



TOWN OF EDGARTOWN
WASTE WATER DEPARTMENT
330 WEST TISBURY ROAD
P.O. BOX 1068
EDGARTOWN, MA 02539

TEL. 508 627-5482
FAX 508 627-5169

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE RESCHEDULED
REGULAR MEETING OF OCTOBER 18, 2012**

WASTE WATER COMMISSIONERS PRESENT:

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

WASTE WATER COMMISSIONERS 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, October 16, 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. On Monday, October 15, 2012, at 10:48 a.m., the Regular Meeting was officially postponed at the request of the Chairman. It was reposted to begin at 10:00 a.m. on Thursday, October 18, 2012, at the same location.

At 10:00 a.m. on the rescheduled date, Chairman R. Cliff Karako called the meeting to order and took note of who was present, those being: himself; Commissioner James K. Carter; Chief Operator David Thompson; Assistant/Operator Shelley Reed; and Administrative Assistant Pia Webster. Absent at the Call to Order was Commissioner Timothy K. Connelly.

OLD BUSINESS:

REVISED 2009 BEDROOM REGULATION.

A discussion of the Waste Water Department's 2009 Revised Bedroom Regulation began with the perusal of a proposed letter to the Board of Selectmen from the Board, to be copied to pertinent others, thanking "the leadership and staff of the Town of Edgartown for their help in raising everyone's awareness" of the regulation. The text followed with the history and purpose of its development and concluded with an emphasis on the pressing need for continued enforcement.

Commissioner Carter remarked that he did not have any problem with the letter. His reservation, he said, was not having everybody on board. *[Refer to page 4 of the Minutes of the Regular Meeting of September 25, 2012 for background on the Planning Board's concerns about the Bedroom Regulation.]* Chairman Karako stressed that this was the Waste Water Department's regulation and not some other Board's and that the need for it was valid and beneficial for the entire Town.

On a motion by Commissioner Carter, seconded by Chairman Karako, the Board voted unanimously by voice to accept and send the letter to the Board of Selectmen and the other copied recipients.

The Board moved on to a discussion of the Bedroom Regulation itself and its possible amendment at this point. Chief Operator David Thompson related that the day before he had turned down an eight-bedroom project sited on 0.33 acre. On that size lot (14,374 square feet), only four bedrooms were allowed. However, a check with the Assessor's Office confirmed that five pre-existing bedrooms could be grandfathered.

The Chief Operator reminded the Board that the regulation did provide an appeals process, to wit: "9. The Wastewater Commission reserves the right to grant exemptions based on a case by case basis if in the opinion of the commission there is a benefit to the town." Moreover, he said, the recent parade of contractors, site plans in hand, was evidence enough that the Building Inspector was aware of, and on board with, the Bedroom Regulation.

Commissioner Carter asked if there was a fee for the re-evaluation of the permit for a pre-existing structure. Mr. Thompson replied that it was a matter of scale. A review of minor renovations to structures already tied in, he said, did not incur an additional fee, though the initial fee of \$50 was admittedly "pretty darn low." "Yes, it is," agreed Commissioner Carter.

Chairman Karako wondered if the Department charged a site visit fee. Administrative Assistant Pia Webster mentioned that in the Water Department any visit whatsoever to any site away from the plant brought with it at least a \$25 fee if a charge was not already being generated by a service like a main turn-off; just the cost of the operator showing up had to be covered. The Chief Operator pointed out that the commercial permit fee was \$250. At this point – 10:10 a.m. – Commissioner Timothy K. Connelly arrived at the meeting.

Regarding site visits, Commissioner Connelly noted that every time the Building Inspector returned to the same site, even on the same permit, another \$60 was charged. The Chairman observed that this practice also left a more substantial paper trail. It was agreed that the Chief Operator would bring some ideas for proposed changes to the fee structure to the next meeting.

Asked if he had any recommendations for amendments to the Bedroom Regulation, Chief Operator Thompson answered that it was "pretty straightforward." The aforementioned letter stated its purpose. Obviously, zoning by sewer had its pitfalls, he continued, "but that's not what we're doing."

Commissioner Carter inquired about Sengekontacket Pond and the recently released draft report titled "Sengekontacket Pond Estuarine System Total Maximum Daily Loads for Total Nitrogen." Mr. Thompson reiterated what he had stated in the September 25 meeting: that there was no agreement yet with the State regarding Sengekontacket and that whether or not the Department used the already-agreed-to set-asides, the allocations were just that – allocated. They could not be tampered with. [*Ibid.*, page 7.]

Commissioner Carter also wanted to know how close the Department was to the 300-house allocation. "We're not there yet," replied Mr. Thompson. A discussion followed. Commissioner Carter clarified with the Chief Operator whether a new home built in the Great Pond Watershed should get tied into the sewer system. Mr. Thompson responded that he simply did not have the infrastructure to do that. For instance, the structures on the shore of the Great Pond were not, in fact, the biggest producers of nitrates; the subdivisions, which were far denser, were. Thus, to get "the biggest bang for the buck," the Department had chosen to sewer Island Grove and Edgartown Meadows, he explained.

Commissioner Carter expressed concern that the Bedroom Regulation covered the R-5 District, which included six inns. Chief Operator Thompson related that the Shiverick Inn had gone through the Zoning Board of Appeals for a variance, which had been denied. "So it's an issue we need to address," said Commissioner Carter.

The discussion turned to the so-called imaginary line of Pease's Point Way, where a few years earlier Maggie White had renovated and expanded a residence in the R-5 District. Operator/Assistant Shelley Reed recalled that when the White case had arisen, the Waste Water Commissioners had been working on further revisions to the 2009 version of the Bedroom Regulation. Commissioner Connelly asked if an inn or restaurant in the R-5 District had to go to the Zoning Board of Appeals. Yes, answered Commissioner Carter. A discussion about the ZBA's function followed.

Next, Commissioner Connelly made a motion that the Board send a draft regulation to Town Counsel stipulating that if the Zoning Board of Appeals issued a variance to an applicant with regard to the number of bedrooms, the Board of Waste Water Commissioners would go along with the ZBA's decision. Chief Operator Thompson objected strongly to said motion, as did Admin Assistant Webster, who stated that the Bedroom Regulation was the Department's *policy* and it was sound, legitimate policy.

"We ought not to surrender our right to regulate this," she said. Mrs. Webster added that the letter the Board had just voted carried a strong fiscal message that would not be lost on the Selectmen. The others, she remarked, would likely fall into line.

Commissioner Connelly related that members of the Martha's Vineyard Water Alliance, including the Friends of Sengekontacket, would meet with the Selectmen in their meeting on October 22. No doubt the aforementioned draft report on nitrogen loading in Sengekontacket would be addressed. A brief discussion followed regarding the possible effects of the report. Short of the all-out sewerage of the Trapp's Pond, Ocean Heights and Major's Cove areas, it was agreed, some amelioration could result from the orderly inspection of the septic systems of all shoreline properties. Commissioner Connelly withdrew his motion.

Chairman Karako mentioned that he had run into one of the Selectmen, who had asked him about the diminishing septage volume numbers. Admin Assistant Webster noted that she had been forwarding the hauler statistics to the Town Administrator and the Town Accountant at the end of each month since June, clearly explaining the boost in income due solely to the improved collection of past-due balances. *New* revenue in this sector, on the other hand, had certainly been down, and she had made Town Hall aware of this.

Commissioner Connelly did not accept the argument proffered on many occasions that volume was down because residents were reluctant to pump when money was so tight; that, instead, they were "waiting until the last minute." "That's impossible," said Commissioner Connelly, noting that this was not something that could be put off indefinitely. Chief Operator Thompson disagreed, noting that many people did not approach the pumping of their systems in an orderly way and simply held off the procedure until they had a problem.

Commissioner Connelly posited that at least part of the lost business was, in fact, going off-Island and that the Department should "tweak" its system to get that business back. He had heard, he said, that haulers were adding to the Noonan's truck that was taking off Oak Bluffs' unprocessed sludge. The Chairman wondered if the Board even had a responsibility to discuss this.

Operator/Assistant Shelley Reed related that hauler Troy Maciel was paying eight cents a gallon in Falmouth, plus the ferry fare and gas, which all had to add up. Chairman Karako thought the truck fare alone had to be \$400 to \$500. When it was suggested that staff look into off-Island costs, Chief Operator Thompson remarked that he was not sure this was "a productive line of inquiry." He added, "It hasn't jumped out at the Boards of Health." Commissioner Connelly wanted staff to look into Steamship Authority records at hauler traffic.

Another area Commissioner Connelly wanted explored was dumping permits. At a meeting of the All-Island Health Agents, he said, it had been suggested that used, returned permits state on them where the waste associated with that permit had been dumped. The Chief Operator explained how at the end of each month he sent all his permit copies back to their respective issuers. If he received a load without a permit, he

contacted the appropriate Health Agent. Mr. Thompson then went through the logistics of combined loads, including the disadvantages.

Commissioner Carter observed that one year earlier the Board had taken “a very stern stand against the haulers” and he was concerned that some hard feelings lingered. Perhaps it would behoove the Board to invite the haulers to a Commissioners’ meeting to “give them an opportunity to air their grievances.” Chief Operator Thompson responded, “How much is going off-Island is none of my business.” He pointed out, too, that the discharge of grease was “way up.”

The discussion continued. At the behest of the Board, the Chief Operator agreed to speak to the Island’s Health Agents about so-called orphan permits, that is, permits that were issued by the agents but were never returned.

Operator/Assistant Reed drew attention to the fact that Tim Peters of T.P. Excavation and Septic Service had once been “very active” at the plant in the past. But he had been shut off for non-payment and was slowly building the business back up. Another big factor was the economy. “You might want to wait a little bit,” she cautioned.

Chairman Karako commented that the Board, the staff and the haulers were “partners in business” and that a meeting in November could be productive. Commissioner Connelly disagreed, arguing that the proper research had to be done first. The discussion continued along similar lines. Commissioner Carter expressed doubt about the wisdom of “chasing every pumper.” “I think we ought to leave good enough alone,” he added.

The conversation turned to the rates, and there was talk of seasonal rates and rates by town. Commissioner Carter reminded everyone that Judge Sullivan had recommended that “all the rates be the same all across the board.” Moreover, he said, the Town was going to need that money when it came time to expand in a few years. Commissioner Connelly concluded that what he was really trying to look at was a 20-year process.

FINANCIAL REPORTS.

Chief Operator Thompson referred the Commissioners to the report entitled “Operating Budget Expenditures – FY13 as of Sept 30, 2012.” The account sums showed expenditures at around 25 percent of the totals budgeted. Considering that this period encompassed July and August, “we’re looking pretty good,” he said, noting that electric bills, particularly, ran high during prime vacation season.

Commissioner Connelly reiterated his request for a statement of segregated monthly expenses and not just the cumulative fiscal-year ones that this report showed. Admin Assistant Webster related that she had tried to produce that type of report on the MUNIS system, unsuccessfully; she would try again, she said.

HALEY & WARD DRAFT BID DOCUMENTS.

The Board turned to a set of bid documents prepared by civil engineers Haley & Ward, Inc. entitled “Edgartown Wastewater Treatment Facility, Contract No. 2012-1, Odor

Control System Coating Replacement at the Edgartown WWTF.” Chief Operator Thompson said that he had not had a chance to read in depth the materials, which ran to 243 pages. The meeting binders, he noted, included only the first 50 pages, with much of the rest of the document dedicated to boilerplate. He recommended that the Board members take it home and look through it. Commissioner Carter requested that the Chief Operator e-mail the Board members if Mr. Thompson came across anything that concerned him as he combed through the document.

REPORT: RECENT MAJOR EXPENDITURES.

Chief Operator Thompson spoke of a recent \$2,000 expenditure on the repair of a 16-year-old spectrophotometer used in the plant’s laboratory. “The next time it fails, I’m going for an upgrade,” he said. Commissioner Carter asked if there were funds in the budget for that. “Not right now,” replied Mr. Thompson, who added that it would run around \$7,000 to \$8,000. The Chief Operator related that for FY14 he was developing a new account called Lab, stocked with around \$15,000; he had not decided just how much as yet. The account would cover items like testing; filter paper; and instruments.

FALL BUDGET PROCESS:

CHIEF OPERATOR’S MEETING WITH CAPITAL PROGRAMS COMMITTEE.

The Chief Operator referred the Commissioners to a memorandum he had written to the Capital Programs Committee, outlining the Department’s proposed capital projects for FY14 through FY17. The threshold for projects that had to be vetted by the Capital Programs Committee before proceeding to the Financial Advisory Committee for review was \$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.

In presenting his materials on the Dock Street project, Chief Operator Thompson continued, he heard an audible gasp in the room. Committee member Robert Cavallo had characterized the request this way: “This is a slam-dunk.” “The thing kind of sold itself,” concluded Mr. Thompson, who briefly went through the other projects in his report.

REPORT: STRUCTURING FY14 PERSONNEL CATEGORIES / PAYROLL.

The Chief Operator related that at some point the Personnel Coordinator would provide him with Department staff’s projected wages for FY14, including merit raises and longevity payments. Mr. Thompson pointed to a chart with both planned and actual FY12 and FY13 wages, as well as FY14 projected wages with a Facilities Manager and without a Facilities Manager. He reminded the Commissioners that Admin Assistant Webster’s position had not been planned for in FY12 and FY13.

Personnel Coordinator Marilyn Wortman had made it clear, Chief Operator Thompson continued, that the Facilities Manager position would be funded whether or not it was

filled. The reasoning was, if Mr. Thompson were to leave, the funds and position had to be there to provide for Department leadership.

Moreover, Ms. Wortman had explained to the Chief Operator how his retirement pay worked, and now he understood the advantages of stepping into the Facilities Manager position, which did not qualify for overtime pay, over the Chief Operator position, which did. So, Mr. Thompson said, he had decided to take the Facilities Manager position. Chairman Karako highly recommended that the Board meet with the Personnel Board to discuss the matter more fully.

The Chief Operator explained further that if the Facilities Manager position were filled, then the Chief Operator position would remain unfilled, and vice versa. At the next meeting, he added, he wanted to discuss the hiring of an additional Junior Operator.

APPROVAL OF MINUTES.

The Board turned to the **Amended Minutes of the Special Meeting of July 13, 2012**, which Commissioners Carter and Connelly had attended. Chairman Karako turned to those Commissioners and asked each if he found these minutes to be in an acceptable form. Mr. Carter replied that he could not say, that he would have to look at the minutes again and consider them at another time. Mr. Connelly said that he was not satisfied with the seventh paragraph on page 2 concerning his stepping down as Acting Chairman.

So, said Chairman Karako, we can agree that we're at an impasse with regard to these minutes. He then stated clearly that he deemed the Amended Minutes of the Special Meeting of July 13, 2012 to be unapproved minutes and that the Board was moving on.

Commissioner Carter made a motion to approve the **Minutes of the Regular Meeting of July 24, 2012** as written, seconded by Commissioner Connelly. Pointing to the first sentence in the last paragraph on page 3, Mr. Connelly argued that Chairman Karako has asked him to speak to Town Counsel with regard to the Tim Peters business. *[The sentence read: "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."]*

Chairman Karako responded that he did not remember directing Commissioner Connelly to speak to Town Counsel. He did remember asking Operator/Assistant Shelley Reed to open the letter from Mr. Peters and for Mr. Connelly to deal with it. This was not a new case for Town Counsel, argued Commissioner Connelly. Commissioner Carter countered that Mr. Connelly had, in fact, come up with a brand-new option when he had met with Town Counsel, one that had not been discussed with the rest of the Board.

The motion carried by voice vote, with Messrs. Carter and Connelly voting aye and Chairman Karako abstaining, since he had not attended that meeting.

Lastly, the Board considered the **Minutes of the Regular Meeting of September 25, 2012**. There were no comments or amendments proposed. On a motion by

Commissioner Carter, seconded by Commissioner Connelly, the minutes were approved unanimously by voice vote.

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 12:01 a.m.

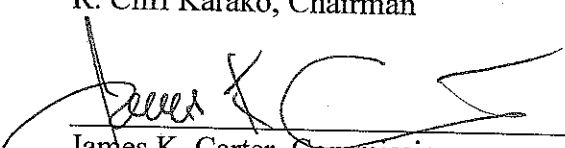
Respectfully submitted,

Pia Webster
Administrative Assistant

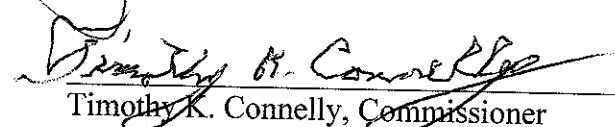
APPROVED:

BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

R. Cliff Karako, Chairman



James K. Carter, Commissioner



Timothy K. Connelly, Commissioner