



Town of Provincetown

Meeting of the WATER & SEWER BOARD

Thursday, August 1, 2013

Veterans' Memorial Community Center, 2 Mayflower Street, Provincetown

Water & Sewer Board Members Present: Jonathan Sinaiko (chair), Mark Collins, Kevin Kuechler, Bill Worthington, Sasha Richter and Shannon Corea.

Water & Sewer Board Members Absent: Kathleen Meads

Other attendees: DPW Staff David Guertin, Sherry Prada, Anna Michaud
Derek Ritchie, Interim Water Superintendent
Doug Ballum, Environmental Partners Group
Jonathan Eichman, Koppelman & Paige

Recorder: Susan Leonard

Call to Order: Mr. Sinaiko, acting as chair, called the meeting to order at 3:04 p.m.

Mr. Sinaiko asked if the Board would prefer to skip ahead in the Agenda and hear the presentation by Mr. Allen about North Union Field and Knowles Crossing. It was decided to proceed with the Agenda as written.

Agenda Item No. 1 Water Abatement Requests [Full Board]

Property Address	Usage	Bill Amount	Avg Usage	500% Rule Usage	Avg Bill Amt	500% Rule Amount	Staff Recommendation
<i>Off Peak Bill - Spring 2013</i>							
19 Washrop St	Jason Chapman	40,000 \$ 170.00	8,000	40,000	\$ 21.00	\$ 120.00	Abate \$60.00. Prolonged power outage resulted in burst pipe. Repaired.
19 Washrop St	Robert Kelly	40,000 \$ 170.00	6,500	32,500	\$ 19.50	\$ 97.50	Abate \$72.50. Burst pipe. Repaired.
19 Washrop St	Patricia Wash	55,000 \$ 276.00	-	-	\$ 0.00	\$ 0.00	Abate \$278. Underground leak. Repaired
19 Washrop St	John Fahinas	41,000 \$ 177.00	21,500	107,500	\$ 88.50	\$ 342.50	Deny. Does not meet 500% rule.
19 Washrop St	Teresa Frederick	111,000 \$ 889.00	79,300	396,500	\$ 446.50	\$ 2,232.50	Deny. Does not meet 500% rule.
19 Washrop St	Howard Surzman	\$ 66.00					Abate \$66.00. Clerical error.
<i>Peak Bill - Fall 2012</i>							
17 Montello St	Frank Gaylor	112,000 \$ 1,174.50	123,000	615,000			Deny. No leak found. Field technician met with plumber and did a thorough investigation.
<i>Multiple</i>							
193 Commercial St #1-5	Scott Norman Realty Trust						Abate \$343.50. Clerical error in radio read assignment in 2003 resulted in overcharges.

Ms. Michaud the water abatements that you have before you are pretty straight-forward. The burst pipe problem was because of prolonged power outage. I am recommending those

abatements. The denials for 65 Commercial Street and 158 Commercial Street are because they do not meet the 500% Rule. 17 Montello Street, Fall 2012, is a housekeeping item. It did not make it on the last agenda. Mr. Gaynor is aware of the denial and he understands the denial. The last one, 193 Commercial Street, was an error in the number assigned for the radio read. He has been overpaying since 2003. We are abating his overpayment.

Mr. Worthington Is this the type of thing that happens sometimes?

Ms. Michaud Almost never.

Mr. Guertin It is our position, to go back and do the right thing

Mr. Sinaiko made a motion to abate and/or deny as recommended by staff.

Mr. Collins seconded the motion.

Water/Sewer Board members adopted staff recommendation

Ms. Michaud The following item is a different type of abatement. It is a deferral under the Elderly 41A deferral program. This individual signed up after the list was sent to me by the Assessor. This is to correct that water bill.

Acct#	Address	Service	Amount Deferred
0149805	4 Old Colony Way #14	Water	\$127.60

Mr. Collins I have asked this before, but is there a way that we can notify people to let them know that they are eligible for this deferral?

Mr. Guertin the Council on Aging understands the program and every six months they encourage people to apply. The Assessor, who dictates the program, does some outreach in that respect, as well. It is well publicized.

Ms. Michaud the 41A program list is very small. It shouldn't be a problem to contact them.

Mr. Collins I am concerned about that one isolated person who doesn't have access to the information.

Mr. Sinaiko made a motion to accept the deferral as recommended by staff.

Mr. Collins seconded the motion.

The motion was carried unanimously

Agenda Item No. 2 –Application for Water Service 23 Shore Rd, North Truro. [Full Board]

Ms. Michaud The next is an application for water service at 23 Shore Road, North Truro. Derek would you like to speak to this? Derek is our Interim Water Superintendent.

Mr. Ritchie I was on site and I met with the property owner. Everything is good; everything is in place.

Mr. Worthington Is this a single family home?

Mr. Ritchie Yes.

Mr. Guertin It has gone through the protocol with Board of Health and Truro Selectmen. Water & Sewer is the last stop in the process.

Mr. Sinaiko made a motion to accept as recommended by staff.

Mr. Worthington seconded the motion

The motion was carried unanimously

Agenda Item No. 3 Recommitment of Delinquent Water Bills [Full Board]

Ms. Michaud The next is the recommitment of delinquent water bills. This is placing the unpaid bills on the Tax Lien List. This is for Truro. It is a standard practice that we have been doing with Truro.

Mr. Worthington How many properties are there; twenty or so?

Ms. Michaud The original list which was run in July was quite long, but since then, after receiving payments, it is now about 10 properties.

Mr. Kuechler Since we have started doing this with Truro has there been a change in the average amount in arrears? Has it gone down or remained the same?

Ms. Michaud It has gone down.

Mr. Sinaiko made a motion to accept as recommended by staff.

Mr. Worthington seconded the motion.

The motion was carried unanimously

Agenda Item No. 4 – Review of Minutes for April 25, 2013

Mr. Worthington made a motion to approve the minutes as presented.

Mr. Sinaiko seconded the motion.

The motion was carried with one abstention

Agenda Item No. 5 – Water Projects Update

Doug Ballum of Environmental Partners Groups presented a comprehensive update on the Town's two water projects at Knowles Crossing Filter Building and North Union Field. He narrated a power point presentation highlighting the construction progress of the projects from the beginning stages up to and including the most recent work completed.

Mr. Guertin The majority of the funding is from a USDA grant. The project is on schedule and under budget. The Knowles Crossing filters are "state of the art". The three filtration units were paid for through a Block Grant. These are your tax dollars at work.

Mr. Ballum A big part of this project - North Union Field - starts off in the National Park. It has taken twelve years of applications and permits to get to this point. There were a couple obstacles: one was an endangered turtle species and the other was potential Native American artifacts in the area.

Mr. Guertin The Park Service required an archeological permit. They allowed us to subcontract it to the Wampanoags.

Mr. Ballum We have pumped 29,000,000 gallons of water since the station went on line around Memorial Day.

Mr. Kuechler Since being on line have there been any issues? The pump report shows that there was a day when the pump was brought down to nearly zero. Is that normal?

Mr. Guertin That is pretty normal. It is usually due to maintenance issues. It is a balanced withdrawal between South Hollow Well Field and North Union Field and Knowles Crossing.

Mr. Kuechler can we get access to the water quality data?

Mr. Guertin Here it is. It is an internal tabulation because we are tracking Iron and Manganese during the initial stages daily. Sodium is zero.

Mr. Ritchie Chlorine is injected at the site and it is monitored there. It travels up to the Paul Daley plant and is treated and monitored there and then enters the distribution system.

Mr. Guertin The project is 100% complete. We had two minor change orders. It has been a superb job.

Mr. Kuechler My understanding is that there were issues with the abutters about disturbing land. What happened and what is being done to insure that we don't have future issues with the abutter?

Mr. Guertin It was brought before the Truro Planning Board. We issued a remedial plan and we are buttoning up the site. Plantings will be done by October 1.

Agenda Item No. 6 – Unanticipated business that may legally come before the Board requiring immediate action:

None.

Agenda Item No. 7 –Statements from the Board

Mr. Sinaiko There is a project on Winslow Street that has 2 bedrooms, 1,500 sq. ft., and 2 ½ baths. This seems to be a way to skirt the whole bedroom issue. We have no way of dealing with this.

Mr. Guertin Since this deals with water conservation, we did contact the Building Commissioner and there are no regulations that deny the number of bathrooms. The Planning Board regulated the density. It is not in the purview of Water & Sewer Board at this time. There is nothing wrong with that type of visioning. Staff is here to provide the answers when we can.

Mr. Kuechler I share your concern.

Agenda Item No. 8 –Jonathan Eichman of Koppelman & Paige – Informational Update on the Sewer Connection for Coastal Acres Campground via Brown St Ext. [Provincetown Board]

Mr. Guertin This pertains to sewer. Jonathan Eichman is here to explain where we are to provide a sewer connection to the campground on a road that we do not have title to.

Mr. Eichman We don't have a survey plan; we don't have an engineers' plan yet to work with. We will need that to do this project. Right now, the campground has a substandard service that does not meet their needs. The Town wants to provide them with sewer service. It will come from the sewer main on Race Road and Franklin Street. It will come down Race Road, a public way. When it leaves the layout of the public way, Race Road, it will be on private property owned by Miriam Gross. We have been working with her and her counsel to secure a waiver of her right to request damages. The reason we want to secure the right through here by means of eminent domain, as opposed to getting a deed from her, is because it assures of a good title immediately. We don't have to check the title; eminent domain guarantees you good title. It is simpler for us.

When we went to Miriam Gross she preferred that we do the layout of the line along the edge of her property because she may want to subdivide the property at some time. A sewer line running through the property devalues the property. She also mentioned that there is a Town water line running through the discontinued way. She asked that the Town move it as part of the project, which is seen in blue on the diagram.

Mr. Collins (Referring to the diagram) Where you are showing Brown Street Extension from here after the Miriam Gross property that is actually all privately owned? The boundary lines we see - are they actual boundary lines?

Mr. Eichman It is the boundary line for all of these properties along here. The reason for that is ... the default rule is that if you own a property abutting a way, you own to the center line of the way unless someone has previously reserved the fee in that. In this case, that is what happened. This road existed at that time. When this land was acquired, this is quite a large piece of property (referring to the diagram), this person took title to land within the layout. When they subdivided this and deeded out the lots each one of those deeds expressly stated "but not any of the land within any of the ways abutting these lots". They held the fee; they reserved it. So, these people do not own any part of Brown Street Extension. It is all owned by Meadow View Heights Trust which was the developer of all this property here. It goes back to sometime in the '80s, if not before. As far as we know, the trust is still in existence.

We have agreed, tentatively, with Miriam Gross that we will cap the water line. It will not be difficult for her to tear up the PVC line if she subdivides the property. She is willing to give us a waiver for this route. I think it is a good idea. David has said that engineering-wise it will not pose any particular problems. It will increase the cost of the project somewhat. It is a much better solution to agree beforehand than to do a non-friendly taking.

Mr. Collins Is that actually going to increase the value of her property because she could hook up to the sewer? In terms of being able to subdivide, would she be able to hook up to the sewer?

Mr. Guertin It is a forced main, but subject to how we are going to deal with Brown Street she could provide a grinder pump connection to the pump station. In the future, the people there may have an interest. That is an important point in the negotiations that we have with them.

Mr. Sinaiko So, that forced main from there (referring to the diagram) is collecting just the campground?

Mr. Guertin Yes. The campground is under an Administrative Consent Order with the State. They are down to about 100 campsites. They would like to return to the original 200 campsites. We assessed them a betterment, which they have been paying. We understand the importance of the connection between the campground's failed system and water quality of Shank Painter Pond. The Town is very interested in moving this forward. They have been very cooperative. He is paying for a sewer betterment that he doesn't have. He has given us the latitude of a full year. There is some expectation that he would be up and running by next April or May.

Mr. Sinaiko Is that possible to do?

Mr. Guertin Yes. It is a \$700,000 connection. If Jonathan makes headway on this, we would produce this over the winter. We are already permitted for this by DEP and designed by the way.

Mr. Eichman Prior to the taking we have one step on alternate parts left. That step is to obtain a waiver from the Meadowview Trust within this area (referring to diagram) or to get an appraisal to determine the damages from taking the sewer and water easement through here. It is up to the appraiser to determine if there would be damages.

Mr. Collins Have people treated those boundary lines as their boundary lines or have they

Mr. Guertin They have not occupied it. It is almost fully vegetated. There is no one cutting a lawn into the half-way point of Brown Street. We have nine abutting property owners and we have three who have signed waivers.

Mr. Eichman In fact, initially, we went to all of them and said, "we would appreciate it if you would assist the Town and give us a waiver". We ended up with three. Ultimately, we did a confirmatory title search and determined that the Meadowview Heights Trust owns this. As long as we stay within this boundary we don't need waivers from the other abutters. What is the interesting about this is, I don't know if any of these owners were aware of this situation.

Mr. Collins The only undeveloped parcel belongs to Jaimie Veara? These are all single family homes?

Mr. Guertin Yes.

Mr. Eichman Kimberly Road is an established private way. When we come underneath that are we going to bore underneath it?

Mr. Guertin We are looking to directional drill and not disturb that area.

Mr. Sinaiko Are you going to lay collection pipes at the same time that you lay the forced main?

Mr. Guertin The forced main should be deep enough, so if these people want a sewer connection a grinder system could be installed and pump back to the pumping station. The ability to connect to the sewer is a value for their property. The sewer is a net benefit for us to be able to offer them.

The reason Jonathan is here is to offer us this primer, to let you know the importance of what they are doing and how they are doing. There is a high likelihood in about 6 weeks that he will be back for a Provincetown Water & Sewer Board sewer meeting to seek permission for a “utility taking” of 25 feet.

Mr. Collins To get a perspective on the cost, for example, to get Charles Silva on Shank Painter Road was \$250,000 to get on line?

Mr. Guertin The laundromat was a \$700,000 to \$800,000 dollar connection. It has a forced connection all the way to the treatment plant from Stop & Shop.

Mr. Eichman To follow up on David’s point, what we anticipate is, sometime in September, we will have either the appraisal done on this piece or the signed waiver from the owner and the signed waiver from Miriam Gross. I will draft an order of taking to come before the Board. If the Board were to adopt the order and sign it we would record that. At that point in time, the town would have an easement for sewer purposes and an easement for water supply purposes within a 25 foot strip.

Mr. Collins Other than the letter to the abutters, has there been oral communication?

Mr. Guertin Yes. Three sets of politely worded letters were sent. Three people responded. We called those who did not respond several times.

Mr. Eichman We have looked at the title, and we believe that this is owned by Meadowview Heights Trust. That does not, however, necessarily prevent an abutter from bringing suit saying that “nonetheless, although I don’t own anything, my property has been devalued as a result of your taking.” If we do get an appeal from any of these abutters, this does not stop the project. That is a separate deal. The taking is still valid; it is just a question of whether we awarded them the proper amount of damages. Kimberly Lane property owners own the right to pass and re-pass over Kimberly Lane. If we were to disrupt that, that would be a case for damages. We are doing the taking with the understanding that it won’t be disrupted.

Mr. Guertin We still have sewer business to conduct.

Agenda Item No. 9 – Recommitment of Sewer Bills [Provincetown Board]

Ms. Michaud This is a recommitment of sewer liens, water liens for unpaid bills.

Mr. Sinaiko made a motion to accept as recommended by staff we recommit these sewer liens.

Mr. Richter Seconded the motion.

The motion was carried unanimously

Agenda Item No. 10 – Sewer Abatement Requests [Provincetown Board]

Acct#	Property Address	Applicant	Usage	Bill Amount	Avg Usage	Avg Bill Amt	Staff Recommendation
<i>Spring 2013</i>							
0000110	857 Commercial St	Kevin Ainsworth		\$ 75.00			Deny. Connected to sewer on April 11, 2013. Minimum residential charge of \$75 applies.
0001616	19 Winthrop St	Jason Chapin	40,000	\$ 554.00	5.333	\$ 77.70	Abate \$476.30. Prolonged power outage resulted in burst pipe. Repaired.
0001912	158 Commercial St	Teresa Frederick	111,000	\$ 1,537.35	62.867	\$ 729.43	Abate \$807.92 Underground leak. Service replaced.
0007417	2 Baker Ave	Patricia Walsh	55,000	\$ 761.75		75.00	Abate \$686.75. Underground leak. Repaired
0007214	65 Commercial St	John Fahiman	41,000	\$ 567.85	14.333	\$ 198.52	Abate \$369.33. Prolonged power outage resulted in burst pipe. Repaired.
0007116	871 Commercial St	Howard Burchman		\$ 75.00			Abate \$75.00. Clerical error.
<i>Multiple</i>							
0019786	193 Commercial St #1-5	Scott Norman Realty Trust					Abate \$1,533.00. Clerical error in radio read assignment in 2003 resulted in overcharges.

Ms. Michaud We have a list of sewer abatement requests. A number of them are just the sewer portion of the water abatements that you already have approved. There is one denial that I am recommending, Mr. Ainsworth at 857 Commercial Street, he connected to the sewer on April 11, 2013; therefore he is liable for the minimum \$75.00. He was disputing that. I am recommending everything else.

Mr. Sinaiko made a motion to accept as recommended by staff.

Mr. Richter Seconded the motion.

The motion was carried unanimously

Agenda Item No. 11 – Sewer Flow Revisions [Provincetown Board]

Ms. Prada I have two flow revisions. One is for 35 Province Road; a revision to reflect the increase bedrooms from two to three per Board of Health inspection on July 25, 2013. The other is 410 Commercial Street. They went before the Board of Health for an historic bedroom determination on May 6, 2013. They increased from four to five bedrooms.

Mr. Sinaiko made a motion to accept the increases as recommended by staff.

Mr. Richter seconded the motion.

The motion was carried unanimously

Agenda Item No. 12 - Sewer Betterment Abatement for Properties Transferred To The Town Of Provincetown for Conservation Purposes [Provincetown Board]

Ms. Prada This is a notice of abatement of sewer betterment. This is the Sateriale property that was transferred to the Town of Provincetown. The Sateriales had signed up for sewer. They had been paying the betterment, but now that the Town of Provincetown owns it and there will be no sewer. We need to abate their betterment so we can take it of the books.

Mr. Sinaiko made a motion to abate the betterment as recommended by staff.

Mr. Richter Seconded the motion.

The motion was carried unanimously

Agenda Item No. 13 – Supplemental Sewer Notices and Liens

Ms. Prada This is an order of assessing new sewer usage charges. This is a couple that fell through the cracks. I need a notary for this. My notary went home so, I need one of you to please not sign it and come back tomorrow before 11:00 to sign it so it can be notarized.

Mr. Sinaiko I will do it tomorrow morning before 11:00.

Mr. Sinaiko made a motion to accept as recommended by staff.

Mr. Richter Seconded the motion.

The motion was carried unanimously

There being no further business, Mr. Sinaiko moved (and the motion was seconded) to adjourn the meeting. The meeting was officially adjourned at 4:26 p.m.

Respectfully submitted,

Sacha Richter, Clerk