

**MINUTES OF THE
REGULAR MEETING OF OCTOBER 12, 2010**

WATER COMMISSIONERS PRESENT:

Mr. Robert L. Burnham, Chairman
Mr. William R. Erickson, Water Commissioner
Mr. John S. Lovewell, Water Commissioner

EWD STAFF PRESENT:

Mr. Shane A. Ben David, Foreman
Mr. Fred R. Domont, Water Superintendent
Mrs. Pia Webster, Administrative Assistant

OTHER EDGARTOWN OFFICIALS PRESENT:

Ms. Pamela M. Dolby, Town Administrator
Mr. Michael J. Donaroma, Selectman
Mr. Matthew E. Poole, Health Agent
Ms. Margaret E. Serpa, Chairman, Board of Selectmen
Mr. Arthur Smadbeck, Selectman

MEMBERS OF THE PRESS PRESENT:

Ms. Janet Hefler, *The Martha's Vineyard Times*
Ms. Remy Tumin, *Vineyard Gazette*

MEETING CALLED TO ORDER:

The Board of Water Commissioners of the Town of Edgartown held their Regular Meeting on Tuesday, October 12, 2010, at 4:00 p.m. at the offices of the Water Department located at 24 Machacket Road, Edgartown, Mass. At 4:05 p.m., Chairman Robert L. Burnham called the meeting to order.

APPROVAL OF MINUTES:

The Commissioners considered the **Minutes of the Regular Meeting of August 10, 2010**. There being no comments or amendments, Commissioner John S. Lovewell made a motion to accept the minutes as written, seconded by Chairman Burnham. The motion

carried by voice vote, with Messrs. Burnham and Lovewell voting aye and Commissioner William R. Erickson abstaining, since he had not attended that meeting.

The Commissioners turned to the **Minutes of the Regular Meeting of September 14, 2010**. There being no comments or amendments, Mr. Erickson made a motion to accept the minutes as written, seconded by Chairman Burnham. Mr. Lovewell, who had not attended the September 14 meeting, pointed to a section beginning on page 4 titled "Follow-Up: Superintendent's Request to Make Report Public." He thought, he said, that the minutes should be more specific as to which report the Superintendent was referring. At the Superintendent's suggestion, the idea of calling the document the "Creighton report" was adopted.

Agreeing to the clarification, Mr. Erickson moved to amend his motion to include this change, with Chairman Burnham seconding the motion. Said motion carried by voice vote, with Messrs. Burnham and Erickson voting aye and Mr. Lovewell abstaining. Then the Chairman called for a vote on the amended motion. The motion carried, with Messrs. Burnham and Erickson voting aye and Mr. Lovewell abstaining.

OLD BUSINESS:

UPDATE: WINTUCKET CONTROL CENTER PROJECT.

Superintendent Fred R. Domont reported that "everything is going fairly smooth" up at the Wintucket Control Center project site. Excel Homes was not sure of the exact date for the delivery of the office structure; currently, it was set for October 20. On a positive note, he continued, USDA-Rural Development *was* going to allow the bulkhead that the Water Department had requested, although the Department would not be able to use the basement for storage but only as a utility area.

WINTUCKET CONTROL CENTER CHANGE ORDER NO. 4.

Next, the Commission members considered Change Order No. 4 for the Wintucket Control Center project. The original contract price with Barbato Construction Co., Inc. of Middleboro, Mass. had been \$1,359,712.00. Change Orders No. 1 through No. 3 had reduced the price to \$1,097,474.70. The cost of Change Order No. 4 was \$95,738.99, increasing the contract price to \$1,193,213.69.

Change Order No. 4 included: having the carpet in the office section of the building changed to laminate flooring; installing a septic system; changing the single-stage HVAC unit in the main building to a two-stage one; adding an electric sliding gate and a driveway barrier; stripping, screening and stockpiling loam on site, with the removal of deleterious material from the site; supplying and installing a 4-inch PVC conduit with a

pull string in the new duct for a future fiber-optic lane; and additional work on the bulkhead door.

Engineer Paul E. Cote of Tata & Howard Incorporated, Peter M. Barbato of Barbato Construction Co., Inc., and Mr. Domont had already signed Change Order No. 4 on October 5, 6 and 7, respectively.

DISCUSSION/VOTE: POLICE DEPARTMENT ANTENNA AT STANDPIPE.

Chairman Burnham summarized for Mr. Erickson what had transpired thus far on the subject of the antennas being proposed for installation atop the standpipe. *[Mr. Erickson had been unable to attend the August Regular Meeting, when the Board first broached the topic.]* There would be one antenna belonging to the Police Department, said the Chairman, two for the Fire Department (including one for the Ambulance Service), and one for the Water Department. Also, there would likely be a small climate-controlled building or shed added to the site for the storage of equipment like a backup generator.

Chairman Burnham continued that Police Sergeant Christopher M. Dolby had come before the Board on behalf of the Police Department at the September Regular Meeting with plans for the antenna, after having introduced the idea to the Board at the Regular Meeting in August. *[See pages 3-5 of the Minutes of the Regular Meeting of August 10, 2010 and pages 2-3 of the Minutes of the Regular Meeting of September 14, 2010.]*

Superintendent Domont pointed out that he, too, would like to request from the Water Commissioners permission to mount an antenna for the Supervisory Control and Data Acquisition (SCADA) system that the Department would be installing. “We don’t need a motion for that,” responded the Chairman.

It took some minutes to sort out the facts surrounding the requests from the Police Department and the Fire Department. *[Refer to the minutes cited above.]* All agreed that only the Police Department had submitted the necessary information for a proper application to the Massachusetts Department of Environmental Protection; therefore, at this juncture only the Police Department deserved to receive the Commissioners’ permission to install an antenna.

Mr. Domont went over the details of a drawing of the standpipe that showed the positioning of the Police Department’s antenna, as well as a letter from Sergeant Dolby describing the project. The discussion and questions wound down.

Mr. Lovewell made a motion to accept the Police Department’s plan for an antenna on the standpipe, as per the plan before them, seconded by Mr. Erickson. The motion carried unanimously by voice vote.

NEW BUSINESS:

REPORT: DISCUSSION WITH LISA DICKINSON *ET ALII* RE: USDA LOAN.

It was not yet 4:30 p.m., the time specified for the next agenda item. So Chairman Burnham proceeded to the one following that. The Superintendent reported that he had met recently with Town Treasurer Sharon M. Willoughby; Lisa N. Dickinson, Senior Vice President and Manager at UniBank Financial Advisory Services, Inc.; and engineer Paul E. Cote of Tata & Howard Incorporated. Together, he related, they had “gone over what we are entitled to borrow... We did some number-crunching between all of us. Lisa is working on the numbers up at UniBank, and she’s going to get back to us very shortly.”

AUTHORIZATION FOR BORROWING.

Continuing his thought from the report on his meeting with Ms. Dickinson, the Superintendent stated that in the meantime he was seeking the Commissioners’ authorization to borrow what remained of the funds authorized by Town Meeting, the extent of which Ms. Dickinson would be looking into. “Absolutely!” said Chairman Burnham, adding, “We give you permission to do that.” “Yes,” chimed in Messrs. Erickson and Lovewell. Mr. Domont said that once Ms. Dickinson had come up with a figure, the proper paperwork would be drawn up for signing.

OTHER BUSINESS:

NUNNEPOG WELL LOT.

Mr. Lovewell related that the Superintendent had told him “the wheels were turning” to establish the Nunnepog Well and Pump Station lot on the Assessor’s Map. “I contacted Dick Barbini,” related Mr. Domont, “and he said he’d take care of it.”

UPDATE: EDGARTOWN MEADOWS BETTERMENTS.

Mr. Lovewell was anxious to know about how the collection of the Edgartown Meadows betterments was going. “We keep telling you, John, it’s out of our hands,” responded the Superintendent. Mr. Lovewell wondered if the Chairman could speak to his daughter, Collector of Taxes Melissa A. Kuehne, about it. Chairman Burnham replied that Ms. Kuehne had reported that betterment payments were beginning to come in, though he did not know how much they amounted to, exactly. He also spoke of a \$75 recording fee that would be assessed on the tax bills of those who were not paying in full but who intended to do so in increments over up to 20 years. (Apparently, those paying in full from the start could be collectively recorded for a single fee.)

NEW BUSINESS [Continued]:

DISCUSSION: PROPOSED SOLAR PANEL PROGRAM AT WINTUCKET.

Edgartown Selectman Arthur Smadbeck began the discussion of the solar panel program by describing a fast-closing window of opportunity that had presented itself to the Town, which Kitt Johnson, the Town's representative to the Cape Light Compact, had been investigating. "Kitt has done a lot of great stuff for the Town," noted Mr. Smadbeck, who outlined how a co-operative would lease land from the Town and set up solar panel arrays on the land. The Town would get the energy credits, he explained, as well as power at greatly reduced rates. Mr. Johnson had already contacted the Superintendent "because the Water Department controls these great tracts of land," said Mr. Smadbeck.

Chairman Burnham pointed out that he had learned from Mr. Johnson that the arrays did not have to be on the same piece of land. Right, said Mr. Smadbeck, they only have to be within the borders of Edgartown. The Chairman noted that Mr. Johnson had expressed something of the urgency of the matter. Mr. Smadbeck responded that a project like this was quite expensive and not something the Town could fund itself. "We'd lease to the co-op the land," he explained, "and they pay a nominal amount, like a hundred thousand dollars a year... Theoretically, the income would come through the Water Department."

Chairman Burnham suggested that the Town have someone survey all the properties in question before coming to any decision. "That makes sense," said Mr. Smadbeck, who then expounded on the more or less "passive" role the Town would assume in the enterprise, with the co-operative linking directly into the NSTAR grid. "We'd have an energy account," said Pamela M. Dolby, the Town Administrator, "that would cover electricity, perhaps even heat." Ms. Dolby explained that each solar panel array required six acres and that the project would need four panel arrays.

When mention was made of the Nunnepog Pump Station area as a possible site, Mr. Domont pointed out that the Water Department had only six acres there; the rest of the land belonged to the Martha's Vineyard Land Bank Commission. In addition, per Massachusetts Department of Environmental Protection regulations, a 400-foot radius around the well (called a Zone 1) had to remain undeveloped. Can we put solar panels in a Zone 1? wondered Ms. Dolby.

The talk turned to the Wintucket Cove site. The thing is, said Chairman Burnham, we're talking about Article 97 land, which is protected from development. Right, said Mr. Domont, under Article 97 it's difficult to change the land use. He then outlined the process involved.

First, the Board of Water Commissioners would have to agree to the change in use. Then the Water Department would have to petition the Mass DEP, establishing in its application narrative that the land was no longer good for water use. Next, the State House of Representatives and the State Senate would have to vote on the matter, and having cleared those hurdles, the Governor's signature was required. Finally, the Water Department would have to replace the amount of acreage put to a new use with new acreage solely devoted to use as Article 97 water-source land.

"Where would we find the land?" asked the Superintendent, with a shrug. Unless solar panels were *exempt* from the restrictions of Article 97, suggested Ms. Dolby. The Superintendent responded that he had spoken to officials at the Department of Environment Protection and that it did not appear that such an exemption was in the offing. A discussion followed. When asked about the contract length, the Town Administrator answered that the land would be "tied up for 20 years."

Selectman Michael J. Donaroma posed a straightforward question: "Is this Board on board with this?" "I'm in favor of other sources of power," replied Chairman Burnham. The Superintendent pointed out that the Wintucket land would be the site of certainly one, but possibly two additional pump stations/wells sometime in the future. Considering that each of those operations would require 20 acres, and considering as well that much of the Wintucket site comprised unbuildable wetlands, his reluctance to commit *any* Wintucket acreage to the solar panel project was understandable, Mr. Domont said.

The Superintendent added, "There's also the fog issue." The fog, he explained, came right up on Wintucket Cove; so he wondered if this was even an ideal place to harvest the sun's rays. When he had first learned of the project, he had thought of the open fields at Katama Farm – owned by the Town and leased by The F.A.R.M. Institute – as being a suitable site. "But that area would be fogged all the time," he said.

Mr. Smadbeck said that at this point the Selectmen were simply exploring their options. Mr. Domont noted that at the Nunnepog site the Town would not have the Article 97 issue to deal with; so perhaps this was a better place to start. "I'm in favor of it," said Mr. Lovewell. Mr. Erickson commented, "I think before we go anywhere, Pam [Dolby] has a ton of work to do."

The conversation turned to what avenues could be approached in proceeding to the next stage of the project. Mr. Smadbeck suggested calling State Representative Timothy Madden, and Mr. Domont mentioned the Attorney General. The Superintendent also recommended speaking to the staff at the Land Bank. After all, the area that abutted the Nunnepog Well site had adequate height and had already been cleared.

The discussion wound down, and Mr. Smadbeck made a motion to adjourn the Selectmen's Regular Meeting, seconded by Mr. Donaroma, at 4:55 p.m. The motion carried unanimously by voice vote. The Selectmen and other guests left the meeting area.

PAYROLL FORMS:

The Commissioners signed payroll forms.

ADJOURNMENT:

There being no further business, Chairman Burnham asked for a motion to adjourn. Mr. Erickson made a motion to adjourn, seconded by Mr. Lovewell. The motion carried unanimously by voice vote, and Chairman Burnham adjourned the Regular Meeting at 4:59 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:

**BOARD OF WATER COMMISSIONERS
TOWN OF EDGARTOWN**

Robert L. Burnham, Chairman

William R. Erickson, Water Commissioner

John S. Lovewell, Water Commissioner