

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
MEETING OF MAY 29, 2012**

WASTE WATER COMMISSIONERS PRESENT:

Mr. James K. Carter, Commissioner
Mr. Timothy K. Connelly, Chairman
Mr. R. Cliff Karako, Commissioner

EWWD STAFF PRESENT:

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

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown held a Commissioners Meeting on Tuesday, May 29, 2012, at 10:00 a.m. in the conference room at the Edgartown Waste Water Treatment Facility located at 330 West Tisbury Road, Edgartown, Mass. At 10:06 a.m., Chairman Timothy K. Connelly called the meeting to order, noting the presence of Commissioner James K. Carter; Commissioner R. Cliff Karako; Assistant/Operator Shelley Reed; and Admin Assistant Pia Webster.

REORGANIZATION OF THE BOARD.

Chairman Connelly said he wished to postpone the reorganization of the Board until the next meeting in two weeks. Commissioner Carter, however, wanted to proceed. Mr. Carter then made a motion to reorganize the Board and appoint Mr. Karako the new Chairman; the Chairman provided a second.

Mr. Karako proceeded to offer reasons he could not serve as Chairman, which included time off-Island for job training; his daughter's upcoming nuptials; and exponentially increased job responsibilities. Mr. Carter wondered if Mr. Karako was willing to be at least a co-Chairman, and Mr. Karako again emphasized the difficulty of his situation. *[At this point – 10:14 a.m. – Chief Operator David Thompson arrived at the meeting.]* "I need about 30 days to get my feet on the ground," said Mr. Karako. Mr. Carter responded that he was "very uncomfortable... I have flags going up inside my head... If we don't move in the right direction, I'm going to offer my 'termination.'" "I may have to resign myself," countered Mr. Karako.

Ms. Reed said she understood that as Commissioners, the Board members bore certain responsibilities. If some members felt the Department was not moving in the right direction, wasn't it the staff's responsibility as well to right that? "How can we help you?" she asked. Chairman Connelly said, "I don't know how to proceed. *I was going to resign.*" Commissioner Karako remarked that he had personally not done what he felt he had needed to do as a Board member. He simply could not fulfill his duties as a Commissioner and learn a new job at the same time. "The issue is," he stated, "what the Town has put upon us." A discussion regarding this point ensued.

Chairman Connelly surmised that possibly too much was coming before the Board, that perhaps the Board *was* micromanaging. Mr. Karako noted that after his current term, he had no intention of running for another. Turning to Mr. Carter, the Chairman asked what he thought was not going right. Mr. Carter answered that this could be discussed at another time. Ms. Reed remarked, "I think you guys have done a hell of a job and would hate to see *any* of you go."

Commissioner Carter argued that he did not think he should have to know how the business of the Waste Water Department was run from top to bottom. Chairman Connelly said he definitely intended to get in some golf this summer. "I think *structure* is where I was heading, so I can spend less time here. So, Jim [Carter], can *you* get this structured so it's running the way it should be?" The Chairman continued that the way one learned a business was by looking at the financials, which was why he had asked Admin Assistant Webster to produce a report like the one he and former Facilities Manager Joseph N. Alosso had worked on. Mrs. Webster assured him that such a report was in the works.

After still more discussion, a consensus was reached that Mr. Connelly would remain as Chairman until Commissioner Karako made his way through the next six weeks or so, at which time the situation would be reevaluated. [*The page 1 motion was neither voted nor tabled.*]

APPROVAL OF MINUTES.

The Commissioners considered the **Minutes of the Special Meeting of April 24, 2012**. Admin Assistant Webster, who had authored the minutes, pointed to some revisions in the version of the minutes before them, made since she had e-mailed the first draft to the Commissioners. On page 1 in the section Others Present, she had inserted "Mr." in front of "Jason Araujo"; and on page 4 in the first paragraph, she had changed the three instances of the number "7" to the number "8". There being no further amendments or comments, Mr. Carter made a motion to approve the Minutes of the Special Meeting of April 24, 2012 as presented, seconded by Mr. Karako. The motion carried by voice vote, with Messrs. Carter and Karako voting aye and Chairman Connelly abstaining, since he had not attended that meeting.

OLD BUSINESS:

REPORT: PROGRESS OF JAY ARAUJO'S PAYMENT PLAN.

Admin Assistant Webster reported that with a bit of nudging, Jay Araujo had been making the agreed-upon payments toward his past-due balance, as well as keeping current with payments for recent loads.

Mr. Carter inquired about hauler Troy Maciel, whose account had accumulated a significant balance over a four-week period due to a staff misunderstanding. He paid up, said Chief Operator David Thompson. Good! commented Mr. Karako.

Chairman Connelly posed the question of how this could have happened in the first place. When no answer was offered, he repeated the question. Chief Operator Thompson argued that the mistake had been caught and the balance paid. Furthermore, the finances of the septage drops were operating at an order of magnitude far better than they ever had been. Chairman Connelly countered that if the list of balances were printed every morning and given to the Chief Operator, this could have been avoided. Mr. Carter objected vehemently to the Chairman's recommendation, which he characterized as "micromanaging. We're way ... off-base here."

REPORT: OUTCOME OF LETTER TO TIMOTHY PETERS.

Admin Assistant Webster related that Timothy Peters of T.P. Excavation and Septic Service, whose balance with the Department stood at \$15,393.34, had not responded to the Board's letter of April 24, 2012. *[See page 3 of the Minutes of the Special Meeting of April 24, 2012.]* Said letter had stated in part: "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."

The letter also stated that in the absence of any response from Mr. Peters, the Board would have no choice but to turn the matter over to Town Counsel.

Commissioner Carter wanted to know if the April 24 letter has been sent via certified mail. No, it had not, replied Mrs. Webster. Chairman Connelly opined that it ought to have been and that a new letter should be sent, this one via certified mail, return receipt requested, with a definite deadline stated. Mr. Carter agreed. Chairman Connelly then made a motion to send a second letter to Timothy Peters, this time via certified mail, return receipt requested, with a definite deadline for response stated and a copy with background materials forwarded to Town Counsel. Commissioner Karako provided a second, and the motion carried unanimously by voice vote.

VOTE/SIGNING: FY2011 LIENS AND ABATEMENTS.

Assistant/Operator Shelley Reed presented for signatures copies of the FY11 Committed Liens Statement and the FY11 Committed Interest on the Liens Statement. She explained that the FY11 Abatements Statement was not signature-ready but would be in a matter of days. Ms. Reed also mentioned that she had learned from the Collector of Taxes, Melissa B. Kuehne, that the rate of interest the Department could charge on late balances was 12 percent and not 14 percent.

NEW BUSINESS:

COMMISSIONERS' MAIL.

Chairman Connelly related that at a Commissioners meeting the preceding winter, it had been decided that all Commissioner mail would go "to one spot – the Chairman or the Acting

Chairman. *Only Commissioners open the mail.*” He explained that there had been a case where the Selectmen had sent correspondence to the Board which had been intercepted by staff, never to arrive at its proper destination. Commissioner Carter inquired whether the Chairman might be able to instruct an employee to open a particular piece of mail. “No,” replied Chairman Connelly.

The Commissioners turned to a **letter dated May 2, 2012 from Janet M. Riley on behalf of the Friends of Sengekontacket concerning “the implementation of nitrogen remediation in Sengekontacket Pond.”** The letter continued: “The recent Massachusetts Estuaries Project report for the Pond suggested a scenario for wastewater treatment involving sewerage of the Trapp’s Pond area and Major’s Cove.” Ms. Riley wanted to know if the Town had plans to sewer those or other areas in the Sengekontacket watershed. She also asked the Board to “comment on reports that Cow Bay residents might be agreeable to private financing for sewerage that area.”

Chairman Connelly related that at one point he and former Facilities Manager Joseph N. Alosso had communicated with Ms. Riley’s group regarding this issue. Chief Operator Thompson reported that he planned to attend a meeting of the Martha’s Vineyard Commission’s Joint Committee on Sengekontacket on June 20, which the Friends would no doubt attend. He added that there was not a lot of interest in Town Hall in pursuing this. The conversation turned to the possibility of sewerage Major’s Cove.

Commissioner Carter was of the opinion that the Department should explore these matters further; but the Chairman declared, “This letter should never have gone here.” Mr. Carter countered, “If the individuals wanted to pay for their own system, we should support them...” Turning to Mr. Thompson, Chairman Connelly instructed him to provide Ms. Riley’s group with some simple information at the June 20 meeting. “I’m going to tread very cautiously,” Mr. Thompson assured him.

MANAGER’S REPORT.

Chief Operator Thompson went over the septage flow totals, comparing those for May 2012 to date to those from May 2011. He had done the same for the preceding two months. He was excited, the Chief Operator said, that he now had “off the machine” numbers, “the real stuff,” since the PortALogic system had been up and running now for a full year. (The PortALogic system had come online on May 11, 2011.) Commissioner Karako observed, “We were getting numbers from the back end. These are from the *front* end.”

Chairman Connelly wondered how one would know for sure that the numbers recorded by former Facilities Manager Alosso were influent numbers and not effluent numbers. Chief Operator Thompson explained that the State was interested only in the numbers from the effluent flow meter and that the differential between influent and effluent was about five to 10 percent, with the effluent being less than the influent. Chairman Connelly asked the Chief Operator to gather the *precise* figures. Mr. Thompson did not see the sense in this. The Chairman also asked that from this point forward Mr. Thompson’s monthly report be referred to as the “Chief Operator’s Report”.

MUTUAL AID AGREEMENT WITH OAK BLUFFS.

There was a brief discussion regarding a “kerfuffle” (the Chief Operator’s term) that had arisen when back on May 8, septage from the Town of Oak Bluffs delivered by a truck from Podgurski Corporation of Canton, Mass. had been received at the Edgartown facility without being recorded by the PortALogic system. Chief Operator Thompson assured the Commissioners that this had been straightened out.

PERSONNEL BUSINESS.

The discussion moved on to personnel matters, in particular to **recent staff shortages**. Chairman Connelly made the case that matters of staff time off should come before the Board. Mr. Thompson argued that he had provided the Board with plenty of notice with regard to a few days he had taken off recently. Do you really want this much information? he asked. The Chairman replied that on the Chief Operator’s Report, Mr. Thompson could just present a summary. Mr. Karako noted that in defense of the Chief Operator, he for one had been fully aware of Mr. Thompson’s plans. “I knew we would be short-staffed,” he said.

Commissioner Carter pointed out that in the past the Board had asked for e-mail notifications about staff attendance status. The discussion continued. “I’m not clear why you need to have this on your radar screen,” said Mr. Thompson, who added that he understood the Board had been upset by the 111 unused compensated days accumulated by the former Facilities Manager by the time of his departure. Assistant/Operator Shelley Reed noted that Mr. Alosso had done the same thing in the Town of Oak Bluffs.

The Chief Operator argued that the actions of a former Department Head should not translate into Draconian measures applied to all employees. After all, at one point both he and Operator Michael Perry had taken days off *without compensation* because they had run out of vacation and personal days. Following still more discussion of personnel procedures, Chairman Connelly stated that a Commissioner had to sign off on the Chief Operator’s time sheets, since Mr. Thompson signed off as the reviewer of the rest of the staff members’ sheets.

CURRENT FINANCIALS.

Admin Assistant Webster reiterated that she was in the process of setting up a template for the monthly financial reports requested by the Chairman the preceding Wednesday. In the meantime she laid out the basics regarding year-to-date operating budget funds available. The original FY12 budget was \$478,984.00. The funds available as of May 29 were \$69,693.66.¹

Reminding those present that bills through June 30 would arrive until the second week of July, the number of billing weeks left was about eight, or 15.38 percent of the whole. The percentage of budget funds remaining ($\$69,693.66 \div \$478,984.00$) was 14.55. So with restraint and good judgment, it looked as if the Department could finish the fiscal year within budget, Mrs. Webster concluded.

¹ The operating budget funds referred to do not include salaries, wages and overtime, nor do they include spending on expenses associated with warrant article accounts.

Chairman Connelly repeated his request for a fuller financial report, modeled after the one formulated by the former Facilities Manager and him. Admin Assistant Webster again assured him that she would produce the type of report he was looking for. The Chairman once more stressed the importance of having the figures in front of him.

CONTRACTS.

Chief Operator Thompson related that the first contracts before them were **two central office rapid-response monitoring contracts with Electronic Security Systems, LLC (ESS)** for the West Tisbury Road plant and the Chase Road substation. The cost for each was \$28.00 per month for a period of 36 months, with three months paid in advance, for a total of \$1,008.00 each. Mr. Thompson noted that he had already signed the contracts. All contracts should come before the Commissioners, objected Chairman Connelly, who also inquired if the Chief Operator had sought other quotes. And what's this other contract? he wanted to know.

The other contract, answered Mr. Thompson, involved the **renewal for a preventive maintenance contract with Alert Scientific, Incorporated**, providing for the inspection and maintenance of the Department's laboratory equipment in fiscal year 2013. The fee for the one-year term was \$1,215.00. Responding to the Chairman's queries, the Chief Operator explained that Alert Scientific was the only company that came to the Island to do that type of work. None of the contracts, he argued, met the Chapter 30B thresholds triggering the full bidding process.

After more discussion, Mr. Carter made a motion to sign the two Electronic Security Systems, LLC contracts and the Alert Scientific, Incorporated contract. Mr. Karako offered a second, and the motion carried unanimously by voice vote.

MUTUAL AID AGREEMENT WITH OAK BLUFFS [continued].

Commissioner Carter returned to the subject to the mutual aid agreement with the Town of Oak Bluffs. He asked Chief Operator Thompson if the two Waste Water Departments were working well together. Mr. Thompson said they were. Mr. Carter made some inquiries about James Monteith, whose position in Oak Bluffs was comparable to Mr. Thompson's.

Assistant/Operator Reed pointed to the bill she had generated for the May 8 discharge from the Town of Oak Bluffs, using the grease rate applied for private haulers. After a brief discussion, the Board decided that the bill should be held until the meeting on June 14, when they would vote a rate for discharge from the Town of Oak Bluffs. "Pam [Dolby] agreed that we shouldn't be providing free service to another Town," noted Commissioner Karako.

Ms. Reed pointed out that a crew member had had to work two hours overtime on May 8 to finish the Podgurski load from Oak Bluffs; so this had in fact increased the cost of that job to the Town of Edgartown.

In addition, there had been some question about the Dockside restaurant and whether any waste from there had been part of the May 8 discharge. Mr. Thompson reported that the Podgurski vacuum truck had gone to the Dockside only to break up the waste, not to remove it. The 600 gallons were then pumped and dumped by Septic Solutions.

PERSONNEL MATTERS *[continued]*.

The discussion moved on to the matter of the **funds spent out of the overtime account for staff to work over two weekends preparing and painting the lime silo**. Chairman Connelly questioned the reasoning behind having staff do the work in the first place. Commissioner Carter stated that he recalled giving the Chief Operator his “blessing” for the project. Commissioner Karako related that this had been discussed and that the Commissioners had felt that the job could be done in-house more cheaply. Chief Operator Thompson reported that the weekend work had been unavoidable due to the inclement weekday weather for most of the month of May.

Mr. Thompson added that the Department had gotten “beat up” on the rental of the scaffolding, the cost of which had come to more than \$3,000. Furthermore, Operator Dale Morgan had been out for seven and a half days following elbow surgery, and it had rained for 10 out of 14 days. The Chief Operator continued to enumerate all of the elements that had militated against the project’s being completed quickly. Why the overtime? inquired Chairman Connelly. “Because the sun only wanted to shine on Saturday,” was the Chief Operator’s response.

Admin Assistant Webster went over her May 28, 2012 memorandum titled “Year-End Plans for the Salaries and Wages Account,” which contained a proposal for shifting overtime payments from the overtime account in the operating budget (0144002-513000) to the account containing funds from Warrant Article 60 (0144006-524004). In addition, Mr. Thompson had cut weekend hours from five hours per day to three. Finally, what used to be taken as overtime at other times would in the month of June be taken as “comp” time.

Chairman Connelly stressed that this matter was the Commissioners’ responsibility to deal with. Commissioner Carter commended Mrs. Webster for the work put into the memorandum. The Chairman proposed that crew members who worked weekends do so on “straight” time and then take off time on, say, a Monday. A discussion ensued.

Chief Operator Thompson objected in no uncertain terms to the Chairman’s proposal of no weekend overtime pay. “My crew is counting on that,” he said. “Their wives are counting on that.” Mrs. Webster remarked, “I think the effect on employee morale would be devastating.” Assistant/Operator Reed spoke of “disastrous” consequences for the crew’s sense of well being.

The discussion continued for several minutes more. Commissioner Carter suggested that Admin Assistant Webster be permitted to talk to the Town Accountant about the possible replenishment of the fund deficit from the balance of the warrant article account. “Let Pia argue the case,” he said. “The *Commissioners* are the ones running the waste water plant,” responded the Chairman, adding that he was simply doing what Town Hall wanted.

The Board turned to the matter of how to approach the restoration of the other two silos. Should they hire a consultant to formulate a Request for Proposals? In the meantime, how were they to handle overtime for the remainder of fiscal year 2012? “Do we have to look at restaffing this facility?” wondered Commissioner Carter. Commissioner Karako pointed out that any additions to staff would require a trip to town meeting. The discussion wound down.

Next, the Board addressed a **request from Admin Assistant Webster to carry over four vacation days into her next employment year**, which would begin on July 19, 2012. Mrs.

Webster explained that normally she took vacation time in April. However, she had transferred to the Waste Water Department full-time at the end of March of this year; and then Assistant/Operator Reed had gone on medical leave for three and a half weeks at the end of the first week of April.

With seven and a half vacation days still remaining and the rest of the fiscal year filled with the preliminary audit, MUNIS training, the billing system changeover and year-end bookkeeping chores, continued Mrs. Webster, she did not see how it would be possible to take off a week and a half from work between now and the July 19 deadline.

Commissioner Carter made a motion to allow Admin Assistant Webster to carry forward four vacation days into her next employment year. Commissioner Karako provided a second, and the motion carried unanimously by voice vote.

DISCUSSION: FY13 RATES.

Chairman Connelly postponed the discussion of the FY13 rates until the June 14, 2012 meeting.

DISCUSSION: RULES AND REGULATIONS – ARTICLE IX.

Admin Assistant Webster indicated the three versions of Article IX the Commissioners had in their meeting binders: the first was the article as it stood in their regulations; the second showed proposed additions highlighted in yellow and proposed deletions highlighted in blue with an added strikethrough; and the third was clean, revised copy.

The Board considered first the **provisions for the new hardship case exemption** contained in the last two paragraphs of Section 8. When Chairman Connelly began to question some of the mechanisms of the process provided, Mrs. Webster and Mr. Thompson informed him that the wording had been laid out precisely according to the dictates of M.G.L. Chapter 59, Section 5. In fact, added the Admin Assistant, the Commonwealth had formulated this process to ensure fairness, which was why it was in the hands of the Board of Assessors and its requirements were so stringent. A brief discussion ensued regarding why the process was entrusted to the Board of Assessors and the advantage to the Waste Water Department of that allocation of responsibility.

Mrs. Webster then recommended that the Board set the annual set for those qualifying for the exemption at \$65.00. This was approximately one tenth of the average residential annual fee for a sewer customer, and this was the ratio used successfully by the Water Department, which charged a yearly fee of \$50.00. She added that currently the income limit for qualifying customers was somewhere in the area of \$23,000 per year and that only six to 12 customers had qualified during any one year in the Water Department during her eight years there. After some discussion, at the suggestion of Commissioner Carter, the yearly fee settled on was \$50.00.

Commissioner Karako made a motion to adopt the new hardship case policy, setting the annual user fee at \$50.00. Commissioner Carter offered a second, and the motion carried unanimously by voice vote.

Next, the Board agreed to change “fourteen” and “14” to “twelve” and “12” in Section 7, referring to the annual interest rate charged on accounts not paid within 60 calendar days. [*See page 3 of these minutes.*] Also, in the same paragraph the date “July 8, 1990” was amended to

“May 29, 2012”. Then Commissioner Karako made a motion to adopt the revised Article IX as presented with those amendments. Commissioner Carter provided a second, and the motion carried unanimously by voice vote.

REQUEST FROM CANDACE NICHOLS/ROAD TO THE PLAINS GROUP.

Chairman Connelly elected to postpone any discussion of the proposal by a private group to extend the sewer farther down Road to the Plains until the June 14, 2012 meeting.

ADJOURNMENT.

There being no further business, Chairman Connelly asked for a motion to adjourn. Commissioner Carter made a motion to adjourn, seconded by Commissioner Karako. The motion carried unanimously by voice vote, and Chairman Connelly adjourned the meeting at 1:35 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:
BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

Timothy K. Connelly, Chairman

James K. Carter, Commissioner

R. Cliff Karako, Commissioner