

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF DECEMBER 9, 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. Ian B. Catlow, PE, Vice President, Tighe & Bond
Mr. Ted Courtney, Co-owner, The Port Hunter, The Covington
Mr. Andreas Kertesz, Co-owner, 56 North Summer Street
Mr. Philip Mercier, Trustee, BEN-AMO Realty Trust, 130 Cooke Street
Mr. Robbie Robinson, Waterfront Builders Inc.
Mr. Daniel Roop, PE, Project Engineer, Tighe & Bond
Ms. Bonnie Wallace

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, December 9, 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 and New Business sections, the Acting Chairman announced. Also present from the Board were Waste Water Commissioners Scott Ellis and Walter A. Morrison.

OLD BUSINESS:

REPORT: IAN B. CATLOW OF TIGHE & BOND ON CIP PROGRESS.

Ian B. Catlow, P.E., Vice President of Tighe & Bond, reported that the SCADA System Upgrade Project had recently kicked off with a Zoom meeting of participants from T&B and Fall River Electrical Associates, as well as Facilities Manager William G. Burke and Chief Operator Joseph Rock. The next month or two would be spent reviewing shop drawings and ordering equipment; work would be mobilized on the Island in late February or early March. As for the Rapid Infiltration Beds Rehabilitation Project, Mr. Catlow said, they had gotten back the data from the laboratory and had not seen any big problems with it. So he expected the application for a Determination of Applicability for a Beneficial Use Designation to go into the DEP the following day.

DISCUSS/VOTE: REQUEST FOR FOOD SERVICE – 238 EDG VH RD C-6. [Continued]

Chairman Searle noted that this item has been continued from the November Regular Meeting. Shane Tank of Premier Chef Services, who was making the request for food service, was not present at the meeting. The Chairman asked if someone was there to represent the applicant; no one was. Commissioner Morrison had a question: Was there an updated letter from Health Agent Matt Poole about the requirement for washroom availability under the conditions being proposed by Mr. Tank? Facilities Manager Burke said he had spoken to Mr. Poole, who had stated that Mr. Tank did have to provide a public bathroom. Also, added Mr. Burke, although Mr. Poole had not looked through the entire package submitted to him by Mr. Tank, what he had seen had seemed fine to him,

Commissioner Morrison inquired about then having to factor the bathroom flows into the calculations for the total wastewater flow for the food establishment. Mr. Burke responded that the flow assignment of 35 gallons per day did, in fact, cover the bathroom flow; so the earlier calculations for the project would not be exceeded. Additionally, he said, Waste Water Department Staff should go to inspect the premises on occasion to see that the strict parameters agreed to by Mr. Tank were being complied with. The Chairman moved to **continue the hearing of Mr. Tank's request for food service at 238 Edgartown VH Road until the January 20, 2022 meeting**, seconded by Commissioner Morrison. The motion carried unanimously by voice and show of hands.

NEW BUSINESS:

REPORT/DISCUSS/VOTE: REQUEST-SEWER TIE-INS RE 130 132 & 134 COOKE ST.

The next request was presented by Philip Mercier, trustee of BEN-AMO Realty Trust (130 Cooke St 20C-39.2) and agent for Cooke Street Realty LLC (132 Cooke St 20C-39.3 & 134 Cooke St 29C-39.1). Mr. Mercier explained that currently 130 Cooke Street was tied in to the sewer system, while 132 and 134 were served by cesspools. He was requesting that all three be

tied in, with the cesspools decommissioned. Mr. Burke said he had spoken to Reid Silva of Vineyard Land Surveying & Engineering, who had produced a Sewer Tie-in Sketch Plan for the project. Mr. Burke had requested that Mr. Silva go to the lots and take some elevations, including inside the buildings still on cesspools. Mr. Silva had then been able to confirm that with some adjustments to the plumbing inside the buildings, those properties could connect directly to the gravity collection system and forego the need for installing E-One pumps.

Commissioner Morrison asked if the properties would be tied into the West Tisbury Road line. Yes, said Mr. Burke, the connection would go out to the manhole on West Tisbury Road, picking up the existing 4-inch lateral belonging to 130 Cooke Street. Department Assistant Jennifer Smyth inquired whether the applicants required a recorded easement from the owner of 31 West Tisbury Road (20C-41), a property the lateral traversed to make the connection to the West Tisbury Road line. Mr. Mercier replied that the owner of that property had agreed to grant such an easement, provided the applicants installed cleanouts where the lateral entered and exited their property. That would be the first work done, he said, after which the easement would be signed and recorded. Chairman Searle confirmed with Mr. Mercier that the traversing lateral was already in place, installed to provide sewer service for 130 Cooke Street.

Commissioner Morrison made a motion to **approve the request for the tie-ins of 132 Cooke Street and 134 Cooke St as presented, provided a written easement from the owner of 31 West Tisbury Road was signed and recorded before the issuance of the sewer permits, and further, with a one-year installation timeline.** Commissioner Ellis offered a second, and the motion carried unanimously by voice vote and show of hand. Mr. Mercier clarified with Commissioner Morrison how it would be acceptable first to install the required cleanouts at either end of the lateral traversing 31 West Tisbury Road; then obtain and record the easement; and third, proceed to the Department Office for the two sewer permits.

REPORT/DISCUSS/VOTE: REQUEST – INCREASE IN FLOW, 56 N SUMMER ST.

Presenting the case for increasing the bedrooms – and, thus, wastewater flow – at 56 North Summer Street (20D-107) were co-owner Andreas Kertesz and contractor Robbie Robinson of Waterfront Builders Inc. Chairman Searle stated that currently the Commissioners were not allowing any additional wastewater flow in the B-1 District, noting that the 12 bathrooms and three kitchens shown on the plans seemed excessive. Mr. Kertesz responded that this was a private residence and that he and his wife had planned the property as a generational compound for their daughters, in addition to their very large family, who would be visiting during the summertime. The house would be used only three months a year, he said. The Chairman remarked that the plans appeared to be more like those for a bed-and-breakfast than a residence. Mr. Kertesz said it was not a bed-and-breakfast.

Commissioner Morrison suggested that there were two ways to approach the project. If viewed as a residential build, then the Commission could deal with it as it would a project in a residential zone and assign the four bedrooms that a 10,260-square-foot lot would support. If viewed as a commercial project with 11 bedrooms, then the applicant would have to wait for the preliminary findings of the Comprehensive Wastewater Management Plan (CWMP), as had been required of the other commercial properties in the B-1 District making application for increased flow.

Mr. Robinson said that he had been told by their architect and the engineer that they would be allowed as many bedrooms and bathrooms on the property as they wanted. Commissioner Morrison said it was the bedroom count the Commissioners were concerned about. But the excessive number of bathrooms and the three kitchens would mean more flow, said the Chairman. He added that if the Commission allowed this project to go through, then the Seafood Shanty, the Port Hunter and the other applicants that were waiting for the CWMP preliminary findings before they could have their requests considered would have reason to take issue with that decision. Mr. Burke pointed out that under the Edgartown Sewer Rules & Regulations, the Waste Water Commissioners had the right to allocate flow; this was an allocation that was an increase in flow. In addition, the property was now residential; but a future owner of the property could, conceivably, turn the renovated house into a bed-and-breakfast.

Chairman Searle stated that he wanted to continue this hearing. Commissioner Morrison further explained to Mr. Robinson how the Commission's hands were tied while waiting for the CWMP preliminary findings. A discussion on this subject ensued. Then Mr. Robinson asked if there was a way they could get approved for the four bedrooms if they switched around the plans. For instance, they could do something with the garage and, potentially, stay in it next summer. More discussion followed. Commissioner Morrison again offered the option of simply considering the property as being in a residential zone and accepting a limit to the project of four bedrooms, period, attaching a deed restriction to that effect. He then made a motion **to postpone the hearing on the 56 North Summer Street Project until the January 20 Regular Meeting**, seconded by Commissioner Ellis. The motion carried unanimously by voice and show of hand.

REPORT/DISCUSS/VOTE: 2022 ANNUAL TOWN MEETING WARRANT ARTICLES.

Facilities Manager Burke provided background on the four Warrant Articles he had prepared for the 2022 Annual Town Meeting. The first Article sought \$60,000 for asphalt repair and maintenance at the Waste Water Treatment Facility campus; and the second asked the Town for \$475,000 to undertake a Comprehensive Wastewater Management Plan. The third Article requested \$650,000 to replace the wasting and primary scum pumps; install a secondary scum pump; and replace the influent and effluent automatic samplers with flow-proportional samplers compatible with the SCADA system.

The last Article was the annual appeal to fill the Equip, Repair, Replace & Upgrade Account, this time with \$74,000. The fourth Article, Mr. Burke said, would not be necessary if the Financial Advisory Committee agreed, as had been recommended by the Town Accountant, to make this account line item a part of the Operating Budget. On a motion by Commissioner Ellis, seconded by Commissioner Morrison, **the four 2022 Annual Town Meeting Warrant Articles were approved as presented** unanimously by voice vote and show of hand.

REPORT/DISCUSS/VOTE: FY23 OPERATING BUDGET.

Mr. Burke pointed to the rightmost column, which showed increases and decreases in the FY23 Operating Budget compared to FY22; the net difference was +\$12,000, or a 2.1 percent increase, less than the 2.5 percent maximum limit recommended. He went over the reasoning behind any changes. On a motion by Commissioner Ellis, seconded by Commissioner Morrison, **the FY23 Operating Budget was approved as presented** unanimously by voice vote and show of hand.

REPORT/DISCUSS/VOTE: FY21 SEWER USER CHARGES ABATEMENT NO. 6.

Admin Assistant Webster explained how on November 19 – the Department of Revenue’s deadline for liening – the Town Collector had discovered there was a long-past-due FY21 Sewer Charge attached to the basement of One Mariners Landing (Acct No S1337). With no map and lot designation any longer (a requirement for liening) for that part of the condominium complex, the Collector requested that the Admin Assistant, on a contingency basis, adjust off the \$152 charge for the two drains, which she agreed to do. Later that day it was learned that the two roughed-in drains noted on the plan when the drain count was done in 2019 had never been installed. Ms. Smyth verified this by inspection; the account was permanently deactivated.

Commissioner Morrison made a motion to **approve FY21 Sewer User Charges Abatement No. 6 in the amount of \$152.00**, seconded by Chairman Searle. The motion carried unanimously by show of hand and voice vote.

OTHER BUSINESS:

FACILITIES MANAGER’S REPORT.

Facilities Manager Burke reported that the first RAS pump was being rebuilt with the assistance of the Cape Light Compact; it would be going out the following week. The Department had new windows for the sludge container room, which he would be installing himself; and Plant Operator Sebastian Corwin had been busy power-washing. Mr. Burke thanked Department Assistant Smyth for her assistance with the permits, some of which entailed unhappy applicants and thorny judgment calls.

CHIEF OPERATOR’S REPORT.

Mr. Rock related that now was the season of cleaning and attending to the backlog of pumps that needed fixing. Just about weekly all of the operators, including the Facilities Manager, had been taking wastewater training classes. Another thing they had looked at was their response to the October 27th nor’easter; mainly he and Mr. Burke had spent about 18 hours resetting alarms and ensuring that generators and pump chambers were operational. “Nothing bad happened, thankfully,” he said.

FINANCIAL REPORTS.

Admin Assistant Webster noted that there had been no big surprises in the Operating Budget Summary Report and other standard financial reports in the past three weeks. The FY21 audit was over, she said, though apparently not all of the data she had sent to the Town Accountant had gotten through. So for a couple of weeks there had been correspondence back and forth with the auditor, filling in what was missing. But according to an email this morning, everything had reconciled to the penny. Lastly, the Admin Assistant had entered the FY22 Sewer Rates in the Munis program and was waiting for the Town Accountant to establish FY22 Charge Codes so that the former could run an FY22 Test Billing.

APPROVAL OF MINUTES.

Commissioner Ellis made a motion to approve the **Minutes of the Regular Meeting of November 18, 2021**, seconded by Commissioner Morrison. The motion carried unanimously 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 Morrison seconded. The motion carried unanimously by show of hand and voice vote. The Regular Meeting adjourned at 3:46 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