that in the last 18 months there had been only one other case similar to Ms. Barnett's, the one at 20 South Summer, where a major renovation had shut down all but a small portion of the interior of the building. When Commission Connelly continued to argue his point, Mrs. Webster stated that sometimes being fair did take a bit of

trouble. The Chairman then conducted a voice vote on Commissioner Searle's motion, which carried unanimously.

As for Ms. Barnett's other requests, which concerned issues like discounts for the elderly, the Admin Assistant said she would address those in a "gentle" letter.

Dudley Cannada and R. Russell Bridges, III, 50 North Water Street, Map 20, Lot 220.6 (Acct S0687). The Admin Assistant related that Mr. Cannada's project at 50 North Water Street had been on hold for some time. As certified by consumption reports from the Water Department, no water had been used at the site since at least April 1, 2011. Under Article IX, Section 8 of the *Rules and Regulations*, this qualified the account for a total abatement of charges. Facilities Manager David Thompson noted that the permit that Mr. Cannada had submitted in 2009 was no longer valid and that he had asked Mr. Cannada to submit an updated one.

Commissioner Searle moved to abate the full amount of \$1,170.00 of the FY13 sewer bill for Dudley Cannada and Russell Bridge's property at 50 North Water Street. Commissioner Connelly provided a second, and the motion carried unanimously by voice vote.

Nancy A. Contessa, 16 Pine Tree Lane, Map 20C, Lot 49.22 (Acct S0656). Admin Assistant Webster explained that William Contessa had called the office to say that this property was not tied into the system although the two next to his were. Assistant/Operator Reed had inspected the site and verified Mr. Contessa's account. Commissioner Connelly made a motion to abate the full amount of \$325.00 of the FY13 sewer bill for Nancy A. Contessa's property at 16 Pine Tree Lane because the property is not tied in. Commissioner Searle offered a second, and the motion carried unanimously by voice vote.

Barbara and Eliot Jamgochian, 2 Hye Way, Map 28, Lot 2.15 (QuickBooks Acct 896). Mrs. Webster explained that in FY12 the Jamgochians were billed for 2 Hye Way, even though they no longer owned it. Nonetheless, Mrs. Jamgochian paid the bill but failed to pay the bill for 4 Hye Way next door, which they did in fact own. The latter bill eventually underwent the lien process, and Mrs. Jamgochian paid that bill.

The Admin Assistant continued that Mrs. Jamogochian did not realize she had paid twice until June 2013. Mrs. Webster was asking that the Board abate the full amount paid for the 2 Hye Way bill, which ought not to have been sent to the Jamgochians in the first place.

Commissioner Connelly raised questions about the sale of properties and how and when records were changed. A discussion ensued, and the Chairman said that while time at a future meeting could be allotted for further consideration of this matter, it was time to move on. Commissioner Connelly moved to abate the full amount of \$325.00 of the FY12 sewer bill for 2 Hye way; and further, to refund to Eliot and Barbara Jamgochian the sewer fee of \$325.00, plus a statement fee of \$6.00 and interest of 87 cents, for a total of \$331.87, that was paid on March 22, 2012 for sewer service on a property that was not theirs at the time. Commissioner Searle provided a second, and the motion carried unanimously by voice vote.

Barbara and Eliot Jamgochian, 4 Hye Way, Parcel 28, Lot 2.20 (Acct S0896). When Mrs. Jamgochian came to the EWWD office to ask about her refund, she also requested a drain count for her property at 4 Hye Way, said the Admin Assistant. On June 17 Plant Operators Michael Perry and Dale Morgan visited the site and counted nine drains, two less than the 11 drains for which the Jamgochians had been billed but four more than the couple thought they had.

Commissioner Searle moved to reduce the number of OTDs for 4 Hye Way by two, bringing the total down to nine and reducing the FY13 annual bill by \$130.00. Commissioner Connelly offered a second, and the motion carried unanimously by voice vote.

Christopher Vaughan, 95 Old Purchase Road, Map 21, Lot 134.13 (Acct S0914).

Christopher Vaughan, owner of 95 Purchase Road, had written to say that his drain count was eight and not 11, began Mrs. Webster. An inspection by Ms. Reed had verified this. The source of the discrepancy had been the submission of a permit for work to add fixtures that had never been carried out.

Commissioner Searle moved to adjust the FY13 sewer bill for 95 Old Purchase Road, reducing the number of OTDs from 11 to eight and adjusting the bill downward by \$195.00, bringing the total down to \$520.00. Commissioner Connelly provided a second, and the motion carried unanimously by voice vote.

Kenneth C. Wallace, Trustee, 18 Atwood Circle, Map 29B, Lot 52 (Acct S0563). Thomas C. Wallace had advised the Department that no structures existed on the referenced lot. Assistant/Operator Reed and Plant Operator Reed inspected the site to confirm this. Commissioner Connelly moved to abate the \$260.00 FY13 sewer bill for 18 Atwood Circle and to deactivate the account. Commissioner Searle offered a second, and the motion carried unanimously by voice vote.

OLD BUSINESS:

HAZARD MITIGATION GRANT.

Facilities Manager Thompson went over an e-mail dated August 6 regarding the Hazard Mitigation Program Grant and the various and sundry documents requiring the signatures of Town officials. He had already heard back from the Procurement Officer, he said, and was waiting for word from the Town Administrator.

Responding to a query from the Chairman, Mr. Thompson explained the process whereby invoices were generated and vendors paid. The Chairman stressed that *all invoices related to the grant were to be signed at the Commissioners' meetings.*

When the question arose of officially voting to hire an engineering firm to oversee the project, Admin Assistant Webster pointed out that the Board had already done that, in their Regular Meeting of June 20. [See page 3 of those minutes.] She read aloud the second half of a motion made by Commissioner Searle that "...once the Warrant Article matter was more or

less settled, ... Mr. Thompson approach Tighe & Bond to open a discussion regarding their services as engineer for the HMGP Project.” The motion had carried.

Discussion turned to the funds that the Town would contribute to the project. With a grant amount of \$393,570.00, the Town had to come up with at least a 25 percent match or \$131,190.00. Once more the issue of the need to vote came up, and once more Mrs. Webster indicated that the Board had taken the vote on June 20. To wit, the first part of the motion mentioned earlier read as follows: “that the Chief Operator discuss with the Town Administrator the possibility of a Warrant Article providing \$145,000 to \$150,000 for the Town’s part of the HMGP Project.”

NEW BUSINESS [Continued]:

REQUEST FOR AUTHORITY TO ABATE LIEN.

After the Admin Assistant has done further investigation on the 4 Hye Way refund request, *[see above]*, the need for this agenda item had become moot.

DISCUSSION: ADDRESSING THE PROSPECT OF MAXING OUT SUMMER FLOWS, COMBINED WITH FACILITIES MANAGER’S REPORTS.

Discussion of this topic was postponed until after the Facilities Manager’s Reports below.

OTHER BUSINESS:

FACILITIES MANAGER’S REPORTS (JUNE AND JULY).

Among the highlights of the Facilities Manager’s June Report was an account of the June 24 high methane reading at the Meshacket substation, an incident that had given rise to its possible closing. A subsequent reading on June 28 did not replicate the initial high reading. Mr. Thompson characterized the earlier reading as “stunning” and “unexplainable,” surmising that it might have been caused by a plant operator’s vigorous spraying of a hornet nest, wherein the VOCs contained in the spray had not properly dispersed.

Mention was made of the careful planning necessary when the Synagro waste-handling facility had a scheduled shutdown for two weeks in late June.

The plant flow in July, continued the Facilities Manager, was 16.2 million gallons. The increases, he noted, were “across the board.” “That’s alarming,” remarked Chairman Carter, who added, “It’s putting major pressure on the wastewater plant.”

Mr. Thompson related that on July 3 he had spoken to Sean Osborne, formerly of Haley and Ward, Inc., about the poor response to the Odor Control System Coating Replacement Request For Proposals. In the meantime Ian Catlow of Tighe & Bond had taken a look at the RFP documents.

Lastly, on July 11, the Facilities Manager had spoken to Cole Powers about an NSTAR cable failure that could result in troublesome voltage fluctuations.

DISCUSSION: ADDRESSING THE PROSPECT OF MAXING OUT SUMMER FLOWS, COMBINED WITH FACILITIES MANAGER'S REPORTS.

Facilities Manager Thompson passed out copies of three Mass DEP permits that allowed increases in the plant's daily flow of 65,560 (Island Grove); 13,200 (Kitt's Field Circle, Road to the Plains); and 19,360 (Dark Woods). The permitted capacity of the plant, he said, 750,000 gallons per day, and when the average flow level hit 80 percent of that for 90 consecutive days, an engineer had to be hired to address the next step in the upgrading of the plant.

Eighty percent of 750,000 gallons was 600,000 gallons, and one daily level had already hit 667,000 gallons this summer, the Facilities Manager continued. "It's something to keep in mind going forward," he stressed.

Pointing to an e-mail in the Commissioners' meeting packets, Admin Assistant Webster noted that Town Administrator Pamela M. Dolby had recommended a moratorium. "I hate that word," said the Chairman. The Facilities Manager suggested that the Department instead cease all sewer extensions and fill in the system they had. Referring to the residents into aforementioned permitted areas, Mr. Thompson said, "My feeling is, we're fundamentally committed to those people connecting."

The discussion continued. Commissioner Connelly proposed staff look into the costs of doubling the size of the plant. "Pam Dolby already gave us an answer," commented Admin Assistant Webster. Chairman Carter advised saving any plant expansion talk for future meetings. The first thing to do was to gather data. Mr. Thompson indicated that the State would approve increased capacity for the plant.

FINANCIAL SUMMARIES.

Admin Assistant Webster pointed to the highlights of the final financial statements of Fiscal Year 2013, as well as those for the month of July. She noted that Town Accountant Kimberly G. Kane had not yet entered the FY14 Projected Receipts for the various income accounts; so she had penciled in the amounts that she and Ms. Kane had discussed.

Lastly, Mrs. Webster went over the FY14 Debt Schedule. Commissioner Connelly thanked her for her efforts, saying that this was the first time the Board had seen these figures.

APPROVAL OF MINUTES.

Next, the Commissioners considered the **Minutes of the Regular Meeting of June 20, 2013**. On a motion by Commissioner Connelly, seconded by Commissioner Searle, the minutes were approved as written by unanimous voice vote.

The Board also approved the **Minutes of the Special Meeting of July 25, 2013** as written, on a motion by Commissioner Connelly, seconded by Commissioner Searle, by unanimous voice vote.

ADJOURNMENT

There being no further business or comment, Chairman Carter asked for a motion to adjourn. Commissioner Connelly offered a motion to adjourn, seconded by Commissioner Searle. The motion carried unanimously by voice vote, and Chairman Carter adjourned the meeting at 3:18 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:
BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

James K. Carter, Chairman

Timothy K. Connelly, Commissioner

Glen S. Searle, Commissioner