

**MINUTES OF THE
REGULAR MEETING OF OCTOBER 11, 2011**

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

MEETING CALLED TO ORDER:

The Board of Water Commissioners of the Town of Edgartown held their Regular Meeting on Tuesday, October 11, 2011, at 4:00 p.m. at the offices of the Water Department located at Fifty-Eight Kavanagh Way, Edgartown, Mass. At 4:05 p.m., Chairman Robert L. Burnham called the meeting to order.

APPROVAL OF MINUTES.

The Commissioners took up the **Minutes of the Regular Meeting of September 13, 2011**. "I have no comment," said Water Commissioner John S. Lovewell, who then made a motion to accept the Minutes of the Regular Meeting of September 13, 2011 as written. Chairman Burnham offered a second, and the motion carried by voice vote, with Messrs. Burnham and Lovewell voting aye and Water Commissioner William R. Erickson, who had not attended that meeting, abstaining.

OLD BUSINESS:

PHONE PURCHASE TO INTEGRATE WITH SCADA SYSTEM.

Water Superintendent Fred R. Domont reported on the purchase of new Internet-capable cell phones for the Department's field crew. These included iPhones for the Superintendent and Foreman Shane A. Ben David. The new phones would be used to communicate with the supervisory control and data acquisition [SCADA] system recently installed at the Wintucket Control Center and the Department's pump stations.

“Have we paid for SCADA?” asked Mr. Lovewell, who added that he wanted the Department to hold back the final payment to Barbato Construction Co., Inc., the contractor, until the Department had received the shop drawings he had requested. Mr. Domont said he would look into that.

The Superintendent continued that the next step was to get the SCADA technician on the Island to set up alarms on the phones. The last thing, he said, was to install a burglar alarm for the office, one that would go through the cable company. The signals from the other alarms, he explained, were carried on radio waves.

NEW BUSINESS:

TATA & HOWARD LETTER AGREEMENT: CAPITAL EFFICIENCY PLAN.

Next, the Commissioners considered a proposed contract submitted by Tata & Howard of Middleborough, Mass. titled “Agreement Between Owner and Engineer for Professional Services – Capital Efficiency Plan™,” for which they had had a presentation in their previous meeting. *[See pages 3-4 of the Minutes of the Regular Meeting of September 13, 2011.]* Section 5.1.1 of the agreement stated the following: “For Basic Services. OWNER shall pay ENGINEER for Basic Services rendered under Section 1.2 an amount equal to ENGINEER’s salary cost times a multiplier of 2.75 to cover overhead and profit, plus reimbursable expenses, a not-to-exceed figure of Sixty-Five Thousand Dollars (\$65,000). The fee shall not be increased without an amendment.”

“The bottom line is sixty-five thousand,” said Chairman Burnham. “Whether that’s good or bad, I don’t know.” “I think it’s bad,” responded Mr. Domont, who stated that any decision on the contract had to be deferred for the time being. “We have to put any large expenditures on the back burner until finances are straightened out,” he said.

“I feel it’s inadequate,” remarked Mr. Lovewell, who pointed out that the plan contained no cost estimates. The Superintendent noted that this was precisely what the report produced by the work was going to give the Department. Well, said Mr. Lovewell, the report had to include their concerns about future demands on the system. But the system was in the best shape it had ever been in, argued Mr. Domont. Are they going to do fire flow tests? asked Mr. Lovewell. That’s something we can do in-house, replied the Superintendent.

DISCUSSION: STANDPIPE REPAIRS.

The Superintendent described a recent visit from Leo R. Yuskus, Senior Vice President of Haley & Ward, Inc. of Waltham, Mass. during which Mr. Yuskus had inspected the Mill Hill Standpipe. Mr. Domont referred the Commissioners to an e-mail in their packets from Mr. Yuskus to David Merithew of Utility Service Co., Inc., a supplier of water storage tank maintenance services. For \$400.00, explained the Superintendent, Mr. Yuskus had come down to have a look at the standpipe, take some pictures, write a report and make some recommendations.

What Mr. Yuskus had discovered during his inspection was that the finial installed in 2002 had some severe corrosion on the supports for the screen. Moreover, there was no sign of the screen, which had apparently been in place during a 2009 inspection. Mr. Domont passed around copies of some images that Mr. Yuskus had e-mailed him. "So this is an emergency we have to deal with," stressed the Superintendent, who guessed that the cost of the work would be around \$10,000.00.

Questions were posed and answered. Proceeding to other pictures, Mr. Domont pointed to the rust streaks streaming down from the dome of the standpipe. There was a chance, he said, that the top of the structure would have to be worked on and the walkway replaced. Nantucket's standpipe was one year younger than Edgartown's but in far worse shape, the Superintendent related.

So all in all, Mr. Domont concluded, this was considered an emergency. "We've got to put the screen back," he emphasized. In addition, the work would include installing a proper mount for the four antennas on top of the standpipe. The work, he said, would be done in a month.

VOTE: CARRYOVER OF SUPERINTENDENT'S VACATION DAYS.

The Water Commissioners looked over a chart labeled "Edgartown Water Department: Compensated Absence Accruals – Month Ending March 31, 2011," which listed all of the employees of the Department, their available sick days and vacation days, as well as the number of vacation days each had used since the beginning of the employee's respective employment year. (The employment year begins on the anniversary of an employee's hiring.)

As of March 31, 2011, the Superintendent, whose employment year began on March 15, had available 65 vacation days and had used no vacation days. Administrative Assistant Pia Webster, who compiles the accrual reports, explained that 45 of those vacation days were from earlier employment years and that 20 had been awarded at the start of the present employment year.

Mr. Domont told the Commissioners that they had, in fact, already approved a carryover of the 45 vacation days but that "it was never recorded" because it occurred after the meeting had adjourned. Chairman Burnham related that he was "getting grief" from the Personnel Board, which had adjudicated that a carryover of only 20 days was appropriate in this case. But Mr. Domont argued that in 2007 a warrant article regarding the regulation of such vacation-day carryovers had been brought before the voters and that the voters had voted it down.

"I sympathize a little with them," remarked Chairman Burnham, referring to the Personnel Board. He added, "I'd like to see you use some of these days." The Superintendent then tried to illustrate how unfair to him the stance of the Personnel Board was. The end of his employment year fell in the middle of March, when there was nothing to do on the Island. On the other hand, he said, he could not afford to go away on vacation. So how, he asked, was he

to use up his vacation days? “What am I going to do in the middle of March on Martha’s Vineyard?” he reiterated.

The Chairman said, “My feeling is, it’s okay, but don’t let any *more* accumulate.” Responding to a question from Mr. Erickson, Admin Assistant Webster said that the Superintendent had used six vacation days since March. Well, said the Chairman, see to it that you use 14 more by next March. “If I choose,” stressed Mr. Domont.

Chairman Burnham repeated that the Superintendent had to use at least the 20 vacation days he was awarded annually so as not to accumulate an even more unwieldy surplus. The Superintendent responded that if he did not do that, he would ask the Board to turn over into the next year any vacation days he had not used. The Chairman pointed out that Mr. Domont had five months during which to take those vacation days. “It’s *my* decision,” said the Superintendent.

Chairman Burnham said that as a Board, he and the other Commissioners administered certain aspects of the Superintendent’s employment and that this was their recommendation. Mr. Domont repeated that using up the vacation days was *his* choice. “If you turn me down ... then you would lose,” he said.

The Chairman continued to try to explain the Board’s perspective in this situation, and he again encouraged the Superintendent to use the vacation days. Mr. Domont’s arguments remained consistent. He then declared, “If you turn me down, I have no recourse but to take legal action against the Board, and you would lose ...” The Water Commissioners would lose, he elaborated, because the Personnel Board was wrong in this case. Indeed, he had already spoken to his lawyer about the matter, the Superintendent added.

The discussion wound down. The Chairman asked for a motion that the Superintendent be allowed to carry over 45 vacation days from the previous employment year ended March 14, 2011 into the current employment year. Mr. Erickson provided said motion, seconded by Mr. Lovewell, and the motion carried unanimously by voice vote.

REFUND REQUEST: DERMOT T. QUINN (ACCT 058-159).

Admin Assistant Webster went over the specifics of the refund request of Dermot T. Quinn of 49 Anthier’s Way (EWD Acct 058-039). On November 20, 2009, Mr. Quinn had paid \$1,150.00 for a new Service Installation Charge (\$600.00) and Connection Charge (\$550.00). However, unbeknownst to Mr. Quinn, as well as to the staff member processing his application, Philip Reynolds had installed a service on this lot in 2007, when the address was 45 Anthier’s Way. (Mr. Reynolds had had Map 11B, Lot 41 subdivided afterward.) All of the details had been sorted out only recently, related Mrs. Webster.

On a motion by Mr. Erickson, seconded by Mr. Lovewell, the Commissioners voted unanimously by voice to grant Dermot T. Quinn a refund of \$1,150.00 for the Service Installation Charge and Connection Charge he had paid in 2009.

REFUND REQUEST: JESSE AND ELIZABETH FINK (ACCT 045-159).

Next, the Board considered a refund request from Jesse M. Fink and Elizabeth M. Fink, owners of 315A Katama Road (EWD Acct 045-159, an outbuilding on the property). Admin Assistant Webster related after these customers had complained about unreasonably high water usage, the field crew had removed the meter for testing at the Tisbury Water Works. It was found that at the manufacturer a one-inch meter head had been installed on a three-quarter-inch meter. This had resulted in its registering almost four times more water usage than was actually passing through the meter.

The total the Finks paid in inflated Usage Charges from the semiannual bill of October 1, 2006 (the meter was installed on June 15, 2006) through the semiannual bill of April 1, 2011 came to \$1,886.74. Factoring in what the meter *ought* to have read, the amount charged for usage during that period should have been \$427.30. Therefore, the difference of \$1,459.44 was due to be refunded to the customers.

On a motion by Chairman Burnham, seconded by Mr. Lovewell, the Board voted unanimously by voice to grant Jesse and Elizabeth Fink a Usage Charge refund of \$1,459.44.

OTHER BUSINESS:

DISCUSSION/PROPOSALS: THE TWO BEETLE SWAMP ROAD SITUATION.

Admin Assistant Webster reminded the Commissioners about the case of Edward Lee Oliver of 2 Beetle Swamp Road (EWD Acct 067-106). *[See pages 2-4 of the Minutes of the Regular Meeting of August 9, 2011; and pages 4-5 of the Minutes of the Regular Meeting of September 13, 2011.]* Mr. Domont described it as “a hardship case to start with.” The Admin Assistant related that during the summer Mr. Oliver had had another break in his on-property line, resulting in another leak of over a million gallons. The Superintendent recommended that the Department “bite the bullet,” donate its labor and install a new on-property line themselves, with Mr. Oliver paying for the materials. It would be a one-time expense and would “end the nightmare,” he said.

Chairman Burnham expressed concern that Mr. Oliver’s neighbors might see the field crew doing the work and get the impression that this was standard operating procedure. Foreman Shane A. Ben David said that he was willing to have his crew do the work. Mr. Erickson suggested drawing up some sort of long-term agreement with the Department for repayment.

SHURTLEFF LAND.

Mr. Lovewell was glad to have this item on the agenda+.

SUGGESTIONS FOR NOVEMBER AGENDA.

Mr. Lovewell suggested having on the agenda a discussion of the mapping of the Nunnepog Well and Pump Station site. The entire area, he said, was designated as belonging to the

Town of Edgartown and so was not properly delineated. The Superintendent responded that the new plan drawn up by Richard Barbini of Schofield, Barbini & Hoehn had been submitted to the Board of Assessors. Mr. Lovewell wondered why Chairman Burnham, as a former Assessor, was not able to help with this.

The Chairman requested that a re-examination of the Edgartown Water Department becoming a Water District be an agenda item for the November Regular Meeting. Mr. Domont said he would explain at that time why their warrant article had not made it on to the Special Town Meeting Warrant.

PAYROLL:

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 4:51 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