



Town of Provincetown

Meeting of the

WATER & SEWER BOARD

Thursday, July 17, 2014

Veterans Memorial Community Center, Multi-purpose Room
2 Mayflower Street, Provincetown, MA

Board Members Present: Jonathan Sinaiko (chair), Kathleen Meads, Sacha Richter, Bill Worthington, Moe Van Dereck and Shannon Corea (arrived at 3:04 pm)

Board Members Absent: Mark Collins and Kevin Kuechler,

Other attendees: DPW Staff Rich Waldo, Cody Salisbury, Anna Michaud and Dana Faris; David Finch of Dune's Edge Camp Ground and Dennis LaMorea, 294 Commercial Street

Recorder: Susan Leonard

Call to Order: Mr. Sinaiko, acting as chair, called the meeting to order at 3:00 p.m.

Ms. Meads informed the Board, in advance, that she had been previously employed by the Trustees of the Reservation (Dune's Edge Camp Ground) and will be recusing herself from voting on the camp ground's water abatement application.

The Board agreed to take the Agenda items out of order and consider Agenda Item 4 first.

Agenda Item 4 - Approval of Minutes: April 3, 2014, May 1, 2014, June 5, 2014

Motion: *That we accept the April 3, 2014, May 1, 2014 and June 5, 2014 minutes as written.*

Motion: Jonathan Sinaiko

Seconded: Sacha Richter

Vote: 6 – 0 - 0

Agenda Item 1 – Water & Sewer Abatement Requests:

Discussion:

Ms. Michaud: we will start with the water abatements. Dunes Edge Camp Ground's application states that water leak was due to R.B. Our's work on their septic system. We don't have proof of that. Ordinarily, the property owner would have to go to the contractor. Ms. Michaud asked R.B. Our for a letter addressing what happened during the construction. We did not receive anything from them. If we treat it as something

that just happened during the course of the winter, which is entirely possible, then they would be eligible for an abatement of \$8200. My recommendation is that we abate based on the basis that it happened during the winter because those pies were terrible. A new service has been instituted.

Mr. Sinaiko: It seems to me it would be logical to say it happened during the course of the winter and to give the abatement discussed.

Mr. Richter: The new water service is properly sleeved?

David Finch: As far as I know it is.

Jonathan Sinaiko: They sleeved the full length of it?

Cody Salisbury: They couldn't maintain separation when it was near the septic.

Ms. Michaud: Continuing at 8 Kiley Court ... this individual's water loss does not meet the 500% Rule for water. She is eligible for some relief when we get to the sewer abatements. There are recommendations to deny that.

Mr. Sinaiko: I have to recuse myself from this. I do work for this person all the time.

Ms. Meads: Didn't we have something in place for hardship of elderly living alone with hearing loss?

Mr. Sinaiko: I would like to speak to this as a resident and not as a Board member. The person in question does have a hearing problem. In the past, we did give abatements in spite of the 500% Rule for elderly residents with hearing loss. I think it shows compassion.

Ms. Meads: There are situations with the elderly living alone who would not know what is going on. I don't think she would be able to look at her water heater in the basement. No one lives in the house with her. I think we should take this under a hardship clause taking into consideration the age, the hearing loss, immobility and no one else in the house.

Ms. Michaud: The Board would have to make a recommendation of an amount because she does not meet the 500% formula.

Mr. Sinaiko: Speaking as a resident and not as a Board member, if we give her this relief it would help her. We could just have her pay her average bill.

Ms. Meads: I don't mind making a recommendation for an elderly, lifelong Provincetown resident to her average bill as long as the situation has been taken care of.

Ms. Corea: I don't know who the individual is, but I recognize that we may be setting a precedent. Are we willing to defend the terms of the abatement for the use of this abatement in the future under similar terms?

Ms. Meads: I think we would be. I think we should include the age in there.

Motion: *That the Board entertain a hardship exemption, for the property owner to pay the average usage rate considering the applicants age, over 90, living alone and with hearing loss.*

Motion: Kathleen Meads Seconded: Bill Worthington Vote: 5 – 0 - 1

Mr. Sinaiko: In all fairness, now we should take a vote on the Dune's Edge, since he is waiting here.

Motion: *That we approve the abatement for Dune's Edge Camp Ground, 386 Route 6, Provincetown, MA for the amount of \$8,210.00.*

Motion: Jonathan Sinaiko Seconded: Sacha Richter Vote: 5 – 0 - 1

Ms. Michaud: The next one is 617 Commercial Street. Our technicians checked and it was a broken water pipe. The water was shooting up into the air. According to the 500% formula there would be an abatement of \$175.00. The entire outdoor shower was replaced.

Jonathan Sinaiko: I will recuse myself from this one.

Motion: *That we approve this abatement as recommended by staff.*

Motion: Sacha Richter Seconded: Moe Van Dereck Vote: 5 – 0 - 1

Ms. Michaud: This is rather complicated. We are talking about 294 Commercial Street. Originally, there were two accounts, one for the Rear and one for the Main. There was a serious leak last July, 2013. We reviewed it and found that there was something not metered. The two accounts were blended into one account in July 2013. Some of this pertains to 2013. Subsequent to the new combined service, this February there was a major leak in the combined account. There is an abatement under the sewer portion, but under the water portion it does not meet the 500% Rule. We are recommending to not approve the water abatement. For the next two, the requests for

abatement for Fall 2013 were not submitted until May 2014 which is way past 30 days after billing. The one for the Rear is a very small amount. The meter was removed. We found no leak. There is no basis for an abatement. For the Main account the meter was left in place because it is extremely difficult to get to. It is an inactive account, but the meter is still reading. However, we should not be billing it. This is a clerical error. This is our error. I can't make a recommendation, but I can suggest that if an abatement were to be made it would be in the amount of \$340.50.

Dennis LaMorea: When we had the leak last July 10th we had two new shut off valves installed. What broke in February 2104 was due to negligence, according to Jimmy Roderick's crew it was not connected correctly and came undone. Frank from the DPW shut it off at the building.

Cody Salisbury: I believe there was an issue with the fitting at the meter that Jimmy Roderick installed. There was a compression fitting that was installed incorrectly.

Jonathan Sinaiko: So, there was a failure on Jimmy's part to make the connection.

Ms. Meads: Just so I understand, it was left on at the street. It was shut off at the pit. It was leaking somewhere between the meter and the pit.

Jonathan Sinaiko: From what I am hearing, it is Jimmy Roderick's mistake. Does the board want to absorb this?

Ms. Michaud: We had a situation similar to this fairly recently where we denied the water abatement because it was contractor error, but we did abate the sewer because the water did not go through the sewer. The property owner should pursue relief from the contractor for the water.

Motion: *To deny abatement, as recommended by staff, of 206,000 gallon usage at 294 Commercial Street.*

Motion: Moe Van Dereck **Seconded:** Jonathan Sinaiko **Vote:** 6 – 0 - 0

Motion: To deny, as recommended, the abatement of the water bill in the amount of \$165.00 for 294 Rear Commercial Street.

Motion: Moe Van Dereck **Seconded:** Jonathan Sinaiko **Vote:** 6 – 0 - 0

Motion: *To approve an abatement of \$340.50 for the clerical error at 294 Commercial Street, Main.*

Motion: Jonathan Sinaiko **Seconded:** Kathleen Meads **Vote:** 6 – 0 - 0

Mr. Sinaiko: I don't think it is necessary to debate further the sewer portion of these bills. We can vote on the three separately.

Motion: *I recommend that we abate the sewer bill for 294 Commercial Street for the 206,000 leak as recommended by staff.*

Motion: Jonathan Sinaiko **Seconded:** Moe Van Dereck **Vote:** 4 – 0 – 0

Motion: *To deny as recommended by staff the sewer abatement for 294 Rear Commercial Street.*

Motion: Jonathan Sinaiko **Seconded:** Moe Van Dereck **Vote:** 4 – 0 – 0

Motion: *I recommend that we abate the sewer bill for 294 Commercial Street for the 206,000 leak as recommended by staff.*

Motion: *To approve an abatement of \$ 528.55 for the clerical error at 294 Commercial Street, Main.*

Motion: Jonathan Sinaiko **Seconded:** Sacha Richter **Vote:** 4 – 0 – 0

Ms Michaud: Would you like to vote on the other three sewer abatements since you already considered the water portion of them?

Mr. Sinaiko: I will recuse myself again on both of these.

Motion: To accept the sewer abatements as recommended by staff for 8 Kiley Court and 617 Commercial Street.

Motion: Kathleen Meads **Seconded:** Moe Van Dereck **Vote:** 3 – 0 – 1

Agenda Item 6– Supplemental Sewer Betterment Order and Notice

Discussion:

Dana Faris: I have an order assessing sewer use and surcharge on a “red dot delay”. This is for Ciro & Sal’s. We have to assess a betterment for them. I need a motion ordering the sewer assessment surcharge for 4 Kiley Court.

Ms. Meads: Are they hooked up now?

Mr. Faris: No, not yet, but they will be hooking up after Labor Day. The betterment is for \$203,850 based on the Title 5 flow of 4,530 gallons. This is the last big “red dot delay”. I need one notarized signature.

Mr. Sinaiko: *To accept as recommended by staff the order assessing a sewer surcharge and notice of lien for 4 Kiley Court.*

Ms. Meads: Can we have the record show that it will be hooked up after Labor Day.
Motion: Jonathan Sinaiko Seconded: Kathy Meads Vote: 4 – 0 – 0

Agenda Item 2 – Application for Water Service - 13 Arrowhead Road, N. Truro

Discussion:

Mr. Salisbury: we have an application for water service at 13 Arrowhead Road. The difficulty with this property is that the water main does not extend all the way down Arrowhead Road. We already have 5 services at the end of the main with a blow off to clean out the main. It is 180 feet to the parcel and then we would have to cross the road. We want to avoid laying a 200 foot lateral. I have been in touch with the Truro Health Department to let them know there is a possibility that this might not be approved because the main does not extend all the way down Arrowhead. We don't have a lot of options. Our responsibility is from main to curb stock. Ideally, it should be as short as possible.

Mr. Sinaiko: Can you explain this to me on the diagram? There is 150 feet of unmetered water line on a very old service to the garage?

Mr. Salisbury: It has been talked about in the past with the town of Truro to extend the water main. The Town of Provincetown certainly cannot absorb the entire cost to feed one additional service.

Mr. Sinaiko: What concerns me is this is an area of potential major loss of water.

Mr. Salisbury: This is for a new service application. It is a tricky situation to get anything in on the edge of the road. We can't put a meter pit in there.

Ms. Corea: I am curious as to why he doesn't want a well? Why would you want town water?

Ms. Meads: I thought if you could have well water on your property, you were supposed to. We supply water to those who can't put in a well.

Ms. Michaud: That is in the regulations. That is for Truro to make that decision.

Ms. Corea: It is a slippery slope with other businesses in Truro who would love to be on town water because it would allow them to increase their businesses and their services. If we are going to consider extending a main so an individual can hook up a private residence, then we are going to have to do this for everyone.

Ms. Meads: This is a Town of Truro issue if they want to extend the main.

Mr. Sinaiko: Sooner or later we should put a meter at the end of that main. It is an accident waiting to happen.

Mr. Salisbury: We have to be clear we are on town property and not private property.

Motion: *That we deny the request for water service at 13 Arrowhead Road, North Truro.*

Motion: Jonathan Sinaiko **Seconded:** Bill Worthington **Vote:** 6 – 0 –0

Motion: *That we instruct Mr. Singleton to pursue the meter pit at the end of the main to deal with the potential problem of the old line going to Sonny's Garage at the Town of Provincetown's expense.*

Motion: Jonathan Sinaiko **Seconded:** Kathy Meads **Vote:** 6– 0 –0

Agenda Item 5 – Statements From The Board

There were no statements by the Board.

Agenda Item 3 – Unanticipated Business That May Legally Come Before The Board Requiring Immediate Action

There was no unanticipated business brought forward for discussion by the Board.

Agenda Item 8 – Sewer Flow Revisions

Discussion:

Mr. Faris: I have several flow revisions. We are taking away six bedrooms from the old 31 Creek Road and four will be going to a lot that they divided off from that property, one is going to a condo that it is on the property and one is going to another lot that was divided off the property.

Mr. Sinaiko: Can you do that?

Mr. Faris: Yes, it was assessed on the original property. After the assessment it was subdivided. There is no increase in bedrooms. We coordinate with the assessor's office. He has Growth Management permits for the number bedrooms on these properties.

Mr. Faris: Next we have 12 Bradford Street. We assessed them as having 4 bedrooms. Brian Carlson did an inspection on June 6, 2014 and found there were three bedrooms. We are eliminating one bedroom.

The next is one is for 20 Bradford Street. Mr. Carlson did an inspection there and found there were only 2 bedrooms there. We are eliminating one bedroom.

The next one is 16 Montello Street. We assessed them three bedrooms. They went to the Board of Health on May 15, 2014 and got approval for an historic bedroom. We are increasing the bedrooms from 3 to 4. We are adding a bedroom.

The last one is 144 Bradford Street Extension, the Beach Market. We assessed them four bedrooms, but we did not assess them for the deli. We are requiring a grease trap as well. We are increasing the betterment by 96 gallons.

Motion: *That we accept all the flow revisions as recommended by staff.*

Motion: Jonathan Sinaiko **Seconded:** Moe Van Dereck **Vote:** 4- 0 -0

Agenda Item 7 – Sewer Betterment Abatement

Discussion:

Mr. Faris: this goes back to Don Fiset's property 31 Creek Road. We assessed a total of 27 bedrooms on all of his property and as it turns out all he needs is 21 bedrooms. We need to abate 6 bedrooms.

Motion: *That we approve the abatement of 6 bedrooms for 31 Creek Road.*

Motion: Sacha Richter **Seconded:** Jonathan Sinaiko **Vote:** 4- 0 -0

Adjournment:

Mr. Sinaiko moved to adjourn the meeting at 4:03 PM.

