

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF JULY 24, 2012**

WASTE WATER COMMISSIONERS PRESENT:

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

OTHERS PRESENT:

Mr. Timothy M. Peters, T.P. Excavation & Septic Services

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown scheduled a Regular Meeting for Tuesday, July 24, 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 10:12 a.m. Acting Chairman James K. Carter called the meeting to order.

OLD BUSINESS:

DISCUSSION/VOTE: PROPOSED PAYMENT PLAN FOR TIMOTHY PETERS.

Present before the Board was Timothy M. Peters, proprietor of T.P. Excavation and Septic Service, whose outstanding balance of \$15,393.34 had sat undiminished since his last payment on October 11, 2011, despite his having signed a payment agreement on February 9, 2012. *[For background on this matter, refer to pages 1-3 of the Minutes of*

the Meeting of July 13, 2012; pages 1-2 of the Minutes of the Meeting of June 26, 2012; 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.]

Admin Assistant Pia Webster reminded the Board members of the plan Mr. Peters had proposed in June: to restart his dumping at the plant and to pay double – on the spot – for each load. On Town Counsel’s recommendation, however, the Board was requiring Mr. Peters to pay a set amount weekly toward the past-due balance.

So, Mrs. Webster continued, she had drawn up two sample payment plans, the first with weekly payments, including interest, of \$360, with payment in full by June 30, 2013; and the other with payments of \$630 weekly, with final payment by January 31, 2013. Whichever plan was chosen, the first payment would be due on Wednesday, August 1, by 2:00 p.m. The Admin Assistant added that Mr. Peters’ wife, Paula, had e-mailed the office to indicate her preference for the first plan.

Acting Chairman Carter expressed reservations about Mrs. Peters’ choice. He was opting, he said, for the payment of larger amounts over a shorter span of time. But Mr. Peters, referring to his *original* proposal, explained that the pumping-job customers could pay him ahead of time and that he knew he could succeed using *his* system. The Acting Chairman reiterated that the payment plan with the December 31 deadline was how it was going to be.

Commissioner Timothy K. Connelly made a motion to make Timothy M. Peters subject to the second payment plan, making weekly payments of \$630 by 2:00 p.m. on Wednesdays and paying for any loads he left at the facility during regular business hours immediately after dumping them and any loads he left on weekends or holidays by 10:00 a.m. on the next business day. Mr. Carter provided a second.

Commissioner Connelly pointed out that he had run several seasonal businesses and he thought it was key that Mr. Peters wrap this balance up while business was good. Acting Chairman Carter cautioned Mr. Peters that if the latter reneged on this agreement, his past-due account would go right back to Town Counsel. The Acting Chairman then conducted a vote on Mr. Connelly’s motion, which carried unanimously by voice.

Commissioner Connelly noted that any charges generated by Town Counsel over this matter ought to be passed on to Mr. Peters. Mrs. Webster clarified for Mr. Peters a few of the specifics of the plan and the operating hours of the stations. When she suggested that Mr. Peters pay ahead during the busy season to facilitate smaller payments during quieter periods, she was corrected by the Commissioners, who insisted that Mr. Peters pay a minimum of \$630.00 weekly, regardless.

APPROVAL OF MINUTES.

The Commissioners turned to the **Amended Minutes of the Meeting of June 14, 2012**, into which a previously omitted paragraph regarding the revised septage acceptance schedule had been inserted. Commissioner Connelly made a motion to approve those

minutes as amended, seconded by Acting Chairman Carter. The motion carried unanimously by voice vote.

Moving on to the **Minutes of the Special Meeting of June 26, 2012**, Commissioner Connelly made a motion to approve those minutes as written, and Acting Chairman Carter provided a second. The motion carried unanimously by voice vote.

Next, the Board considered the **Minutes of the Special Meeting of July 13, 2012**. To start, the Admin Assistant pointed to some needed corrections. In the first sentence in the last paragraph on page 1, the name “Kaplan” ought to be changed to “Peters”. In the next sentence, the phrase “... refer to page 2 of the Minutes of the Meeting of June 26, 2012...” should have been written, “... refer to pages 1-2 of the Minutes of the Meeting of June 26, 2012.” Then, in the first sentence in the last paragraph on page 2, the opening words “Chief Operator Thompson” should be replaced with “Commissioner Carter”.

Commissioner Connelly presented a number of inserts for the Minutes of the Meeting of July 13, 2012. At the end of the third paragraph on page 2, he wished to add the following: “Commissioner Connelly referred to Chief Operator David Thompson’s conversation with him that the average load is two thousand gallons at 24 cents a gallon, which equals \$480.00. Rounding this up to \$500.00, it appeared to him that this should be the amount to pay on the past-due account.”

In paragraph 4 on page 2, the initial two sentences would remain the same. The next two sentences, beginning with “And how many loads...” should be deleted and replaced with the following: “And how many loads a year did Mr. Peters dump on average? asked Mr. Carter. Chief Operator Thompson said that most haulers left more than 200 per year. Mr. Thompson added that it would take about 30 loads for Mr. Peters to clear his balance.” Then continue with the sentence, “We’re getting *nothing* now...”

At the very end of paragraph 5 on page 2, Mr. Connelly wished to add the sentence, “All Commissioners agreed that mail addressed to the Commission should be brought to the attention of the Chairman, or another Commissioner so delegated, immediately. The task of opening the correspondence or making the appropriate decision for further action belongs to the Chairman. In this case, he continued, the Chairman asked that he fulfill this function in the Chairman’s absence. Commissioner Connelly stated that he does not believe that the employees should open the Commissioners’ mail addressed to the Commission. The employees should not handle it and then notify the Commissioners of the results.”

Acting Chairman Carter argued that this was *not* what had happened at the July 13 meeting and that the Board had reached *no* such agreement.

Mr. Carter also objected to the way Mr. Connelly had assumed authority in that meeting and how he had taken it upon himself to meet with Town Counsel without a vote from the Board. The Acting Chairman related further that he had only attended that meeting, albeit in protest, because he did not want his absence to prevent a vote’s being taken on a matter that would affect a man’s livelihood.

More than once during Mr. Connelly's dictation of his proposed amendments, Admin Assistant Webster also questioned their accuracy, as well as objected to their extent, arguing that she could not sign her name to the July 13 minutes if these additions were made.

Continuing with his dictation, just before the final paragraph on page 2, Mr. Connelly wanted to insert the following paragraph: "Mr. Connelly stated that the attorney suggested keeping the two checks separate, with the special amount from the payment plan coming off the past-due amount. Also, doing it this way would not look like we were only charging Mr. Peters double what we charged other haulers. Further, using Chief Operator David Thompson's average load cost of \$480.00, \$500.00 is approximately double." Mrs. Webster and Commissioner Carter disagreed with Commissioner Carter's recall of the meeting. (There was no recording.)

Continuing with his amendments to the Minutes of the Meeting of July 13, 2012, in the last sentence of the third paragraph on page 3, at the end of the item "... (b) the Chief Operator would report to the Commissioners in their meeting on July 24...", Commissioner Connelly wanted to insert the words "with a written legal opinion."

At this point – 11:02 a.m. – Acting Chairman Carter expressed his deep displeasure over the time spent on Commissioner Connelly's tinkering with the July 13 minutes and stated that, with a busy day ahead of him, he wished to adjourn the meeting. Admin Assistant Webster requested that he stay just a few minutes longer to tend to a couple of items of business that could not wait.

OTHER BUSINESS:

EMPLOYEE EVALUATION: DAVID THOMPSON, CHIEF OPERATION.

It was agreed that the annual evaluation of the Chief Operator, whose anniversary date was July first, would be postponed until Chairman R. Cliff Karako could be present.

OLD BUSINESS [Continued].

DISCUSSION/Q-AND-A/VOTE: HALEY AND WARD, INC. AGREEMENT.

The Board turned to an Engineering Agreement with Haley and Ward, Inc. titled "**Project to Replace Odor Control System Coating System at Edgartown Wastewater Treatment Facility.**" *[For an earlier discussion of this matter, refer to pages 5-6 of the Minutes of the Meeting of June 26, 2012.]* Chief Operator Thompson reminded the Commissioners that he had scanned and e-mailed copies of the agreement, as well as the results of his conversation with Sean Osborne, during which he had cleared up a number of questions presented by the Board.

The basic concern the Commissioners had, Mr. Thompson continued, was "getting socked" with extra charges beyond the \$5,600 cost of the contract. He assured the Board that change orders would be necessary to proceed beyond the scope of what was before them. Commissioner Connelly verified with the Chief Operator that the \$5,600 would

come out of the \$10,000 voted the previous year (which was now part of a \$35,000 warrant account).

Commissioner Connelly made a motion to sign the Engineering Agreement with Haley and Ward, Inc. titled "Project to Replace Odor Control System Coating System at Edgartown Wastewater Treatment Facility" in the amount of \$5,600.00; Acting Chairman Carter provided a second. The motion carried unanimously by voice vote, and the Commissioners signed the agreement.

ADJOURNMENT.

Although Commissioner Connelly wanted to discuss financial planning, Acting Commissioner Carter chose to leave. The meeting lost its quorum at 11:07 a.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:
BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

James K. Carter, Acting Chairman

Timothy K. Connelly, Commissioner