

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

**MINUTES OF THE
MEETING OF JUNE 26, 2012**

WASTE WATER COMMISSIONERS PRESENT:

Mr. Timothy K. Connelly, Acting Chairman
Mr. James K. Carter, Commissioner

WASTE WATER COMMISSIONER ABSENT:

Mr. R. Cliff Karako, Chairman

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 Tuesday, June 26, 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 10:04 a.m., Acting Chairman Timothy K. Connelly called the meeting to order.

APPROVAL OF MINUTES.

The Board considered the **Minutes of the Meeting of June 14, 2012**. There being no comments or revisions offered, Commissioner James K. Carter made a motion to accept those minutes as written, seconded by Acting Chairman Connelly. Said motion carried unanimously by voice vote.

OLD BUSINESS:

UPDATE: SECOND LETTER TO TIM PETERS.

Administrative Assistant Pia Webster pointed to a reproduced series of e-mails in the meeting binders from Paula Peters, wife of hauler Timothy Peters, directed to Assistant/Operator Shelley Reed in which Mrs. Peters acknowledged having received the letter dated June 5, 2012 from the

Board of Waste Water Commissioners and agreed to ask her husband to attend the next Board meeting. *[For background, see page 2 of the Minutes of the Meeting of June 14, 2012; page 3 of the Minutes of the Meeting of May 29, 2012; and page 3 of the Minutes of the Meeting of April 24, 2012.]* However, 10 minutes before that morning's meeting was set to begin, continued Mrs. Webster, Mrs. Peters telephoned to say that Mr. Peters would not be attending the meeting.

The Admin Assistant reminded the Commissioners that the deadline for Mr. Peters to submit a payment plan that included a substantial upfront payment toward the balance of \$15,393.34 had been noon the day before, June 25. Messrs. Connelly and Carter agreed that Mrs. Webster ought to let Town Counsel know it was time to begin collection proceedings. (Chief Operator David Thompson was called out of the meeting during this discussion to handle a minor emergency.)

UPDATE: 9 CODMAN SPRING ROAD.

Acting Chairman Connelly stated for the record that on the advice of the Town Administrator, the 9 Codman Spring Road matter had been referred to Town Counsel.

DISCUSSION/VOTE: SET RATE FOR DISCHARGE FROM OAK BLUFFS.

Admin Assistant Webster explained that due to an oversight, the Board had neglected to set a rate for discharge from the Town of Oak Bluffs when the Commissioners had set the FY13 rates at their last meeting. *[See page 4 and page 6 of the Minutes of the Meeting of June 14, 2012.]* Commissioner Carter clarified that this rate was not for the invoice that had resulted from the May 8 discharge from Oak Bluffs. No, answered Acting Chairman Connelly, this is for the new fiscal year.

Mr. Carter thought that unless the Town of Oak Bluffs was going to get involved in disposing of a large volume of waste, the 24-cent-per-gallon rate charged to private haulers ought to apply to Oak Bluffs as well. Mr. Connelly interjected that other circumstances that would merit a reconsideration of a 24-cent rate would be a request from the Town Administrator or if the Oak Bluffs Waste Water Commission asked them to. On a motion by Commissioner Carter, seconded by Acting Chairman Connelly, the Board voted unanimously by voice to adopt a rate of 24 cents per gallon for septage dumped on behalf of the Town of Oak Bluffs.

UPDATED WASTE HAULER LICENSE.

Chief Operator Thompson still had not returned, so Admin Assistant Webster handled this item. She reminded the Board members that in their last meeting Commissioner Carter had expressed concern about the possibility of a hauler's Personal Identification Number (PIN) being used by a driver who was not the proprietor and later the proprietor refusing to pay for the load. *[Ibid, page 8.]* In their binders, she said, was a Waste Hauler License with a revised Section 3. Responsibilities, wherein Chief Operator Thompson had added the following: "Discharges made under the Waste Hauler's company PIN number imply permission of use of that number and the resulting charges to that account are the responsibility of the Waste Hauler Company."

"I think it sounds okay," commented Commissioner Carter. Acting Chairman Connelly agreed: "Excellent, I think it's fine." Mr. Carter then made a motion to approve the amendment to

Section 3. Responsibilities of the Waste Hauler License, seconded by Mr. Connelly. The motion carried unanimously by voice vote.

NEW BUSINESS:

COMMISSIONERS' MAIL.

Admin Assistant Webster informed the Acting Chairman that no new correspondence for the Board members had arrived since their last meeting.

REPORT: JUNE 20 FINANCIAL ADVISORY COMMITTEE MEETING.

Mrs. Webster briefly outlined the process undertaken by the Waste Water Department in effectuating a so-called Chapter 77, Acts of 2006 Transfer. Prior to 2006, she explained, no transfers of funds were allowed between the Salaries and Wages portion of an Operating Budget and the General Expenditures portion. So any shortfall in the former, which was the case in fiscal year 2012 in the Waste Water Department, had to be remedied with a Reserve Fund Transfer. But with the passage of Chapter 77 – and with the approval of the Board of Selectmen and the Financial Advisory Committee (FinCom) – a Department could transfer funds between these parts of the operating budget. (Chief Operator Thompson had returned to the meeting.)

Thus, on Wednesday, June 20, the Admin Assistant continued, Commissioner Connelly, Chief Operator Thompson and she had attended a meeting of the FinCom to watch Town Administrator Pamela M. Dolby make the case for a transfer of \$3,846.80 from Waste Water's Operating Budget Expenditures Account (0144005) to the Department's Overtime Account (0144002/513000). Responding to a question from Commissioner Carter, Mrs. Webster replied that yes, the Committee had approved the transfer.

The conversation turned to whether the funds in the FY13 Wages and Salaries Accounts would adequately cover any grade advancement among the operators in those 12 months. Mrs. Webster noted that the Superintendent's Account had about \$71,000.00 assigned to it, although about \$57,000.00 of that would go toward her own salary. That would leave about \$14,000.00 for any shortfalls caused by salary increases resulting from grade advances or overtime overruns.

Mention was made of Chief Operator Thompson's annual evaluation, and it was agreed that the Board wished to do this as a group. Admin Assistant Webster suggested that with the next meeting she post an Executive Session to discuss that.

ARAUJO BROTHERS GREASE INCIDENT.

Chief Operator Thompson reported on an incident that had occurred on Thursday, June 21, involving a truck and driver from Araujo Brothers, Inc. that had improperly dumped more than 1,700 of greasy waste from the Fresh Pasta Shoppe at the septage station instead of at the grease station. Grade IV Operator Jeremy Osborn had discovered the transgression and immediately photographed the evidence. Subsequently, the per-gallon rate had since been adjusted from \$0.28 to \$0.39, and proprietor Joe Araujo had been chastised.

“This is an ongoing problem!” declared Acting Chairman Connelly. Chief Operator Thompson pointed out that the newly required Waste Hauler License contained language specifically directing that all food service waste was to go to Station 2. The license read as follows: “Properly permitted Food Service customer waste will be discharged as ‘Grease’ at the Sludge Holding Tanks only.” What about fines? asked Commissioner Carter. The Chief Operator recalled that this had happened once with Jay’s Septic Service; the proprietor had received a warning. Also, Article VIII, Section 4 of the *Rules and Regulations* provided for the following:

“Any person/company found violating any provision of Article XV such as but not limited to discharging septage into the collection system without prior approval ... shall immediately lose the ability to use the Edgartown facility for a period of 30 days for the first offense, as well as a \$1,000.00 fine, 90 days for the second, as well as a \$2,500.00 fine, and 180 days for the third, as well as a \$5,000.00 fine.”

Mr. Thompson recommended a separate set of smaller fines for this particular offense. Mr. Carter inquired about charging specifically for the cleanup carried out by Messrs. Thompson and Osborn following the foul-up. Acting Chairman Connelly wanted to know what that cleanup was worth. The Chief Operator answered that their labor cost a couple of hundred dollars. Mr. Connelly suggested a \$300 fine, plus reimbursing the Department \$200 for the crew’s labor. It was agreed this matter would be addressed in their next meeting.

Mr. Thompson also pointed out that he still did not have a permit form from the Edgartown Board of Health, though the five other Island Towns had cooperated with his request for such. He remarked that he liked the format and procedure of the Town of Chilmark. Acting Chairman Connelly suggested that the Chief Operator come up with a sample form for the Town of Edgartown. Mr. Thompson said he would give Health Agent Matthew Poole a heads-up, reminding him about this. Mr. Connelly wondered about the possibility of the Waste Water Department handling the permitting for Edgartown and keeping the funds collected.

Commissioner Carter asked if the Department collect the permit fees while the Board of Health issued the permit; but Assistant/Operator Shelley Reed pointed out that whichever Department issued the permit ought to be the party that collected the fees. “When you starting separating the money from the permit like that,” she observed, “it gets confusing.” “It all goes to the General Fund,” noted the Chief Operator, adding, “Let the Board of Health do it.”

REPORT: MEETING OF M.V. COMMISSION’S JOINT COMMITTEE ON SENGEKONTACKET.

Chief Operator Thompson reported on the June 20, 2012 meeting of the Martha’s Vineyard Commission’s Joint Committee on Sengekontacket, which he had attended with Acting Chairman Connelly. He related that the group was studying existing records from the Edgartown Board of Health regarding the Major’s Cove and Trapp’s Pond areas, since these were the so-called bad actors in the current situation. This was where, he said, they would be looking into mitigation. Town Administrator Pamela M. Dolby had mentioned to him that the Town did, in fact, already have fertilizer regulations, which he would seek from Conservation Agent Jane Varkonda.

Mr. Thompson continued that various members of the group had decried the reluctance of the Major's Cove residents to meet with the Joint Committee; by contrast, the Trapp's Pond residents were proving to be relatively proactive. Edgartown Shellfish Constable and Marine Biologist Paul Bagnall had raised the possibility of establishing a District of Critical Planning Concern (DCPC), but this proposal was sure to receive a cool reception from the Town.

When asked at the June 20 meeting about the Town's plans to extend the sewer system, the Chief Operator had explained that the Town's concern at this time was cost, having just bitten off a \$14 million library project. There was talk of private financing among members of the Trapp's Pond group, though.

The discussion turned to the Mass Estuaries Program Report on Sengekontacket Pond (the MEP Report). The Total Maximum Daily Load (TMDL) for nitrogen for a healthy water quality in Sengekontacket Pond was 0.35 milligram per day. Nitrogen levels in Major's Cove and Trapp's Pond embayments were significantly above the TMDL. Among the recommendations in the MEP Report was the pursuit by the Town of Edgartown of private sewerage in the Cow Bay and Oak Dale watersheds.

Acting Chairman Connelly said that the Town had five years to bring down the TMDL and needed to pursue grants and private funding to achieve that. The talk turned to where the new effluent bed would go with an expansion of the system. Mr. Thompson observed that when the Town was ready to take the sewer system up the Vineyard Haven Road, the infrastructure to support it was there. "But we have to come up with some sort of plan," said Mr. Connelly. "We have five years. We do have to handle it as a watershed."

At that point – 11:08 a.m. – a customer who could not wait needed to have an account set up in the PortALogic program so that he could unload some waste. Admin Assistant Webster, who was taking the minutes, requested that the meeting break while she attended to that.

The meeting re-opened at 11:18 a.m. The discussion on the MEP Report wound down, and the Chief Operator shared a set of bullet points he had drawn up and passed on to the Town Administrator.

OLD BUSINESS [Continued]:

UPDATE: FUNDING OF SILO/SCRUBBER TOWERS PROJECT – HALEY & WARD.

The Commissioners turned to a proposed two-page Engineering Agreement for basic services at a lump sum fee of \$5,600 with Haley and Ward, Inc. titled "Project to Replace Odor Control System Coating System at Edgartown Wastewater Treatment Facility." Chief Operator Thompson related that the firm would put together the engineering in the Request For Proposals (RFP). They would break down the project into two parts: tower restoration and ductwork. That way, if the bids came in too high, the tower work could be done by the contractor, and the Department crew could do the ductwork.

Commissioner Carter asked if Mr. Thompson felt confident that the lime silo work his crew had done would hold up. Yes, answered the Chief Operator, they had done it in the correct sequence, using the right materials, with adequate curing times. "We just need the doors," he added.

Acting Chairman Connelly wanted to know what kinds of additional expenses might arise to inflate the cost of the project. Mr. Thompson replied that things like the cost for the engineer to fly over to the Island, accommodations, and so forth would have to be paid for. Do you have a ballpark figure? inquired Mr. Connelly. The Chief Operator explained that if the expenses ran too much over the \$5,600 lump sum, the firm would have to present a Change Order for the approval of the Board. Mr. Connelly also asked if the planned work would help with odor control. Mr. Thompson replied that the restoration was “purely cosmetic.”

Responding to another query, the Chief Operator said it was his “earnest hope” that the project could be ready for bid by August. The Board members agreed that a vote on the Engineering Agreement would be taken at the next meeting. Mr. Thompson encouraged the Commissioners to e-mail him any more questions they had, which he would get answered. Commissioner Carter stated emphatically that he wanted a cap on expenses.

ADJOURNMENT.

There being no further business, Acting Chairman Connelly asked for a motion to adjourn. Commissioner Carter made a motion to adjourn, seconded by the Acting Chairman. The motion carried unanimously by voice vote, and Mr. Connelly adjourned the meeting at 11:35 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:
BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

Timothy K. Connelly, Acting Chairman

James K. Carter, Commissioner