

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF NOVEMBER 18, 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

OTHERS PRESENT:

Mr. David Bouck, Watershed Outreach Manager, Great Pond Foundation
Mr. Ian B. Catlow, PE, Vice President, Tighe & Bond
Mr. Patrick Courtney, Owner, The Port Hunter
Mr. Keith Fenner, Fenner Construction LLC
Mr. James Joyce, Agent for Ms. Reed
Ms. Robin E. Reed, 7 Curtis Lane
Mr. Shane Tank, Premier Chef Services

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 Post-Emergency Bill of June 16, 2021; 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, November 18, 2021, at 3:00 p.m. via the Zoom teleconference app. At 3:01 p.m. Acting Chairman Scott Ellis 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 and New Business sections, the Acting Chairman announced. Also present from the Board was Waste Water Commissioner Walter A. Morrison.

OLD BUSINESS:

REPORT: IAN B. CATLOW ON CIP PROGRESS.

Ian B. Catlow, P.E., Vice President of Tighe & Bond (T&B), reported that work had begun on the Rapid Infiltration Beds Rehabilitation Project in the sense that soil samples had been collected within the basin. Results were expected that day or the following one, and if the soil material was clean, they could move forward after the submission of some paperwork to Mass DEP. Mr. Catlow continued that there were six punch list items remaining on the Chase Road & Dunham Road Pump Station Upgrades Project that were being delayed by a number of spare parts that Robert B. Our Company and Fall River Electrical Associates (FREA) were waiting for. In addition, several O&M manuals for some of the equipment associated with that project were overdue.

Mr. Catlow checked with Department Assistant Jennifer Smyth about whether the signed agreement for the SCADA System Upgrade Project had been sent back to T&B; he noted that all parties could work on digital copies. FREA, he said, had signed a Purchase Order with ITS in anticipation of getting their agreement signed; so ITS should start producing shop drawings and submittals for the needed equipment. With that phase completed in about two months, the next step would be fabrication of the control panels. With a pre-construction meeting scheduled for the following week, FREA expected to start setting up equipment on the Island in February.

DISCUSS/VOTE: REQUEST FOR TIE-IN – 7 CURTIS LANE [Continued].

James Joyce, as agent for Robin Reed of 7 Curtis Lane (Map 20C Lot 22), related that as requested by the Board, he had submitted written permission from Louis Paciello, owner of 8 Curtis Lane and 199 Upper Main Street, to disturb the edge of Mr. Paciello's property, if necessary, when tying in 7 Curtis Lane to the main that ran down that street. Asked if he had anything to add, Chief Operator Joseph Rock said that the explanation provided in the October Regular Meeting had been sufficient. Commissioner Morrison made a motion to **approve the tie-in of 7 Curtis Lane with a one-year installation timeline**, seconded by Acting Chairman Ellis, who then conducted a vote by show of hands and by voice: Mr. Morrison, Aye; Mr. Ellis, Aye. *[At this point – 3:09 p.m. – Chairman Glen S. Searle logged into the meeting and assumed chairing duties.]*

NEW BUSINESS:

DISCUSS/VOTE: REQUEST FOR SEAT INCREASE – THE PORT HUNTER.

Patrick Courtney, owner of The Port Hunter restaurant at 55 Main Street (Map 20D Lot 210), related that he had begun the process of trying to maximize the number of seats in his establishment. Speaking with the Building Department had led him to a maximum figure of 114 guests dining, including the outdoor seats. So he was requesting from the Commission the increased flow to accommodate increased seating at some point in the future. Responding to an

inquiry from Commissioner Ellis, Mr. Courtney said he currently had 49 seats, including outside seats, though he had gone before the ZBA the week before and been approved for an increase to 79 seats, with the goal of eventually being permitted for the full 114 seats. Mr. Courtney confirmed with the Chairman that his standing capacity was 150.

Addressing a remark by Chairman Searle, Facilities Manager William G. Burke explained that because the Department was taking the initial steps in the process toward a Comprehensive Wastewater Management Plan, any requests from commercial customers for increased flow were being put on hold until the preliminary results of the CWMP became available, at least not until mid-2022. The call for the Management Plan, he said, had been prompted by concerns about the Plant's capacity. Mr. Courtney's request would be added to the "To Be Continued" list. Some explanation by Mr. Burke followed about the possible sources of funding for the CWMP.

Commissioner Morrison made a motion to **postpone the Port Hunter matter, designating it as To Be Continued and notifying Mr. Courtney when the Department was again prepared to address increases in wastewater flow for commercial customers.** Commissioner Ellis provided a second, and the Chairman conducted a vote by show of hands and by voice; the motion carried unanimously.

DISCUSS/VOTE: REQUEST FOR TIE-IN – 11 COTTLE LN (KEITH FENNER, AGT).

Representing the owners of 11 Cottle Lane (Map 20D Lot 72), Keith Fenner of Keith Fenner Construction LLC related that the work involved crossing Cottle Lane, laying about 20 feet of pipe, and installing a grinder pump. It was a "short shot," he said, "pretty straightforward across the road." Also, it was a dirt road. Mr. Fenner clarified with the Chairman which house 11 Cottle was. And there was already a pressure line going up Cottle Lane, said Commissioner Ellis. Yes, said Mr. Fenner, he had installed that around 2008. There being no more questions or comments, Commissioner Ellis made a motion to **accept the request to tie in 11 Cottle Lane with a one-year installation timeframe,** seconded by Commissioner Morrison. Chairman Searle conducted a vote by show of hands and by voice; the motion carried unanimously.

DISCUSS/VOTE: REQUEST FOR FOOD SERVICE – 238 EDGARTOWN VH RD C-6.

Shane Tank of Premier Chef Services explained that Delish in a Dish, the previous food-service establishment on the site (Map 21 Lot 10.6), had been categorized as a concession stand for the purposes of Title V and that he would like to keep his operation in that category – no servers, no use of bathroom, no changing the fixtures, no adding a hood system. All food would be prepped at his catering service location at 258 Edgartown-Vineyard Haven Road, an arrangement he had cleared with Health Agent Matt Poole. There would be no dishware to be washed; and there would be coffee and something like kombucha on tap, as well as grab-and-go salads and sandwiches.

A discussion ensued regarding the status of the proposed establishment as a restaurant *per se*, which would trigger the 1,000-gallon-per-day level of flow. Chief Operator Rock provided some details on the Delish in a Dish operation and the reasons behind the assignment of the food concession category with total flow of 375 gpd. It was his impression, Mr. Rock said, that Mr. Tank was going with the same type of use – no actual prep onsite, no metal tableware, basically a

grab-and-go service – which would keep it at the 375 gallons-per-day mark or less. Commissioner Morrison questioned whether Mr. Tank would be increasing the flow at his other business at 258 Edgartown-Vineyard Haven Road if he was preparing food for the newer venture there. Mr. Rock answered that the operation down the street had sufficient capacity for its current use as a professional kitchen. Whatever he used those hours to prep for, that capacity was built in for that use; the flow was based on the utilities he had in the structure, he said.

Department Assistant Jennifer Smyth asked how many seats Mr. Tank proposed to have. Whatever Delish in a Dish was doing, 25 or fewer, Mr. Tank said, adding that he would not allow bathroom access to the customers. Facilities Manager Burke remarked that the new proposal seemed to be conforming to the basic outlines of a snack bar, as the original proposal had; so it could not be considered an expansion and might even be a contraction in water use, though it should be looked at a few times a year. Commissioner Ellis agreed with Mr. Burke's assessment, noting that the site should definitely be monitored to ensure no expansion of water usage.

Mr. Burke asked Mr. Tank for the specific advice Health Agent Poole had given him on this matter. Mr. Tank said Mr. Poole had indicated that his proposal “definitely isn't a no,” that he had to go over the proposal Mr. Tank had sent him. Commissioner Morrison raised the issue of bathroom use, specifically, if one is seating customers, did one not have to offer washroom facilities? Mr. Tank said he did not think that was a requirement. Commissioner Morrison said he could not think of an example in the Town of Edgartown of an establishment with any seating that did not offer access to a washroom. Mr. Tank said he would have to look into that.

Mr. Burke suggested that this matter be continued until the December meeting; in the meantime he would speak with Health Agent Poole about the washroom-availability requirement. The Chairman agreed and made a motion **to continue Mr. Tank's request for food service at 238 Edgartown-Vineyard Haven Road C-6 until the December 9th meeting**. Commissioner Morrison provided a second, and the Chairman conducted a vote by show of hands and by voice; the motion carried unanimously.

REPORT/DISCUSS/VOTE: FY23 CAPITAL PROGRAM FIVE-YEAR SCHEDULE.

Mr. Burke explained that the FY23 Capital Program Five-Year Schedule was a modified version of the application Town Administrator James Hagerty had presented to the County Commission subcommittee tasked with distributing the \$3.3 million of American Rescue Plan Act funds awarded by the Biden administration. Most of the projects for FY22 had been completed; so he and Mr. Rock had taken what Mr. Hagerty had sent, eliminated FY22 and added the fifth year. Mr. Hagerty had recommended that for the CPC Five-Year Schedule, they should mirror what they had submitted for the County application minus the Comprehensive Wastewater Management Plan funds, or roughly \$3.9 million.

Chief Operator Rock then went through the individual fiscal years, describing many of the projects. Of note was Septage Storage at \$400,000 in FY24, which was a refurbishment of the current tank. The GHD Assessment had offered an option of a huge storage tank at \$1.7 million, something no longer needed in view of the reduced Septage Receiving. Another significant project that year was the replacement of the Belt Filter Presses, which were 25 years old, at a

cost of \$1.2 million. In FY26 an upgrade of the Meshacket Pump Station at \$700,000 was planned, as was replacement of the Sludge Holding Tank Air at \$180,000. The total came to \$3.965 million. Mr. Burke stated that depending on the results of the CWMP, the CPC Five-Year Plan could change radically. Should the CWMP require an increase in the size of the Plant, the values in the Five-Year Plan would, of course, increase as well, he said.

Commissioner Ellis made a motion **to approve sending the Capital Program Five-Year Schedule as presented by Mr. Rock to the Capital Programs Committee**, seconded by Chairman Searle, who conducted a vote by show of hands and by voice; the motion carried unanimously.

OTHER BUSINESS:

FACILITIES MANAGER'S REPORT.

Mr. Burke reported that they had all of the parts for installation of the back-flow valve at 78 West Tisbury Road and that he had arranged with Keith Fenner to do the work. Kurt Neylon of Industrial Technical Services had looked at and proposed a solution for the issues at the Dock Street Station. The Department now had its Chevy Silverado. Highway Superintendent Allan de Bettencourt had concluded the Sport Trac was dangerous and suggested they sell it as is. Junior Operator Troy Vanderhoop was working out well, and the crew was preparing the Plant for the winter. There were also plans to renovate the Lab Building.

CHIEF OPERATOR'S REPORT.

Mr. Rock went through details on how the Department was winding down for the slow season. There had been another backup at the Chase Road Pump Station that had been resolved quickly, although there had still been overflow at 78 West Tisbury Road. Also, the Operators had been attending a number of classes via Zoom, which had proven helpful.

FINANCIAL REPORTS.

Admin Assistant Webster reported that between September 30 and mid-November the Department had processed as many sewer permits as it had in the entire fiscal year of 2013. Referring to the FY22 Operating Budget Expenditures Report, she noted that as of November 15, Salaries & Wages were underspent by about \$46,000 and Expenditures by more than \$37,000. The FY21 Encumbered Funds totaling \$17,906.50 for the Fuel Pump Replacement had been spent in full, she said, and the FY22 Capital Accounts Report showed the Chase & Dunham Road Station Upgrades account as 96.5 percent used, with \$52,957 remaining for the punch list items mentioned by Mr. Catlow. Lastly, the FY22 ATM Warrant Article-Funded Account Report indicated that as of November 15, Tighe & Bond had begun work on the restoration design of the Rapid Infiltration Beds.

HARDSHIP ABATEMENT: DAVID BLACKBURN, 363 WEST TISBURY ROAD.

Admin Assistant Webster requested that the Commission make an exception to allow David Blackburn of 363 West Tisbury Road to request a Hardship Exemption past the deadline of April

20, 2021. The Town Collector had come to her with this request after today's meeting had been posted. However, the deadline for liening by the Collector was Friday, November 19; a decision by the Commission had to be made today. The Board of Assessors had approved Mr. Blackburn's case recently as a Chapter 17 application, and he was, indeed, quite ill. Chairman Searle confirmed the latter point. Commissioner Ellis made a motion to **grant a Hardship Exemption to the Blackburns at 363 West Tisbury Road of \$862.00 toward their FY21 Sewer User Charges**. The Chairman offered a second, then conducted a vote by show of hands and by voice; the motion carried unanimously.

APPROVAL OF MINUTES.

Commissioner Ellis made a motion to approve the **Minutes of the Regular Meeting of October 21, 2021**, seconded by Commissioner Morrison. The motion carried unanimously by show of hand and by voice. Commissioner Morrison made a motion to approve the **Minutes of the Special Meeting of November 3, 2021**, seconded by Commissioner Ellis. The motion carried by show of hand and by voice.

ADJOURNMENT

There being no further business, Chairman Searle made a motion to adjourn the Regular Meeting, which Commissioner Ellis seconded. Mr. Ellis, Aye; Mr. Morrison, Aye; Mr. Searle, Aye. The Regular Meeting adjourned at 3:58 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