

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF MARCH 18, 2021
CONDUCTED VIA ZOOM TELECONFERENCE**

WASTE WATER COMMISSIONERS PRESENT:

Mr. Glen S. Searle, Chairman
Mr. Scott Ellis, Commissioner

WASTE WATER COMMISSIONER ABSENT:

Mr. Sean E. Murphy, Commissioner

EWWD STAFF PRESENT:

Mr. William G. Burke, Facilities Manager
Mr. Joseph Rock, Chief Operator
Ms. Jennifer Smyth, Department Assistant, Meeting Host
Mrs. Pia Webster, Administrative Assistant

OTHER EDGARTOWN OFFICIALS PRESENT:

Mr. James M. Hagerty, Town Administrator
Mr. Michael McCourt, Chairman, Planning Board

OTHERS PRESENT:

Mr. Chris Alley, Project Manager, Schofield, Barbini & Hoehn, Inc. (Green Home Project)
Ms. Linda Messersmith Armour, 502 Edgartown-VH Road
Mr. David Bouck, Great Pond Foundation
Mr. Ian B. Catlow, PE, Vice President, Tighe & Bond
Mr. Forrest Filler
Ms. Renée Lohman, President & CEO, Navigator Elder Homes (Green Home Project)
Mr. Mark Nicotera
Mr. Edward Olivier, CFO, Martha's Vineyard Hospital
Mr. Edward L. Pesce, PE, Pesce Engineering & Associates, Inc. (Green Home Project)
Ms. Denise Schepici, President and CEO, Martha's Vineyard Hospital
Mr. Dan Sladkus, 56 Teaberry Lane
Mr. Shane Tank, Premier Chief Services
Ms. Patricia Messersmith Turken, 502 Edgartown-VH Road
Mr. Raymond Willis, PE, Onsite Engineering Inc.

PREFATORY REMARKS

This being a teleconferenced meeting, Admin Assistant Pia Webster read into the record a prepared statement titled “Introduction to Teleconference,” which outlined the Governor’s Executive Order and the current State of Emergency declared in the Commonwealth due to the Coronavirus Pandemic; and included cautionary words about the public nature of the video conference, as well as the means by which those listening in could obtain copies of the materials being discussed.

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown held their Regular Meeting on Thursday, March 18, 2021, at 3:00 p.m. via the Zoom teleconference app. At 3:00 p.m. Chairman Glen S. Searle called the meeting to order and read into the record a written statement titled “Teleconference Meeting Ground Rules.” Public comment would be allowed in this meeting during the Old Business and New Business sections, the Chairman announced. Also present from the Board was Waste Water Commissioner Scott Ellis.

OLD BUSINESS:

REPORT: IAN CATLOW ON PROGRESS OF CIP PROGRAM PROJECTS.

Ian B. Catlow, Vice President of Tighe & Bond, reported that the Robert B. Our crew had completed the cut-in to the force main at the Chase Road Pump Station in a single overnight; and a buried diesel tank had been removed without evident leakage into adjacent soil. That area had been backfilled and graded. Work at that station would be minimal for the next few weeks. A similar operation had been performed at the Dunham Road Station, with similar good results. Not having encountered contaminated soil – for which Robert B. Our had allocated \$30,000 – the resulting credit would offset some of the concrete they had encountered at the Chase Road site, for which they would be seeking a change order. Over the next two weeks, focus would be on by-pass operations at the Dunham Road site, where the goal was to have all of the earthwork done by early April.

Work on SCADA continued, said Mr. Catlow, with: photographing some of the existing panels; finishing up a radio path survey; and processing a change order with ITS, which would be furnishing a new panel for inside the Plant to record flows through a number of flowmeters at the Plant, as well as a number of radios.

PUBLIC COMMENT: SOME NEIGHBORS’ COMMENTS ON GREEN HOME PROJECT.

Linda Messersmith Armour of 502 Edgartown-Vineyard Haven Road, whose family had been Edgartown taxpayers since 1964, related that their land was less than 40 yards from the parking-lot side of the project; yet no one had contacted her family about the project. Further, with 14 bedrooms in each of the five houses, plus the housing for workers, the project presented serious environmental concerns. Since at the height of the summer the Plant was already at 80 percent of capacity, adding this kind of density to the system was troubling. She had seen, she said, none of the transparency displayed when years before an adult congregate living facility had been proposed for Teaberry Lane. Also, the website for Navigator Homes made it appear that this project was a

“done deal,” which she considered false advertising. She hoped, Ms. Armour said, they could be better neighbors.

Patricia Messersmith Turken of 502 Edgartown-Vineyard Haven Road thought the workforce housing part of the plan was “excessive and dense” and wondered if there was a tested model for “this type of thing at this scale.” Her objections were based on the density and scale of the project; the fact that open space and habitat would be lost; and the size of the institutional draw on the water system and flow into the wastewater system. “It really takes away from others, from all of us in Edgartown,” she said.

Dan Sladkus of 56 Teaberry Lane said his property would be adversely affected by light pollution and traffic from the project, including ambulances. Also, he had been put off by not having been contacted by the hospital. Moreover, everyone knew what the traffic situation was on that section of road, and this was clearly a dense project with numerous housing units, including employee housing.

Edward L. Pesce, PE, of Pesce Engineering & Associates, Inc. apologized on behalf of the Green Home Project team for the lack of notification, remarking that they were still very early in the design phase and that the project would undergo a rigorous environmental and community review by the Edgartown Planning Board and the Martha’s Vineyard Commission; and during those permitting steps, direct abutters would absolutely be notified. Second, there would be an affordable component; and third, each of the 70 beds could be occupied only by one person. Lastly, he pointed out, there were healthy 100-foot setbacks. Edward Olivier, CFO of Martha’s Vineyard Hospital, stressed how early in the process it was and the many opportunities there would be for public input.

REPORT/DISCUSS/POSS. VOTE: FLOW SET-ASIDE FOR GREEN HOME PROJECT, INCLUDING RAY WILLIS REPORT & IAN CATLOW’S FEEDBACK.

Chris Alley of Schofield Barbini & Hoehn reported on his February 19 letter to the Board in which he had amended the project flow request from 19,850 gallons per day to 17,050 gpd, due to a change he had learned of in Title 5 that modified design flow for single-bedroom elderly housing units from 150 gpd to 110 gpd. The new project flow request was 50 gpd less than their original request, he noted. Addressing the neighbors who had spoken, he pointed out that the five homeowners on Teaberry Lane who were getting sewer service in exchange for easements had approached the applicant and not vice versa. Also, Mr. Alley stressed that these were one-person bedrooms and not two; so the assignment of 110 gpd was quite conservative.

Mr. Pesce said that since the February Regular Meeting the hospital had hired Ray Willis of Onsite Engineering Inc. to look at the Pump Stations and the infrastructure between the proposed site and the Plant for a better understanding of the technical issues that might exist and what might need to be improved upon. This included site visits with Facilities Manager William G. Burke and Chief Operator Joseph Rock, as well as a review session the previous day. In summary, said Mr. Pesce, Mr. Willis’ report indicated that the infrastructure was adequate to handle the project’s additional flow. The pumps at the Vineyard Golf Club may be slightly undersized, and this had to be looked at more closely; perhaps an upsizing of those pumps would be necessary. Also, the pumps at the Morgan Woods Station were problematic because they did not have a grinder pump system, something the Facility Staff would want upgraded. So he had discussed this with his client, who

had agreed that they would certainly upgrade both Pump Stations, if the project moved forward. The good news was, the piping in between was adequate to handle the additional flow.

Mr. Pesce understood that since the Willis report had just become available, Mr. Catlow of Tighe & Bond had not had a chance to go over it thoroughly. But because the technical review had been produced, what he was proposing that day was for the Commissioners to agree – subject to Mr. Catlow’s comments – to allow the applicant to modify the original request of December 2019 of 17,100 gpd to 17,050 gpd, with the understanding that the applicant was looking also at five abutters in the Teaberry Lane neighborhood, with a maximum of five bedrooms each, with the following conditions: one, that it would be subject to the final review of Tighe & Bond, with whatever technical issues needing resolution being resolved; and two, that it would be subject to a future pump station design and pump selection design on the applicant’s property, in addition to the pump and control upgrades for the Morgan Woods and Vineyard Golf Pump Stations. This approval would allow them to move forward with site planning and with permitting with the Planning Board and the M.V. Commission.

Mr. Alley related a conversation he had had with a member of the Vineyard Golf Club staff and the inaccessibility to Department Staff of the emergency shutoff switch. Mr. Catlow asked the Board members if they had specific questions they wanted resolved. Chairman Searle said he was not comfortable with Mr. Pesce saying he wanted a vote that day. Mr. Catlow said he really had not had a chance to sit down and really dig into the Willis report, so was unable to issue an informed opinion at this point. To what Mr. Pesce had already enumerated, he added the need for a new generator that would separate the Pump Station from the golf facility, that is, a redundant power generator.

Another additional point was capacity allocation; Mr. Catlow said he was still ironing out the details with Mr. Burke and his Staff about some of the projections for the Plant. On the peak day in 2019, the Plant was at 685,000 gpd, which meant that under the existing permit they had 65,000 gpd of capacity to hand out. Moreover, within the Edgartown Great Pond Watershed, they had 77,110 gpd that was already connected. Under build-out there could be another 67,000 gpd-plus of flow within the EGPW. That meant you were mighty close to your commitment in your permit limit, he said.

They had spoken about several ways the applicant could mitigate this nearness to the edge of capacity. However, being close to the permitted flow rate, Mr. Catlow had relayed to the group yesterday a story about a project he had worked on in Wayland, where the town had promised capacity to a developer. When the developer returned to connect, MassDEP would not allow it because it would have pushed the plant over their nominal capacity. It then put the town in a sticky situation, with the developer trying to sue the town for capacity they felt they were owed.

Mr. Catlow related that at the meeting they had also spoken about the project proponent or the Town of Edgartown reaching out to Brian Dudley of MassDEP about the current state of affairs to make sure that the Commonwealth was onboard with allowing the project and understood that the Town was still committed to meeting its allocation under the Memorandum of Understanding.

Town Administrator James Hagerty said it was important to look at the latent flows that Mr. Catlow had mentioned. Also, an upgrade of the Treatment Facility would involve in excess of \$11 million, \$12 million. The Capital Plan for Edgartown for the next five years was around \$34 million, not including any upgrades to the Facility. To the abutters who had spoken, he said that this issue had

to go for a Town Meeting Vote; so there were multiple levels of due process that would occur before ground could be broken.

Mr. Pesce said he had spoken to Mr. Catlow about installing a flow equalization tank, where they could connect to the sewer system but not create a peak flow problem. So, he said, they were, in fact, in great shape. He expressed disappointment that the Board members did not feel ready to vote and suggested they meet again in a couple of weeks. Admin Assistant Pia Webster said that she did not think they were in any position yet to know if they were in great shape, since they still had not looked at all the outstanding permits the Department had, as well as all the flow in the system's development envelope that had been promised by the Board. Mr. Pesce responded that he thought this was what Mr. Catlow had calculated.

Mr. Catlow said that he agreed with Mr. Pesce in that he believed they could probably manage this with an engineered solution and mitigation of the peaks. Having looked at the Willis report very quickly, yes, it looked like the pipes in the street were adequate, while the Pump Stations probably needed some work. But he was ignorant, he said, with regard to the details of the report.

Mr. Olivier stated that they had commissioned the report and agreed to the upgrades and mitigation measures. So he could not understand what it was going to take for the Board to get to a decision. Chairman Searle said he wanted to table this matter until after the Annual Town Meeting, because he did not think the project was ready for the Board's approval until Town Meeting approved it. I agree with that, said Commissioner Ellis. The discussion continued. Mr. Pesce suggested that the Board vote to approve the proposal subject to its being approved by Town Meeting.

Chairman Searle made a motion to table the matter until after the Annual Town Meeting. Mr. Catlow would read the Willis report and get back to the Board, said the Chairman. When Mr. Pesce argued further to meet with the Board before Town Meeting, Mr. Burke offered to work with Mr. Pesce to make sure that Brian Dudley and MassDEP were aware of the project and would consent to it; and further, they could nail down at least a preliminary plan on infrastructure and what the Plant needed to make the project work. That way, the Board would have before it a very specific plan instead of vague generalities. Mr. Pesce said he was not sure that they needed to have the name, make and model of the pumps right now.

The Chairman repeated his motion. Commissioner Ellis offered a second. M.V. Hospital President and CEO Denise Schepisi said that the applicant had done what the Commissioners had asked for in the last meeting. She was troubled, she explained, because so many other pieces of the process were waiting on a "yes" from the Commissioners. This delay was to her just "mindboggling" and "beyond belief." The Chairman said he would not be pressured into something like this. He then conducted a Roll Call Vote on the motion: Mr. Ellis, Aye; Mr. Searle, Aye.

The date of May 27, 2021 was settled on for the next meeting with the Green Home Project proponents. The time was 4:00 p.m.

NEW BUSINESS:

DISCUSS/VOTE: ONE MARINERS LANDING – REQUEST FOR INCREASED FLOW.

Shane Tank of Premier Chef Services, whose catering business is located at 258 Edgartown-Vineyard Haven Road, was proposing a quick-service restaurant with 25 to 30 seats in Unit A at

One Mariners Landing. In discussions with Chief Operator Rock, he had been told there were approximately 890 gpd left at this point in the system. Under the flow code, he said, his proposal came under the fast food category; and at 20 gallons per day per seat and a maximum of 30 seats, the flow would be 600 gallons per day.

Responding to a query from the Chairman, Mr. Tank said this would be a grab-and-go, quick-service operation, essentially like a coffee shop, with no hood system, no dishes, no dinner service, basically 7 a.m. to 5 p.m., something very similar to Edgartown Meat & Fish but without the retail component and more with a café-and-lounge seating component. It would not be a full-service restaurant, he said; there would be no servers, with limited dishes.

Chairman Searle asked Chief Operator Rock about the 890 gpd, recalling that this had been reserved in case the Town wanted to install toilets at the Dark Woods parking lot. Mr. Rock explained that this particular flow-rating value belonged to the pump station of One Mariners Landing and what the Chairman Searle was referring to belonged to the pump station down by Edgartown Pizza. Mr. Rock then went through the calculations in his undated report, which had concluded that the flow for Mr. Tank's proposed operation would be 600 gpd. Facilities Manager Burke said that if the Board were to approve the proposal, any future operation in the space would have to be restricted to the same type of limited service.

Mark Nicotera said he had been the general contractor for the One Mariners Landing project and that a 2014 e-mail from engineer Richard Barbini stipulated that the design flow rate for the complex had been 2,360 gpd, not the 3,000 gpd that Mr. Rock had indicated in his report. Mr. Nicotera expressed his concerns about flow and the issues the Board was dealing with at this time. A discussion ensued. Mr. Rock explained that the 2,360 gpd was the Title 5 regulatory allotment for 16 bedrooms and four office areas at 75 gpd per 1,000 sf. That was what was allotted to the building because of its size. But the 3,000 gpd allotment belonged to the duplex pump station at the site; that was the gallonage that could be handled by the pump station, which has to include buffering capacity. The allotment on the plan for that part of the force main was 3,000 gallons.

Commissioner Ellis thought the Board should table the matter until more review was done of Tighe & Bond's numbers, since there were many residents remaining with pipes in their front yards who were not connected to the system yet. He then made a motion to table Mr. Tank's proposal for a fast-food service at Unit A of One Mariners Landing until the April 15 Regular Meeting, after more study had been done of Mr. Catlow's numbers. Mr. Tank expressed concern that his proposal would be before the Planning Board and the M.V. Commission before then. Could the Town approve it pending the Waste Water Commissioners' decision? he asked. Yes, said the Chairman, who then offered a second. The results of the Roll Call Vote were as follows: Mr. Ellis, Aye; Mr. Searle, Aye.

DISCUSS/VOTE: FY21 SEWER USER CHARGES ABATEMENTS SET NO 2.

The Board members considered and voted on the following FY21 Sewer User Charges Abatement Requests: **1. Lorna Peters Garron & Douglas C Garron** (Bill 8813, S0098, 20D/242), **72 No Water St**, Abate Request \$1,265.95; **2. Benjamin L Hall** (Bill 8820, S0174, 20D/225), **15 Simpsons Ln**, Abate Request \$684.00; **3. Benjamin L & Therese M Hall** (Bill 8821, S0333, 20C/3), **21 Oliver St**, Abate Request \$608.00; **4. Nancy B Whipple** (Bill 9107, S0213, 20D/91), **82 No Summer St**, Abate Request \$241.51; **5. Robert F Nagle & Anne K Nagle** (Bill 9188, S0356,

20D/109.13), **61 Winter St Unit C**, Abate Request \$532.00; and **6. Benjamin L Hall** (Bill 9199, S0688, 20D/198), **40 Main St**, Abate Request \$152.00; for a total of \$3,483.46 in Abatements Requested. Chairman Searle made a motion to approve as presented, seconded by Commissioner Ellis. The Chairman conducted a Roll Call Vote: Mr. Ellis, Aye; Mr. Searle, Aye.

DISCUSS/VOTE: SPECIAL TOWN MEETING ARTICLE – MACK 64FR TRUCK.

Commissioner Ellis made a motion that the Board approve for placement on the Warrant of the May 22, 2021 Special Town Meeting the following Article: To see if the Town will vote to appropriate from Free Cash, for expenditure in fiscal year 2022, the sum of \$173,500.00 for a MACK Granite 64FR Roll-off Container Truck. Chairman Searle provided a second, then conducted a Roll Call Vote: Mr. Ellis, Aye; Mr. Searle, Aye.

OTHER BUSINESS.

FACILITIES MANAGER’S REPORT.

Mr. Burke reported that: The crew had attended the collections systems class the week before and he expected all to pass; a vac truck was scheduled for the end of April; the crew was readying the Plant for spring; and customers were returning to their second homes, so pump call-outs were coming in.

CHIEF OPERATOR’S REPORT.

Chief Operator Rock reported on the microbiological organism report done by MCO, which had indicated that the Plant had “old sludge.” They had also had a couple of issues with the Vineyard Golf Club Pump Station, where Cole Powers had had to replace a lag float and a run float and had redone the splices to the two other floats. Lastly, they had had an antifreeze leak at the Dock Street generator behind Town Hall, which they had cleaned up, with help from Operator Meader.

FINANCIAL REPORTS.

Admin Assistant Webster reported that the Department had in excess of \$85,000 surplus in the Salaries section of the Operating Budget and \$46,000 in the Expenditures section, enough to purchase the Facilities Manager’s “big ticket” items. Septage Receiving Revenue was at 45.5 percent of the level it had been at this point a year earlier and at 50.1 percent of the Volume. And 28 days after mailing the Annual Sewer User Charges invoices, the Town Collector’s Office had taken in over \$900,000 or 60 percent of the Adjusted Commitment.

APPROVAL OF MINUTES.

Commissioner Ellis made a motion to approve the **Minutes of the Regular Meeting of February 18, 2021**, seconded by the Chairman. The Chairman conducted a Roll Call Vote: Mr. Ellis, Aye; Mr. Searle, Aye. Next, Commissioner Ellis made a motion to approve the **Minutes of the Special Meeting of February 25, 2021**, seconded by the Chairman. The Chairman conducted a Roll Call Vote: Mr. Ellis, Aye; Mr. Searle, Aye.

ADJOURNMENT

There being no further business, Chairman Searle thanked everyone for hanging in there for the long meeting and made a motion to adjourn the Regular Meeting, which Commissioner Ellis seconded. The Chairman conducted a Roll Call Vote, with this result: Mr. Ellis, Aye; Mr. Searle, Aye. The Regular Meeting adjourned at 4:24 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

Glen S. Searle, Chairman

Scott Ellis, Commissioner