Town of Provincetown

Meeting of the

WATER & SEWER BOARD

Thursday, November 3, 2016

Veterans Memorial Community

2 Mayflower Street, Provincetown, MA

Board Members Present: Kathleen Meads (co-chair), Kevin Kuechler, Bill Worthington, Jean Horner and Zoe Babe, Moe Van Dereck (chair) arrived at 3:20

Board Members Absent: Mark Collins and Gary Palmer

Other attendees: DPW Director, Rich Waldo; Cody Salisbury, Water Superintendent; Sherry Prada, Director of Operations; Anna Michaud, Jane Petterson, David Gardner, Asst. Town Manager

Recorder: Susan Leonard

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

Agenda Item 1 – Fall Water & Sewer Bill Commitments [Board as it applies to subject matter]

Discussion:

Ms. Michaud informed the Board that the Fall water commitment is in the amount of $1,601626.90. This is only slightly higher than last year's commitment. The gallonage is slightly increased, as well.

Motion: To accept the Water Commitment as presented by staff.

Motion: Kathie Meads **Seconded: Jean Horner** **Vote: 5 – 0 – 0**

Ms. Michaud explained that the sewer commitment is also slightly up from last year. The amount is $995,456.90.

Motion: ***To accept the Sewer Commitment as presented by staff.***

Motion: Kathie Meads **Seconded: Jean Horner** **Vote: 3 – 0 – 0**

Ms. Michaud also presented miscellaneous water charges for cracked meters that are paid for by property owners and weekend call-outs, etc. in the amount of $7,317.00

Motion: To accept the miscellaneous water charges as presented by staff.

Motion: Kathie Meads **Seconded: Bill Worthington** **Vote: 5 – 0 - 0**

Ms. Michaud also informed the Board of miscellaneous sewer charges in the amount of negative $630.19. This is a negative amount because it is an adjustment to charges for properties that signed onto the system mid-cycle.

Motion: ***To accept the miscellaneous sewer charges as presented by staff.***
Motion: Kathie Meads **Seconded: Moe Van Dereck** **Vote: 4 – 0 - 0**

Agenda Item 2 – 41C Elderly Water & Sewer Bill Exemptions [Full Board]

Discussion

Ms. Michaud presented the 41 C water and sewer exemptions to the board. Ms. Babe asked to review the list .

The agenda item was deferred until Ms. Michaud returned from her office with the list.

Agenda Item 3 – 41A Elderly Water & Sewer Deferrals [Board as it applies to subject matter]

Discussion:

Ms. Michaud recommended that the water and sewer deferrals be voted on separately. She noted that there has been no change in the number of people who are receiving the 41A deferral.

Motion: ***To accept the 41A Sewer deferrals as presented by staff***
Motion: Kathie Meads **Seconded: Jean Horner** **Vote: 4 – 0 - 0**

Motion: To accept the 41A Water deferrals as presented by staff.
Motion: Moe Van Dereck **Seconded: Kevin Kuechler** **Vote: 6 – 0 - 0**

Agenda Item 7 was taken out of order

Agenda Item 7 – Accept Minutes from Prior Meeting [Board as it applies to subject matter]

After the minutes were reviewed by the Board members, a motion was made.

Motion: ***To accept the minutes for the Water and Sewer Board meeting of September 15, 2016.***
Motion: Jean Horner **Seconded: Zoe Babe** **Vote: 6 – 0 – 0**

Agenda Item 2 was brought forward at this point in the meeting because Ms. Michaud returned with the list of 41C water and sewer exemptions for the Board's review.

Motion: ***To accept the 41C exemptions as presented by staff.***
Motion: Kathie Meads **Seconded: Moe Van Dereck** **Vote: 6 – 0 - 0**

Agenda Item 4 – Water & Sewer Abatements [Board as it applies to subject matter]

a. 3 Webster Place

b. 9 Conwell Street #1- 4

Discussion;

Ms. Michaud explained that **9 Conwell Street** was inactivated in error last Spring. Once the error was found and corrected, an over payment resulted because of the way the system works. An abatement of $54 was calculated to correct it based on average use

In April 2015 a bill was sent to **3 Webster Place** which was for the period during the winter freeze ups. There was a pipe leak and the water was turned off. The department had to go through a third person in order to locate and advise the property owner of the leak. The owner was informed via email that he could apply for an abatement if he filed within 30 days of the bill mailing date which would have been in June.

The owner appeared on July 6th asking for an abatement. Ms. Michaud explained that the Water & Sewer board does not have the authority, under these conditions, to approve an abatement. She informed the owner that he could not apply. The owner brought suit in Smalls Claims court and was denied, but appealed the decision. The Appellate Tax Board contacted Ms. Michaud and told her she should have allowed the property owner to fill out the abatement form, whereupon it would be brought to the Board, which then could deny it as not being a timely submission.

Ms. Michaud has allowed the property owner to submit the abatement request and recommends that the Board deny the request because it did not meet the deadline. With this denial the owner can go back before the Appellate Tax Board and may actually get relief. However, there is now a lien on the property.

Ms. Meads agreed that it should be denied. She pointed out that the bill always has to be paid before an abatement is given. This is standard procedure. There is nothing to lose in denying the request. Ms. Michaud stressed that the 30 day deadline has always been strictly enforced.

The two requests were voted on separately.

Motion: ***To accept the staff recommendation of an abatement for 9 Conwell Street due to a clerical error.***
Motion: Kathie Meads **Seconded: Bill Worthington** **Vote: 6 – 0 - 0**

Motion: To accept staff recommendation to deny the Water abatement request for 3 Webster Place
Motion: Jean Horner **Seconded: Moe Van Dereck** **Vote: 6 – 0 - 0**

Motion: To accept staff recommendation to deny the Sewer abatement for 3 Webster Place.
Motion: Moe Van Dereck **Seconded: Zoe Babe** **Vote: 4 – 0 - 0**

Agenda Item 5 - Truro Applications for Water Service [Full Board]

a. 276 Shore Road
b. 642 Shore Road

Discussion:
Mr. Salisbury informed the Board that **276 Shore Road** would have to be tabled because the application was not signed or submitted, as expected.

Mr. Salisbury passed the plans around for the Board to review. Little Skipper Cottages at 642 Shore Road is asking to separate out the lines to install individual meters. This involves installing a 2" service to the property, but is technically not an expansion of service. There will be 12 individual accounts and meters. Currently, they are all metered on one meter. The majority of condo owners want their own meter. It is beneficial to the department to sub-meter them.

Motion: To approve the water service at 642 Shore Road.
Motion: Kevin Kuechler **Seconded: Bill Worthington** **Vote: 6 – 0 - 0**

Agenda Item 6 – Staff Updates
Discussion:

Mr. Salisbury reported that water pumpage is down 3.1 million gallons from last year. There is a trend for less billable water use for this time of the year. There has also been discovery of leaks that are contributing to less water being lost. Leak detection has been very good.

All 2,500 feet of new water main has been installed up to Johnson Street. The installation of services has gotten to Kiley Court which about a third of the services to be completed. The pipe is live up to that point. The last phase of testing is being done up to Johnson Street.

The T Mobile installations on both water tanks failed. The magnetic mounts did not hold up during the last couple of wind storms. The engineers will revise a plan in the future. There are a couple lines that are live still. This case it is very unusual – Provincetown is the instance that the magnetic attachments have failed so miserably. Mr. Waldo added that the companies provide insurance against damage to the tanks. They own the liability.

Mr. Waldo discussed with the Board that it is the only regulatory board that does not have set meetings. It would be nice to have a set schedule for people to get on the agenda. After much discussion it was decided by the full Board to meet on the second Thursday of the month at 2;00.

Motion: ***To meet on the second Thursday of each month at 2:00 pm.***
Motion: Moe Van Dereck **Seconded: Jean Horner** **Vote: 6 – 0 - 0**

Agenda Item 8 – Statements from the Board [Board as it applies to subject matter]

By a unanimous vote, the full Board formally thanked Anna Michaud for her years of service and wished her well.

Ms. Horner spoke about attending the Board of Health meeting. Being new on the Board and also concerned she wanted to learn about the decision making process of the Board when it came to sewer connections and public health failures. Mr. Wald stated that he went before the Board of Health recently to explain what the options were, especially the ACO process. He suggested that they continue to issue ACOs for properties that may be able to connect in the future if there is an expansion on the sewer system. Mr. Waldo added that 16 Carver Street had a lot of limitations and required several major variances.

Agenda Item 9 – Unanticipated Business that may Legally Come Before the Board Requiring Immediate Action [Board as it applies to subject matter]

There was no unanticipated business.

Agenda Item 10 – Proposed Sewer Regulation Amendment – Year-round Housing Public Benefit (David Gardner, Gloria McPherson) [Provincetown Board]

Discussion:

Ms. Meads mentioned that the Board would like to get an overall sense of what is happening regarding water and sewer. Piecemeal information in bits and pieces makes planning for future priorities difficult.

Mr. Gardner informed the Board that his purpose for being at the meeting is to request a change in the Water & Sewer Board regulations regarding accessory dwelling units. Town Meeting has adopted a series of amendments to the Zoning Bylaw to encourage year round rental units. The way the Water & Sewer Regulations are written now is an impediment to the creation of accessory dwelling units. An accessory dwelling unit is a year round rental that is deed restricted and limited in size, such as a cottage or basement apartment or in-law unit.

The accessory dwelling unit definition would have to be included under the Housing Priorities Categories under the Limited Capacity section of the regulations. There are 17,500 gallons reserved for community and affordable housing. So far, after two years of the program none of these gallons have been used. The accessory unit would be restricted by definition by the fact that it has a Special Permit under Section 2440 or 4800. One has an affordability requirement and the other one does not, but both are required to be year round housing.

Ms. Horner asked why the deed restriction would be removed from the regulation? How would it be enforced without the deed restriction? Would there be fines? She thinks it appears open ended if it had to go through zoning and after a certain amount of time a fine would be levied. She prefers to see it all written down. Mr. Gardner replied that it does exist under local and State laws.

Ms. Meads said she wants to know how all the changes are going to interplay in the future. She asked about the 17,500 gallons set aside for this category. She wants to make sure that there won't be an unexpected shortfall in some other category because of these gallons be set aside. Mr. Waldo replied that the department is on target with all the categories. EDPs and Public Health Emergencies are consistent with the 5 year outlook. The Affordable and Municipal categories have not been used at all.

Mr. Gardner added that inclusion of Accessory Dwellings in the regulations would be an avenue through the Amnesty Program for illegal year round units that exist. Ms. Meads said she is in favor of using existing housing to help solve the housing crisis. Ms. Meads asked how "change of use" would be handled if after 5 years the affordable unit was converted to market rate? Ms. Horner thinks that a deed restriction would solve that problem. Mr. Gardner thinks a Special Permit and a deed restriction are equally enforceable in a Court. Mr. Gardner reminded the Board that all these regulations are in place. They are just want to amend them.

Ms. Horner is concerned about the gallons being used during a period of limited capacity. She doesn't want to see an emergency arise because the system is over capacity in the future. Mr. Gardner replied that there are checks and balances laid out in the guidelines for the 5 year planning window. Ms. Meads is concerned about when DEP establishes new Title 5 standards there will be people who will not be able to meet the new standard and will be forced to seek a sewer connection. We should build this into the gallon figure.

Mr. Gardner asked the Board to have a Public Hearing to consider the regulation changes. He doesn't have a time frame for when it should be done.

Ms. Meads recommended that the Board take the proposal under advisement at its next meeting in December and after that advertise a public hearing at a future date to take a vote.

Motion: ***To table any action on the request, and discuss the proposed amendments at the December 8, 2016 meeting, and schedule a public hearing for January 2017.***
Motion: Kathie Meads **Seconded: Jean Horner** **Vote: 4 – 0 - 0**

Agenda Item 11 – Sewer Flow Revisions [Provincetown Board]

07-4-021	14 Prince St	550	440	-110	$24,662.00	$19,729.60	($4,932.40)	Surrend Gallons
15-3-077	307 Bradford St	330	880	550	$14,850.00	$39,600.00	$24,750.00	Correction Rent Cert
11-3-086-0-001	116 Bradford St	1210	550	-660	$40,752.80	$18,524.00	($22,228.80)	Surrend Gallons
11-3-043	226-228 Comm St	4050	3700	-350	$136,404.00	$124,616.00	($11,788.00)	Surrend Gallons
06-2-017-A	65 Commercial St	550	770	220	$18,524.00	$25,933.60	$7,409.60	Correction Rent Cert

Discussion:
Ms. Prada informed the Board that there are 5 flow revisions that could be taken as a group or separately. There isn't anything that warrants them being separately.

65 Commercial Street is being increased by 2 bedrooms according to the rental certificate submitted by the home owner. It was discovered when the Assessors data base and Sewer data base were crossed checked against the rental certificate. **226-228 Commercial Street** Vorelli's Restaurant is surrendering 350 gallons. **116 Bradford Street** is surrendering 660 gallons as a result of converting a guest house to 3 condos. **307 Bradford Street** is another rental certificate. There are two houses on the property one was counted and bettered and the other had not been counted. This is for an increase of 550 gallons. **14 Prince Street** is returning 110 gallons.

Motion: ***To accept the staff recommendations of flow revisions.***
Motion: Kathie Meads **Seconded: Moe Van Dereck** **Vote: 4 – 0 - 0**

Agenda Item 12 - Supplemental Betterment Order [Provincetown Board]

Discussion:
Ms. Prada explained that this is for a property in Phase 1, 51 Commercial Street. The property was recently sold and wasn't bettered. It is now bettered and paid in full.

Motion*: To approve and sign and Supplemental Betterment for 51 Commercial Street.*
Motion: Kathie Meads **Seconded; Moe Van Dereck** **Vote: 4 – 0 - 0**

Ms. Meads adjourned the meeting by unanimous consent at 4;15 pm