

Town of Provincetown

Meeting of the WATER & SEWER BOARD

Wednesday, September 28, 2005
Grace Gouveia Building, 26 Alden Street, Provincetown

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

Members absent: None

Other attendees: Board of Health Chair Dan Brown; Health Agent Jane Evans; Wayne Perry from EPG; Town Manager Keith Bergman; DPW Staff David Guertin, Sandy Turner, Dana Faris, and Ron Gamella.

Call to Order

Mr. Sinaiko called the meeting to order at 3:06 p.m.

Minutes

Ms. Lord moved, seconded by Mr. Sinaiko, to approve the minutes of the meetings of August 24. The motion carried by a vote of 4-0.

Report of Meeting with Barnstable County Health Officials

Mr. Guertin reported on the meeting that occurred on September 27 with staff and George Heufelder and Sean O'Brien of the County Health Department. Mr. Sinaiko moved, seconded by Ms. Lord, that the Water & Sewer Board request that the Board of Health take action to get the following delinquent properties to connect to the sewer:

Assessors' Map	Property Addr	Owner1
06-2-086	90 COMMERCIAL ST	LONG FREDERICK ET UX
06-4-147	130 COMMERCIAL ST	CARTER LACEY ET UX
06-4-013	141 COMMERCIAL ST	141-143 COMMERCIAL ST REAL TR
06-4-012	143 COMMERCIAL ST	141-143 COMMERCIAL ST REAL TR
11-1-001-A	227R COMMERCIAL ST	ROSE BRADFORD
11-3-028	253A COMMERCIAL ST	HELLER LESTER ET AL
12-1-008	351 COMMERCIAL ST	THOM & VIGLIOTTI NOM REAL TR
12-2-024-1-00A	359 COMMERCIAL ST, #A	MCKENNA VIRGINIA
12-2-024-1-00B	359 COMMERCIAL ST, #B	ARMENGOL CARMEN G ET AL
12-2-024-1-00C	359 COMMERCIAL ST, #C	ARTERTON JONATHAN
12-2-024-1-00D	359 COMMERCIAL ST, #D	DEVINE PATRICK H ET AL
12-2-024-1-00E	359 COMMERCIAL ST, #E	ALLOWAY LINDSAY R
12-2-024-1-00F	359 COMMERCIAL ST, #F	MCKENNA VIRGINIA
12-2-024-2-00G	359 COMMERCIAL ST, #G	MEWS WATERFRONT SHOPS INC
12-2-024-2-00H	359 COMMERCIAL ST, #H	MEWS WATERFRONT SHOPS INC
12-2-024-2-001	359 COMMERCIAL ST, #1	NIEMAN WALTER W
12-2-024-2-002	359 COMMERCIAL ST, #2	HERBERT BARBARA
12-2-024-2-003	359 COMMERCIAL ST, #3	STUTSMAN LESLIE C
12-2-024-2-004	359 COMMERCIAL ST, #4	ALVIN S TIBBETTS REV TR
12-2-022	361 COMMERCIAL ST	TONGA TR
12-2-023	361A-C COMMERCIAL ST	CHINA TR
12-4-006	465 COMMERCIAL ST	BRYANT EUGENE A ET AL
12-4-005	467 COMMERCIAL ST	M L BRYANT LLC
12-4-004	471 COMMERCIAL ST	BRYANT MARIE L
12-4-003	473 COMMERCIAL ST	BRYANT GEORGE D
12-1-099	1 BAKER AVE	TERRAT ANDREW G

The motion carried by a vote of 4-0.

Supplemental Sewer Surcharge Assessment

Mr. Faris presented the Board with an order assessing sewer surcharges on the following red dot delay properties who have agreed to connect.

Property Address
29 COMMERCIAL ST
67 COMMERCIAL ST
328 COMMERCIAL ST
357 COMMERCIAL ST
521 COMMERCIAL ST
538 COMMERCIAL ST

627 COMMERCIAL ST
649 COMMERCIAL ST
4 DYER ST

Mr. Knight voted, seconded by Mr. Sinaiko, to issue an order assessing the said properties. The motion carried by a vote of 4-0.

Minimum Sewer Bill

Acting on the Selectmen's request that the Board schedule a public hearing to consider several options for a minimum sewer bill, Ms. Lord moved, seconded by Mr. Sinaiko, to schedule a public hearing for October 20 at 3 p.m. and to publish the required legal notice of same. The motion carried by a vote of 4-0.

Amendment to Sewer Rules and Regulations.

Mr. Faris provided the Board with draft language from town counsel to amend the Sewer Rules and Regulations to allow for a sewer bank to collect and redistribute surplus gallons. Mr. Knight moved, seconded by Mr. Sinaiko, to schedule a public hearing for October 20 at 3 p.m. and to publish the required legal notice of same. The motion carried by a vote of 4-0.

Other Business

Mr. Gamella reported on the re-examination of red dot delay properties that he is carrying out with the assistance of Mr. Perry of EPG and the Health Agent. One of the purposes of this exercise is to determine whether all the properties currently designated as red dot delays are properly classified as such. Mr. Gamella reported that the review has not turned up any properties that do not warrant the red dot designation.

The Board expressed concern the owner of the Cape Inn, who indicated in the recent survey mailed to property owners that he was not interested in a possible sewer connection, may not fully understand the downside of continuing to pursue on-site wastewater treatment options. Therefore, the Board asked staff to contact Mr. Sateriale to advise him of the benefits of connecting to the sewer.

Mr. Bergman reported on a conversation he had had with John Yingling, the owner of Bubala's, who indicated that he would be interested in connecting if he were to get the same deal, i.e., \$33.68 rate and 0% interest, as the other Phase 1 properties. Mr. Bergman reported that the Selectmen had voted at their September 19 meeting not only to defer the rate increase until October 6 but to offer 0% financing. Furthermore, the Selectmen had offered a 5% discount to any property owner who pays his outstanding betterment balance in full prior to April 1, 2006. The discount would be applied as a credit against future sewer use charges. The Board recommended that staff send a letter to the remaining red dot delay properties apprising them of these enticements to connect.

Mr. Faris reported on a problem that had been brought to his attention by the town assessor regarding the apportionment of betterments for 291 and 293 Commercial Street following conversion of those properties to condominiums. The undivided properties had been assessed betterments based on the residential and commercial uses and licensed capacities in place at the time. Following that assessment, the licensed capacity of the commercial units was reduced—at the request of the property owner—by the Licensing Board. The net result is that there are at present some 707 unallocated gallons. Because the property has been divided and the resulting units are no longer under common ownership, the betterment must also be divided. Mr. Faris explained that he had spoken with the owner, Mr. Boggess, who has indicated that he wishes to hold the surplus gallons in some sort of suspension account and to redistribute them in the future as he may deem meet. Mr. Faris explained that he had pointed out to Mr. Boggess that such an arrangement is both illegal and contrary to public policy. It was the consensus of the Board that the surplus gallons must either (1) be assigned proportionately to all units in the condominium association, based on their percentage of the total present flow, or (2) be surrendered to the Town for reassignment. After a brief discussion, it was suggested that the owner be offered a third alternative: inasmuch as the surplus gallons essentially result from a reduction in licensed capacity at the commercial units, and inasmuch as the commercial units are all still owned by Mr. Boggess, the surplus gallons may be reassessed pro rata only to the commercial units.

Adjournment

There being no further business, Ms. Lord moved, seconded by Mr. Sinaiko, to adjourn the meeting. The vote carried by a vote of 4-0, and the meeting was adjourned at 4:13 p.m.

Respectfully submitted,

Sacha Richter, Clerk