

**TOWN OF EDGARTOWN
BOARD OF WASTE WATER COMMISSIONERS
MINUTES OF THE
REGULAR MEETING OF JUNE 20, 2024**

WASTE WATER COMMISSIONERS PRESENT:

Mr. Walter A. Morrison, Chairman
Mr. Scott Ellis, Commissioner
Mr. Glen S. Searle, Commissioner

EWWD STAFF PRESENT:

Mr. William G. Burke, Facilities Manager
Ms. Cristina Zghibarta, Department Assistant
Ms. Amber Medeiros, Administrative Assistant
Mr. Matthew Barton, Wastewater Operator

OTHERS PRESENT:

Mr. Daniel O. Roop, PE, Project Manager, Tighe & Bond
Mr. Ian B. Catlow, Vice-president, Tighe & Bond
Mr. Robbie Robinson, Contractor, Waterfront Builders Inc'
Mr. Roy Anderson, Attorney, representing 11 Field Club
Ms. Marilyn Vukota, attorney at McCarron Murphy & Vukota LLP
Mr. Igor Vukoje, Cozy Corner Cafe'
Mr. Edno Miller, Contractor, Millers Professionals Co'
Mr. Daniel Santangelo, homeowner of 105 Main St
Mr. Robert Moriarty, Attorney, representing, Port Hunter' Restaurant
Ms. Reade Milne, Building Inspector of Town of Edgartown
Mr. Matt Poole, Health Agent of Town of Edgartown
Mr. Kevin & Suzanna Crowell, representing, Détente' Restaurant
Mr. Scott Hannah & Bill Courtney, representing, The Seafood Shanty' Restaurant

MEETING CALLED TO ORDER:

The Board of Waste Water Commissioners of the Town of Edgartown held a Regular Meeting on Thursday, June 20, 2024, at 3:00 p.m. in the Selectmen's Meeting Room at the Edgartown Town Hall, 70 Main Street, Edgartown, Mass. At 3:00 p.m. Chairman Walter A. Morrison called the meeting to order. Also present from the Board were Waste Water Commissioner Scott Ellis; Commissioner Glen S. Searle.

OLD BUSINESS:

Update: CIP projects, Tighe & Bond – Dan Roop

Ian B. Catlow, Vice-president, Daniel Roop, Project Manager and the engineering team at Tighe & Bond, put in a lot of effort to finalize the Comprehensive Wastewater Management Plan and communicate the important factors of Wastewater increasing flow, sewer extension to the public for the future. Planning for infrastructure projects such as wastewater management is vital for the sustainable development of communities. This structured overview can help in understanding the project's objectives and contributions toward sustainable water management.

1. **Water Quality Goals:** ** Addressing Total Maximum Daily Load (TMDL) requirements.*
** Implementing Title 5 and MassDEP's Watershed Permit.*
** Protecting drinking water supplies.*
2. **Infrastructure Planning:** ** Evaluating existing systems.*
** Planning for future expansion and renewal.*
3. **Growth and Economic Considerations:** ** Long-term planning over a 20-year horizon.*
** Anticipating 15% population growth.*
** Supporting tourism, recreation, and a working waterfront.*
4. **Proposed Alternatives to Achieve TMDL:**
 - o **Enhanced Individual/Alternative Systems:** Acknowledging that watershed-wide use may not meet TMDL goals.
 - o **Sewer Extensions:**
 - *Proposed connections in Ocean Heights Sub-watershed.*
 - *Estimated capital costs: \$39,800,000 for 171 connections across 200 parcels; \$24,100,000 for 87 connections across 131 parcels.*
 - o **Permeable Reactive Barriers:**
 - *Costs approximately \$6,600,000.*
 - *Identified locations that may be insufficient to meet TMDL.*
5. **Site-Specific Investigations:**
 - o 22nd Street South Town Owned Parcel findings: Clean sand and gravel with groundwater depth over 60 feet.
 - o Average daily flow considerations of 150,000 GPD, with potential for further geotechnical investigations and permitting.
 - o Estimated capital cost of \$2,600,000 for well-related developments.
6. **Funding Options:**
 - o Cape Cod & Islands Water Protection Fund available for communities accepting a short-term rental tax (2.75% excise tax).
 - o Grants of 25% available, subject to being listed on the SRF Intended Use Plan.
 - o Can cover new projects or prior incurred debts, but requires "208 Consistency Review."

This plan aims to enhance water quality and infrastructure while considering growth and economic sustainability within the community's wastewater management strategy.

New Business:

Discuss/Vote: 105 Main St – Renovation permit request for the main house and new construction: garage.

Mr. Daniel Santangelo, homeowner of the property at 105 Main St, brought forth a request to the Board for Wastewater Department approval to proceed with the renovation of the Main house and the construction of a garage. Mr. Santangelo explained that the existing house was built back in 1983 and has been used as a 5/6-bedroom home. Mr. Santangelo mentioned that he had previously obtained a wastewater permit for a carriage house pool, and a pool house in 2013. However, he is now proposing a new set of plans for the main house, which includes five (5) bedrooms and a garage that doesn't require any wastewater flow. Wastewater employees William G. Burke and Joseph Rock conducted a site visit and determined that the property has six (6) bedrooms as defined in the Wastewater Rules and Regulations. After reviewing the plans and materials, Chairman Morrison and the Board suggested changes to meet the criteria set by the Wastewater Rules and Regulations. Mr. Morrison emphasized the need for the pool cabana to have a more transparent appearance, removing the expectation of privacy. Mr. Santangelo acknowledged the suggestions put forth by the Wastewater Board and agreed to present revised plans for the game room in the Main house at the next Agenda Meeting. Mr. Morrison proposed to postpone the discussion to the next Agenda Meeting and to review the new plans. Chairman Morrison made a **motion to postpone the item for further discussion during the next agenda meeting and to consider new plans for the main house, taking into account the need for a more transparent appearance for the pool cabana**, seconded by Commissioner Searle. Unanimously.

Discuss: Bedroom criteria among Town Departments

Ms. Reade Milne, Building Inspector of the Town of Edgartown appeared before the Board, to address the issue regarding the discrepancies in the interpretations of architectural house plans between the Wastewater Department and building standards. It became evident that there are variations in the criteria for defining a bedroom between the departments. Additionally, Mr. Matt Poole, the Health Agent of the Town of Edgartown, also expressed his perspective and encouraged homeowners to apply for deed restrictions on certain rooms that potentially exceed the allowable number of bedrooms for the property. Chairman Morrison, emphasized the increasing prominence of these issues and our commitment to finding solutions that serve the best interests of the town and community. While these situations present challenges, the Wastewater Department is dedicated to determining the appropriate number of bedrooms and rooms that wastewater flow is permitted. Wastewater Rules and Regulations are established for the specific purpose of preventing the exceeding of permitted bedroom occupancy.

Discuss/Vote: Détente, Seafood Shanty, Port Hunter Restaurants - Increase seating request

Mr. Scott Hannah and Mr. Bill Courtney, appeared before the Wastewater Commission, presenting a proposal to the Board seeking an increase in seating capacity for, 'The Seafood Shanty Restaurant'. Mr. Courtney provided detailed floor plans for the restaurant, including the interior and outdoor deck, and proposed an additional 155 seats, bringing the total occupancy to 435 seats. The Commission carefully examined the proposed seating allocation and verified that all life and fire safety requirements were met. After due consideration, Chairman Morrison made a **motion to approve the increased occupancy total of 435 seats for, 'The Seafood Shanty Restaurant'**, which was seconded by Commissioner Searle and

passed unanimously.

Mr. Kevin and Ms. Suzanna Crowell, appeared before the Board, on behalf of the 'Détente Restaurant', located at 15 Winter St Unit 3, to request an additional 33 seats to supplement the existing 45 seats. Following a discussion, the Wastewater Commission approved the expansion of seating capacity as the Comprehensive Wastewater Management Plan have been completed, allowing for increased flow that the Wastewater Facility Treatment Plant can receive. Chairman Morrison made a **motion to approve a total of 78 seats for, Détente Restaurant'**, seconded by Commissioner Ellis. Unanimously.

Mr. Robert Moriarty, Attorney, representing, Port Hunter' Restaurant appeared before the Board to request and additional 65 seats to supplement the existing 49 seats. The Board reviewed the request and asked for a proposed seating floor plan to gain a better understanding of the seating arrangement. Mr. Moriarty explained that he didn't have the proposal available at that moment but offered to provide it at the next Agenda Meeting. Following this, Chairman Morrison made a **motion to move the item to the next Agenda Meeting for further discussion**, which was seconded by Commissioner Searle and passed unanimously.

Discuss: Exceeded bedroom count properties - 10 Field Cl, 22 Field Cl, 38 Field Cl, 21 Bankers Way, 56 No Summer St

It has come to the Wastewater Board attention that certain properties on Filed Cl Ln/Dr are exceeding the bedroom limit set with the 'Field Club Association' agreement. The original allocation for the Field Club area was a total of 110 bedrooms. Chairman Morrison, emphasized the importance of carefully reviewing properties that do not comply with the Wastewater Rules and Regulations and sending notices of violation to those property that might have exceeded the allocated number of bedrooms. Subsequently bedrooms were allotted to the development parcels with bedroom counts of counts of three (3), four (4), or five (5) per residence.

During the Meeting Ms. Marilyn Vukota, attorney at McCarron Murphy & Vukota LLP, presenting on behalf of the Field Club Association and **21 Bankers Way**, addressed the notice received regarding exceeding the permitted bedroom count. Ms. Vukota stated the property at 21 Bankers Way has two (2) designated offices and are indeed utilized as offices and this should not be counted as additional bedrooms. Chairman Morrison proposed conducting another site inspection and providing evidence, such as a set of pictures, to support the use of the space as offices, with the aim of potentially waiving the scheduled violation fee. Mr. Morrison, made a **motion to postpone the item to the next Agenda Meeting for further discussion and evidence to be provided**, seconded by Commissioner Searle and passed unanimously.

Mr. Redmond, owner of the property at **10 Field Club** has requested explanations and solutions regarding the issues of exceeding the bedroom count for his property in order to avoid fees. During the site inspection conducted in April of 2024 by the Wastewater Operators, it was found that a room on the main floor meets the criteria to be classified as a bedroom. Additionally, the inspection for the garage was not completed as scheduled. Mr. Redmond mentioned that the room has consistently served as an office an assured that he can facilitate free access to the garage for inspection. Mr. Chairman, made a **motion to waive the violation fee for the property at 10 Field Cl, contingent upon conducting an additional inspection to confirm that the room is being used as an office and that no bedroom allocated in the garage**, seconded by Commissioner Ellis. Unanimously.

The representatives of **22 Field Cl**, did not attend the meeting. The Wastewater Commission declined to discuss the agenda item. If the homeowners continue to be unresponsive, further steps will be taken

and they will be informed accordingly.

Upon conducting a recent site inspection of the property at **38 Field Cl**, the Wastewater Administrative staff identified that the pool cabana, originally intended for storage, has been repurposed with a queen-size bed and barn doors for privacy. The Wastewater Commission discussed the potential changes that have to occur in order to waive the fee and maintain the property with the permitted five (5) bedrooms. Also, provide evidence confirming the removal of the bed and barn doors. Chairman Morrison, **made a motion to move the item to the next Agenda Meeting for further discussion and evidence to be provided**, seconded by Commissioner Searle. Unanimously.

Mr. Roy Anderson, Gartner & Bloom P.C. attorney, and Robbie Robinson, contractor of Waterfront Builders Inc', appeared on behalf of the owners of **56 NO Summer St**, requesting additional wastewater flow and permission approval for renovation into a 9/10-bedroom home. The residence at 56 North Summer Street is located in the B-1 Business Zone, where Mr. Anderson mentioned that there were no restrictions on the number of bedrooms allowed. He provided clarification that the property would serve as a residential single-family home. Mr. Chairman noted that the property is zoned for a 4-bedroom home on a 0.24-acre parcel, and the site inspection recently conducted by Wastewater Operators revealed a 5-bedroom home, including the storage designed to be used as an additional bedroom. Mr. Searle mentioned that this represents a violation of regulations. Mr. Anderson disagreed with the assertion and stated that the property had previously been proposed for an increase of wastewater flow during the early stages of the Comprehensive Wastewater Management Plan (CWMP). The Board decided to continue the discussion at the next Agenda Meeting and review the set of plans proposed by Robbie Robinson, Waterfront Builders Inc'. The Chairman then made a **motion to continue the discussion and review the final architectural plans for 56 NO Summer St**, seconded by Commissioner Searle. Unanimously.

Discuss/Vote: 266 Upper Main St - Commercial permit review, new business, Seagrass Bar and Grill LLC''

Mr. Edno Miller, Contractor, Millers Professionals Co', appeared before the Board with a set of plans for the reconstruction of the previous business named, Sharky's into a new establishment called, Seagrass Bar & Grill Restaurant'. Mr. Miller outlined the new concept and detailed the major renovations planned for the dining area, kitchen, and outdoor design. He mentioned that no extra seating is needed and that the kitchen will remain as originally planned but with new equipment. No additionally flow is required. After a brief discussion the Board reviewed the plans and Chairman Morrison, made a **motion to approve the plans for the establishment of a new business, to be known as, Seagrass Bar & Grill Restaurant'**, seconded by Commissioner Ellis. Unanimously.

Discuss/Vote: Cozy Corner Café - Kitchen prep location

The Wastewater Department has been notified via e-mail by Shane Tank of Premier Chef Services' that effective June 5th, 2024 the access and permission to use Premier Chef Services commercial kitchen for prep purposes, washing dishes and any other Cozy Corner Café business-related activities has been revoked. Mr. Igor Vukoje, Cozy Corner Cafe', presented his proposal to the Board, seeking approval to continue operating with the existing concept and wastewater flow. Additionally, he wishes to maintain food preparation without relying on permission from Shane Tank commercial kitchen use, and hopes to move a few chairs for outdoor seating. The chairman expressed concern that the chairs had been moved outside the building without undergoing wastewater review, and was unsure about the total number of

chairs permitted that had been previously approved. Mr. Vukoje asserted that he had obtained approval from the Planning Board to move a few seats outside, as well as permission from the neighboring businesses. The Board has determined that Mr. Vukoje will need to submit detailed floor plans for the business, including interior and outdoor area, along with any proposed additional seating if necessary for the next Agenda Meeting. Chairman, Morrison made a **motion to let Mr. Vukoje continue operating his business without Premier's Chief Services commercial kitchen use**, Commissioner, Ellis seconded. Commissioner Searle voted against. The motion carried over with 2:1 vote.

Other Business:

Facilities Manager's Reports/ Chief Operator

Mr. Burke, Facility Manager, has diligently overseen a wide range of tasks at the Wastewater Treatment Facility. Significant progress has been made on the Carousel, including the successful installation of a motor for the Carousel weirs. In addition, regular monthly lab samples have been collected, all of which are found to be in full compliance with regulations. Dedicated efforts have been made to conduct spring yard work, ensuring that the facility remains clean and orderly by removing growth around the infrastructure. All financial obligations have been addressed, with all bills settled and any outstanding invoices attended to. Furthermore, the force main on Chase Rd has been effectively repaired, and the successful delivery of sludge loads to Agresource Inc, vendor from Facility Treatment Plant, highlights the commitment to operational efficiency.

Financial Report

In the "FY24 Operating Budget Expenditures as of June 30th" report, Admin Assistant Zghibarta highlighted the \$10,400 in "surplus unspent" Expenditures funds, which will be returned to the state. She also provided a septage commitment letter outlining the carried-over funds for the upcoming fiscal year cycle. Additionally, she discussed the new accounts being added in the system and presented a new report on drain count holder.

APPROVAL OF MINUTES.

*On a motion by Chairman Morrison, seconded by Commissioner Ellis, the **Minutes of the Regular Meeting of April 18, 2024** were approved unanimously by voice vote. On a motion by Chairman Morrison, seconded by Commissioner Glen S. Searle, the **Minutes of the Regular Meeting of May 16, 2024** were approved unanimously by voice vote.*

ADJOURNMENT

There being no further business, the Chairman made a motion to adjourn the Regular Meeting, which Commissioner Ellis seconded; the motion carried. The Regular Meeting adjourned at 4:00 p.m.

Respectfully submitted,
Cristina Zghibarta

Department Assistant
APPROVED:

**BOARD OF WASTE WATER COMMISSIONERS
TOWN OF EDGARTOWN**

Walter A. Morrison, Chairman

Scott Ellis, Commissioner

Glen S. Searle, Commissioner