

**MINUTES OF THE
SPECIAL MEETING OF APRIL 24, 2012**

WASTE WATER COMMISSIONERS PRESENT:

Mr. James K. Carter, Commissioner
Mr. R. Cliff Karako, Acting Chairman

EWWD STAFF PRESENT:

Mr. David Thompson, Chief Operator
Mrs. Pia Webster, Administrative Assistant

OTHER TOWN OF EDGARTOWN STAFF PRESENT

Mr. Adam Darack, Information Technology Manager
Ms. Melissa A. Kuehne, Collector of Taxes

OTHERS PRESENT:

Mr. Jason Araujo, Jay's Septic Service

[Waste Water Commission Chairman Timothy K. Connelly listened in via conference phone.]

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown held a Special Meeting on Tuesday, April 24, 2012, at 10:00 a.m. at the conference room at the Edgartown Waste Water Treatment Facility located at 330 West Tisbury Road, Edgartown, Mass. At 10:00 a.m., Acting Chairman R. Cliff Karako called the meeting to order.

OLD BUSINESS:

PRESENTATION/DISCUSSION: MUNIS UTILITY BILLING SYSTEM.

Information Technology Manager Adam Darack and Collector of Taxes Melissa A. Kuehne had come by to talk about utility billing. "I'm stepping back," said Mr. Darack, explaining that Ms. Kuehne was taking over the coordination of the process.

Ms. Kuehne related that she had discussed with Mr. Karako the relative functionality of the Visual DataFlex system, which, she noted, would require considerable manual input by the Collector's Department. Among the advantages of the Munis system were: no manual inputting in Town Hall for liens or adjustments; more frequent catch-up billings possible; the ability to pay several Departments with a single check; the ability to accept online payments; the ability to change a resident's address in all Departments with a single entry; and the possibility of combining their billings with other Departments', if that was what the Commissioners opted to do.

The discussion turned to the Water Department. Mr. Darack suggested that the Town, including the Waste Water Department, simply move forward with the Munis system. Waste Water Commissioner James K. Carter wondered about the associated costs, and Mr. Darack explained that without the Water Department onboard, less work would be required. Responding to another query from Mr. Carter, Mr. Darack said that there would be a yearly fee. Having secured the Commissioners' approval, he would get firm figures and a timeline; he projected the Department would not be fully online until the end of FY13.

Acting Chairman Karako said he approved of moving forward, as did Mr. Carter. "Since we are part of the Town, this *is* the best solution," remarked Mr. Darack. "I'm one hundred percent with you," said Mr. Carter. Mr. Karako proposed that the Board draft and sign a simple letter to the Board of Selectmen stating their full support for Mr. Darack and Ms. Kuehne proceeding with plans to convert the Waste Water Department's current billing system to the Munis Utility Billing Customer Information System (UBCIS); Mr. Carter agreed. And, Mr. Darack noted, if there were additional costs, a Special Town Meeting could be called.

JAY'S SEPTIC SERVICE PROPOSED PAYMENT PLAN.

The Waste Water Commissioners considered a proposed payment plan outlined in an April 11 letter from Jason Araujo of Jay's Septic Service. Mr. Araujo had been unable to fulfill the terms of his agreement dated February 8, 2012 to pay off his past-due balance at a rate of \$3,000 per week. Thus, he was hoping to lower his weekly payments until business picked up again in the warm season. According to the amended plan, his final payment would be on August 31. "July and August are the meat of my business," he explained. "I can do a thousand now, that I can do."

The Commissioners expressed some disappointment that the past-due balance, which stood at \$41,685.14, would not be paid off by the end of the current fiscal year, as originally agreed. "We've extended it before," said Mr. Carter, adding, "I'm uncomfortable with this... It's a *ton* of money." He suggested that Mr. Araujo look into securing a line of credit. Mr. Araujo did not have much confidence in his ability to do that; and he reiterated past arguments about having been ignorant of the true extent of his indebtedness to the Department.

Following more discussion, all agreed it was inadvisable for Mr. Araujo to sign on to a plan he could not consistently adhere to. Mr. Carter made a motion to amend Mr. Araujo's original payment plan to include a new schedule of payments, extending them to August 31, 2012, in the arrangement shown in Mr. Araujo's April 11, 2012 proposal; and further, to calculate and incorporate the expected interest charges into the amended payment plan. Acting Chairman Karako provided a second, and the motion carried unanimously by voice vote.

The Commissioners made it clear to Mr. Araujo that this arrangement was not subject to further amendment. Moreover, he was to continue to pay promptly for any additional loads that he dumped. Mr. Araujo thanked the members of the Board for their consideration.

APPROVAL OF MINUTES.

On a motion by Mr. Carter, seconded by Mr. Karako, the Commissioners approved by voice vote the **Minutes of the Meeting of December 19, 2011**. Mr. Carter moved to approve the **Minutes**

of the Meeting of January 31, 2012; Mr. Karako provided a second. The motion carried unanimously by voice vote. Turning to the **Minutes of the Meeting of February 3, 2012**, Mr. Carter made a motion to approve, with a second from Mr. Karako. The motion carried unanimously by voice vote.

Mr. Carter moved to approve the **Minutes of the Meeting of February 7, 2012**. Mr. Karako provided a second, and the motion carried unanimously by voice vote. On a motion by Mr. Carter and a second by Mr. Karako, the Commissioners approved by voice vote the **Minutes of the Meeting of February 10, 2012**. Moving on to the **Minutes of the Meeting of March 6, 2012**, Mr. Carter made a motion with approve, with a second from Mr. Karako. The motion carried unanimously by voice vote. Last considered were the **Minutes of the Meeting of April 10, 2012**. Mr. Carter moved for their approval, and Mr. Karako seconded. The motion carried unanimously by voice vote.

OLD BUSINESS [Continued]:

PROPOSED LETTER TO TIMOTHY PETERS.

Chief Operator David Thompson related that Timothy Peters, owner and operator of T.P. Excavation & Septic Service, had not made a single payment toward his past-due balance of \$13,763.34 since signing an agreement to pay \$1,000 per week on February 7. In fact, Mr. Peters had paid nothing since the preceding September. Nonetheless, he had recently approached staff regarding the possibility of having his pumping privileges reinstated.

The Commissioners had before them a letter to Mr. Peters that included the following statement: "Let us make it perfectly clear that until you have come before this Board and pleaded your case; and further, have made substantial payment toward that balance in an amount adjudicated by this Board; and further, have agreed to, and adhered strictly to, a plan to pay off the remainder of the balance, can we consider any resumption of your privileges."

On a motion by Mr. Carter, seconded by Mr. Karako, the Board voted unanimously by voice to send the aforementioned letter to Mr. Peters. In addition, Messrs. Carter and Karako agreed that if Mr. Peters had not come forward by June 1, a copy of the letter would be sent to Town Counsel Ronald H. Rappaport and legal action would be considered.

FY2011 LIENS AND ABATEMENTS.

This item was postponed until the return of Administrative Assistant Shelley Reed.

NEW BUSINESS:

REGULATION RE: ABATEMENTS/REFUNDS OF ANNUAL BILLS.

Next, the Commissioners considered a page-long regulation enumerating the procedure to be followed by sewer customers desiring abatements or refunds of their annual bills. Chief Operator Thompson pointed out that while the bare bones of the procedure had been in use for some time, the particulars had not been laid out. If the Waste Water customer was not a Water Department customer as well, some degree of judgment entered the equation, he remarked.

Administrative Assistant Pia Webster noted that the specificity of the rules and the fact that these cases had to come before the Commissioners would deter abuse, adding that this page would become the new Section 8 of Chapter IX of the *Rules and Regulations*, with the present Section 8 deleted entirely, if the Board so voted.

Mr. Carter made a motion to delete the current Section 8 of Chapter IX of the Waste Water Department's *Rules and Regulations* and to substitute the page before them [*a copy of which is attached to these minutes*]. Acting Chairman Karako provided a second, and the motion carried unanimously by voice vote.

DISCUSSION: WASTE HAULER LICENSE FORM.

Chief Operator Thompson said that he had spoken to Sarah Hughes at the Martha's Vineyard Insurance Agency and had confirmed the assignment of the general liability numbers that would appear in Section 4 of the Waste Hauler License Form. Mr. Carter wanted to know if it were possible to shrink down the three-sided document to a two-sided one, to keep it on a single sheet. Another possibility would be to place a header on each side where the name of the hauler could be written or typed in. His concern, Mr. Carter said, was the possible separation of the signature page from the first page, where the hauler was identified.

Mr. Thompson said that by the next Regular Meeting on May 8, he would work into the current *Rules and Regulations* the section on liability insurance and the requirement for a license. (The other material on the license had been drawn from regulations already in place.)

OTHER BUSINESS:

STRATEGIES FOR HANDLING THE COST OF PUMPING FAILED SYSTEMS.

The Board and staff discussed briefly the conundrum posed by the lower price-per-gallon available to people with failed systems. What, for instance, would motivate a hauler to service such a client, with only half the money to be made? Also, that client's discharge could not be mixed with any other client's, so the hauler was limited to a single client for that trip. And what if this occurred repeatedly, and the client was unable to pay, yet the situation, untreated, posed a health risk?

Chief Operator Thompson explained that to qualify for the rate, the resident needed a permission slip from Health Agent Matthew Poole. Mr. Thompson's concern was that the Department would get caught in the middle and wind up paying for a service outside its sphere of responsibility. He also pointed out that at this time the 14-cent-per-gallon rate was only applicable to Edgartown residents. All agreed that loads qualifying for the lower rate could contain only the uptake from the failed system. Admin Assistant Webster suggested that perhaps the Board of Health had funding for these pump-outs in their budget for low-income situations.

REPORT: INTEREST AND STATEMENT FEES.

Admin Assistant Webster reported that in the absence of any contradictory findings, Tax Collector Melissa Kuehne still believed that the Waste Water Department could charge an interest rate of 14 percent. Ms. Kuehne continued, however, to research the matter. Mrs.

Webster also related that apparently the Department had not, in fact, had the power to assess statement fees to customers who had not met payment deadlines. Acting Chairman Karako recommended that the Board take up these items upon the return on Assistant Shelley Reed.

BEGIN ANNUAL REVIEW OF ALL RATES.

Acting Chairman Karako stated that he wanted Chairman Connelly present when the discussions regarding the FY13 rates began in earnest. Of one thing he was certain: according to Troy Maciel, all of the haulers were talking about taking their loads off-Island. "At the least, there's a conversation going on," said Mr. Karako. The next steps were to: (a) get the seasonal dumping rates in Falmouth; and (b) determine the actual operating costs of the system in Edgartown. Chief Operator Thompson pointed out that in Edgartown they needed an operator onsite; so an hour of that person's time had to be figured in. In addition, Mr. Thompson asked the Board not to lower the rates until after the end of the summer, so as not to miss out on sorely needed revenue. Mr. Carter noted that the Small Batch Hauler Discharge rate was not on the rate sheet.

After some discussion, the date of May 29 was settled on for the meeting at which the Board would begin talks on FY13 rates. Acting Chairman Karako said he expected all "homework" to be done by then. Before moving off the topic, Mr. Carter offered a cautionary word about lowering the rates: "I don't want to cut them [the Town of Edgartown] short."

ADJOURNMENT:

There being no further business, Acting Chairman Karako asked for a motion to adjourn. Mr. Carter made a motion to adjourn, seconded by Mr. Karako. The motion carried unanimously by voice vote, and Acting Chairman Karako adjourned the Regular Meeting at 11:41 a.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:
BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

R. Cliff Karako, Acting Chairman

James K. Carter, Commissioner