



Town of Provincetown

Meeting of the WATER & SEWER BOARD

Wednesday, June 9, 2010

Room 6, Grace Gouveia Building, 26 Alden Street St., Provincetown

Water & Sewer Board Members Present: Jonathan Sinaiko (chair), Mark Collins, Kathleen Meads, Sacha Richter, Moe Van Dereck

Members Absent: None.

Other attendees: Town Manager Sharon Lynn, Board of Selectmen Chair Michele Couture, John Goodrich; DPW Staff David Guertin and Dana Faris, members of the public and press.

Call to Order

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

Public Hearing to Amend Sewer Rules & Regulations

Mr. Sinaiko recused himself from discussion of the amendment to Section 6(D) of the Sewer Rules and Regulations and left the room.

Ms. Meads, who chaired the public hearing, read the notice and explained the ground rules. She then read a letter in support from the Board of Health and a letter in opposition from Attorney Thomas George, representing Ms. Elena Hall of 401 Commercial Street. Ms. Meads then opened the hearing to comments from the public. There were two speakers in favor and 12 speakers in opposition. Ms. Meads then closed the hearing to input from the public and opened it up to comments from members of the Board.

Mr. Van Dereck acknowledged that both sides made strong points but pointed out that all the systems in question were at least 15 years old and varianced. He suggested that there should be some inspection process for verifying whether these septic systems are not in failure. He also pointed out that, despite the promise that the sewer costs would be borne solely by sewer users, all taxpayers are paying for the costs of maintaining Route 6, which was acquired for purposes of locating sewer effluent beds.

Ms. Meads stated that while other Cape towns are struggling with how to deal with wastewater and public water supply issues, Provincetown has been in the forefront of building public utilities for water and sewer. The Town has expended money to accommodate the red dot properties and the system is waiting for them. Some of the red dots are voluntarily paying their betterment, and this was to be commended. Because a majority of the red dots are not paying a betterment, the debt service payments for their portion of the sewer costs are being subsidized by the other users in the form of higher user fees.

Mr. Collins said that he was concerned about breaking a promise made to these property owners even though the rationale behind the promise was faulty.

Mr. Richter stated that he felt that the Board was not ready to make a decision and would like to explore a less forceful way to get these properties to connect.

Ms. Meads stated that she felt the Board didn't have enough information and moved that the Board take the matter of amending Section 6(D) under advisement pending an opinion from town counsel as to the legality of requiring all the red dots to start paying a betterment. Mr. Richter seconded the motion, and it carried by a vote of 4-0. At this point most of the members of the public departed and Mr. Sinaiko rejoined the Board. Mr. Sinaiko then moved that Section 7(E) of the Sewer Rules and Regulations be amended as advertised. Mr. Van Dereck seconded the motion, and it carried by a vote of 5-0.

Other Business

Mr. Faris reported on the initiative to get the Phase 2 delinquent properties to connect to the sewer. He stated that letters had gone out to 33 properties. Since then five properties had connected, and 15 more were under contract.

Responding to comments made by Ms. Berg and her contractor, Mr. Mulvey, the Board requested a report from staff on the drainage issue at 371-373 Commercial Street.

The Board requested pumping records for the red dot properties. Mr. Richter then moved, seconded by Ms. Meads, to request the Board of Health to require inspection of the septic systems for all red dot properties, such inspections to occur during the peak summer season and the cost of the inspection to be borne by the property owner. The motion carried by a vote of 5-0.

Approval of Minutes

Ms. Meads moved, seconded by Mr. Sinaiko, to approve the minutes of the May 20 meeting as printed. The motion carried by a vote of 5-0.

Adjournment

There being no further business, Mr. Sinaiko moved, seconded by Mr. Richter, to adjourn the meeting. The vote carried by a vote of 5-0 and the meeting was adjourned at 4:56 p.m.

Respectfully submitted,

Sacha Richter, Clerk