

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
SPECIAL MEETING OF MAY 27, 2021
CONDUCTED VIA ZOOM TELECONFERENCE**

WASTE WATER COMMISSIONERS PRESENT:

Mr. Glen S. Searle, Chairman
Mr. Scott Ellis, Commissioner
Mr. Walter A. Morrison, 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 OFFICIAL(S) PRESENT:

Mr. James M. Hagerty, Town Administrator

OTHERS PRESENT:

Mr. Ian B. Catlow, PE, Vice President, Tighe & Bond
Mr. Geoghan Coogan, Esq.
Mr. Forrest Filler
Mr. Mark Nicotera
Mr. Edward Olivier, CFO, Martha's Vineyard Hospital
Mr. Edward L. Pesce, PE, Pesce Engineering & Associates, 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 a Special Meeting on Thursday, May 27, 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 section, the Chairman announced. Also present from the Board were Waste Water Commissioners Scott Ellis and Walter A. "Alex" Morrison. Chairman Searle welcomed newly elected Commissioner Morrison to his first meeting of the Board.

OLD BUSINESS:

REPORT/DISCUSSION/POSSIBLE VOTE: GREEN HOME PROJECT, INCLUDING, BUT NOT LIMITED TO, FLOW SET-ASIDE AND PLANT CAPACITY MITIGATION.

Edward L. Pesce, P.E. of Pesce Engineering & Associates, Inc. provided a brief history of the discussions he and the Martha's Vineyard Hospital team (the applicant) had had so far with the Board and Waste Water Department Staff. They had looked at additional requirements, with Chris Alley of Schofield, Barbini & Hoehn having spoken to Brian Dudley of Mass DEP and having adjusted their flow rate with Mr. Dudley's guidance. They had requested a flow of 17,050 gallons per day (gpd) based on Title 5 estimates, which would connect the Green Home Project, as well as the Teaberry Lane abutters at a maximum of five bedrooms per lot. Also, they had hired Raymond Willis of Onsite Engineering Inc. to address technical questions posed by Waste Water Staff, to wit: how to connect from the Morgan Woods Pump Station to the project and to the Vineyard Golf Club Pump Station on to the Plant, and how to upgrade these stations to handle the added flow. Mr. Pesce's understanding was that the Commissioners had decided to hold off any review of the Willis Report until after the Annual Town Meeting vote on a zoning amendment affecting the Green Home Project.

If possible, said Mr. Pesce, the applicant would still like a vote of support for the project, subject to the following conditions: 1) review by Tighe & Bond of the capacity analysis by Mr. Willis; 2) payment for that review by the applicant; 3) provision of the final design plans for the sewer connection by the applicant for Staff's review; and 4) payment by the applicant for the upgrades of the two pump stations necessitated by the additional flow. The applicant, Mr. Pesce concluded, was now preparing to file for a Special Permit with the Planning Board to begin the formal permitting process for the project.

Ian B. Catlow, Vice President of Tighe & Bond, said he generally agreed with Mr. Pesce's recall of the process to date. He did think, though, that there was a question of someone reaching out to Brian Dudley of Mass DEP to ask about the viability of the connection in light of the fact that the flow would be coming in from a watershed other than the Edgartown Great Pond's. The other issue, he noted, was the cost of Mr. Catlow's review of the two pump stations and of the Willis Report, something he had discussed with Facilities Manager William G. Burke and Chief Operator Joseph Rock. He was set up to come to the Island on June 8 to visit the stations, provided the Commissioners approved and provided some mechanism was set up to put money in escrow to pay for Tighe & Bond's review services.

Edward Olivier, Chief Financial Officer of M.V. Hospital, stated that setting up the escrow account was what they were here for. Mr. Burke reported that earlier that week he had emailed the Town Accountant and Town Treasurer requesting information on how to set up the escrow account; he had not received a reply yet, but he saw that as a small issue. Town Administrator James M. Hagerty stated that an escrow account needed to be established and, obviously, the peer review needed to be done. He would reach out to the Town Accountant to figure out the form the account would take and any legalese that had to occur. The big question that remained, he said, was the

DEP question, because, obviously, the Town could not be less restrictive than the DEP. Also to be considered, said Mr. Hagerty, was the possibility that the Planning Board could want the project to be a different size, which in turn could affect the wastewater portion of the plan.

Mr. Catlow said he found that when a group deviated from protocol and questions came up five years down the road, the group ran into problems. He had not looked at the Assessor's plan to see who abutted the sewer line and how many bedrooms each would be entitled to under the Department's Bedroom Regulation, as opposed to the five bedrooms they could have under the applicant's plan. Mr. Pesce pointed out that the applicant had negotiated draft easements with the abutters that would include the five-bedroom restriction. Mr. Catlow thought that this could be lost in the shuffle. Admin Assistant Pia Webster assured him that the restrictions would not be overlooked and that developments like The Field Club had similar limitations.

Mr. Hagerty clarified with the Chairman and Mr. Pesce that the Department and the Board – and not the applicant – had the ultimate authority to grant the sewer tie-ins to the abutters. Mr. Olivier said that the easements would not be signed until the applicant had the Board's permission to make the connections. The Chairman wanted assurance that the Department would receive copies of the signed easements. Mr. Hagerty reminded those present about what had happened in the case of Duarte Circle, where the Board had conditionally approved the line and the abutters had assumed that the conditions had been met. Understood, said Mr. Burke.

Discussion returned to the escrow account, specifically, how much should be placed in it. In his discussions with Staff, Mr. Catlow said, they had come to see two pieces to it: the review of the Willis Report on capacity, which they pegged at about \$3,500; and a hard look at infrastructure at Morgan Woods and at Vineyard Golf, with preparation of a memorandum summarizing the condition of those stations, as well as an opinion of probable construction costs for an upgrade of the stations to current design standards, which would be about \$6,100.

Mr. Olivier questioned why it would cost \$3,500 to review a report and then \$6,100 to write a report that covered essentially the same subject matter. Mr. Catlow explained that Mr. Willis had been focused on trying to establish sufficient capacity for the hospital's project to get to the Plant. But there were other issues at these pump stations that the Town had identified through events like the flooding at the golf club which had highlighted the weaknesses at these stations. And since the project's pushing of more flow through the pipe could exacerbate the problems, the look at infrastructure would identify those issues and quantify their repair costs.

Mr. Pesce argued that the applicant should not have to pay the whole \$6,100 for the stations review. Mr. Burke pointed out that the previous year, because of budget restrictions, the Department had asked for no capital improvement funds; nor had they asked for any for FY22. So Tighe & Bond's evaluation now was premature. Although the Department would benefit, he said, the benefit would go mainly to the hospital. A discussion ensued. Mr. Hagerty agreed that the catalyst to look at the infrastructure in an analytical way was the Green Home Project.

The discussion continued. It was mentioned that Mr. Willis would be present for the pump station visits on June 8. Chief Operator Rock thought it was important to get DEP's opinion of the following: Mr. Catlow had calculated that 68,000 gpd was the flow available, and the Green Home Project would take a quarter of that available flow. He wondered if the Plant would be needing a pre-equalization tank sooner rather than later, with the additional 17,000 gpd from outside the Great

Pond Watershed being the tipping point. Mr. Pesce remarked that 17,000 gpd was a Title 5 design flow number and that the actual number would be closer to 8,500 gpd. Also, he, Mr. Burke, Mr. Rock and Mr. Catlow had discussed having a flow equalization tank on the project site; so the Green Home Project would be taken out of the equation of the peak daily flow problem. Mr. Rock noted, though, that DEP ruled the roost, regardless of what their own professional opinions were.

Commissioner Ellis said he had no comments. Commissioner Morrison said he would be abstaining from any decision on the Green Home Project since he had come so late to the process.

Commissioner Ellis made a motion to continue the discussion to the June 24 Regular Meeting. Mr. Hagerty requested that Mr. Catlow send him the quotes for his reviews so he could set up the escrow account. The Chairman offered a second, then conducted a Roll Call Vote: Mr. Ellis, Aye; Mr. Morrison, Abstaining; Mr. Searle, Aye.

Mr. Pesce announced that the hospital had officially committed to paying into the engineering escrow account the \$9,600 provided in Mr. Catlow's quote for his reviews.

ADJOURNMENT

There being no further business, Chairman Searle made a motion to adjourn the Special Meeting, which Commissioner Ellis seconded. The Chairman conducted a Roll Call Vote: Mr. Ellis, Aye; Mr. Morrison, Aye; Mr. Searle, Aye. The Regular Meeting adjourned at 3.36 p.m.

Respectfully submitted,

Pia Webster
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN

Glen S. Searle, Chairman

Scott Ellis, Commissioner

Walter A. Morrison, Commissioner