

# Town of Provincetown

## Meeting of the WATER & SEWER BOARD

Wednesday, August 17, 2005  
Grace Gouveia Building, 26 Alden Street, Provincetown

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

**Members absent:** None

**Other attendees:** Town Manager Keith Bergman; Health Agent Jane Evans; DPW Staff David Guertin, Dana Faris, and Ron Gamella; members of the public and press.

### **Call to Order**

Mr. Sinaiko called the meeting to order at 3:00 p.m.

### **Minutes**

Mr. Sinaiko moved, seconded by Mr. Knight, to approve the minutes of the meetings of July 1 and July 13. The motion carried by a vote of 3-0. [Mr. Richter joined the meeting at this point.]

### **Public Hearing – Amendments to Sewer Rules and Regulations**

At the outset, Mr. Sinaiko disclosed that his brother is the owner of a red dot delay property and that he has the right to access the beach through this property. Mr. Sinaiko then read the published notice and opened the hearing to the comments by the public.

John Yingling stated that he had been told that he would be able to use his Title 5 system until it failed and asked why the policy was changing. Mr. Bergman responded saying that the Board had already approved a rate increase for the sewer connection surcharge and that the hearing was to establish a mechanism for properties to connect and still preserve the old connection rate. He also stated that, following the lifting of the Notice of Noncompliance, DEP has indicated that it will not allow additional connections until all properties from Phase 1 are connected and the system has been successfully operated for two years. The following speakers spoke against the proposed amendments: Astrid Berg, Frank Schaefer, Barbara Rushmore, Mary Martin, Peggy Pritchett, Elia Sinaiko, Lorraine Najjar. George Kraniotakis.

Mr. Sinaiko then closed the hearing to the public and opened the meeting to comments by the Board. Mr. Sinaiko apologized to the members of the public for the letter, saying he was misled about the five-year deadline but that the hearing had attracted public attention. Mr. Sinaiko also said that, as a non-sewer user, he would rather shoulder some of the burden of the insolvency of the Wastewater Enterprise Fund rather than force red dot delay properties to connect.

Mr. Knight pointed out that agreements had been made between the Town and the red dot delay properties and that the situation is changing and agreements are not being honored. He recognized that this creates a hardship for some owners.

Mr. Richter stated that he was in favor of the checkerboard system and that the Town should not compel the red dot delay properties to connect. Ms. Lord stated that although she was very sympathetic about the plight of some of the people affected, she also recognized the predicament the Town is in. However, she wants to be more confident than she was at present that any changes to the regulations will address these problems. Mr. Sinaiko then moved that the Board take no action on the proposed amendments. Ms. Lord seconded the motion, and it carried by a vote of 4-0.

### **Sewer Usage – 593 Commercial St.**

Joel Meyerowitz, owner of 593 Commercial St., asked the Board for some relief on a sewer bill for 174,000 gallons caused by a water leak at his property last winter. He did not object to paying for the water, but he cited the apparent unfairness of having to paying for the same water a second time when it clearly didn't go into the waste pipe. The Board agreed to take the matter under advisement and asked staff to make recommendations with respect to equitable relief for similar cases.

### **Flow Revisions**

Mr. Faris presented the following revisions to Title 5 flow and their associated betterments:

Map & Parcel	Address	Orig Flow	Rev Flow	Net Chg	Final Betterment 1-15-04	Revised Total Betterment	Net Betterment Increase (Decrease)	Reason for Change
11-1-017	212-214 Commercial St.	2899	3219	320	\$97,638.32	\$108,415.92	\$10,777.60	Per letter dated Nov. 7, 2001 and verification of conditions by Health Agent.
11-3-007	315A-319 Commercial St.	8730	8918	188	\$294,026.40	\$300,358.24	\$6,331.84	Retail area for Hersheldons (3752 sf) not included in orig assessment.
11-3-074	3 Winslow St.	330	440	110	\$11,114.40	\$14,819.20	\$3,704.80	Revision to account for fourth bedroom.
11-3-088	120 Bradford St.	330	358	28	\$11,114.40	\$12,057.44	\$943.04	Orig assessment did not include 375 sf of office space.
12-1-111	7 Johnson St.	880	1210	330	\$29,638.40	\$40,752.80	\$11,114.40	Health Agent inspection 5/13/2004 revised bedroom count from 8 to 11.
12-4-017	437-439 Commercial St.	880	1503	623	\$29,638.40	\$50,621.04	\$20,982.64	Revision to correct bedroom count from 8 to 13 and to include 1456 sf retail space.
12-4-037	436 Commercial St.	330	440	110	\$11,114.40	\$14,819.20	\$3,704.80	Revision to account for fourth bedroom.

Mr. Sinaiko moved, seconded by Mr. Richter, to approve the flow revisions. The motion carried by a vote of 4-0.

The Board next took up a proposed flow revision for 157 Commercial St. Mr. Faris stated that the staff had seen an advertisement in a local publication to the effect that the Martin House has 108 seats. Initially, the Licensing Agent confirmed this number, which caused the show cause notice to issue. Mr. Glen Martin, who was present, stated that he does not have 108 seats. Mr. Faris confirmed that the Licensing Agent has since acknowledged that the license she issued contained an error. The Board decided to take no action on this property pending a report by the Health Agent.

**Other Business**

Mr. Bergman then gave the Board an update on wastewater finances. For the fiscal year ended this past June 30, the Wastewater Enterprise Fund had a deficit of \$39,011, which amount will have to be made up on the tax rate. To help address the projected \$400,000 shortfall for FY 2006, the betterment installments will appear on the fall tax bill.

Mr. Knight asked about the status of the laundromat. Mr. Bergman suggested that the Board ask the Selectmen. The Board then indicated that, in an effort to reach some mutually acceptable compromise on amending the sewer regulations, it would be desirable to have a joint meeting with the Selectmen. Mr. Knight expressed the hope, should such a meeting be scheduled, that it would not be the last item on the Selectmen's agenda. Finally, Mr. Sinaiko expressed reservations he harbors about the wastewater flow banking system currently under consideration by the Selectmen.

**Next Meeting**

It was decided that the Board would meet again on August 24 at 3:00.

**Adjournment**

There being no further business, Mr. Sinaiko moved, seconded by Mr. Richter, to adjourn the meeting. The vote carried by a vote of 4-0, and the meeting was adjourned at 5:14 p.m.

Respectfully submitted,

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Anne Lord, Clerk pro tempore