



Town of Provincetown
Meeting of the
WATER & SEWER BOARD
Thursday, January 30, 2014

Veterans Memorial Community Center, 2 Mayflower Road, Provincetown, MA

Board Members Present: Jonathan Sinaiko (chair), Kathleen Meads, Kevin Kuechler, Bill Worthington and Moe Van Dereck

Board Members Absent: Shannon Corea

Other attendees: DPW Staff: Rich Waldo, DPW Director, Cody Salisbury, Water Superintendent, Sherry Prada and Anna Michaud,

Recorder: Susan Leonard

Call to Order: Mr. Sinaiko called the meeting to order at 3:05 p.m.

Agenda Item 1 – Abatement Requests [Board As It Applies To Subject Matter]
Water Abatements

Acct#	Property Address	Applicant	Usage	Bill Amount	Avg Usage	500% Rule Usage	Avg Bill Amt	500% Rule Amount	Staff Recommendation
<i>Peak Bill - Fall 2013</i>									
0000640	52A HWY #6	Peter Sadow							Abate \$72.60. Clerical error-service fee.
0006503	6 Center St	William Leaf	50,000	\$ 382.50	30,000	150,000			Deny. Does not meet 500% rule. Frozen pipe due to contractor error. Pursue reimbursement from contractor.
0005209	29 Tremont	Peter Epstein							Abate \$72.60. Clerical error
0005903	231 Bradford St #15	Chad Avellar							Abate \$66.00. Clerical error
0001214	7 Conant St	Carter Condos at Conant		\$ 71.00					Abate \$71.00. Account inactive
0129024	31 Bangs St St	Kris Bailey		\$ 106.00					Abate \$106.00. Account inactive
0005810	1 Tremont	Thomas Fleiding							Abate \$40. Extra water use due to town flushing.
0003310	230A Bradford St	Richard Ide	133,000	\$ 1,510.50	20,333	101,667	\$ 115.00	\$ 575.00	Abate \$935.50. Leak under house. Repaired.
0004418	590 Commercial St Unit A	Jane Bloom	94,000	\$ 910.50	8,667	43,333	\$ 41.67	\$ 208.33	Abate \$702.17. Leak under house. Repaired.
0004605	262B Bradford	Morris Kafka	98,000	\$ 958.50	29,000	145,000	\$ 180.00	\$ 900.00	Abate \$58.50. Underground leak. Repaired.
0009307	20 Shank Painter	Methodist Church	110,000	\$ 1,142.50	33,333	166,667	\$ 212.50	\$ 1,062.50	Abate \$80.00. Underground leak. Repaired.
0006006	3 Holway Ave	Pat Ferreira							Abate \$169.95. clerical error
9000310	627 Shore Rd	Dorothy Nearen							Deny. Toilet leak.
9000148	8 Highland Rd	MJM Truro LLC							Deny. Excess use due to tenant.
0349985	143 Bradford St Unit B	Helen Lipton							Deny. Late. Toilet leak.
0008510	12 Franklin St	12 Franklin St Condo Trust	115,000	\$ 1,222.50	87,500	437,500	\$ 723.75	\$ 3,618.75	Deny. Does not meet 500% rule.
9000389	3 Knowles Hts Rd	Topside Realty Trust							Deny. Does not meet 500% rule.
0001512		Gary Dellus							Deny. Late
0000733	54 Bradford	Brian Cabral	42,000	\$ 266.50	21,000		\$ 120.00		Abate \$166.50. Back out backfeed.
0002502	54 Bradford	Shank Painter Sails Condos	190,000						Deny. Does not meet 500% rule.
0012501	54 Bradford	Shank Painter Sails Condos							Deny. Staff to work with property manager to determine individual backfeed allocation.
0000921	8 Center St	Corwall Tomington Rev Tr							Abate \$92.4 Clerical error

Ms. Michaud: We will do the water abatements first. You will notice that the first one is due to a clerical error. The second one, 6 Center Street, is being denied. It was a leak due to the contractor forgetting to turn something off. Our recommendation is that the property owner pursues reimbursement from the contractor for it. The next 4 entries are housekeeping for clerical errors. The abatement for 1 Tremont Street is because the Town used water for the Commercial Street work being done. We are abating them for 8,000 gallons. The next 4 abatements are all for leaks which have been repaired. They did meet the 500% Rule. The next one is a correction of a clerical error. The following 6 requests have been denied. The one for 627 Shore Road is a toilet leak. The next one for 8 Highland Road was very excessive tenant usage. They were running a car wash and a laundry service.

Mr. Kuechler: Does Truro Board of Health know about this? Do we know who the owner is? Do you know how long they were running a laundry?

Ms. Michaud: We only know about it because of our monthly reading. It is no longer being done.

The next one for 143 Bradford Street Unit B is being denied first of all because it is a toilet leak and secondly because we received it late. I sent an abatement form with the original bill. I did not hear from the owner until she received the "demand letter". Even if it had not been late we would have to deny it because it was a toilet leak. The next 2 are for underground leaks, but they do not meet the 500% Rule. The next abatement request for 15 Race Road was an underground leak. I calculated the amount but the request was received late. The property owner is living out of State and claims he did not receive the forwarded bill until December 6. It is possible that it was delayed that long. I noted that if it had been received on time, they would be eligible for a substantial abatement. They did repair work in September. They replaced the service from the meter to the house. They did not replace the service from the curb stock to the meter. You might want to consider an abatement contingent on their replacing the remainder of the water service.

Mr. Sinaiko: We could wind up with a leak there for a long, long time and not even know it. It is to our advantage to do that. You would inspect that, right?

Mr. Van Derick: It is to our advantage to give them some money and they repair the curb stock.

Motion: *I make a motion to approve the abatement for 15 Race Road contingent on their replacing the service from the curb stock to the meter.*

Motion: Jonathan Sinaiko

Seconded: Bill Worthington

The motion was carried unanimously by a vote of 5 – 0 - 0

Ms. Meads: I would like a notation made in the official record that it was late, but they did not receive the bill on time to justify the reason.

Ms. Michaud: For the request at 54 Shankpainter Road ... this was a complicated situation. There were massive leaks. There was a total replacement of service for 6 buildings. The salon on the ground floor back fed the top 3 units. We will abate the salon for that, then we can actually charge the 3 residential units in that building. All the units are now metered separately. It does not meet the 500% Rule. There was a major leak at Account #2502. This is almost impossible to figure out. This is about backfeeding of the entire complex minus that one building over a period of time. I will work with the property manager so that that back feeding is equitably distributed with the unit owners. It does not change the amount of money owed to us.

The final request is a clerical error.

Motion: That we apply the recommendations of staff for all of the water abatements with the exception of 15 Race Road for which an abatement will be negotiated.

Motion: Jonathan Sinaiko

Seconded: Bill Worthington

The motion was carried unanimously by a vote of 5 – 0 - 0

Ms. Meads: How will it be handled with 15 Race Road? Are we denying it first?

Ms. Michaud: The way we have handled it in the past is to conditionally abate contingent on performing the repairs.

Water & Sewer Board

1/30/20

Sewer Abatement Applications

Acct#	Property Address	Applicant	Usage	Bill Amount	Avg Usage	Avg Bill Amt	Staff Recommendation
<i>Fall 2013</i>							
0006503	6 Center St	William Leaf	50,000	\$ 692.50	30,333	\$ 420.12	Deny. Frozen pipe due to contractor error. Pursue reimbursement from contractor.
0004714	617 Commercial St	David Mayo	65,000	\$ 900.25	25,000	\$ 346.25	Abate \$554.00. Underground leak. Repaired.
0009307	20 Shank Painter	Methodist Church	110,000	\$ 1,523.50	33,333	\$ 461.67	Abate \$1061.83 Underground leak. Repaired.
0004418	590 Commercial St Unit A	Jane Bloom	94,000	\$ 1,301.90	8,667	120.03	Abate \$181.87. Underground leak. Repaired
0003806	9B Carnes Lane	D&D Roberts	74,000	\$ 1,024.90	27,000	\$ 373.95	Abate \$650.95. Underground leak. Repaired
0002502	54 Bradford St	Shank Painter Sails Condo Trust	190,000	\$ 2,631.50	133,333	\$ 1,846.67	Abate \$784.83. Leak. Service replaced
00012501	54 Bradford St	Shank Painter Sails Condo Trust					Deny. Staff to work with property manager to determine individual backfeed allocation.
0000733	54 Bradford St	Brian Cabral					Abate \$290.85. Back out backfeed gallons.
0005810	1 Tremont	Thomas Fielding	23,000	\$ 318.55	15,667	\$ 216.99	Abate \$101.56. Flushing required by town.
0008541	259-63 Commercial St	Gordon Siegel					Abate \$75.00. Clerical error - service fee.

Ms. Michaud: We are now moving on to the sewer abatements. Many of these are duplications of the water abatements. The first one is the frozen pipe due to the contractor. The next 4 are underground waster leaks which have all been repaired. The next one for 54 Bradford Street was for a hot water heater that blew. We are recommending that one. The next at 54 Bradford Street are the same as we discussed under the water abatements. The last two were discussed and approved on the water abatements.

Mr. Sinaiko: Any discussion?

Motion: *To accept the abatements as recommended by staff.*

Motion: Jonathan Sinaiko

Seconded: Kathie Meads

The motion was carried unanimously by a vote of 3 - 0 - 0

Ms. Meads: How are we doing with frozen pipes and leaks?

Ms. Michaud: We did a reading about a week ago and caught some. We had a notice in the paper twice asking people to let us know. We did get calls. We just did another reading today. My understanding is it was 5 or 6.

Mr. Salisbury: We have been checking and thawing fire hydrants as necessary. Many fire hydrants in the area have been frozen. We are continuing to check and notify the fire department when we find them. We will continue to do this until it gets warmer. The police have noticed a few and notified the department. The water service on the pier is problematic. We have isolated the pier. We did make a repair on the pier on the 4" water service that feeds the Harbor Masters office. It hasn't been as bad as it could be.

Ms. Michaud: We have caught most of them early enough, but a couple of houses have been destroyed.

Ms. Meads: Is there a way to have a smaller line to the Harbor Masters office feed off of the main to keep fired all year long and keep the other line for seasonal use drained?

Mr. Salisbury: I have been discussing this with the field supervisor because we have to provide State mandated backflow protection. We need a means to provide back flow protection from the finger piers and the floats. One of the ideas is to provide a service to the Harbor Masters office. Unfortunately, the 4' service feeds a dwelling unit at the Whydah. We can't shut that down. We found some of the supports for the 4" service are deteriorating so we will have to keep an eye on it in the future.

Agenda Item 2 –Water Projects Update and Discussion [Full Board]

- A. North Union Field
- B. Knowles Crossing Filter Building

Discussion:

Mr. Salisbury: North Union Field has been up and running since May 2013. This was a milestone year. It was the first year in many, many years that it hasn't been operating under a "declaration of emergency", relying on the former N. Truro Air Force wells. The N. Truro Air Force wells are still a registered source and we continue to test those wells in case there was a failure of another source. We could potentially ask permission of the Seashore and the State to put those wells in service. Right now North Union Field is our sole source of water since the Paul Daley Wellfield is on standby until we get the approval letter over the next week to two weeks for the new filtration facility. It has been postponed slightly because of paper work on the State level. The year's water production was just over 228,000,000 gallons down roughly 5% over last year. I will know more within the next month. It is due primarily to conservation measures.

Mr. Kuechler: Is it true that N. Union Field has been the sole source since November? I have noticed November to December there was a fairly large decrease in pumpage compared to last year. Is this due to more accurate measurement or less leakage?

Mr. Salisbury: Yes. It appears that way. We use the same meters as last year and calibrate them all.

In terms of the Knowles Crossing facility I definitely recommend that everyone visit and take a tour. We hope in a week or two we will be producing water. We are working closely with Siemens to resolve some minor issues. Any questions.

Ms. Meads: Are pumping anything at all at the Knowles Crossing since November?

Mr. Salisbury: We are pumping small amounts of water into the system in order to keep the membranes wet. They are operating to send water to the treatment facility keep the wells active and the membranes wet. During the performance testing, we were able to take our worst well, run it through the filtration plant and produce non-detectable levels of Iron and Manganese. This is coming on line at a great time because soon Manganese will become a registered contaminant of drinking water. It is neurotoxin at higher levels.

The Water Department hasn't updated its Rules and Regulations in a long time. I have been working on updating and clarifying them. It relates mostly to the distribution equipment, fire hydrants and metering requirements as it relates to condo conversions and accessory dwellings. I would like to have a draft for a review over the next 4 – 6 weeks.

Ms. Meads: When these were written in 2000 we found that it is good to work hand in hand with the building department. It is tricky with the condo conversions. We found what we wanted was not triggered by the building code and people were proceeding under the building regs.

Mr. Salisbury: We need a review process and maintain control of how Truro is handling questions of service piping and locations.

Mr. Worthington: Did you know Truro is just now getting ready to hire a new Building Inspector?

Mr. Salisbury: Yes. They were very receptive to working with us.

Agenda Item 3 – Discussion of Truro’s Request For Information About Sewer Design At Beach Point [Full Board]

Discussion:

Mr. Kuechler: Over the last two years Truro has started work on and create an integrated water management plan. There are various aspects to that; one being waste water management. We are not doing this under direction of any State authority, but we anticipate it happening. Our contractor Wesson & Samson has been looking closely at Beach Point. We potentially are looking at hooking up to Provincetown’s system. If you grant us permission we would like to look at the engineering design at the terminus at the Provincetown side of the Point.

Mr. Waldo: My question is this a Water & Sewer board question or a DPW decision? For exploratory reasons I don’t see any issues. There may a concern with the time invested by our engineers working with your engineers and that they are compensated by the Town of Truro. That we do not get billed for that time.

Mr. Kuechler: I think we are just looking for a transfer of information at this time. There is nothing to be developed yet. Would it be feasible for them to bill Wesson & Samson?

Mr. Waldo: This may be a simple thing of putting it on a disc and giving it to them. I would say yes, engineer to engineer let them work it out.

Ms. Meads: This may become a question of policy and the selectmen will have to look at it as well.

Mr. Waldo: I have discussed this with the Town Manager and it doesn’t appear to be a question of policy at this point.

Mr. Kuechler: All of the analysis is being done under the Water Resources Oversight Committee in Truro. If you would like updates on how we are thinking we are happy to share it with you.

Mr. Worthington: It is reasonable to say that Wesson & Samson may have interesting data to share with Provincetown regarding occupancy during the year of this part of Beach Point.

Mr. Kuechler: We will be generating data by installing wells and monitors to ground water flow and tidal flow.

Ms. Meads: We also need to consider what Provincetown's needs will be in the future.

Motion: *To authorize the Town of Truro to request any information they need from our engineers AECOM for the Provincetown sewer system and treatment plant for exploratory purposes.*

Motion: Jonathan Sinaiko

Seconded: Moe Van Derick

The motion was approved by a vote of 3 – 0 [Provincetown Board Members]

Agenda Item 4 – Review of Minutes [Board As It Applies To Subject Matter]

October 10, 2013 and November 7, 2013

Motion: *To accept the minutes as written.*

Motion: Jonathan Sinaiko

Seconded: Bill Worthington

The motion was approved by a vote of 4 – 0 - 1

Agenda Item 5 – Statements From The Board

Ms. Michaud: This is in every agenda. This is allows any Board member to make a statement or to provide a notice to anyone who has an interest in the meetings.

Ms. Meads: I was wondering, Mr. Worthington, we were supposed to get something from the Truro winery that they comply with the Board of Health. Did we receive that?

Mr. Waldo: We did receive it.

Agenda Item 6 –Unanticipated Business That Shall Properly Come Before The Board And That Requires Immediate Action [Board As It Applies To Subject Matter]

Discussion:

There was no unanticipated business brought to the Boards attention.

Agenda Item 7 – Update On Sewer Connection For Coastal Acres Campground Via Browne Street Extension and Execution Of Eminent Domain Easement Taking For Said Connection [Provincetown Board]

Ms. Michaud: At this point Truro Board Members are free to leave.

Mr. Waldo: We are finally coming to the end of getting a sewer connection to Coastal Acres Campground. It is a two part taking that needs to take place. One part is over the northern boundary of Miriam Gross' property – a 25' easement. The second part is over Browne Street Extension.

Miriam Gross has reviewed the easement plan and has accepted it for what it is. We just need to execute the easement taking.

Atty. Jonathon Eichman: We have two originals here. This is an eminent domain taking of an easement. It is a taking in one part what was formerly the Browne Street Extension and the other part is over Miriam Gross' property as shown in this plan. Browne Street Extension was a former public way as it was laid out in 1892. It was in 1992. We determined that the Town does not own the land within the layout. It had an easement for public way purposes. Once it is discontinued the easement is gone. The property reverts to the underlying ownership. We determined that, in this case it is owned by Miriam Gross as she owns the land on either side of it. There is another large piece of registered land owned by Meadowview Heights Trust that was subdivided. That land is on both sides of the remainder of Browne Street Extension layout. By the same rule the owners of both pieces of land on either side own to the center line. The title reviewer discovered that the trust reserved ownership of the way when it conveyed out the lots on either side. The remaining trustee of the trust has given a waiver and we essentially have permission to take. We are not taking the land

we are taking the right to lay sewer and water lines and maintain them as long as we don't disturb the right to pass of the abutters over Kimberly Lane.

Ms. Meads: Will the three properties on Race Road be hooking onto the sewer line in the future?

Mr. Waldo: We have reached out to them, but they are not interested at this time. Right now we are putting in a forced main. In future expansion we will be going up Kimberly Lane and all through the Bayberry area, at some point. Right now there is no connection to be installed to those lots.

Ms. Meads: I am concerned about the pond front. Do these three properties abut the pond?

Mr. Waldo: No. They don't abut it directly. It is quite a distance away.

Mr. Van Derick: Does this allow the Town to take care of lines?

Atty. Jonathon Eichman: Yes. Inspecting and maintaining.

Mr. Sinaiko: Is there a fire hydrant there? You might want to ask the chief what he thinks.

Atty. Jonathon Eichman: We are rerouting a water main through the easement on Miriam Gross' property, which allows her to develop the area if she wanted to.

Motion: *To adopt the order of taking as presented by counsel.*

Motion: Jonathan Sinaiko

Seconded: Kathie Meads

The motion was approved by a vote of 3 – 0 - 0

Motion: *To award no damages because they have been waived.*

Motion: Jonathan Sinaiko

Seconded: Kathie Meads

The motion was approved by a vote of 3 – 0 - 0

Atty. Jonathon Eichman: We are going to sign two originals. Once it is recorded the Town can proceed with the project. If there was an appeal it will not stop the project.

Ms. Prada: There already is a fire hydrant on the Franklin Street end of the Miriam Gross' property. I know part of the deal when we reroute the water main is to install a new fire hydrant for the property.

Agenda Item 8 –Sewer Flow Revisions

	Address	Orig. Flow	Rev. Flow	Net Chg	Orig. Betmt	Rev. Betmt	Net Betmt.	Reason
11-3-057	91 Bradford St	330	550	220	\$11,114.40	\$21,014.40	\$9,900.00	Growth Mgmt 11/13
15-1-059	508 Commercial St	880	660	-220	\$29,638.40	\$22,228.80	(\$7,409.60)	Abandon Gals 11/13
12-1-079-1-001	140 Brad St #1	1650	1540	-110	\$74,250.00	\$69,300.00	(\$4,950.00)	Bed Count 11/13

Ms. Prada: There are three flow revisions today.

The first one is for 91 Bradford Street. Through the growth management process back in November they increased another 220 gallons for 2 bedrooms.

The second is for 140 Bradford Street Unit #1. This was at the request of the home owner for a walk through bedroom count. As it turns out, they have one less bedroom than we have been billing them for. It is a decrease of 110 gallons.

The third is a property 508 Commercial Street is a bit more complicated. This property was recently purchased. We were billing them for 8 bedrooms. We did a walk through and discovered there were just 6 bedrooms. In the meantime, since the Water & Sewer Board does not meet regularly, they took out a building permit and took out an additional 2 bedrooms. So we have gone from 880 gallons to 440 gallons.

Motion: That we accept the revisions as recommended by staff.

Motion: Jonathan Sinaiko

Seconded: Moe Van Derick

The motion was approved by a vote of 3 – 0 - 0

Adjournment:

Mr. Sinaiko moved to adjourn the meeting at 4:15 p.m.

Respectfully Submitted,
Susan Leonard

Approved by  on 6/5/ 2014