

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF APRIL 28, 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:

Ms. Jennifer Smyth, Department Assistant, Meeting Host
Mrs. Pia Webster, Administrative Assistant

OTHERS PRESENT:

Mr. Ian B. Catlow, PE, Vice President, Tighe & Bond
Mr. Daniel O. Roop, PE, Project Engineer, Tighe & Bond
Mr. Alexander Serge, 23 Oliver Street
Ms. Marilyn H. Vukota, Esq., McCarron, Murphy & Vukota, LLP

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, April 28, 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.

APPOINTMENT OF COMMISSION CHAIRMAN FOR ONE YEAR.

Commissioner Morrison made a **motion that Glen S. Searle continue as Chairman of the Commission for the next year**, with Commissioner Ellis offering a second. The motion carried unanimously by voice and show of hands.

OLD BUSINESS:

REPORT: IAN B. CATLOW & DANIEL O. ROOP – PROGRESS OF CIP PROJECTS.

A. Discuss/Vote: Accept RFP for Sludge Pump Hydraulic Power Unit & Control Panel.

Daniel O. Roop, PE, Project Engineer at Tighe & Bond, went over the two-step process entailed in the Advertisement for Request for Proposals for the Hydraulic Power Unit and Control Panel. T&B had been working with Procurement Officer Jennifer Smyth, as well as the State AG, in putting together the Chapter 30B Proprietary Pre-Procurement Package, he said. Commissioner Ellis made a **motion to accept the RFP for the Sludge Pump Hydraulic Power Unit & Control Panel**, seconded by Commissioner Morrison. The motion carried unanimously by voice and show of hands.

B. Discuss/Vote: Accept Advertisement for Bids for RIB Rehabilitation. Mr. Roop explained that the Rapid Infiltration Beds Rehabilitation Project procurement process was more traditional and that the project would be put directly out to bid, with a three- or four-week bid time and an optional site walk for contractors. Five hundred cubic yards or so of excavated material would be placed on the Treatment Facility campus and the rest at a site off Meshacket Road near the former landfill. Admin Assistant Webster read aloud a report from Chief Operator Joseph Rock, who had reviewed the RFP materials.

Responding to a question from Commissioner Ellis, Ian Catlow, PE, Vice President of Tighe & Bond, related that Samuel Taugher, also of T&B, had accompanied Highway Superintendent Allan DeBettencourt and Facilities Manager William Burke to the site off Meshacket Road where a portion of the material – about 500 cubic yards – would go; the rest would stay on the EWWTF campus, behind where the Old Septage Shed had been located.

Commissioner Ellis made a **motion to accept the Advertisement for Bids for the Rapid Infiltration Beds Rehabilitation Project**, seconded by Commissioner Morrison. The motion carried unanimously by voice and show of hands.

C. SCADA Project Update. Mr. Catlow reported that a crew from Fall River Electrical Associates had been on-Island, doing as much of the work as they could, putting in conduit and pulling conductors. But they had now fallen victim to supply-chain slow-ups: the PLCs going into the control panels would not arrive until mid-summer.

D. Chase Road & Dunham Road Pump Stations Upgrade. A couple of items had still been outstanding: painting some gas piping at the Dunham Road Station and providing a handrail at the Chase Road Station. The painting had been done, and Facilities Manager Burke had elected to take a credit on the handrail. So Mr. Taugher had worked out a Balancing Change Order for closing out that contract with Robert B. Our Co.

NEW BUSINESS:

**DISCUSSION: EXCEEDANCE OF A PARCEL'S ASSIGNED
BEDROOM LIMIT AT THE FIELD CLUB.**

Attorney Marilyn H. Vukota, representing The Field Club, introduced herself. Admin Assistant Webster related that the owners of 21 Bankers Way, Scott and Caroline Wallach, who had been expected, would not be able to attend. Ms. Vukota said that The Field Club had not known anything about the assigned bedroom limits. They knew about the 110-bedroom limit, said the Chairman. But The Field Club did not go around counting the bedrooms of the houses in the development, said Ms. Vukota. The permit, she stressed, was issued to the Town, not to The Field Club, though obviously the club had an interest in any notice of noncompliance.

Chairman Searle confirmed with Department Assistant Jennifer Smyth that the previous owner had not obtained a Permit from the Building Department when the renovation that put the count over the limit had been done. Ms. Smyth emphasized that the current owners, the Scotts, were not the people who had finished the room in question. When mention was made of reducing the number of bedrooms allowed on a lot currently unbuilt, Ms. Vukota pointed out that all of the lots had been sold; so The Field Club did not own any empty lots.

Commissioner Morrison thought that in looking at the second-floor plan – in view of the full bathroom and the fact it was a mirror image of the bedroom on the other side of the house – what was an office today was no doubt going to be a bedroom at some point. Overall, The Field Club was not in violation yet, but only because all 25 lots were not developed, he said. Commissioner Ellis floated the idea of telling the owner of two of the empty lots in the development that he would be short an assigned bedroom until this matter had been resolved.

Chairman Searle wanted to know what was over the garage. Ms. Smyth described the area over the garage as having privacy, with a door at the bottom of the stairs opening into a big, open room upstairs and with a half bath and “a semi-garage, semi-play area” downstairs. The garage had been approved, she said, though the Department file had this space as unfinished storage. The Building Department had plans for this area as being a finished space. Returning to the second-floor, main-house office, Ms. Smyth said it was mirror-image to a corresponding second-floor bedroom except it had no closet; it was currently furnished with a couch and a desk.

When Commissioner Morrison spoke of returning the second-floor garage space to being unfinished, Ms. Smyth said that she was checking with Building Inspector Reade Milne regarding the statute of limitations on Ms. Milne's ability to force an owner to undo unpermitted work. Commissioner Morrison then introduced the idea of The Field Club petitioning to alter the number of bedrooms allowed on the Groundwater Discharge Permit. But that permit was issued to the Town, not to The Field Club, Ms. Vukota pointed out. Furthermore, she did not think an amendment of the Groundwater Discharge Permit was necessary and that a simple Deed Restriction – a practice that had been used in the past – might serve the purpose.

The discussion continued. Ms. Smyth mentioned that just days ago she had done a drain count at a different property at The Field Club where more bedrooms than had been allotted had been built. Before there was talk of amending the Groundwater Discharge Permit, it seemed to her that a full bedroom count at all 25 lots was in order. Ms. Vukota said she did not think that The

Field Club in general was going to instruct its homeowners to allow counts of their bedrooms. So this should just be handled on a case-by-case basis for now and the Town should issue to the owners of 21 Bankers Way an order to decommission a bedroom or record a Deed Restriction. Commissioner Ellis suggested that the matter be put on hold until they had heard back from the Building Inspector. The Chairman then made **a motion to continue the discussion of the exceedance of a parcel's assigned bedroom limit at The Field Club until the May Regular Meeting.** Commissioner Ellis offered a second, and the motion carried unanimously by voice and show of hands.

REQUEST FOR TIE-IN: 23 OLIVER STREET, ALEXANDER SERGE.

Alexander Serge, owner of 23 Oliver Street (20C-4.21), said he was seeking to tie his property into the sewer system. The Commissioners referred to the Sewer Connection Review by Joseph Rock, wherein he wrote that "the customer would have to either connect to the terminal manhole directly or alternatively the owner could request an easement to connect to the Ashley Inn lateral." After a brief discussion, Commissioner Morrison said he would leave up it to Mr. Rock to decide what the better solution was. Department Assistant Smyth explained that the direct manhole connection was the better choice if there were not already too many penetrations there. But Mr. Rock, she said, had been unable to look in the manhole because a truck had been parked directly over it at the time he had been examining the sewer layout near 23 Oliver Street.

Chairman Searle suggested that Mr. Serge talk to the owner of the Ashley Inn about obtaining an easement so that he could tie in to the latter's lateral. When Mr. Rock returned to the Island, he could check the manhole to see if a direct connection there was possible. Then Mr. Serge would come back before the Board in May to wrap up the matter. The Chairman made **a motion to continue the 23 Oliver Street tie-in matter to the May Regular Meeting, with Mr. Serge obtaining an easement from Fred Hurley of the Ashley Inn in the meantime.** Commissioner Ellis offered a second, and the motion carried unanimously by voice and show of hands.

OTHER BUSINESS:

REPORT/DISCUSS/VOTE: FY22 SEWER USER CHARGES ABATEMENT NO. 3.

Admin Assistant Webster provided background on six FY22 Sewer User Charges Abatement Requests. The following motions were made by Chairman Searle, seconded by Commissioner Ellis and carried unanimously by voice and show of hand: 1. to abate off the entire FY22 sewer bill of \$684.00 for Acct No. S0174 (15 Simpsons Ln); the entire FY22 sewer bill of \$608.00 for Acct No S0333 (21 Oliver St); and the entire FY22 sewer bill of \$152.00 for Acct No. S0688 (40 Main St); 2. to abate off the cost of one drain – \$76.00 – from the FY22 Sewer User Bill for Acct No. S1363 (86 Marthas Rd); 3. to deny Bradley Jensen's abatement request (43 Peases Point Way S) because water service had not been terminated for 365 consecutive day; and further, to encourage Mr. Jensen to reapply for an abatement in FY23 if the account was eligible at that point; and 4. to deny Andreas Kertesz's abatement request (56 No Summer St) because water service had not been terminated for 365 consecutive day; and further, to encourage Mr. Kertesz to reapply for an abatement in FY23 if the account was eligible at that point.

FINANCIAL REPORTS.

Admin Assistant Webster reported that the Department was up to Annual Sewer User Charges Collections of 86.7 percent. Mrs. Webster stressed that it was high time to organize the spending of the \$149,000 surplus in the Expenditures section of the Operating Budget. Moving to the Capital Accounts, the Admin Assistant pointed out that the Department had begun to spend funds on the Xylem/YSI Probe; what remained unchanged was the amount – \$602,834.74 – in Capital Funds uncommitted to any particular project. Lastly, she noted that funds had begun to be spent out of the ATM17 Pump Alarm Account on the SCADA System Upgrade Project.

APPROVAL OF MINUTES.

On a motion by Commissioner Ellis, seconded by Commissioner Morrison, the **Minutes of the Regular Meeting of February 24, 2022** were approved unanimously by show of hand and by voice. On a motion by Commissioner Ellis, seconded by the Chairman, the **Minutes of the Regular Meeting of March 17, 2022** were approved unanimously by show of hand and voice.

ADJOURNMENT

There being no further business, Chairman Searle made a motion to adjourn the Regular Meeting, which Commissioner Ellis seconded. The motion carried unanimously by show of hand and voice vote. The Regular Meeting adjourned at 3:44 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