

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
AMENDED MINUTES OF THE
MEETING OF JUNE 14, 2012**

WASTE WATER COMMISSIONERS PRESENT:

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

EWWD STAFF PRESENT:

Ms. Shelley Reed, Assistant/Operator
Mr. David Thompson, Chief 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 Thursday, June 14, 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 10:00 a.m., Chairman Timothy K. Connelly called the meeting to order.

REORGANIZATION OF THE BOARD.

Chairman Connelly noted that the first item on the agenda was a reorganization of the Board. "Do I have a motion?" he asked. Commissioner James K. Carter made a motion to appoint Commissioner R. Cliff Karako as the new Chairman of the Board. Chairman Connelly offered a second, and the motion carried by voice vote, with Messrs. Carter and Connelly voting aye and Mr. Karako abstaining.

Chairman Karako thanked all present for their hard work. He expressed particular gratitude to outgoing Chairman Connelly for "his work, time and effort... I can't say enough about that." Turning to Commissioner Carter, he continued, "Jim, you're needed as well... and I thank you." The new Chairman concluded, "Collectively, we all need to come together and deal with our issues... Every person around this table has the right thing in mind."

APPROVAL OF MINUTES.

The Board turned to the **Minutes of the Meeting of May 29, 2012**. There being no comments or revisions offered, Commissioner Connelly made a motion to accept those minutes as written, seconded by Commissioner Carter. Said motion carried unanimously by voice vote.

OLD BUSINESS:

REPORT: SECOND LETTER TO TIM PETERS.

Administrative Assistant Pia Webster reported that a second letter to Timothy M. Peters, proprietor of T.P. Excavation and Septic Service, had been signed by the Commissioners on June 5 and posted via certified mail, return receipt requested on June 6. Mr. Peters' current balance with the Department was \$15,393.34. *[For background, see page 3 of the Minutes of April 24, 2012; and page 3 of the Minutes of May 29, 2012.]* Mrs. Webster pointed out that the hauler's last payment had been in September 2011 and that, obviously, the agreement he had signed on February 9, 2012 to pay \$1,000 weekly had "meant nothing to him."

The Admin Assistant added that the June 5 letter had included a deadline of June 25 at noon for a response from Mr. Peters. The second paragraph of the letter read in full:

"You have left this Board no choice but to entrust this matter to Town Counsel, who will take whatever legal action is necessary to collect this balance. We will allow you until 12 noon on Monday, June 25, 2012, to formulate a new payment plan and present it to staff. Be aware that (a) the Board has the final authority to accept or reject any plan; and (b) a substantial portion of the outstanding balance will have to be paid upfront before your dumping privileges will be reinstated. If a plan is not presented by the stated deadline, all materials related to your account will be turned over to Town Counsel. Understand that once this occurs, the matter will become strictly a legal one, that is, no longer negotiable with the Department."

The Commissioners agreed that no good-faith effort had been made by Mr. Peters to address his debt with the Department. Since the return receipt had not arrived yet at the Department, Mrs. Webster wondered if she ought to hand-deliver a copy of the letter to Mr. Peters' residence. Commissioner Connelly objected, noting that the Department had done due diligence. The Board agreed to move forward with the plan voted on May 29. *[Ibid.]*

VOTE/SIGNING: FY2011 ABATEMENTS.

Assistant/Operator Shelley Reed presented a second list of FY2011 Abatements for the Board members to sign. She explained that some of these accounts had appeared on the first list, produced in December 2011, but had been removed by former Facilities Manager Joseph N. Alosso. Now Ms. Reed had put them back on.

Chairman Karako asked about the Atlantic Restaurant (2 Main Street, May 20D, Lot 323.2), which was receiving a quite considerable abatement of \$10,679.35. Ms. Reed explained that the Atlantic Restaurant, which was co-owned with some of the partners of The Field Club/Boathouse

group, had been double-billed. Now, though, the accounts had been separated out, she assured the Board.

There were questions as well about the accounts of Dudley Cannada at 44 North Water Street (Map 20D, Lot 220) and the Shiretown Inn (Kevin Kerr) at 30 Simpson's Lane (Map 20D, Lot 221) and 44 North Water Street (Map 20D, Lot 220). Ms. Reed related that Mr. Cannada's invoice had been generated from a duplicate account; the house on the Simpson's Lane lot had been demolished; and the other Shiretown Inn account was a duplicate.

Commissioner Connelly wanted to know who had checked the drains in the cases where an abatement was granted because the customer had been charged for too many drains. "Joe didn't check," replied Ms. Reed, referring to former Facilities Manager Alosso. Also, in view of the size of the Vineyard Golf Club's abatement (\$2,918.85), Commissioner Connelly asked how many drains too many that could possibly have been. Ms. Reed explained that the abatement had also included the adjustment of a Biochemical Oxygen Demand (BOD) charge.

When Commissioner Connelly proposed putting that information on the sheet the Board was signing, Ms. Reed responded that there was not enough room on this report, which was simply a document requested by the Town Accountant.

Admin Assistant Webster directed the Board's attention to her memorandum titled "Processing Waste Water Department Billing Adjustments – FY 2012 Audit" in which she described the institution of an Abatement and Refund Log. There, she said, a detailed summary of each transaction would be laid out, including the date of the written request; an full description of the request; the date and results of the Board vote; the amount of abatement or refund; whether an inspection was done and who did it; and if a check was cut, the number and date of the check.

Commissioner Connelly wanted the numbers of drains to be checked for those accounts that had received drain abatements this time. "Start with ones from the last few years," he suggested. "Some *have* been checked," noted Ms. Reed.

The discussion turned to the case of the St. Andrew's Episcopal Church parish house account (Acct No 417, 51 Winter Street, Map 20D, Lot 109.2), which had a balance of \$826.14 from FY 2011. The year before, it had been discovered that this property had eight fewer drains than the church had been charged for since 2007. The church had already received an abatement of \$492.80 on November 28, 2011, and the Department had been instructed simply to apply a credit to the remainder of the balance. Mr. Carter explained that the Board had been advised that the Department was to follow the earlier procedure in effect when former Facilities Manager Alosso had been in charge. Ms. Reed noted that she herself did the drain count at the parish house.

Next, Commissioner Connelly made a motion to apply a \$826.14 credit to the St. Andrew's Episcopal Church parish house account (Acct No 417), seconded by Commissioner Carter. The motion carried unanimously by voice vote.

Then Commissioner Connelly made a motion to accept the FY2011 Abatement Statement totaling \$23,054.60, seconded by Chairman Karako. The motion carried unanimously by voice vote. Mr. Connelly reiterated that he would like to see the claims by the customers as to the number of drains physically checked by staff.

**DISCUSSION/VOTE: SET RATE FOR DISCHARGE FROM OAK BLUFFS;
APPROVE BILL FOR MAY 8 DISCHARGE.**

Those present discussed briefly the odd circumstance of the original but unapproved bill to the Town of Oak Bluffs for the May 8 grease discharge by Podgurski Corporation of Canton, Mass. having nonetheless found its way to the Administrative Assistant of the Waste Water Department of that Town. The issue, said Chief Operator David Thompson, was whether the Edgartown Department was going to charge the Oak Bluffs Department a different rate than they charged private haulers. Have we received the check from Oak Bluffs? inquired Mrs. Webster. No, answered Ms. Reed. Mrs. Webster noted that this rate could be discussed when the FY13 rates were discussed later on the agenda; the Commissioners agreed.

NEW BUSINESS:

COMMISSIONERS' MAIL.

Chairman Karako directed the Board's attention to a letter dated June 11, 2012 from **Harriet E. McDonnell, Esq. of 9 Codman Spring Road**, recounting an incident that had occurred in her home on June 9. Ms. McDonnell and her husband had delivered the letter by hand to the EWWTF on Monday, June 11. The letter began:

"This letter will place you on notice of the damage incurred to my home at the above Edgartown address as a result of the complete and total failure of the sewage pump and the alarms installed at my property. This resulted in the discharge of sewage in the lower level of my home causing damage to furniture, clothing, appliances, bathroom vanity, walls and garage and also resulting in the growth of black mold."

In her letter Ms. McDonnell commended the actions of Operator Theodore Van Gerven, who had responded to the after-hours call, and expressed her expectation that the Town would "remedy the situation" and compensate her for the loss of her household items.

Chief Operator Thompson reported that the old pump had been pulled out by the responding Operator and replaced. He himself had looked at the extracted pump and diagnosed it. Chairman Karako asked about a dollar amount for the damage. I don't know, replied Mr. Thompson. Did you write an incident report yet? the Chairman wanted to know. The Chief Operator answered that he had not seen the site yet.

Commissioner Connelly suggested getting a written report from Operator Van Gerven, who had responded to the scene. Second, the Chief Operator ought to visit the site, take a look for himself and write his own report. Mr. Connelly pointed out that the complainant would go to her insurer and then her insurer would go after the Town's. Admin Assistant Webster stressed that all of this had to be reported to Town Administrator Pamela M. Dolby, who handled insurance matters. The Chairman agreed. Gather as much detail as possible, he said, and send it to Ms. Dolby.

Commissioner Carter wanted to know if anything like this had happened before. The Chief Operator explained that caretakers would close up their clients' houses for the winter and shut off all power. Once the power was off, the pump did not operate. "We show the homeowner

when they're installed," he related. Commissioner Carter proposed sending out a letter telling customers about the dangers of shutting all power. Commissioner Connelly said that it should be something that was handed to the customer at the start. Mr. Thompson pointed out, though, that Department staff did not install the pumps. The owners did receive an owner's manual, he added. Ms. Reed suggested putting this advice on the annual bill.

Is there any particular reason they turn off the power? asked Commissioner Connelly. They're being cheap, replied Mr. Thompson. Commissioner Carter recommended putting the information on the sticker attached to the e-one grinder pump alarm panel.

FINANCIALS: MONTH ENDED MAY 31, 2012.

Admin Assistant Webster presented three financial reports for the month ended May 31, 2012: "FY12 Monthly Septage Income"; "FY12 Cash Receipts to Date"; and "FY12 Operating Budget Expenditures to Date." Regarding the septage income statement, Commissioner Carter remarked, "I was alarmed by the number of gallons... It was down by almost 30 percent." Chief Operator Thompson observed that the persistent rain during the month May might have had something to do with that. "Those guys don't like to flip covers in the rain," he said, adding that the septage income was revenue for the Town and not for the Department. Admin Assistant Webster commented that this was too small a sample – May 2011 and May 2012 – from which to draw any firm conclusions.

Moving on to the "FY12 Cash Receipts to Date" report, Commissioner Carter wondered what was included under the category of Miscellaneous Income. The e-one grinder pump rebates, things like that, said Admin Assistant Webster. The Chief Operator related how the Department had taken in close to \$1,400 through recovered copper and brass when they had recently decommissioned the hot water boiler. So that money had gone into the Miscellaneous Income account, he said.

DISCUSSION: FUNDING OF THE LIME SILO PROJECT.

Mrs. Webster referred the Commissioners to the second page of the aforementioned "FY12 Operating Budget Expenditures to Date" report. Therein were listed the budgets and expenditures in the Department's Annual Articles accounts (0144006). She pointed out that the Town Accountant had removed the \$25,000 formerly in Account 0144006-524004 Paint Silo for the time being, lest it be spent by the Department on the lime silo project, which, the Town Accountant had argued, had not been carried out properly. Instead, Ms. Kane had instructed staff to pay those expenses out of Operating Budget Expenditures (Acct 0144005).

Admin Assistant Webster continued that the full \$35,000 would be available for the rehabilitation of the other two silos after July 1. However, she suggested that before putting the project out for bid, she and the Chief Operator organize a meeting with the Town Accountant, one Commissioner and Jen O'Hanlon of the Fire Department, the Town's Procurement Officer. Chairman Karako liked the idea. He also commended Mrs. Webster for her work in producing the financial statements. Commissioner Connelly expressed an interest in being the Commissioner to attend the meeting the Admin Assistant had proposed.

DISCUSSION: FY13 RATES.

Chief Operator went over the Septage Cost Breakdown analysis that he had produced earlier. He cautioned that his figures were very much on the conservative side. So although the breakdown concluded that the cost came to around \$0.043 per gallon, he thought the figure was closer to \$0.06 per gallon.

Commissioner Carter wondered why, at \$0.14 per gallon, the Porta-Potty rate was so low. Chief Operator Thompson explained that the Porta-Potty discharge was mostly water, plus keeping the cost low encouraged contractors to keep these facilities on their construction sites, a plus for the environment. Mr. Carter asked what the Porta-Potty rate used to be. Assistant/Operator Shelley Reed answered that previously it was \$0.05 per gallon. She then listed other older rates: outside-of-Edgartown septage, \$0.22/gal.; Edgartown septage, \$0.11/gal.; outside-of-Edgartown grease, \$0.39/gal.; Edgartown grease, about \$0.26/gal; tight tank, \$0.05/gal.

Responding to a query from Mr. Carter regarding the cost of dumping grease, the Chief Operator explained, "Grease is a nightmare!" Mr. Thompson related that he wanted to encourage restaurants to install interceptors. "Then none will come here," he said. The Chief Operator encouraged the Board to keep the grease rate high.

A discussion ensued regarding the setting of the FY 2013 rates. The Board considered that the Town of Tisbury charged \$0.20 per gallon for septage, while nearby off-Island stations charged \$0.08 to \$0.11. Commissioner Carter cautioned that the Board had to be mindful of repercussions at Town Hall if the rates were to be lowered too significantly.

Following still more discussion, Commissioner Connelly made the following motion: that for fiscal year 2013, the grease rate be kept at \$0.39 per gallon; the septage rate be lowered to \$0.24 per gallon; the Porta-Potty rate remain at \$0.14 per gallon; the Edgartown failed system rate be kept at \$0.14 per gallon; and that all other rates remain the same as in fiscal year 2012.

Commissioner Carter provided a second.

Commissioner Carter argued that the Board had hastily raised the septage rate to \$0.28 per gallon during a period of crisis the year before. Ought they to consider rolling it back even further, to \$0.22 a gallon? A discussion followed. Admin Assistant Webster made the point that if the Board lowered the septage rate too severely, she was afraid they would be hearing from Town Hall, who, after all, reaped the receipts of the operation. She agreed, she said, with Mr. Connelly's proposal of \$0.24 per gallon for septage disposal. Mention was also made of posting the rates in *The Martha's Vineyard Times*, where the Chief Operator said he had a contact.

The discussion wound down, and the Chairman conducted a voice vote on Commissioner Connelly's motion. It carried unanimously.

DISCUSSION: REVISION OF THE SEPTAGE ACCEPTANCE SCHEDULE.

Mr. Thompson requested that the septage acceptance schedule on Wednesdays be switched with the one for Fridays and vice versa. Some of the haulers, he explained, were "dismayed" that they could not dump more loads on Fridays, when the stations closed early so the crew could get cleaning chores done. It was his hope, he said, that this would cut back on the Saturday and Sunday traffic. On a motion by Commissioner Carter, seconded by Commissioner Connelly, the

Board voted unanimously by voice to change the septage acceptance hours as follows:
Wednesdays from 7:00 a.m. to 11:30 a.m. and Fridays from 7:00 a.m. to 2:30 p.m.

DISCUSSION: APPROACHING THIRD PARTIES AS A BOARD AND NOT AS INDIVIDUALS

Commissioner Carter, who had proposed this agenda item, explained that he had been trying to clarify whose responsibility it was to approach third parties like Department employees, the Town Administrator or one of the Selectmen. "My thoughts on this are, I prefer that we act as a Board whenever we did anything," said Commissioner Carter. "There are rules out there about our responsibilities." He added that the Commissioners had become somewhat lax about things like telephone calls, failing to adhere consistently to the restrictions of the Open Meeting Law. Chairman Karako agreed. "Legally, there *is* a responsibility, too," he said.

A discussion followed regarding the distinction between a Commissioner seeking information and a Commissioner having a discussion, expressing an opinion or appearing to represent the Board outside the context of a Waste Water Commissioners meeting, outside official Waste Water Commissioners correspondence, or outside meeting records. Commissioner Carter noted that too often discussions took place outside of meetings, so that no record existed in the minutes of what had been said and decided. Commissioner Connelly concurred. "We shouldn't talk shop," he said.

REQUEST: PERMISSION TO SPEAK WITH TOWN COUNSEL.

Chief Operator Thompson related that he had been approached by **attorney Candace Nichols**, working on behalf of a private group that wished to extend the sewer line farther down the **Road to the Plains**. Questions had also arisen regarding the private agreement entered into by residents of the **Dark Woods** subdivision, another group that attorney Nichols represented.

Mr. Thompson was seeking permission to approach Town Counsel Ronald H. Rappaport to find out about any and all such agreements, so he would know better how to respond to requests like attorney Nichols' or to questions from residents who wanted to connect to the system but who had not signed on when the private group had arranged to lay the pipe.

Commissioner Connelly remarked that a homeowners' association could not lay the sewer privately and then charge a latecomer to hook in later. The Chief Operator said that this was why he wanted to speak to Town Counsel, to see where everyone stood. Mr. Connelly then made a motion that Mr. Thompson be allowed to talk to Town Counsel about the Road to the Plains and the Dark Woods groups and any agreements associated with them and to get an opinion about how to proceed. Commissioner Carter provided a second, and the motion carried unanimously by voice vote.

OTHER BUSINESS:

REPORT: PRELIMINARY FY 2012 AUDIT.

Admin Assistant Webster spoke briefly about the three reports for the FY 2012 Audit due to the Town Auditor on June 12: "Processing Waste Water Department Cash Receipts"; "Processing

Waste Water Department Accounts Payable; Accruals Write-Up”; and “Processing Waste Water Department Billing Adjustments”. Chief Operator Thompson expressed his appreciation for Mrs. Webster’s having anticipated the Town Auditor’s criticisms of former weaknesses in the system.

REPORT: MUNIS TRAINING.

Admin Assistant Webster reported that the MUNIS training on Monday, June 11, and Tuesday, June 12, with Jaime Hyatt of Tyler Technologies had gone smoothly.

NEXT MEETING.

Before adjourning, Commissioner Connelly had some questions about how a hauler signed in at a station. The Chief Operator explained that each had a Personal Identification Number (PIN). Moreover, each discharge had to be permitted by the Board of Health of the Town from which it came. What if a hauler entered someone else’s name and PIN, and then that someone else refused to pay? asked Mr. Connelly. Mr. Thompson related that there was an operator right there watching the proceedings.

Admin Assistant Webster suggested that the Chief Operator add wording to the hauler license to be required in FY13 that if the load went in under the hauler’s PIN, it would be that hauler’s responsibility to pay for it. Chief Operator agreed that such wording could be included.

The next meeting was set for Tuesday, June 26, at 10:00 a.m.

ADJOURNMENT.

There being no further business, Chairman Karako asked for a motion to adjourn. Commissioner Connelly made a motion to adjourn, seconded by Commissioner Carter. The motion carried unanimously by voice vote, and Chairman Karako adjourned the meeting at 12:07 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:
BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

R. Cliff Karako, Chairman

James K. Carter, Commissioner

Timothy K. Connelly, Commissioner