

**TOWN OF EDGARTOWN  
BOARD OF WASTE WATER COMMISSIONERS  
MINUTES OF THE  
REGULAR MEETING OF FEBRUARY 24, 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. Richard J. Barbini, PE, formerly of Schofield, Barbini & Hoehn  
Ms. Jena-Lynn Beauregard (5 Nickel Lane)  
Mr. David Bouck, Watershed Outreach Manager, Great Pond Foundation  
Mr. Ian B. Catlow, PE, Vice President, Tighe & Bond  
Ms. Suzanna Crowell, Détente LLC (15 Winter Street Unit 3)  
Ms. Susanna Herlitz-Ferguson, MV Salads (15 Church Street)  
Mr. Douglas R. Hoehn, Schofield, Barbini & Hoehn (Division Road Subdivision)  
Ms. Emma Kennedy, Sandpiper Realty (Division Road Subdivision)  
Mr. Julian Pepper (5 Nickel Lane)  
Mr. Carlos Ribeiro, JR Construction (55 Cottage Street)  
Mr. Thalysson Ribeiro, JR Construction (55 Cottage Street)  
Ms. Sascha Wlodyka, Estate Manager, Santander Bank (260 Edgartown VH Road)

**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, February 24, 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.

**OLD BUSINESS:**

**REPORT: IAN CATLOW ON PROGRESS OF CIP PROJECTS.**

Regarding the **Rapid Infiltration Beds Rehabilitation Project**, reported Ian B. Catlow of Tighe & Bond, good progress had been made on the plans; T&B was waiting for Mass DEP to issue the Beneficial Use Designation for the soil that would be removed from the beds, with the engineers hoping to convince the agency that the soil would be suitable for deposit onsite; and further, to obtain this authorization in writing.

A discussion of which method of procurement to use for the Schwing Pump – a concrete pump under the sludge dewatering equipment in the Plant that pushed the dewatered solids into a roll-off container – had continued, it being a proprietary item, said Mr. Catlow. They needed a separate pre-procurement for a hydraulic pack that drove the panel which was the brains behind pump; and then they would put it out for a general contractor to build. Mr. Catlow described a memorandum to Facilities Manager William G. Burke dated February 21, 2022 regarding “Wastewater Engineering Services Proposal – Schwing Pump Proprietary Procurement.” The Chairman indicated that the Commissioners did not have a copy of that in their binders.

Mr. Catlow ran down the four tasks in the proposal: Task 1 – Chapter 30B: Pre-Procurement of Schwing Pump, \$13,400; Task 2 – Final Design & General Bidding, \$9,600; Task 3 – Bidding Phase, \$4,400; and Task 4 – Construction Phase Services. \$14,100. The lump sum fee for the services amounted to \$41,500. Chairman Searle asked the Facilities Manager if the Department had the funds for this; Mr. Burke answered yes. There being no questions from the other members of the Board, Commissioner Ellis made a **motion to approve the Tighe & Bond Wastewater Engineering Services Proposal for the Schwing Pump Proprietary Procurement in the amount of \$41,500**. Commissioner Morrison provided a second, and the motion carried unanimously by voice and show of hands.

Mr. Catlow turned to the **contract in the amount of \$541,199 awarded to Fall River Electrical Associates Co. for the SCADA System Upgrade Project**. The contract had been approved by the Board in October, and the project was now in fabrication; installation should start the second week of April. At the Facilities Manager’s request, T&B had put in for three “discretionary” change orders with Fall River Electrical, totaling \$126,236.54: Change Order No. 1 – at \$90,733.06 – for the installation of Dissolved Oxygen, pH and ORP probes by YSI Instrumentation; Change Order No. 2 – at \$10,989.33 – for a Float Control Backup at the Dock Street Station; and Change Order No. 3 – at \$24,275.15 – for Human-Machine Interface (HMI) at each of the remote pump stations.

Regarding CO No. 1, Mr. Burke stressed that in light of the upcoming Comprehensive Wastewater Management Plan, the Plant should gather as much data as possible so engineers in the future would know exactly the Plant's capacity, operation features, and so forth. The fact was, the Town really did not know what it had for a Plant. Department Assistant Jennifer Smyth, who is also the Town's Procurement Officer, asked Mr. Burke if the probes referred to were the same as some \$35,000 probes he and she had discussed at an earlier point; Mr. Burke answered no. Mr. Burke continued, CO No. 2 would allow the Dock Street Station to run even if the control panel were hit by a lightning strike; and CO No. 3 would permit the Operators to run the stations manually at their remote locations without using a laptop, the Plant computer or radio communication. He described the latter two COs as "belt and suspenders approaches."

Commissioner Morrison made a **motion to approve CO No. 2 – for a Float Control Backup at the Dock Street Station – to the Fall River Electrical Associates Co. contract for the SCADA System Upgrade Project.** Commissioner Ellis wondered whether a vote should wait until Ms. Smyth had had a chance to look at the paperwork; she seemed to have some questions. After Mr. Burke stressed the urgency of moving forward with the project, Commissioner Ellis offered a second, and the motion carried unanimously by voice and show of hands.

Commissioner Ellis made a motion to approve **CO No. 1 – for YSI Instrumentation – to the Fall River Electrical Associates Co. contract for the SCADA System Upgrade Project.** Commissioner Morrison provided a second, and the motion carried unanimously by voice and show of hands. Commissioner Morrison made a motion to approve **CO No. 3 – for Human-Machine Interface Panels at the Remote Stations – to the Fall River Electrical Associates Co. contract for the SCADA System Upgrade Project.** Commissioner Ellis provided a second, and the motion carried unanimously by voice and show of hands.

Lastly, Mr. Catlow reported that the 2022 Draft State Revolving Fund Intended Use Plans for projects proposed for financing through the Clean Water and Drinking Water SRF Programs had been issued. The Department, through T&B, had applied for funds for the Comprehensive Wastewater Management Plan, as well as for an Asset Management Study. The CWMP had been awarded a low- or no-interest loan of \$491,000 through the program, and the Asset Management Program had awarded the Town a project with a value of \$162,500; of that, \$97,500 was slated to be in the form of a grant. Now they were left with reconciling the two scopes of work for the purpose of maximizing the grant funding, developing a dollar value that would go to Town Meeting in April. The final ratio of grant-to-loan funding was still unsettled.

#### **NEW BUSINESS:**

#### **REQUEST FOR TIE-IN: 5 NICKEL LANE (RIGHTS FROM DARK WOODS ASSOC.).**

Jena-Lynn Beauregard, co-owner with husband Julian G. Pepper of 5 Nickel Lane (21-32.22), said her property abutted Mariner's Circle, which was part of the Dark Woods wastewater infrastructure plan. Clifford B. Meehan, head of the Dark Woods Association, had informed them that the owners of the Dark Hollow Lane lots, which qualified to tie in, did not in fact wish to tie in. So the capacity/pumps from those five lots was available, and Ms. Beauregard and Mr. Pepper were hoping to tie in. The Chairman asked how far 5 Nickel Lane was from the Dark Woods sewer main. Thirty to fifty yards, Ms. Beauregard estimated.

Commissioner Morrison noted that in this case the applicants were waiting for permission from Mass DEP to rule on their request to take on the capacity/pump of another property owner. He suggested the Board could vote to approve pending the Mass DEP approval of the request to take on the capacity/pump of the other property owner. Looking at the site map, he said, the lot seemed to be part of the Mariner's Circle cul-de-sac. Mr. Burke remarked that pending Mass DEP approval, the applicants were ready to go. Commissioner Ellis made **a motion to approve the tie-in to the wastewater system of 5 Nickel Lane pending written approval from Mass DEP**, seconded by Commissioner Morrison. The motion carried unanimously by voice and show of hands.

**REQUEST FOR CHANGE OF USE: 15 CHURCH ST, MV SALADS.**

Susanna Herlitz-Ferguson, owner of MV Salads in Oak Bluffs, related that she had an accepted offer on 15 Church Street (20D-120), a small space that had been a real estate office which she would like to use for retail. In her discussion with the Facilities Manager, Mr. Burke had not seen any flow issues. Commissioner Ellis confirmed with the applicant that nothing would be prepared onsite. No, she'd sell just her own branded merchandise, like the bottled dressing, plus products from other Island businesses like MV Sea Salt, MV Candles, that kind of thing. Commissioner Morrison verified with the applicant that customers would not be eating at the facility. Commissioner Ellis asked if the public would be using the restroom onsite. No, answered Ms. Herlitz-Ferguson. She added that the site would need two staff on duty at the most. Also, she assured the Chairman that the front window would be left intact. Commissioner Morrison made **a motion for the change of use at 15 Church Street as presented by the applicant**, seconded by Commissioner Ellis. The motion carried unanimously by voice and show of hands.

**REQUEST FOR TIE-IN: 260 EDGARTOWN VH ROAD, SANTANDER BANK.**

Sascha Wlodyka, Santander Bank Estate Manager for the Island, explained that in preparing for a full external reset for the 260 Edgartown-Vineyard Haven Road branch (21-34.222), she had learned that the septic system dated back to 1988. With the tanks directly under the parking lot in front of the building and the pits in front of the drive-through and the raised parking behind it, any future repairs would make the entire parking lot unusable. No bathrooms would be added, she said, replying to a query from Chairman Searle. **The tie-in would come directly from the Edgartown-Vineyard Haven Road**, said Jennifer Smyth, responding to another question from the Chairman. Would this tie-in raise concerns with the limits set pending the CWMP? asked Commissioner Morrison. No, said Mr. Burke, he believed the State would pretty much demand that the bank tie in. Commissioner Ellis made **a motion to approve the tie-in of the Santander Bank branch at 260 Edgartown-Vineyard Haven Road**, seconded by Commissioner Morrison. The motion carried unanimously by voice and show of hands.

**REQUEST FOR TIE-IN: 55 COTTAGE STREET.**

Thalysson Ribeiro of JR Construction described 55 Cottage Street (20B-86.1) as being on the corner of Cottage Street and Pease's Point Way North. Currently a three-bedroom house, the owners wished to upgrade it to four. On the Pease's Point side was a pressure line; on Cottage

Street was a gravity line. The owners, said Mr. Ribeiro, were hoping to tie into the latter. Department Assistant Smyth related that Chief Operator Rock had confirmed the presence of the gravity line and had deemed it the better choice, with capacity available. Asked if this would be a full renovation, Mr. Ribeiro said there would be a demolition, followed by new construction. The lot was not in the B-1 Business District. The Chairman thought that the Board should be able to study the plans before coming to the decision and that they should postpone their deliberations until the March meeting, after they had had a chance to study the building plans. The Chairman then made **a motion to postpone the discussion of the 55 Cottage Street tie-in until the March Regular Meeting**, seconded by Commissioner Ellis. The motion carried unanimously by voice and show of hands.

**REQUEST TO SHIFT SEATS OUTSIDE: DÉTENTE, 15 WINTER STREET, UNIT 3.**

Suzanna Crowell related that originally she and husband Kevin had planned to appear before the Zoning Board of Appeals to request additional restaurant seating, leasing the space to do so outdoors. When she had learned that she could not apply for additional wastewater flow in the B-1 Business District at this time, she had changed the request to moving 22 of their total of 56 seats to the patio and courtyard areas they wanted to lease, leaving 34 seats inside. Chairman Searle noted that the Town Administrator had announced the end of outdoor seating. Ms. Crowell clarified that this outdoor seating would be on leased private property, not public property. Commissioner Morrison acknowledged the difference; nonetheless, he believed the Board should wait until the CWMP had provided them with some guidance. The Commissioners **agreed to add Détenente to the applicants on the To Be Continued list.**

**REQUEST FOR TIE-IN: DIVISION ROAD SUBDIVISION.**

Douglas R. Hoehn of Schofield, Barbini & Hoehn explained that he was before the Board to revise the sewer plan that had been approved earlier.<sup>1</sup> Danny Rogers had installed the first part of the three-inch sewer line from the Meshacket Road Station down Division Road to the southwest side of the five Boston Equity lots, including the stubs to those lots (28-46.1, 46.12-15). Meanwhile, the Meeting House Place Subdivision had been denied by the MVC and was being appealed. If the separate five-lot subdivision along Division Road wished to proceed, however, a second, two-inch line would have to be installed right next to the three-inch line for the length of those lots, since the latter line was too large to service that small a development.

Chairman Searle confirmed with Mr. Hoehn that this subdivision was completely separate from the property involved in the lawsuit. The Chairman also asked about the size of the lots; all measured more than an acre. The Facilities Manager stated that the proposal was fine for the five properties, that the engineering was adequate. Asked by Mr. Burke to comment on phone correspondence about this particular development, Admin Assistant Webster said that the first call had come in about a year and half before, from broker Michèle Casavant. With every call, she stressed, the office staff told the broker on the line that these lots on Division Road had not been approved by the Waste Water Commission, that the vote by the Board had been for a 50-lot

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<sup>1</sup> *The last iteration of the so-called 139 Meetinghouse Way Subdivision approved by the Board was in the Regular Meeting of February 15, 2018. See pages 1-2 of the minutes.*

subdivision in two stages, with a 37-lot subdivision followed by a 13-lot subdivision. Further, said the Admin Assistant, all inquirers were told that for any plans that differed in any way from the plan approved by the February 15, 2018 decision, the applicant would have to return to the Board for approval.<sup>2</sup> Mr. Hoehn said that when he had found this out a couple of months earlier, it was total news to him.

Commissioner Morrison said he was fine with approving the separate two-inch line. Then he made a **motion to approve the two-inch line for the five-lot subdivision along Division Road as presented**. Commissioner Ellis offered a second, and the motion carried unanimously by voice and show of hand. The individual lot owners would now have to apply to the Department for sewer permits.

#### **OTHER BUSINESS:**

#### **DISCUSS/VOTE: FINES FOR NONCOMPLIANCE WITH COMMISSION DECISIONS.**

Commissioner Morrison said he had raised this subject because it did not seem as if there were any consequences for not abiding by, for instance, the Bedroom Regulation or the number of restaurant seats allowed. In fact, a meeting the previous day of five Town departments had pointed to the discrepancies from department to department in seating capacity data. After some discussion, the Board concluded that consultation with Town Counsel was in order, to see if fines for noncompliance were enforceable. Mr. Burke pointed out that the State restricted the amount of the fines that could be levied on noncompliant parties. Commissioner Morrison suggested that staff look at how other, comparable towns approached these issues. Chairman Searle suggested looking at Plymouth and Falmouth. The Facilities Manager offered to check around. The Chairman **moved to put the issue of fines for noncompliance with Commission decisions on hold until the Board had heard from Town Counsel and Mr. Burke had gathered information from other towns and boards**. Commissioner Morrison provided a second, and the motion carried unanimously by voice and show of hand.

#### **CHIEF OPERATOR'S & FACILITIES MANAGER'S REPORTS.**

The Facilities Manager reported that the Plant was in compliance with its DEP permit in December and January; any hiccups in operation had been handled; the late-January snowstorm had been dealt with; and a couple of problems with backup generators had been addressed. Mr. Burke continued to work with the Cape Light Compact on the wasting pumps and the primary sludge pumps; and the contractor who would install those pumps had been at the Plant that day. That contractor would also work on the odor control system fans.

#### **FINANCIAL REPORTS.**

Admin Assistant Webster pointed to a report titled "Sewer Billing Revenue FY13 – FY22," noting they had gained 993 OTDs in the latest billing, 34 new sewer accounts, and with no rate change, a 4.8% increase in Sewer User Revenue, growing from \$1,546,142.29 to \$1,620,810.50

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<sup>2</sup> *Ibid.*, page 2. The motion for the Board's decision was "to accept the proposal to allot 37 pumps to the 139 Meetinghouse Way parcel and 13 pumps to the 119 Meetinghouse Way parcel, to be tied by easement to Meshacket Road through the parcel labeled Map 28 Lot 240 and then into the Department's Meshacket Road Substation."

(estimate after future abatements). The surfeit in the Operating Budget continued to swell, with \$88,524.00 underspent in Salaries & Wages and \$95,124.00 underspent in the Expenditures portion. Mrs. Webster wondered when staff would be receiving – or if they had already received – the final invoice from Robert B. Our Company for the Chase Road & Dunham Road Station Upgrades Project.

**APPROVAL OF MINUTES.**

Commissioner Ellis moved to approve the **Minutes of the Regular Meeting of January 20, 2022**, seconded by Commissioner Morrison. The motion carried unanimously by show of hand and by voice. Next, Commissioner Ellis made a motion to approve the **Minutes of the Special Meeting of February 3, 2022**, seconded by Commissioner Morrison. The motion carried unanimously by show of hand and by voice. Lastly, Commissioner Ellis moved to approve the **Minutes of the Special Meeting of February 16, 2022**, seconded by Chairman Searle. The motion carried by show of hand and by voice, with Commissioners Searle and Ellis voting aye and Commissioner Morrison abstaining because he had not attended that meeting.

**ADJOURNMENT**

There being no further business, Commissioner Ellis 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 4:12 p.m.

Respectfully submitted,

Pia Webster  
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS  
TOWN OF EDGARTOWN

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Glen S. Searle, Chairman

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Scott Ellis, Commissioner

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Walter A. Morrison, Commissioner