



Town of Provincetown

Meeting of the

WATER & SEWER BOARD

Thursday, September 8, 2016

Veterans Memorial Community Center, Room 89

2 Mayflower St, Provincetown, MA

Board Members Present: Mark Collins, Kevin Kuechler, Jean Horner, Zoe Babe and Bill Worthington

Board Members Absent: Moe Van Dereck, Chair; Kathleen Meads, Co-chair; and Gary Palmer

Others Present: Anna Michaud, Sherry Prada, Cody Salisbury, Water Superintendent, and Laura Marin, Health Agent

Recording Secretary: Susan Leonard

Call to Order: Mr. Collins acting as chair, called the meeting to order at 2:30 p.m.

Agenda Item 1 – Water Bill Abatement Requests [Full Board]

Water & Sewer Board
Water Abatement Applications

8/18/2016

Acct#	Property Address	Applicant	Usage	Bill Amount	Avg Usage	500% Rule Usage	Avg Bill Amt	500% Rule Amount	Staff Recommendation
<i>Several Bills - Fall 2003 - Spring 2016 Cubic Foot Meter</i>									
0008516	30 Commercial St	30 Commercial St C 1996 Nom Trust		\$ 3,116.50					Abate \$1,063.50. Cubic meter

Discussion:

Ms. Michaud explained to the Board that this is for a cubic meter that was installed in error in 2009. The abatement goes back to 2009 in the amount of \$1,063.50. The corresponding Sewer Bill abatement [Agenda Item 7] will also be considered at this time. A cubic meter measures cubic feet of water in 100s; a gallon meter measures gallons in 1,000s. This resulted in an over-charge. This should be the last cubic meter in use. The different rates over the years had to be calculated to arrive at the abatement. Although a survey for this type of meter had been done in past years, the department did not have access to this meter until it was found not to be functioning at all and was replaced.

Agenda Item 7 – Sewer Abatement Requests [Provincetown Board]

Acct#	Property Address	Applicant	Usage	Bill Amount	Avg Usage	Avg Bill Amt	Staff Recommendation
<i>Several Bills - Fall 2003 - Spring 2016 Cubic Foot Meter</i>							
0008516	30 Commercial St	30 Commercial St C 1996 Nom Trust		\$ 8,517.30			Abate \$2135.33. Cubic meter

Discussion:

This Agenda Item was taken out of order. It corresponds to the same address cited in Agenda Item 1, 30 Commercial St, Unit C. The sewer bill was abated for the amount of \$2,135.33.

Motion: To accept the water and sewer bill abatements for 30 Commercial St as recommended by staff.

Motion: Jean Horner Seconded: Kevin Kuechler Vote: 5 – 0 - 0

There are two more sets of abatements. These are 41C exemptions. Signing up for this program was delayed because the tax bills went out late. There are 3 customers eligible for the 41C water exemption and there is one water deferral that was previously approved, but it was miscalculated.

Motion: To accept staff recommendations for the 41C Water abatements and Water Bill deferral.

Motion: Mark Collins Seconded: Jean Horner Vote: 5 – 0 - 0

Agenda Item 2 – Recommitment of Delinquent Water and Sewer Bills [Board as it applies to subject matter]

Discussion:

Ms. Michaud explained that this is for the water and sewer bills that have not yet been paid. The list was printed on September 1, 2016. If there have been any payments made since then an adjustment will be made and there will not be a tax lien placed on the property. The amount is a lot less than it used to be. The uncollected water bills are in the amount of \$30,800 and the sewer bills are \$7,000. The list has been checked for eligible elderly customers. Customers are mailed brightly colored written notices by the tax collector.

Motion: To accept the recommitment of the delinquent water bills. [Full Board]

Motion: Mark Collins Seconded: Kevin Kuechler Vote: 5 – 0 - 0

Motion: To accept the recommitment of the delinquent sewer bills. [Provincetown Board]

Motion: Mark Collins Seconded: Jean Horner Vote: 3 – 0 - 0

Agenda Item 3 – Updates from Water and/or DPW Staff

Discussion:

Ms. Michaud informed the board that the Charter Review Committee would like to meet with the Board or attend a meeting so they can get a sense of what the Board does. The current charter only discusses the composition of the Board but does not address anything about what the Board does. Ms. Michaud recommends that the Board invite a Charter Review representative to a future meeting.

Mr. Collins asked if staff could write up a description of how the Board's makeup has changed with the addition of the Truro Board members to the Water Board and a description of what the Board does.

Ms. Michaud also informed the Board that she is retiring on December 2, 2016. Jane will be taking her place.

Motion: Thanking Anna for her years of service and for a job well done!

Motion: Mark Collins

Seconded: Bill Worthington

Vote: 5 – 0 – 0

Mr. Salisbury, Water Superintendent, discussed a letter he sent to the Town of Truro Planning Board about the Walsh Way Definitive Plan. He notified the Provincetown Water and Sewer Board members by email about it. Usually, he would ask the Board to craft the letter, but the timing was very tight because the Town was not notified as an abutter. He hopes the Board supports the action he took. He is concerned about opening up a parcel of land to development that lies within the Zone II wellhead protection area of North Union Field.

Mr. Kuechler asked if there are any specific recommendations that the board should make. Mr. Salisbury replied not at this time. Provincetown was notified of a proposal to widen the existing roadway and provide access to the rear parcel of land. As of now there is no subdivision of lots. He thinks caution should be exercised if there is going to be a residential development. He will stay abreast of what is going on out there.

Mr. Kuechler recommends that Truro be reminded of how much the Walshes were paid for a 6.5 acre parcel that became part of North Union Field Zone I. It was a negotiated purchase. Mr. Worthington added that the access road is a key to the largest residential parcel in Truro.

The updated water production report for August will be available soon. It is under by 1,200,000 gallons and July was about 1,200,000 gallons over, so we are flat for the season.

Staff has been very busy leak detecting. There was a large leak of a 16" main fitting on Winslow St in front of the High School building. It was a gasket leak on the Tee of the line feeding the school, leaking about 12 gallons per minute.

The pilot leak detecting program is still in place. Mr. Salisbury is attempting to get MA DEP water management grant money. A service leak did pop up on Atlantic Ave that was localized to within 60' of its location by the leak detection monitors.

The Water Department is beginning a rate study process now. The last rate increase was 12 or 13 years ago. The operating budget will probably be made available to the Board this year so staff can move forward with a recommendation. The department is looking at how long balancing the budget with retained earnings is sustainable.

Phase 3 Construction begins September 19 – 2,500 feet of water main are being replaced between Howland St and Johnson St.

Agenda Item 4 - Statements from the Board [Board as it applies to subject matter]

There were none made.

Agenda Item 5 – Unanticipated business requiring immediate action that may legally come before the Board

There was no unanticipated business raised.

Agenda Item 6 – Approval of Minutes [Board as it applies to subject matter]

The Board members reviewed the minutes for June 23, 2016 and a motion was put forward.

Motion: To approve the minutes of June 23, 2016 as written.

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 4 - 0 - 1

The Truro Water Board left the meeting at 3:05 pm.

Agenda Item 8 – Board of health Request for Emergency Sewer Connection; 16 Carver St [Provincetown Board]

Discussion:

Laura Marin, Health Agent was present to answer any questions the Board had about this property. She read an explanation of the determination of the Public Health failure of 16 Carver St. On the recommendation of Morgan Clark, Director of Public Health and Rich Waldo, DPW director the Board of Health agreed to allot a sewer connection to the property based on the egregious number of variances required to fit a Title 5 system on the property. There were also topographical challenges to the installation that would not prevent break-out of effluent from the leaching bed. The lot, which is 4,100 square ft, is less than the state minimum of 5,000 square ft. Although, the Title 5 system fits the lot on paper, given the gradient of the slope and the retaining wall it becomes very difficult to install the system.

Mr. Collins asked if an alternative to a Title 5 could be installed. Ms. Marin replied that the slope makes it difficult to do so. Ms. Horner asked about the issue of too many variances. Ms. Marin responded that the system would be less effective with a lot of variances.

Mr. Collins asked how many other properties like this might come before the Board asking for a connection. Ms. Marin replied that the Board of Health is seriously considering going through the ACO process for properties that qualify instead of requiring them to install a Title 5 right away. In the future, they could connect to the sewer if it becomes available. If there are minimal variances required then the Board would require the Title 5 installation.

Ms. Horner said she is concerned because of the number of gallons that the Board of Selectmen just gave to 9 Ryder St. The number of available gallons is dwindling. Ms. Prada pointed out that the gallons for 9 Ryder St are from Economic Development gallons, a different source than Public Health failure gallons. Gallons in both categories are available to give.

Ms. Marin explained that a Public Health Emergency is when sewage is coming out of the ground. This case is a Public Health Failure because it is currently on cesspools.

Mr. Collins thinks they need a protocol in place to deal with these situations. Sometimes cesspools can be successful. We are in a State of Emergency and have limited gallons. Ms. Prada said her understanding from Mr. Waldo is that the Board of Health is well aware of the State of Limited capacity and they scrutinize each request.

Ms. Horner asked if the Board of Health reviewed the proposed plans for the Title 5. Ms. Marin assured her that they did.

Mr. Collins made the following motion:

That the Board approve the request for 16 Carver St with two provisos – that the Water & Sewer Board reiterate to the Board of Health the grave concerns it has about adding properties to the sewer and that this not be viewed as any kind of precedent.

There was no second made to Mr. Collin's motion. The motion failed.

Mr. Collins asked if this should not have been done before the transfer of the property.

Ms. Babe asked if the Board of Health Regulations defines the Public Health Emergency. Ms Marin replied that she believes it does, but will have to look it up.

Motion: That we table Agenda item 8 until the next meeting and that the Health Department regulations be made available in order to evaluate what a Public Health Emergency sewer connection is.

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 2 – 1 - 0

Agenda Item 9 – Supplemental Phase 3B Sewer Betterment Order and Notice [Provincetown Board]

Discussion:

Ms. Prada explained that when sewer connections are approved the betterment has to be assessed, a lien is put on the property and it is put on the tax bill. This will require a notary, but no one is available to do it today. A Board member will have to come back next week to have the signature notarized. This is the commitment that comes out of the Water Department Office for some “red dot delay” properties and latecomers.

Ms. Prada discovered that 16 Carver St is part of this list of properties. There might be a problem with approving the agenda item, since its connection was not approved. Ms. Prada left the room to consult with Dana Faris about this.

At this point in the meeting, Ms. Marin informed the Board that she had located the Board of Health regulations on the Town web site.

Ms. Babe made the following motion:

To un-table Agenda Item 8 so the Board of Health regulations can be discussed.

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 3 – 0 - 0

[Ms. Marin passed her phone around to the Board so they could read the regulations.]

Mr. Faris joined the meeting. He stated that it is Staff's recommendation that the Board grant 16 Carver St a Public Health Emergency connection to the sewer.

Mr. Collins asked if there was a designation of "critical", "strongly advised" or "non-critical". Ms. Marin replied that this case would be a critical designation because it is not known how a proper Tile 5 could actually be installed at 16 Carver St.

Mr. Faris said if one were to walk down the street and look at the property, it is pretty obvious it can't be done. Ms. Horner replied that anything can be done at a cost. If the Board of Health advises it the Water & Sewer Board should support it.

Ms. Marin said the cesspool is considered automatically failed upon sale of the property according to the Board of Health regulations. Ms Horner asked if the critical designation is because of the increased risk of failure of the Title 5. She would like to know what the variances entail. She is not comfortable giving away gallons when there is enough property, although she understands the problems of getting something on a plan onto the ground.

Ms. Marin asked if the Water & Sewer Board had received a copy of then Title 5 plans at the first meeting. She does not have the plans with her to discuss the variances it would need. Mr. Faris added it is a substandard lot size. He does not think the Board of Health is being frivolous granting Public Health Emergencies.

Ms. Horner said she does respect the expertise of the Board of Health.

Motion: That we approve the sewer connection at 16 Carver St with the caveat that the Health Department is made aware of the concerns of the Water & Sewer Board and that this does not set a precedent.

Motion: Jean Horner

Seconded: Mark Collins

Vote: 3 – 0 - 0

Ms. Marin invited the Board to attend the next Board of Health meeting on September 15th to discuss this case. She thinks it would be great if someone could attend.

[Agenda Item 10 was taken out of order]

Agenda Item 10 – FY16 Sewer Surcharge Commitment [Provincetown Board]

Discussion:

Ms. Prada informed the Board that the betterments that are being billed from her office are in the amount of \$220,433.

Motion: *To approve the sewer surcharge commitments as recommended by staff.*

Motion: Mark Collins

Seconded: Jean Horner

Vote: 3 – 0 - 0

Resume discussion of Agenda Item 9 - Supplemental Phase 3B Sewer Betterment Order and Notice

Ms. Prada explained that this assesses betterments for two new connections – 509 Commercial St and 16 Carver St

509 Commercial has been signed up for a long time. The Town was not sure how it would be able to serve the property and 16 Carver St was just approved by the Board.

Motion: To approve the supplemental Phase 3B sewer betterments for 509 Commercial St and 16 Carver St.

Motion: Mark Collins

Seconded: Zoe Babe

Vote: 3 – 0 - 0

Agenda Item 11 – Sewer Grease Management Variance Request [Provincetown Board]

a. 226 Commercial St

Discussion:

Ms. Marin presented the agenda item to the Board. Ms. Vorelli, the owner of the property, would like a variance regarding the grease trap monitoring system. She has been monitoring the grease trap for many years and would like to continue doing so, as opposed to installing an electronic monitoring system. The septic hauler pumps the grease trap twice a year. There has never been an issue with this grease trap.

Mr. Collins asked if there is a requirement that a monitor be installed in each grease trap. Ms Marin replied that visual inspection is allowable; the trap has to be pumped twice yearly or whenever it reaches 25% of capacity. There have been similar requests for a third party to do the actual inspections.

Mr. Collins wanted to know if this is the first time an individual will be allowed to self-monitor her own grease trap. He would like more advice from staff on this. He would like to have Kathie Meads present to discuss this request. It is a large establishment in the center of town. Grease is a big issue. Mr. Waldo may have some concerns and advice on the request.

Mr. Collins tabled agenda item 11 until the next meeting.

Agenda Item 12 – Sewer Flow Revisions [Provincetown Board]

