



Town of Provincetown

Meeting of the

WATER & SEWER BOARD

Thursday, April 3, 2014

Veterans Memorial Community Center, Art Room (Room 93)
2 Mayflower Street, Provincetown, MA

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

Board Members Absent: Shannon Corea, Sacha Richter, Mark Collins

Other attendees: DPW Staff: Rich Waldo, DPW Director; Sherry Prada, Anna Michaud, Cody Salisbury, Water Superintendent and Maureen Burgess, member of the public.

Recorder: Susan Leonard

Call to Order: Mr. Sinaiko, acting as chair, called the meeting to order at 3:00 p.m.

Agenda Item 1 - Review of Article 32 on the Provincetown Special Town Meeting Warrant for April 7, 2014 [Water Meter Fees]

Ms. Michaud: There was some confusion on the part of a citizen about it being a charge for the meter. It is actually a service fee.

Cody Salisbury: I clarified this for the Finance Committee. It is for operating expenses as it relates to the distribution system, fixed costs. Eliminating this fee would be detrimental to the Enterprise Fund. A rate increase would have to follow to make up the difference in revenue.

Kathleen Meads: What is the basic charge now?

Ms. Michaud: It is based on the size of the meter. A 5/8" meter is \$66.00 and a 3/4" meter is \$72.50. It goes up from there. Primarily, almost all residential meters are \$66.00. It is for each billing period. It is a fee for potable water availability.

If you are elderly there are two situations where it can be waived. If you decide to defer your taxes then this fee is deferred as well along with water usage and sewer fees. If you fall under the 41C Elderly Exemption, we exempt 50% of both the usage of water and the service fee.

Mr. Sinaiko: Even if you don't use water for the winter, when you turn it on it is there.

Cody Salisbury: The Finance Committee did not recommend this article and neither did the Board of Selectmen.

Moe Van Dereck: What were the arguments against recommending the article?

Cody Salisbury: They recognized that it would be detrimental to the Enterprise Fund health and immediately trigger a rate increase.

Ms. Michaud: It does follow standard practice among most water utilities.

Kathleen Meads: Will anyone get up at Town Meeting and speak to the fact that the article proponent's computation regarding average user fees is inaccurate? We should make clear to the voters that the seniors have options for abatements, as well.

Cody Salisbury: Yes, I will. I think she took an average of not only residential users but large commercial users as well.

Motion: *That we vote not to recommend Article 32.*

Motion: Jonathan Sinaiko

Second: Kathleen Meads

Vote: 5 – 0 - 0

With the agreement of the Board, Agenda Item 4 – Discussion of Proposed Asphalt Recycling Plant in Truro was taken out of order and considered next.

Agenda Item 4 – Discussion of Proposed Asphalt Recycling Plant in Truro

Mr. Sinaiko: The way this affects us is that it affects Zone 2 of the well field. This is the only issue we can address. We cannot address whether we want to see the recycling plant or not or any other consideration.

Cody Salisbury: I gave you the Zone 2 delineation in two different graphics. I had not learned of this before it was in the Cape Cod Times. We did not receive any notification from the Truro Board of Health or anyone else, for that matter, that this was taking place on this parcel of land. From DEP standpoint it, the public water

utility is responsible for “best management practices” in Zone 2. We have consulted with our engineers and discussed what those “best management practices” may be. Since we don’t know the actual nature of the material, they recommend that we put in monitoring wells and monitor water quality in the area for a period of time and a storm water management plan be put in place.

Mr. Sinaiko: If you have to put in wells, at the very least, they should be paying for the wells.

Cody Salisbury: This would be similar to what is required of the Truro Vineyard. They are required to provide a list of the chemicals used and stored at the facility and provide certified water sampling results from their well.

Kevin Kuechler: Having been in this business, I know that the collection of volatile and semi-volatile samples requires specific techniques. It would make sense that certified, trained people take that type of sample.

Kathleen Meads: There is a file on the vineyard. I attended all the meetings regarding what would be required for monitoring fertilizers and pesticides applied. We were following guidelines from the DEQE. A couple meetings ago, I asked for this information from the Town of Truro. We walk a fine line. We are protecting the water resource there, but to lay the onus of the expense on the Water Department is not entirely fair. There should be independent monitoring and it should be the Town of Truro who oversees this. Have they ruled on this yet?

Mr. Worthington: It has not been presented yet. Each time the applicant has requested this the applicant has withdrawn the application or asked for a continuance because their application was not complete. They do not have a site plan yet for review.

Kathleen Meads: Is it premature for us to give an opinion on this?

Cody Salisbury: No. We as the Provincetown Water Department rely almost solely on two sources in Truro. We need to make sure that “best management practices” are taking place within Zone 2 for our own protection.

Mr. Sinaiko: At the least, we should require an independent certified water sampler. We need to know what the risks of run-off are and the threat of an accident due to heavy rain and leaching.

Cody Salisbury: If the facility is to be located in our Zone 2 then we would ask for proper storage of chemicals, hydraulic fluids, etc. We haven't asked for it in the past because some of that facility lies outside of our Zone 2.

Mr. Worthington: It depends upon what facility you are looking at. The Noones's facility lies somewhat outside of Zone 2, but the Winkler facility, which abuts it, lies entirely within Zone 2.

Kevin Kuechler: As a point of information, the applicants are claiming that they are exempt from getting a permit for this activity because it is located at an active quarry or sand pit. This may not be true. It is not clear to me that it is an active sand and gravel pit. I know that Truro is looking into the validity of this exemption at the State level. If it is not exempt it is up to the applicants to prove that there is no other location that is feasible for the facility.

Kathleen Meads: Wouldn't the State be requiring environmental impact studies?

Kevin Kuechler: If it was exempt, no. They would leave it up to the towns.

Kathleen Meads: As a Provincetown member, I would like to turn to the Truro members of the Board and get a feeling as to how you feel about the project. This would give us guidance how to proceed. If we speak too soon or too harshly we may be jumping ahead of Truro.

Kevin Kuechler: I have two thoughts about this. I have concerns about recycling asphalt because if asphalt is not cured it will release volatiles and semi-volatiles into ground water if not properly managed. It is impossible to test every batch that comes into the facility. The other aspect of this, I have a concern about the history here. There have been two "cease and desist orders", not only in response to the ABC operations, but also improper storage of hydraulic fluids. The fact is that it took two "cease and desist orders" and then a court injunction to accomplish where we are; I also have concerns about the operators.

Kathleen Meads: It would be premature of us before the Town of Truro gets back to us. We may require some engineering proof that what they will be putting in place will be adequate to protect the public water supply.

Kevin Kuechler: We are waiting to see what the applicants come back with because it may change. Some of this is speculation; it is not clear.

Mr. Sinaiko: If we send a message that states these are the bare minimum standards that have to be met then they may just not do it.

Mr. Worthington: I feel quite strongly about this application, but being a member of the Planning Board I have to show up with an open mind. I will not provide information about my feelings about it. It is important that this Board be on record as being very, very willing to invoke its powers in order to protect the ground water proactively. Sampling wells are reactive. They are trailing indicators. As far as the Provincetown Water Department is concerned, asphalt is the key concern, not brick or concrete.

Mr. Sinaiko: We should make some sort of motion to say that we are concerned that there are issues that would have to be addressed.

Kevin Kuechler: I am waiting to see what the applicants promise in case it is very different than what the applicants have proposed in the past.

Kathleen Meads: I am wondering if the Water and Sewer Board's position should be to make some sort of inquiry of the Town of Truro, making them aware that we know about this with two or three bullet points of concern 1. What is the potential for contamination? 2. What engineering studies would the Town of Truro be requiring of the applicants relative to public water supply protection in the area? What would the Boards be? The Planning Board, the ZBA and the Water Resources Oversight Committee? If we could do that would it be the way to approach it? This is the Town of Truro's duty.

Maureen Burgess: May I have a chance to speak? I live in North Truro. I am not a direct abutter to this project, but I have been immersed in the issue since last April. I am quite familiar with it. First, the Winkler property should not be confused with the Noones's property. The Noones's property was an existing sand and gravel pit. Mr. Winkler purchased his property from Mr. Noones. In 2009 Mr. Winkler had a site plan approved for storage of vehicles and his crane equipment. It said that the vegetation would not be disturbed. That is what the Planning board approved. Without any change in site plan or going before any board, a new use began. There was not an existing sand pit there. The existing vegetation can be seen on Google Earth up until 2012. Then they began bringing in mounds of asphalt and concrete sections of Title 5s and crushing it. They removed the vegetation right up to the boundary line of the abutting motel property.

My husband and I tried to work with the Town of Truro to try to get them to act on it. We had to engage legal counsel. Finally, we got the injunction. I think it would be very important for you to give an opinion. The most recent site plan that they submitted didn't even change the use of the property. There were barrels of hydraulic fluids sitting above the edge of the motel property. It would be very important for you to weigh in your concerns.

Mr. Sinaiko: We need to word something that we can send to Truro's Planning board.

Kathleen Meads: I have these bullet points that we can include in the letter.

- 1. What is the potential for contamination?**
- 2. What engineering studies would be required by the Town of Truro relative to the public water supply protection in Zone 2?**
- 3. Monitoring and continuous management reporting for the project.**
- 4. Exercise all caution during the permitting process and report back to the Provincetown Water and Sewer board**

Motion: *That the Water Superintendent write a letter using the bullet points we have put forward to be sent to the Town of Truro's Planning Board, Zoning Board, Water Resources Oversight Committee, Health Agent and Board of Selectmen.*

Motion: Jonathan Sinaiko **Seconded:** Mr. Worthington **Vote:** 5 – 0 – 0

Agenda Item 7 – Sewer Flow Revisions

Ms. Prada: I have just one flow revision for Farland. They requested additional seats some time ago. It was approved back in February 2014 through Economic Development and they have already connected to the sewer.

Motion: *I make a motion that we accept this flow revision as recommended by staff.*

Motion: Jonathan Sinaiko **Seconded:** Kathleen Meads **Vote:** 5 – 0 – 0

Agenda Item 2 – Initial Discussion of First Submission of Proposed Clarification of Several Water and Sewer Board Rules and Regulations

Cody Salisbury: I will try to make this as brief as possible. We don't have to vote on these today. Some of these regulations have not been revised in fourteen years. I have

highlighted some of the language that needs to be clarified. Under Section 4 - Meters we need to be very clear as far as meter requirements for the different structures. We do require the separate metering under Section 6.9. – Every unit needs its own water service

I am proposing that we create a subsection of Section 4

- Single Family Structures

- Multiunit Structures: Condominiums, Cooperatives Contained in a Multi-unit Single Structure.

I propose that the language read as follows:

“All newly constructed condominiums or cooperatives contained in a single structure shall be separately metered; the department shall designate the location of said meters. Existing single structures converted to condos that do not have individual unit plumbing are exempt from this regulation until it is renovated at a cost equal to or in excess of 25% of the Town’s tax assessment of the building or the individual unit being renovated.

It is extremely costly and problematic to re-plumb some of these older buildings. I asked other towns how they handled this. They do it based on the assessed value of the structure. Detached units are pretty cut and dried. Those are separately metered.

Kathleen Meads: If a unit owner or condo association requests separate metering that means that everyone in the association would have to agree. I think this is the best way to do it. It would prevent a single condo unit owner from raising havoc if the condo association requests it.

Cody Salisbury: We are not here to set somebody’s condo doctrine. We require separate services because if we have an account that is delinquent and there is common service we have no way of shutting off that service. The only way that we know of a condo conversion right now is through the Assessor through the Barnstable County Registry of Deeds. The building permit process has benefited us because we can see who is doing conversions to separate ownership condominiums.

Kathleen Meads: This seems like a lot to consider right now. Thanks for taking this on. We need to look at all the issues involved.

Mr. Sinaiko: The 25% is fine with me. It doesn’t take a lot to get up to the 25%. The question that I have is that you would not include routine maintenance of a roof or fixing a deck for example. The ultimate goal is to get everyone on separate meters.

Agenda Item 3 –Discussion of Proposed Changes to Miscellaneous Water-related Fee Schedule

Cody Salisbury: The fee schedule that I am referring to was adopted in 2009. I propose that we adjust some of the water-related fees. Several years ago we stopped charging for the water turn-ons and turn-offs. It is lost revenue for the department. Also, the fire service taps require inspection by the Water Department. There should be a fee for that, especially when there is a contractor tapping the main. Back flow and cross connection surveys were subcontracted because we didn't have licensed surveyors and inspectors in house. We now have licensed staff to do it. We should increase the rate to be consistent with other towns. Finally, the Town would be handling water service pipe installations, not solely, but the rate payer would have the option of having the Town install service. This is consistent with other towns like Brewster and Harwich. It is a means of control. We learn of installations after the fact sometimes. It is a means to recover revenue.

Kathleen Meads: What about liability if we install the water line and there is an underground leak?

Cody Salisbury: The Town would warrantee the service for 10 years. If there is a leak we will go back in and repair it. I think if we are doing the work we can guarantee the quality of the workmanship. It is a matter of having the proper materials. This will be a process with a lot of back and forth with the Board to work these things through.

Kathleen Meads: Just to remind you, this has to go to the Provincetown Board of Selectmen and then the Truro Board of Selectmen for approval before it comes back to us.

Mr. Worthington: I think in the long run once you get over the initial bumps of installing water lines in a competitive nature with a 10 year warrantee, in the long run it will be a good way to go.

Cody Salisbury: There should also be a water service application fee so we have control over the jobs that are going on. We should have an approved contractor list. It hasn't been updated in a long time. This is a two part process; a change in the existing fee schedule and the addition of services by the Water Department. We will come back with proposed fees.

Agenda Item 5 – Statements from the Board

There were none.

Agenda Item 6–Unanticipated business that shall properly come before the Board and that requires immediate action

There was no other business considered

Adjournment:

A motion to adjourn was offered by Kathleen Meads and seconded by Mr. Sinaiko. It was approved by a unanimous vote of the Board

The meeting was adjourned at 4:32

A handwritten signature in cursive script, appearing to read "Kathleen Meads". The signature is written in black ink and is positioned in the lower-middle section of the page.