

**TOWN OF EDGARTOWN  
BOARD OF WASTE WATER COMMISSIONERS  
MINUTES OF THE  
REGULAR MEETING OF SEPTEMBER 25, 2012**

**WASTE WATER COMMISSIONERS PRESENT:**

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

**WASTE WATER COMMISSIONER ABSENT:** None

**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 scheduled a Regular Meeting for Tuesday, September 25, 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 R. Cliff Karako called the meeting to order and took note of who was present. He then proposed that the Board move past the Approval of Minutes for the time being and on to Old Business and the Chief Operator's annual evaluation.

**OLD BUSINESS:**

**CHIEF OPERATOR'S ANNUAL EMPLOYEE EVALUATION.**

The Board considered the annual employee evaluation of Chief Operator David Thompson, whose merit consideration date had been July 1. Responding to a question from the Board, Mr. Thompson explained that once the evaluation was written up, it was

to be signed by him and then copied, with one copy forwarded to the Personnel Board and another stored in his employee file. Commissioner James K. Carter pointed out that in the past the Board had discussed the Facilities Manager's evaluation in their meeting. Commissioner Timothy K. Connelly reminded him that they had already agreed to do that in their last meeting.

Reading from the evaluation form that he had filled out prior to the meeting, the Chairman remarked that the Chief Operator had performed "as expected" and that his attitude was "exceptional." Commissioner Carter read from his form, as well as an attachment, remarking that Mr. Thompson had had a difficult task set before him and that he had made "tremendous progress" and deserved the Board's support. One area that needed improvement, he added, was communication.

Commissioner Connelly agreed with what had been said thus far and suggested combining the two statements. Then, after looking at what Commissioner Carter had written, all agreed that this could serve as the evaluation. The Commissioners signed Mr. Carter's form with its attachment. Asked if he had any questions or comments, Chief Operator Thompson said he had nothing to add.

**NEW BUSINESS:**

**CHIEF OPERATOR'S REPORT / FINANCIAL REPORTS.**

Reporting on the months of June, July and August, Chief Operator Thompson reported a substantial drop in septage flow totals. The Porta-Potty totals were slightly up, he continued, as was the grease volume. According to the haulers to whom he had spoken, their customers were putting off pumping as long as they could.

The Chief Operator then provided operations highlights since June, including the Dunham Road clog on June 12, a rather messy occasion during which Operator Jeremy Osborn had required three to four changes of clothes. Another incident on Dunham Road on July 19, this one serious, obliged the Chief Operator to file a Sanitary Sewer Overflow (SSO)/Bypass Notification Form with the Massachusetts Department of Environment Protection's Bureau of Resource Protection Wastewater Management Program. Further, because of the spill site's proximity to Katama Bay, the State had asked Mr. Thompson to report as well to the Division of Marine Fisheries, which he had done.

In addition, lightning strikes in July had destroyed a difficult-to-replace influent flow meter as well as a flow transmitter in septage. There followed some discussion regarding lightning protection and Cole Powers' recommendation for relocating the surge protection apparatus.

In August, Mr. Thompson continued, Haley and Ward, Inc. had started work on the Request For Proposals (RFP) for the scrubber towers rehabilitation project. With Sean Osborne gone from the firm, the Chief Operator did not expect the project to move forward this fall. Also in August the crew had had to shut down Sharkey's because of a grease interceptor issue. This establishment, he explained, had an outside grease trap that was never cleaned, and a similar problem had arisen the year before for the same reason.

A discussion followed about the proposed Fats, Oils and Grease (FOG) Regulations, something the Chief Operator was working on. A particularly irksome aspect of the situation was the Department's having to supply Sharkey's with a new pump when it was the *customer* who had not maintained the system properly. There had been comparable trouble at the Seafood Shanty. One solution, Mr. Thompson pointed out, was requiring a hydro-mechanical interceptor like the one installed at the new restaurant on Main Street, the Port Hunter.

Responding to a question from Commissioner Connelly, Chief Operator Thompson related that during the second week of September the Edgartown Board of Health had begun to issue septage permits. He then went on with his report on September, describing his and Operator Dale Morgan's efforts with three E-One technicians to upgrade the remaining pumps as well as defective motherboards in the pumps and panels purchased in 2008 and 2009 and subject to recall.

Commissioner Carter asked if there were new warranties on the replacement panels; the Chief Operator answered that there were not. Commissioner Connelly wanted to know if staff kept track of the pumps' serial numbers. Mr. Thompson replied that *now* they tracked them. With regard to the flow totals the Chief Operator had presented earlier, Commissioner Connelly requested that the 2011 and 2012 flow figures be lined up side by side. Mr. Thompson seemed not to think this was necessary.

Administrative Assistant Pia Webster went over some financial statements. The adjusted FY12 Sewer Billing results stood at \$974,646.30; while as of September 25, 7.53% of the figure billed, or \$73,351.95, remained uncollected. As for Septage collections, Accounts Receivable had stood at \$45,204.99 on June 30; as of September 24, \$11,229.92 was still due.

Septage income for the month of August continued to fall, noted Mrs. Webster. When compared to August 2011, the total gallonage for the month was off by 36.78%, with the septage volume plunging 62.55% from the previous year. Porta-Potty numbers were flat. The total billed to the haulers in August 2012 was \$32,450.85; the total collected was \$45,738.04. Once again collections were up.

Returning to the report on FY13 Monthly Septage Income, which included a listing of receipts by hauler, Commissioner Connelly asked about working up an aging report for the haulers' transactions. Admin Assistant Webster explained that this made no sense since except for Tim Peters (who was paying off a past-due balance), the active haulers paid their previous balances in full with their next day's loads. Chief Operator Thompson held up for the Commissioners the printout he was given each morning showing what was owed by each hauler. He indicated that this was all he required.

Admin Assistant Webster moved on to the Operating Budget Expenditures Report dated August 31, 2012. Chief Operator Thompson related that the former Facilities Manager had never wanted to exceed the amount budgeted for a particular expense account. So instead of assigning the expenditure to the correct account, he would put it under an account that was not yet depleted. Thus, Mr. Thompson said, it was difficult to

determine how much *actually* ought to be allocated to each of the Operating Budget accounts. Commissioner Connelly said he wanted a report that segregated the month's data rather than a cumulative report that began at the start of the fiscal year.

**INITIAL DISCUSSION: RECONSIDERING THE BEDROOM REGULATIONS.**

Chairman Karako began by relating that in 2011 the Planning Board had expressed concerns about the Waste Water Department's Bedroom Regulations, the issuance of which, the Planning Board seemed to think, had usurped at least part of that Board's role as a source of development regulations. Chief Operator Thompson, though, saw things differently. He said he had taken a look at some of the flow numbers at the plant and had drawn some conclusions. The facility had a 750,000 capacity, and 165,000 gallons of that were allocated by the State for the watershed. Sixty-two thousand of the allocation was already sewered, and another 62,000 was slated to be sewered. So the actual plant capacity was around 585,000 gallons.

On heavy-use days last summer, the Chief Operator continued, the plant had processed as much as 490,000 gallons. Another factor to consider was the 50 units of affordable housing being built by the Town on Meshacket Road, which would generate about 16,000 gallons of daily volume. "What this means is," he stressed, "we're getting down there... At six hundred thousand, we have to do something." A discussion ensued.

Still another factor, said Mr. Thompson, was the fact that when the plant reached 80 percent capacity – a level they were nearing – the Department had to report this to the State, which would then require moratoria, plant expansion or whatever the proper solution was determined to be.

The Chief Operator emphasized that the Town was obligated to adhere to the set-asides agreed to with the State. And when he started closing in on 600,000 gallons, he said, he would have to submit a report to the Massachusetts Estuaries Project (MEP).<sup>1</sup>

Commissioner Carter noted that the Commissioners had asked the Planning Board for input. Chief Operator Thompson remarked that he totally understood the Planning Board's concerns; but that the Waste Water Department's concerns were also valid. Commissioner Carter wondered if the Board ought to draft a letter reminding other Town Departments that the Bedroom Regulations were in full force. Chairman Karako suggested corresponding with the Board of Selectmen, sending a "Just thought you should know ..." sort of letter.

Commissioner Carter recalled that when they had sat down with the Planning Board, he thought the Waste Water Commissioners had agreed basically to "walk away from the

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<sup>1</sup> *MEP is a program conducted jointly by the Massachusetts Department of Environmental Protection (DEP) and the School for Marine Science and Technology (SMASST) at the University of Massachusetts Dartmouth.*

Bedroom Regulations.” Commissioner Connelly disagreed, stating that he was at that meeting and that he did not remember any talk of “walking away.”

The discussion continued. Responding to a query from the Chairman, the Chief Operator said that Health Agent Matthew E. Poole was “down with” the Bedroom Regulations, that the Waste Water Department had his enthusiastic support.

Commissioner Carter recommended that the Board reaffirm the legal force of the Bedroom Regulations by sending a letter to the Town Administrator, Board of Selectmen, Board of Health, Planning Board, Building Inspector, and so forth, so as to leave no doubt as to their current validity. No objections from the other Board members were heard.

Commissioner Connelly was curious as to how many residences Department staff thought had been permitted by the Office of the Building Inspector without proper application of the Bedroom Regulations. Chief Operator Thompson said there were just a few. There appeared to be no support for Commissioner Connelly’s suggestion that staff attempt to track down any violations.

It was agreed that staff would draft the letter suggested by Commissioner Carter and that the Board would vote on it in their October Regular Meeting.

Since Commissioner Carter had to leave the meeting at 11:00, the Chairman moved on to Other Business so that Mr. Carter could participate in the next votes before his departure.

**OTHER BUSINESS:**

**VOTE: CLEAN UP SEWER ACCOUNTS – REFUNDS / ADJUSTMENTS.**

Commissioner Connelly made a motion, seconded by Commissioner Carter, to approve the following refunds of customer overpayments toward FY11 sewer bills: CF House Inn (L’Etoile), Acct No 56, 22 North Water Street, \$2,987.93; Thomas and Stacy Wallace, Acct No 288, 12 Atwood Circle, \$1,247.79; Douglas J. Wilds, Acct No 80, 48 West Tisbury Road, \$148.31; and Eugene Courtney, Arthur Young Acct No 312, 6 South Water Street, \$369.12, for a total of \$4,753.15. The motion carried unanimously by voice vote.

Next, the Board members directed their attention to a document titled “FY12 Sewer Charge Abatements I – September 25, 2012.” [Attached.] Commissioner Connelly moved to approve the 12 abatements of FY12 sewer charges totaling \$14,816.20; Commissioner Carter provided a second. Commissioner Carter inquired about how billing clerk errors were made, and Admin Assistant Webster assured him that the new MUNIS utility billing program would be totally automated. Moreover, she and Assistant/Operator Shelley Reed were looking closely at every single account and would de-activate those not hooked up to the sewer system before the FY13 billing was generated. Commissioner Connelly’s motion carried unanimously by voice vote.

Commissioner Carter left the meeting at 11:01 a.m.

**FALL BUDGET PROCESS:**

**REPORT: THE CHIEF OPERATOR ON LONG- AND  
SHORT-TERM CAPITAL EXPENSE PLANNING.**

Chief Operator Thompson related that he had spoken recently to Jane Barbini of the Capital Planning Committee. He had learned, he said, that the threshold for projects that had to be vetted by her committee before proceeding to the Financial Advisory Committee (FinCom) for review had been raised from \$25,000 to \$100,000 per purchase. The only Department project slated for FY14 that met the criterion was the Dock Street Hazard Mitigation Grant Project; should the application be successful, the Town's contribution to that project would be about \$140,000.

The Chief Operator then went through the other capital projects he was planning for FY14 through FY17, along with explanations of where the funds for them would come from. *[A copy of his summary is attached.]* Mr. Thompson spent some time speaking of the renewal of the plant's Discharge Permit in January 2015. Because the plant was now 15 years old, a requirement of the new permit would be a report by a registered engineer outlining the modifications needed to keep the plant in compliance for the next five-year permit period and beyond. Thus, the report was slated for FY14 at a cost of \$5,000. Mr. Thompson had spoken briefly to Ian Catlow of Tighe & Bond about what this would entail.

The Chief Operator also described the \$85,000 vacuum trailer, another proposed FY14 purchase, with its funding coming from the Sewer Rate Relief Account, the current balance of which was around \$130,000. Responding to a question from Chairman Karako, Mr. Thompson said that the Department currently spent around \$15,000 annually for a contractor to handle emergencies requiring the services of a vacuum trailer. After the purchase the Department could do its own regular maintenance.

The other \$45,000 in the Sewer Rate Relief Account, continued the Chief Operator, would go toward the Department's contribution to the Dock Street Hazard Mitigation Grant Project. Commissioner Connelly wanted to know where the Department stood on the Mitigation Grant. Chief Operator Thompson answered that the Department had three years from the date of the award to spend the grant funds. When will you purchase the vacuum trailer? asked the Chairman. If the FinCom meeting goes well, replied Mr. Thompson, we'll put out an RFP.

Commissioner Connelly returned to the subject of building projects that had gone through the permitting process without conforming to the Department's Bedroom Regulations. He inquired if staff could get a list of those projects, to try to get a handle on the extent of the violations. Chief Operator Thompson responded that he thought everybody had gotten "the wake-up call" and that "the situation has been clarified now." Admin Assistant Webster agreed, commenting that she did not wish to alienate other Town employees without good cause.

Next, Commissioner Connelly requested that the Admin Assistant draw up a monthly balance sheet for the Department. After questioning Commissioner Connelly, Admin

Assistant Webster concluded that what he meant was a monthly income and expense statement. She tried to explain that municipal accounting worked on a cumulative, fiscal-year basis. There was some discussion of this point.

Commissioner Connelly then asked if the Chief Operator had a Draft Budget for FY14. No, he did not, replied Mr. Thompson, who once more explained how the former Facilities Manager had failed to assign expenditures to their proper accounts, being more concerned with each account coming in under budget at the end of the fiscal year. Thus, Mr. Thompson was having trouble determining realistically how much he should allocate to each expense category. The process, he said, would take more time.

Chairman Karako recalled how once while formulating his budget, the former Facilities Manager had simply increased all the expense requests six percent across the board, in contrast to the way the Chief Operator was now trying to get “some *real* working numbers.”

The Chairman set the next meeting for Tuesday, October 16, 2012, at 10:00 a.m.

#### **OFF-AGENDA TOPICS.**

Commissioner Connelly had some questions for Chief Operator Thompson about the recently released draft report titled “Sengekontacket Pond Estuarine System Total Maximum Daily Loads for Total Nitrogen,” a study by the Massachusetts Department of Environmental Protection’s Bureau of Resource Protection. Mr. Thompson made it clear that there were no plans to sewer Ocean Heights or the Trapp’s Pond area.

There was discussion of the need for a comprehensive waste water plan, and it was noted that the Martha’s Vineyard Commission was considering doing one for the entire Island.

Commissioner Connelly returned to the topic of septage and the fact that the numbers were down. Chairman Karako said that haulers had told him that they were experiencing their worse period ever. But the Chief Operator remarked, “It’ll eventually get here.” The costs of taking the waste off-Island were discussed.

The Chairman asked if anyone around the table had anything else to say. Assistant/ Operator Shelley Reed related that she had been “plugging away” at entering the customer accounts into the new MUNIS utility billing system. Admin Assistant Webster reported that Town Accountant Kimberly G. Kane had been pleased with her work wrapping up the FY2012 books.

Chairman Karako had an announcement of his own. I will not be seeking re-election, he stated, adding that he *would* be completing his term. Commissioner Connelly suggested that the Chairman inform the Town Administrator that day.

#### **ADJOURNMENT.**

There being no further business, Chairman Karako asked for a motion to adjourn. Commissioner Connelly offered a motion to adjourn, seconded by the Chairman. The

motion carried unanimously by voice vote, and Chairman Karako adjourned the meeting at 11:51 a.m.

Respectfully submitted,

Pia Webster  
Administrative Assistant

APPROVED:  
BOARD OF WASTE WATER COMMISSIONERS  
TOWN OF EDGARTOWN

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R. Cliff Karako, Chairman

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James K. Carter, Commissioner<sup>2</sup>

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Timothy K. Connelly, Commissioner

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<sup>2</sup> *Mr. Carter left the meeting at 11:01 a.m. See page 5 of these minutes. So his approval applies only to page 1 through page 5 of the minutes, which cover the sections of the meeting he attended.*