



TOWN OF EDGARTOWN

WASTE WATER DEPARTMENT
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TOWN OF EDGARTOWN BOARD OF WASTE WATER COMMISSIONERS

MINUTES OF THE REGULAR MEETING OF MAY 26, 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
Mr. Joseph Rock, Chief Operator, Meeting Host
Mrs. Pia Webster, Administrative Assistant

OTHER EDGARTOWN EMPLOYEE PRESENT:

Mr. James M. Hagerty, Town Administrator

OTHERS PRESENT:

Mr. David Bouck, Watershed Outreach Manager, Great Pond Foundation
Mr. Ian B. Catlow, PE, Vice President, Tighe & Bond
Mr. Edward Olivier, CFO, Martha's Vineyard Hospital
Mr. Edward L. Pesce, PE, Pesce Engineering & Associates, Inc.
Mr. Daniel O. Roop, PE, Project Engineer, Tighe & Bond
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, May 26, 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.

ANNOUNCEMENT RE: IN-PERSON MEETINGS.

Chairman Searle said that beginning with the next Regular Meeting – on Thursday, June 23, 2022, at 3 p.m. – the Board of Waste Water Commissioners would meet in person in the first-floor meeting room at the Edgartown Public Library.

OLD BUSINESS:

REPORT: IAN B. CATLOW & DANIEL O. ROOP – CAPITAL PROJECTS.

A. Ian B. Catlow, Vice President at Tighe & Bond (T&B), reported on the **Pre-Bid Meeting for the Rapid Infiltration Beds Rehabilitation Project** conducted onsite earlier that day, with two contractors in attendance.

B. Also earlier that day, Mr. Catlow said, **bid opening took place for the Chapter 30B Proprietary Pre-Procurement Phase of the Schwing Pump Project**. Only a single bid had been received, but it was exactly the piece that they wanted.

C. Chase Road & Dunham Road Pump Station Upgrades Change Order No. 4. Mr. Catlow went over the details of the change order, the total value of which came to \$1,413.72, bringing the total price of Contract WW-21-2 to \$1,500,643.95. Change Order No. 4, he said, would close out the project. There being no questions or comments, Commissioner Ellis made a **motion to approve Change Order No. 4 to Contract WW-21-2 in the amount of \$1,413.72**. Commissioner Morrison provided a second, and the motion carried unanimously by voice and show of hand.

D. Engineering Services – Edgartown Wastewater Asset Management Planning Project. Mr. Catlow related how the year before, Tighe & Bond had prepared two applications to the State Revolving Fund (SRF) and had submitted them on the Town’s behalf. The one they were discussing dealt with the Asset Management Program (AMP), which the State ran through its Revolving Fund Program. T&B had split up the scope of the Comprehensive Wastewater Management Plan (CWMP) into the AMP and the CWMP because the Asset Management dealt with a lot of condition assessment work that had to be done for the CWMP as well.

Daniel O. Roop, Tighe & Bond Project Engineer, related that the project cost included Edgartown in-kind services of \$32,500; grants amounting to \$97,500; and Edgartown cash contributions of \$32,500, for a total of \$162,500.

Facilities Manager William G. Burke characterized the package worked out by Tighe & Bond as “a great deal.” Town Administrator James M. Hagerty wanted to know if the Asset Management Plan was inclusive of the Comprehensive Wastewater Management Plan. Mr. Catlow replied that the CWMP ultimately wrapped in everything that would be learned through the Asset Management Program. Although there would be two different Engineering Services contracts,

everything learned would get incorporated into the CWMP. And what funding source were they using for the Asset Management Program? asked Mr. Hagerty. The remaining CIP money from the April 2018 Annual Town Meeting (ATM), said Mr. Burke. And what was the bottom line they were looking at for both projects, not including any State funding? asked Mr. Hagerty. The CWMP scope was down to \$448,900, said Mr. Catlow, and the net cost to the Town of the AMP would be \$32,500, for a total of \$481,400.

So would it not make sense to use the 2022 ATM appropriation of \$491,000 to pay for the AMP and CWMP rather than use the Capital Improvement Program funds from 2018 to pay for the AMP? proposed Mr. Hagerty. It would allow for more flexible use of the latter funds, he said. Mr. Burke said he would prefer that. This would be something that would have to be checked with the Town Accountant, to be sure that Warrant Article 70 had been written in such a way that it could accommodate the funding of the AMP. Then the Board could have a one-item-agenda Special Meeting to vote on the AMP and CWMP Engineering Services contracts.

Mr. Roop pointed out that DEP would need total project cost appropriation of funds, that is, the cost before any reimbursement from grants. So they would need to indicate both the \$491,000 from Article 70, as well as funds from Article 71 ATM 2018. Mr. Catlow agreed, that this was “a cash-flow situation.” Mr. Catlow then answered some questions about the State Revolving Fund loan program.

The discussion continued. Mr. Catlow suggested a conference call, including himself, Mr. Hagerty, Mr. Burke, the Town Accountant and a representative from the State, to clarify what needed to be provided by whom and when. Chairman Searle made a **motion to continue the discussion of the Asset Management Plan and the CWMP until June**, seconded by Commissioner Ellis. The motion carried unanimously by voice and show of hand.

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

Attorney Marilyn H. Vukota, representing The Field Club, was online. Chairman Searle quoted from an email written by William Venio, MV Commission Senior Planner, as follows: “If the Field Club, or lot owners in the development, wish to alter conditions of the project’s DRI approval as recorded in the Registry of Deeds, the proponent will have to request the MVC modify its DRI decision. The MVC is available to discuss with them the procedure for such modification.” Ms. Vukota stated she did not believe that the MVC decision addressed the number of bedrooms, only the matter of wastewater service.

Commissioner Morrison wanted to know if the owners of 21 Bankers Way – the house where the bedroom limit had been exceeded – were present. No, they weren’t, said the Admin Assistant. Chairman Searle said that the issue was, they were allowed four bedrooms and they did six; and two of them were without permits. Ms. Vukota wished to make absolutely clear that The Field Club did not own the property upon which the violations occurred. Further, The Field Club had not created the violations, nor did it have any enforcement authority whatever over the bedroom count. As best as she could tell, there were four undeveloped lots, and Ms. Vukota wondered if the 110 bedrooms allowed included those undeveloped lots. Yes, answered the Chairman. Ms.

Vukota asked if the 110-bedroom limit had been reached. Commissioner Morrison said that he did not think that it had been.

The discussion turned to the DEP Permit that included The Field Club development and the amount of wastewater flow allocated to it. Facilities Manager Burke pointed out that the 110-bedroom limit had held steady, although the number of bedrooms assigned to individual lots had shifted at one point. But the Town had acted in good faith, he said, after The Field Club negotiated the 110-bedroom limit with the MVC, and the Town had used that limit when applying for its Sewer System Extension Permit in 2007 and entering into an agreement with the DEP.

Mr. Veno from the MV Commission stated that there was a fair amount of history surrounding this matter and that The Field Club owners had been very deliberate in trying to maintain the number of bedrooms they could have for the site. They had returned to the MVC for a modification of the original decision, taking the bedrooms from the seven lots in the center of the site that became the recreation center and reallocating those bedrooms to the remaining residential lots. But the key was that the 110-bedroom limit was the cap within which they were working.

The last MVC decision regarding the number of bedrooms, continued Mr. Veno, was that there would be four or five bedrooms per lot, and it was not up to the MVC or the Town to dictate which lots were to get which bedrooms; it was up to the developer. So that was where the MVC's involvement with the bedroom limit ended. Ms. Vukota inquired if the 110-bedroom restriction was in the MVC decision. I believe it is, said Mr. Veno, adding that it was also part of the applicant's presentation.

Ms. Vukota reiterated that The Field Club no longer owned any of the lots. Further, she had gone through all of the deeds and found that, except for Lots 21 through 26, the deeds stated specifically how many bedrooms were allowed. Moreover, there were discrepancies in the deeds for Lots 7 and 19.

Admin Assistant Webster explained that the late attorney Sean E. Murphy had made the changes to the bedroom allotments after the modification of the original MVC decision referred to by Mr. Veno; but the original deeds were produced before that reorganization; thus, the discrepancies. At the end of the day, said Ms. Vukota, since four of the lots were undeveloped and each of those lots were allotted five bedrooms, as of today The Field Club development was not in violation of the 110-bedroom limit.

Town Administrator Hagerty said it was paramount that everyone get on the same page. He requested that Department send a synopsis of the Waste Water Commission's policy, as well as supporting documents, that he would send to Town Counsel. Then this matter could be handled in a more coherent way rather than the fragmented way it was being approached now. Chairman Searle agreed, as did Ms. Vukota, who had one more point to make. The DEP Permit that included The Field Club development had also included Island Grove, Road to the Plains, Llewellyn Way and the Meshacket Road Affordable Housing Project. And since she did not think all of this capacity had been used, there was no DEP violation at this time. The discussion continued.

Commissioner Morrison agreed that the involvement of Town Counsel was a good plan. But of more immediate concern to him was 21 Bankers Way and getting the owners of this property

before the Commission. Mr. Burke pointed out that the current homeowners bought the property as is and that the work had been done by the previous owner. Commissioner Morrison made a **motion to notify Town Counsel as recommended by the Town Administrator and, if appropriate, notify the owners of 21 Bankers Way.** Commissioner Ellis provided a second, and the motion carried unanimously by show of hand and voice.

UPDATE: THE GREEN HOME PROJECT, 490 EDGARTOWN-VH RD.

Mr. Edward L. Pesce of Pesce Engineering & Associates, Inc., representing Martha's Vineyard Hospital and Navigator Homes of Martha's Vineyard, referred to the "Original Site Plan Layout" of the Green Home Project from 2021 and described the design guidance received from the Planning Board on changing the layout of the site. The original plan had a center core loop of five buildings, plus three workforce apartment buildings off to the east and some duplex housing at the front of the site.

Responding to input from the Planning Board, the second concept ("Revised Site Plan Layout") was a more linear plan, with the three workforce apartment buildings at the rear of the site and the duplex units located along a more linear, streetscape path at the front. All of the buildings now had a greater separation from Teaberry Lane. The third site plan ("Overall Lotting Plan") showed the splitting of the site into two lots, in order to comply with USDA financing for the Green House Homes assisted living facility in the center of the plan.

Because the Windemere facility was closing and the Green Home Project had to move forward, Mr. Pesce continued, the team was looking at onsite septic options using a denitrifying system for the Green House Homes. Nonetheless, tying in to the Town sewer system was still the number one preference, he said. Mr. Pesce also mentioned the passing of Navigator Homes CEO Renee Lohman, who had been replaced with David McDonough. Finally, Mr. Pesce pointed out that with the five Green House Homes almost certainly going with the septic option, only the wastewater flow for the 76 workforce bedrooms – or 8,360 gallons per day – would need to be treated by the sewer system.

Commissioner Morrison wanted to know if the Morgan Woods and Vineyard Golf Club Pump Stations would still need to be upgraded, even with the reduction in wastewater flow into the system. Mr. Catlow of Tighe & Bond answered yes. If the Green House Homes discharged to a septic system and later the workforce housing was tied in to sewer, asked Mr. Burke, would Navigator then tie in the Green House Homes to sewer? Having spent all that money on a denitrification system, said Mr. Pesce, that would probably not be the case.

Mr. Catlow wondered if Mr. Pesce had spoken to anyone at DEP about the new concept of dividing the site into two lots. He noted that on private jobs he had done in the past, he had run into issues of segmentation. If the hospital and Navigator were going through MEPA or the MVC on this project, there were similar segmentation criteria. He did not know, said Mr. Catlow, if dividing the lot would relieve the developers in DEP's eyes from addressing the whole site under one wastewater solution. Mr. Pesce said that his team had consulted with an environmental lawyer on this matter and that he did not feel this would be an issue. It was agreed **Mr. Pesce would report again to the Board in July.**

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

Chief Operator Joseph Rock related that he had opened up the manhole near 23 Oliver Street to discover no other penetrations into the manhole, making this an excellent place for owner Alexander Serge to connect. Until Mr. Serge got a contractor, though, it would not be known whether he would be able to get grade to achieve a gravity connection or would have to buy a pump instead. Mr. Burke reported that he and Mr. Rock had visited the site with Mr. Serge. He was not concerned, he said, that Mr. Serge was not present today or that they did not know at this point whether or not a pump would be needed; he was confident the installer, Keith Fenner, would do the job properly. Commissioner Morrison made a **motion to approve the tie-in of 23 Oliver Street**, seconded by Commissioner Ellis. The motion carried unanimously by show of hands and voice.

NEW BUSINESS:

REPORT: CONSIDERATION OF FY23 SEWER USER CHARGE RATES.

Admin Assistant Webster referred those present to the reports titled “Sewer Billing Revenue FY13 – FY22” and “Projected FY23 Sewer Billing Revenues Under Various OTD Rates,” the latter assuming growth to 20,950 OTDs and considering projected revenue under per-drain rates of \$76, \$77, \$78, \$79 and \$80. The current rate was \$76 per drain, last raised three years earlier from \$74 per drain. Chairman Searle said that, personally, he would be happy with a rate of \$79 per drain. Commissioners Ellis and Morrison agreed. Chairman Searle then made a **motion to raise the OTD rate for FY23 to \$79 per drain**, seconded by Commissioner Ellis. The motion carried unanimously by show of hand and voice.

Facilities Manager Burke recommended that the Board consider – in view of the CWMP and the expansion of the Plant and Collection System – exploring both the value and disadvantages of operating as an Enterprise Fund. Town Accountant Amy Tierney had mentioned the possibility to Mr. Burke several times. Mr. Roop of Tighe & Bond noted that part of the Asset Management Plan was a line item and a task for looking at the Department’s rates. So T&B’s team would be working with the Admin Assistant, looking at different potentials and different rate models, including the Enterprise Fund. The Admin Assistant mentioned that a few years earlier – when the debt service payments were still high but the Septage Receiving Income was also still high – the Waste Water Department had, in fact, been able to cover all of its expenses, including health insurance premiums, debt service and so forth.

REPORT/DISCUSS/VOTE: FY22 SEWER USER CHARGES ABATEMENT NO. 4.

Admin Assistant Webster related that since Staff had learned last fall that its Hardship Exemption could not be offered by a public utility; and since the FY22 rates had already been set, this would be the last time such exemptions would be offered. She referred the Commissioners to the letter she had mailed to each past exemption recipient. Four annual sewer bills totaling \$2,128.00 were to be abated a total of \$1,928.00, leaving a fee of \$50.00 per customer. Commissioner Morrison made a **motion to approve FY22 Sewer User Charges Abatement No. 4**, as presented, seconded by Commissioner Ellis. The motion carried unanimously by show of hand and voice.

OTHER BUSINESS:

FACILITIES MANAGER'S ANNUAL PERFORMANCE EVALUATION.

The Board of Waste Water Commissioners conducted Mr. Burke's Annual Employee Performance Evaluation in open session. Chairman Searle filled out the form, item by item, with the Chairman and Commissioners Ellis and Morrison all offering comments, all of which were favorable.

FACILITIES MANAGER'S REPORT.

Mr. Burke reported on working with the Cape Cod Compact on some interior and exterior lighting; waiting for one more quote on the mini splits; raising up two of the Penn Valley pumps to the proper height so they could be serviced; losing Junior Operator Troy Vanderhoop and Department Assistant Jennifer Smyth; and needing to arrange with Town Accountant Tierney for five or six encumbrances of FY22 Operating Budget Funds.

CHIEF OPERATOR'S REPORT.

Mr. Rock reported on the April 2nd power loss at the Visitors Center caused by electrical work for the VTA charging station project. The problem got handled speedily, with no Sanitary Sewers Overflow report necessary. The bad news was that the Department had been notified of the problem by a phone call from someone sensitive to the bad odor; the proper alarms had not activated.

Mr. Rock also spoke of the new Quanti-Tray System, which provided fecal coliform counts in 18 hours instead of the older three-day tracking process. In addition, since Ms. Smyth's departure, he had been doing the Drain and Bedroom Counts. Lastly, he commended Pride Environmental & Construction Inc. for their work on the Belt Filter Press Fan, which had been running very quietly since they had fixed it.

FINANCIAL REPORTS.

Admin Assistant Webster reported that she would be sending out notices to the customers who had not as yet responded to the Department's two previous requests to arrange for OTD and Bedroom Count appointments. Collections of the Annual Sewer User Charges were excellent; Mrs. Webster remarked that Town Collector Melissa Kuehne would be sorely missed upon her retirement at the end of June. As of the May 23, 2022 posting, there was a surfeit of \$128,900 in Salaries & Wages and \$147,000 in Operating Budget Expenditures; she noted that the Expenditures surplus was beginning to shrink as spending had accelerated.

APPROVAL OF MINUTES.

On a motion by Commissioner Ellis, seconded by Commissioner Morrison, the **Minutes of the Regular Meeting of April 28, 2022** were approved 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 Ellis seconded. The motion carried unanimously by show of hand and voice vote. The Regular Meeting adjourned at 4:26 p.m.

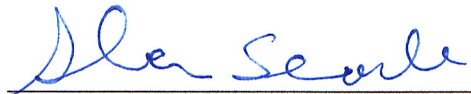
Respectfully submitted,



Pia Webster
Administrative Assistant

APPROVED:

BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN



Glen S. Searle, Chairman



Scott Ellis, Commissioner

Walter A. Morrison, Commissioner