

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF JANUARY 20, 2022
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
Ms. Jennifer Smyth, Department Assistant, Meeting Host
Mrs. Pia Webster, Administrative Assistant

OTHERS PRESENT:

Mr. Patrick Ahearn, Patrick Ahearn Architect LLC
Mr. Roy Anderson
Mr. Derrill Bazzy, Design Development Mngr, Island Housing Trust
Ms. Christina Brown, Affordable Housing Committee
Mr. Jason Brown
Mr. David Ennis, President, Affirmative Investments
Ms. Arielle Faria, Administrator, Affordable Housing Committee
Mr. Jan Greis, 96 Pease's Point Way South
Mr. Brad Guidi, Co-Founder & Partner, Blue Flag Development LLC
Ms. Alyssa Halisky, Wallace & Co.
Mr. Zach Harris, *Vineyard Gazette*
Mr. Andreas Kertesz, Co-owner, 56 North Summer Street
Ms. Wendy Kertesz, Co-owner, 56 North Summer Street
Mr. Craig Nicholson, Senior VP of Real Estate, Affirmative Investments
Mr. Mark Nicotera
Mr. Edward Olivier, CFO, Martha's Vineyard Hospital
Mr. Edward L. Pesce, PE, Pesce Engineering & Associates, Inc.
Mr. Dillon Prives, Blue Flag Development LLC
Mr. Robbie Robinson, Waterfront Builders Inc.
Mr. Daniel Roop, PE, Project Engineer, Tighe & Bond
Ms. Emily Seria, Proprietor of Former Business Delish in a Dish
Mr. George Sourati, PE, Principal, Sourati Engineering Group
Mr. Shane Tank, Premier Chef Services
Ms. Liz Volchok, Project Development Mngr, Island Housing Trust

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, January 20, 2022, 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 Chairman announced. Also present from the Board were Waste Water Commissioners Scott Ellis and Walter A. Morrison.

NEW BUSINESS:

REPORT/DISCUSS/VOTE: REQUEST FOR INCREASED FLOW – MESHACKET ROAD AFFORDABLE HOUSING PROJECT.

Derrill Bazy, Design Development Manager at the Island Housing Trust, introduced his colleague, IHT Project Development Manager Liz Volchok; as well as two representatives from Affirmative Investments Inc., President David Ennis and Senior V.P. of Real Estate Craig Nicholson; and lastly, Affordable Housing Committee Administrator Arielle Faria. Basically, he said, IHT and Affirmative Investments had responded together to the RFP for the Meshacket Road Affordable Housing Project, which had called for up to 40 units on the property, with 70 bedrooms preapproved and the possibility of requesting more.

The proposal they had assembled was for four ownership units and 36 rental units, with a total of 80 bedrooms and 285 drain connections. So, said Mr. Bazy, he was before the Board to see if that would fit within the Department’s infrastructure. Chairman Searle noted that the change being requested, then, was from a flow of 7,700 gallons per day (gpd) to one of 8,800 gallons per day. There were no questions from Board members. The Chairman asked Facilities Manager William G. Burke if he was good with the increase; Mr. Burke said he was.

There being no comment from the public, Commissioner Morrison made a **motion to increase the flow for the Meshacket Road Affordable Housing Project from 7,700 gpd to 8,800 gpd**, seconded by Commissioner Ellis. The motion carried unanimously by voice and show of hands.

OLD BUSINESS:

REPORT: DANIEL ROOP ON PROGRESS OF CIP PROJECTS.

Daniel Roop, PE, Project Engineer at Tighe & Bond, reported that T&B had been reviewing the SCADA System Upgrade Project shop drawings and had approved the details for the PLC. Second, regarding the Rapid Infiltration Beds Rehabilitation Project, conversations were ongoing

with Mass DEP on the soil samples and the application for a Determination of Applicability for a Beneficial Use Designation. Third, they had been in discussion with YSI about the addition of and upgrading of instrumentation at the Facility to help with operations control, data collection and monitoring, all with future expansion in mind. Fourth, they had been working with Mr. Burke and Procurement Officer Jennifer Smyth on procurement issues with regard to the Schwing pump. And fifth, they anxiously awaited the release of the Mass DEP Draft 2022 Intended Use Plan for the Clean Water State Revolving Fund, which would include the Asset Management Plan with the 60 percent grant for Edgartown sewer as well as the CWMP.

REQUEST FOR TIE-IN: 96 PEASE'S POINT WAY SOUTH, JAN GREIS [Continued].

Jan Greis, co-owner of 96 Pease's Point Way South (29A-52), reported that he had obtained an Easement from his neighbors, the McAndrewses of 102 Pease's Point Way South (29A-42), to whose pressure lateral Mr. Greis would have to connect in order to extend the sewer line. But since the Grantors had mailed the notarized copy of the Easement first class and not Express Mail, it had not yet arrived at the Dukes County Registry of Deeds to be recorded, he said. Chairman Searle stated that **Office Staff should ensure that the Easement**, a signed copy of which was in the meeting binders, **was duly recorded before a sewer permit was issued for 96 Pease's Point Way South**. Asked by the Chairman if they agreed, Commissioners Ellis and Morrison said they did.

REQUEST FOR FOOD SERVICE: 238 EDG VH RD C-6, SHANE TANK [Continued].

Chairman Searle reported to Shane Tank, proprietor of Premier Chef Services, that Health Agent Matt Poole had informed the Facilities Manager that the new establishment at 238 Edgartown-Vineyard Haven Road (21-10.6) would have to provide a bathroom. Yes, said Mr. Tank, if there's a seat, you need a bathroom. Responding to a question from the Chairman, Mr. Burke said there was a bathroom onsite. The Facilities Manager also stated that there would not be any increase in flow under Mr. Tank's food-service establishment. Queried further by the Chairman, Mr. Burke said he was all set with the application. Commissioner Ellis made **a motion that the food-service use at 238 Edgartown-Vineyard Haven Road be converted from Delish in a Dish to Shane Tank's establishment, as proposed; and further, that Mr. Tank had one year to complete the process of obtaining his Commercial Sewer Permit**. Commissioner Morrison provided a second, and the motion carried unanimously by voice and show of hands.

UPDATE: GREEN HOME PROJECT, 490 EDGARTOWN-VH ROAD [Continued].

Edward L. Pesce of Pesce Engineering & Associates was online representing the Martha's Vineyard Hospital's Green Home Project with Navigator Homes of Martha's Vineyard. Last spring and summer, he said, considerable time had been spent reviewing the wastewater infrastructure at Morgan Woods and the Vineyard Golf Club with regard to a possible future connection to the sewer system. Mass DEP had wanted some additional work done in the form of a Comprehensive Wastewater Management Plan (CWMP), the funding for which had not been found yet. Ultimately, Mr. Pesce said, the applicant wanted a continuance until May, and while they believed sewer was the best option, they were nonetheless pursuing other options.

Mr. Pesce related that they had had three sessions with the Planning Board, with another coming up on February 1; they expected referral to the MV Commission soon thereafter. Other wastewater handling options they were looking at were second-generation denitrifying septic systems for both parts of the lot and a groundwater discharge permit for the property. Mr. Pesce requested that Mr. Roop of Tighe & Bond have T&B keep him apprised of when the CWMP process was set to begin. Chairman Searle made a **motion that the Green Home Project matter be continued to the Regular Meeting of May 19, 2022 at 3:00 p.m.**, seconded by Commissioner Morrison. The motion carried unanimously by voice and show of hands.

INCREASE IN WATER FLOW: 56 NO SUMMER ST, ANDREAS KERTESZ [Cont].

Architect Patrick Ahearn said that the single-family house at 56 North Summer Street was located in the B-1 Business Zone, in which, it was his understanding, there was no bedroom limitation. He believed that had been confirmed by Admin Assistant Pia Webster and by the Building Department. A conversation that real estate broker Alyssa Halisky of Wallace & Co. maintained had occurred between Mrs. Webster and herself prior to his client buying the property was recounted in a letter dated December 11, 2021. A primary appeal of the property had been the buyer's presumed ability to have the number of bedrooms they needed for their extended family. Mr. Ahearn spoke as well of the owner's ability to subdivide the property – which measured 10,260 sf – into two parcels, the minimum parcel size in B-1 being 5,000 sf and the owner having the frontage to create two independent parcels.

Mr. Ahearn continued that the original 10-bedroom plan for the project had been unanimously approved by the Historic District Commission. Moreover, the text of the Bedroom Regulation, as revised in September 2009, stipulated that the areas of Edgartown covered by said regulation did not include the B-1 District. Further, the Waste Water Commission had voted to allow the Hob Knob Inn, in the R-5 Zone, 13 additional bedrooms in a hotel use, a more intensive use than a residential one. Also, it had been suggested that the original plans had included three kitchens and 12 bathrooms; on the contrary, the design had one kitchen and nine bathrooms.

Mr. Ahearn explained how a third party – Existing Conditions Corporation – had been retained to document all of the existing floorplans and elevations of the house prior to the selective demolition. He believed that based on the Department's guidelines, six bedrooms existed prior to the recent purchase of the property. Addressing the comment that the applicant could turn around post-approval and convert the property into a bed-and-breakfast, Mr. Ahearn said that this would require a Special Permit from the Zoning Board of Appeals as well as approval from the MV Commission.

Ms. Halisky stated that she had practiced “a lot of due diligence” in exploring options for this house. Certainly, the buyers had paid a premium for this home based on the information Ms. Halisky said she had received from many of the Edgartown town offices, including about the number of bedrooms allowed. Chairman Searle explained that for the present the Mass DEP had advised the Department not to take any additional flow from the B-1 District. Requests for increases in flow from the Seafood Shanty, The Port Hunter and the Kelley House Complex had been put on hold; so for the Board to grant this applicant such an increase in flow made no sense to him. Until the CWMP was done, a four-bedroom house was all the Board would allow.

Mr. Ahearn argued that six bedrooms had already existed in the house at the time of purchase. The Chairman said that the actual number was in question, since the contractor had demolished the interior before it could be inspected. The discussion continued, with Mr. Ahearn reiterating many of the points he had made earlier. Robbie Robinson of Waterfront Builders Inc. pointed out that the projects in the B-1 District that were being put on hold all involved commercial entities.

Commissioner Morrison remarked that if this had been a six-bedroom house, it would have been advertised for sale as a six-bedroom house on LINK and so forth and that it had been advertised as having three bedrooms. The option of subdividing into two lots to permit a total of eight bedrooms could be explored, he said. And as alluded to in the December Regular Meeting, once the CWMP was in place, the possibility of 11 bedrooms could be reconsidered. Mr. Robinson said that the revised plans showed a four-bedroom house with the third floor as an office; they were trying to get the house “moving forward.” Mr. Ahearn said that once the Department received their MassDEP clearance, it was hoped they could return to the Board for some additional bedrooms.

Mr. Ahearn then asked if the MassDEP directive referred to residential use in the B-1 District. All B-1, replied Chairman Searle. Commissioner Morrison stressed that the advice from the State was referring to total flows, and the B-1 District was definitely where most of the Department’s flow came from. In addition, he said, technical Staff and the Commissioners were always ready to sit down and discuss a big change to a property like the one proposed. Commissioner Ellis suggested that when Ms. Halisky said she was told about there being no limit on bedrooms (March 2021), this was in fact the case, that is, it preceded the guidance by MassDEP (July 2021). Mr. Ahearn wondered, he said, whether they would be having this discussion if this hearing had been held the day the Kerteszes had closed on the property in June.

Chairman Searle said he was in favor of accepting the four-bedroom plan as a stop-gap measure, with the expectation of another hearing on a possible expansion after the completion of the CWMP. Mr. Ahearn again stressed that, notwithstanding the MassDEP directive, there was no zoning limit on bedrooms in the B-1 District, and he appreciated that the Commission was willing to work with them. Commissioner Morrison had some questions about the expectation-of-privacy factor in the third-floor office and the children’s playroom; and he asked what had happened to the pool house and garage. Asked for his input, Facilities Manager Burke said he was amenable to a vote approving the revised plans.

Commissioner Morrison made a **motion to approve a four-bedroom house according to the revised plans presented, with a walk-through upon completion to inspect the office to ensure that said office is not a fifth bedroom; and further to give the applicant one year to obtain his Residential Sewer Permit.** Commissioner Ellis provided a second, and the motion carried unanimously by voice and show of hand.

REVISED PLAN – KELLEY HOUSE COMPLEX, SOURATI ENGINEERING [Cont].

Brad Guidi, co-founder and partner of Blue Flag Development LLC, said they wanted to present a scaled-back version of the plan for the Kelley House Complex first presented in spring 2021, having removed the expansion of the 1742 Building. Existing operations comprised 81

bedrooms and 175 restaurant seats; the revised proposal had 79 bedrooms and 182 seats, essentially a net-neutral proposal. An open question in the meeting last fall had been whether the seats around the pool, where there would be a snack bar, would have to be counted as restaurant seats, since access to them would be restricted to hotel guests. Mr. Guidi now had a letter from Brian Dudley – now-retired Cape & Islands Wastewater Section Chief at MassDEP’s Southeast Regional Office – agreeing with Mr, Guidi and his team that the seats around the pool should not be counted toward the sewer flow because, indeed, they were restricted to hotel guests. George Sourati of Sourati Engineering Group said that based on current conditions, the complex generated 15,141 gpd of flow; under the scaled-back plans just described by Mr. Guidi, it would produce 15,124 gpd of flow.

Chairman Searle asked if the seats in what Mr. Guidi identified as the Edgar Building were available to the public right now. Yes, said Mr. Guidi, they’re counted as restaurant seats now. Commissioner Morrison had a question. On Mr. Sourati’s list of flows and bedrooms from January 12, 2022, there were zeroes next to the Edgar Building as well as the Shack. But there were plans for bathrooms in the Edgar Building and the Shack. Those were zeroes for bedroom counts, said Mr. Sourati. Commissioner Morrison asked Mr. Guidi what would stop a member of the public from accompanying a hotel guest and the hotel guest paying the bill. The pool was being moved to the middle of the campus, replied Mr. Guidi, and would be restricted to guests only. Ordering something would involve putting it on one’s hotel bill or using one’s key card, he explained.

Addressing the Chairman, Mr. Burke said he preferred that Mr. Sourati come to the Plant to meet with Staff. He did not think, he said, that matters could be satisfactorily resolved with this type of back-and-forth exchange, at least not until Staff had had a chance to study the latest iteration of the plan and until Mr. Sourati had gone over the details with them. Following some discussion, Chairman Searle made a **motion to continue the Kelley House Complex Project to a one-item agenda Special Meeting on February 3, 2022, at 3:00 p.m.** Commissioner Morrison offered a second, and the motion carried unanimously by voice and show of hand.

OTHER BUSINESS:

FACILITIES MANAGER’S REPORT.

The Facilities Manager reported that Chief Operator Joseph Rock was out with Covid-19. Mr. Burke had reached out to the Cape Light Compact about the proposed Article for the primary sludge pumps and the wasting pumps; the Department would be eligible for an incentive. In addition, if the CLC managed the project, the law allowed a \$100,000 exemption, obviating the need to go out to bid. Also, two of the four windows in the Sludge Dewatering Building were in.

FINANCIAL REPORTS.

Admin Assistant Webster pointed to the bottom of the report titled “FY22 Uncommitted Receipts as of December 31, 2021,” noting a 132% increase in the number of sewer permits issues in the first half of FY21 compared to the same period in FY20 and another 17.2% increase within that period from FY21 to the same period in FY 22. Septage Revenue for the first half of the fiscal year was down by 59.5%, after being down by 49.8% in the first half of FY21.

Overall, that meant a loss in annual income of about \$350,000 over pre-Covid revenues. Lastly, the Admin Assistant reported that the Drain Counts were not being executed as quickly as had been hoped. She and Ms. Smyth would be inserting notices with the annual bills of customers who had not yet responded to the first notification of the so-called Big Count.

APPROVAL OF MINUTES.

Commissioner Ellis made a motion to approve the **Minutes of the Regular Meeting of December 9, 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 4:16 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