

# Town of Provincetown

## Meeting of the WATER & SEWER BOARD

Wednesday, February 16, 2005

Grace Gouveia Building, 26 Alden Street, Provincetown

**Members present:** Jonathan Sinaiko, Chair; Anne Lord; Sacha Richter

**Members absent:** None

### **Other attendees:**

DPW Director David Guertin; DPW Staff Ron Gamella, Ryk Tyszka; Health Agent Jane Evans, members of the public

### **Call to Order**

Mr. Sinaiko called the meeting to order at 3:03 p.m.

### **Minutes**

Ms. Lord moved, seconded by Mr. Richter, to approve the minutes for the meeting of February 2, 2005. The motion carried 3-0.

### **Abatement Applications**

Staff presented the following recommended abatements of FY 2005 water charges:

Bill	Name	Sewer Charge	Reason for Abatement
1009	Joyce Bailey	\$3,736.33	500% policy
7116	Pauline Saunders	\$681.83	500% policy
5413	Ruth O'Donnell	\$542.83	500% policy
4217	Muriel Coill Rev. Trust	\$3,838.00	500% policy
8018	St. Mary of the Harbor	\$971.33	500% policy
885	Race Point Road RT #1	\$50.00	Not connected
886	Race Point Road RT #2	\$50.00	Not connected
887	Race Point Road RT #3	\$50.00	Not connected
888	Race Point Road RT #4	\$50.00	Not connected
895	Race Point Road RT #11	\$50.00	Not connected
896	Race Point Road RT #12	\$50.00	Not connected
690	Barbara Murchison	\$5,565.83	500% policy
6215	Provincetown Airport	\$6,000.00	Misread
9845	Donald Cote	\$1,223.00	Misread
9000558	Bluelight LLC	\$18,331.50	New meter not at zero
710	Brotchie Family RE Trust	\$87.00	Meter calibrated in cubic feet, not gallons
167	Susan DiRusso	\$37.50	Smoothing due to underreads
897	Theodore C. Rodes	\$50.00	Not connected
493	Whalers Wharf LLC	\$896.00	Meter calibrated in cubic feet, not gallons
7607	Off Front Street Cd.	\$1,780.00	Clerical error

Mr. Sinaiko moved, seconded by Mr. Richter, to grant these abatement applications. The motion carried by a vote of 3-0.

Staff presented the following recommended denials of abatement of FY 2005 water charges:

Bill	Name	Reason for Abatement
169511	Bay Colony Cd., Bldg. 16	Does not meet 500% policy threshold
2411	Mark Melen	Does not meet 500% policy threshold
477	Robert Winge	Does not meet 500% policy threshold
3613	Ann Cartwright	Does not meet 500% policy requirements for non-fixture leaks

Ms. Lord moved, seconded by Mr. Sinaiko, to deny these abatement applications. The motion carried by a vote of 3-0.

### **Request for Sewer Hook-up – 5 Pearl Street**

Brian DiLaurentiis presented to the board his reasons for seeking a sewer hook-up.

Anne Lord recused herself because her husband was the owner of the property for the timeframe in question; she left the room.

Mr. DiLaurentiis based his argument on whether the submission by the previous previous owner, on April 25, 2001, was timely. He says the statute enabling the sewer allows a connection only if the owner signifies an intent to connect “prior to the commencement of final design and construction of the sewer system.” He displayed the June 28, 2001 edition of the Provincetown Banner that said, in part, that the selectmen signed the contract for the final design and construction of the sewer on June 27, 2001. Further, Mr. DiLaurentiis said that according to the Sewer Regulations §4-C, “Property owners who have issued written requests to the Town to connect to the sewer system and have not issued a written retraction of that request to the Board, by July 18, 2002 shall not be allowed to opt out of participation in the sewer system or payment of the betterment assessed by the Town.” and furthermore §5-A says that, “*The submission of an owner response form to the Water and Sewer Board indicating that the owner wished to connect created a contract between the Town and the property owner whereby the property owner must connect to the sewer and must pay the betterment assessment to be assessed by the Town.*” [Emphasis in the original.] Mr. DiLaurentiis opined that a “quasi-political” deadline of February 1, 2001 designed to help the town gauge the interest in the sewer system going into town meeting. Town meeting approved the system in April 2001.

Mr. Sinaiko asked for Mr. Guertin’s opinion on the matter. Mr. Guertin suggested that the matter be taken under advisement and that a written opinion be issued.

No motions were made.

Ms. Lord returned to the meeting.

### **Laundromat Update**

Mr. Guertin reported that Mr. Boggess has met with his architect and been working to correct building, sprinkler and electrical deficiencies in the building. Despite his best efforts he will not be able to open April 1, but he continues to work to get all the necessary work completed. Based on reports, and the demonstration of Mr. Boggess’ good intentions, Mr. Sinaiko moved, seconded by Ms. Lord, to grant to Mr. Boggess a six-month extension of his date to perform under the original contract.

### **Public Statements**

John Drews, 6 Gosnold Street appeared to dispute the Title V flow assigned to his property, based on the number of bedrooms. He asserts he has four bedrooms, whereas a January 2005 inspection revealed six bedrooms. Ms. Evans will do an additional inspection walkthrough with Mr. Drews to resolve the matter.

Richard Murray inquired about the number of Phase I properties and how many are connected. He also complained about the sewer rate. He said that he has been unable to pay the bills, which accrue interest. He says he doesn’t want to “turn the Crown into condos.” Discussion ensued.

Mr. Sinaiko moved, seconded by Ms. Lord, to revisit and study the dates of the “old” peak period, and examine them and see if we can go back to those dates without jeopardizing the fundamental elements of the system. The motion carried 3-0.

### **Adjournment**

There being no other business to come before the board, Mr. Sinaiko moved, seconded by Mr. Richter, to adjourn the meeting. The motion carried 3-0, and the meeting was adjourned at 4:35 p.m.

Respectfully submitted,

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Sacha Richter, Clerk