



Town of Provincetown

Meeting of the

WATER & SEWER BOARD

Thursday, August 13, 2015

Veterans Memorial Community Center, Multi-Purpose Room
2 Mayflower St, Provincetown

Board Members Present: Jonathan Sinaiko (Chair), Kathleen Meads, Mark Collins, Sacha Richter and Gary Palmer

Board Members Absent: Moe Van Dereck, Kevin Kuechler and Bill Worthington

Other attendees: DPW Director Rich Waldo, Sherry Prada, Cody Salisbury, Anna Michaud, and Morgan Clark, Director, Dept of Health and the Environment

Members of the Public: Donald Edwards, owner 336 Commercial St

Recording Secretary: Susan Leonard

Call to Order: Mr. Sinaiko, acting as chair, called the meeting to order at 3:05 p.m.

Agenda Item 1 – Recommitment of Delinquent Water and Sewer Bills [Board as it applies to subject matter]

Discussion:

Ms. Michaud: This is presented to you every year. These will be liens for unpaid water bills. The list was printed in July; the actual list will be smaller because several accounts have been paid. The demands went out a couple weeks ago and we received a lot of payments. The top sheet of each one must be signed by the Board members to allow the liens. There are some actions for 41A and 41C that will be taken. Those will be excluded from the list. We will start with the recommitment for the Water Bills for Truro and Provincetown. Our Tax Collector works with the Truro Tax Collector.

Motion: *Move to approve recommitment of delinquent Water Bills, as recommended by staff.*

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

Ms. Michaud: We will now do the Sewer Bill recommitments.

Motion: *Move to approve the Sewer Bill recommitments as recommended by staff.*

Motion: Jonathan Sinaiko Seconded: Mark Collins Vote: 4 – 0 – 1

Agenda Item 2 – 41C Elderly Water Bill Exemptions [Full Board]

Discussion:

Ms. Michaud: These are low-income Water Bill exemptions. We were waiting for all the requests to come into the Assessors Office. The deadline was July 1st. There are nine requests that have been approved since the bill went out.

Motion: *Move to approve the 41C Water Bill exemptions as recommended by staff.*

Motion: Jonathan Sinaiko **Seconded:** Mark Collins **Vote:** 5 – 0 – 0

Agenda Item 3 – 41A Elderly Water and Sewer Bill Deferrals [Board as it applies to subject matter]

Discussion:

Ms. Michaud: The individuals who are eligible for an exemption are exempted first then the remainder is deferred. The Elderly Exemption is 50% of the bill and only for water use.

Ms. Meads: Is there any thought that we might exempt Sewer Bills as well as Water?

Ms. Michaud: I don't think it will happen for quite some time because there was a reduction of the Sewer rate charge.

Ms. Meads: A deferral means it will have to be paid eventually. If they meet the same criteria for water then I wonder why we do it for Water and not for Sewer. It might be something the Dept might want to look into.

Mr. Collins: Protecting the elderly is something the Board has always been in favor of.

Motion: *Move to accept the 41A Water and Sewer Bill deferrals as recommended by staff.*

Motion: Jonathan Sinaiko **Seconded:** Kathie Meads **Vote:** 5 – 0 – 0

Ms. Meads offered an additional motion.

Motion: *That before the rates are set for next year, we investigate the possibility of exempting the Sewer charge under the same criteria as the Water charge for the elderly.*

Motion: Kathie Meads **Seconded** Jonathan Sinaiko **Vote:** 5 – 0 - 0

Ms. Michaud requested the Board's approval to consider Agenda item 6 next.

Agenda Item 6 – Review of Minutes for May 7, 2015 and June 18, 2015

Discussion:

Ms. Michaud: There are two sets of minutes. The May meeting was our general meeting held before the Joint Meeting on grease.

Motion: *To accept the May 7, 2015 minutes, as written by staff.*

Motion: Kathie Meads **Seconded:** Jonathan Sinaiko **Vote:** 5 – 0 - 0

Motion: To accept the June 18, 2015 minutes, as written.

Motion: Gary Palmer

Seconded: Jonathan Sinaiko

Vote: 5 – 0 - 0

Agenda Item 4 – Final Review of Proposed changes to Miscellaneous Water-related Fees (not related to water & sewer usage rates) and Proposed Update/clarification of Water & Sewer Regulations [Full Board]

Discussion:

Mr. Salisbury: I don't think this requires much more discussion at this point. It is an easier format to follow now. One of the biggest changes since the last time we reviewed it is **Section 3.8** outlining the policy for an abatement.

Ms. Michaud: This has been the policy, but had not been included in the regulations.

Ms. Meads: We would still go by the 500% Rule, correct? I thought we would consider a leaky toilet if it were above the 500%.

Ms. Michaud: That is up to the Board to consider in the case of a catastrophic or hardship situation. In general, you do not consider leaky toilets. There have to be extenuating circumstances.

Mr. Salisbury: Unless you have other questions, my goal is to set a date for a Public Hearing. The last page of the document is revisions to Tap Fees and Miscellaneous Fees. In the instance of a condo conversion we will install the meter pit. The home owner will install the service from that point. The biggest change in the Miscellaneous Fees is the inspection of private water mains and or commercial fire services. For example, right now we have staff at 19 Race Point Rd overseeing the project; the contractor had numerous problems and we do not get reimbursed for that time. This is a way to recover administrative costs and field supervision of a job. We now have certified staff to do cross connection testing which will bring us additional revenue doing that once a year for the double check valves and twice a year for reduced pressure zones. We are currently testing about 150 devices a year.

Mr. Collins: According to this, you can call after hours and get your water turned off in an emergency for \$150. This is a bargain... you can't get a plumber to do it for that.

Mr. Salisbury: Probably the only other change for discussion would be metering of multi-unit properties and existing single structure condo conversions when renovations exceed 50% of the assessed value. They will be subject to separating the water service.

Mr. Sinaiko: It is in the best interest of people doing condo conversions to have separate meters.

Agenda Item 5 – Set Date for Public Hearing to Amend Water and Sewer Rules and Regulations and Change Certain Miscellaneous Water-related Fees [Board as it applies to subject matter]

Discussion:

Mr. Salisbury: Since the Public Hearing notice requires two weeks of publication, I would suggest the Public Hearing be held either September 10 or September 17.

After discussion amongst the Board members, it was determined that September 17th would be the date that would ensure a quorum for the Public Hearing.

Agenda Item 7 – Unanticipated Business that May Legally Come before the Board Requiring Immediate Action [Board as it applies to subject matter]

Discussion:

Mr. Salisbury: It has been brought to our attention that some of you are nearing your term limit.

Ms. Michaud: Both Sacha Richter and Jonathan Sinaiko are up. This will be in December. Kathie Meads and Mark Collins are also up for reappointment. I hope they will want to do that.

Mr. Sinaiko: I should point out that Gloria McPherson asked if any Board member would want to be on the Local Comprehensive Plan Committee. I am not sure what they will be doing.

Ms. Clark: They are updating the Local Comprehensive Plan - Zoning rulings, Planning rulings. It is an important document.

Ms. Meads: I will volunteer for it. If I couldn't make it to one of the Comprehensive Plan meetings could there be an alternate? Is it allowed?

Mr. Collins: I could be an alternate.

Ms. Clark: I think they will let you know which meetings will be addressing Water & Sewer topics. It is based on chapters mandated by the State.

Agenda Item 8 – Statements from the Board. Discussion dependent, motions may be made.

Mr. Sinaiko: Is there any news about expanding the plant or additional capacity?

Mr. Waldo: We have just executed a contract with the engineers to review and develop alternatives. One of the things we are working on is the lease agreement with T-Mobile at the Sewer Treatment Plant. It is a 20-year lease that has been in place for 12 years. They have been paying for 12 years and have not constructed anything in that time. If the RFP is successful at one of the water tanks then they will terminate the lease at the plant. That will be our primary target for expanding the plant.

Mr. Sinaiko: Does it need to be approved by the Selectmen?

Mr. Waldo: No. It was addressed at the 2011 Annual town Meeting in a Zoning amendment and also in 2012 for the lease of the water tanks.

At this point in the meeting, Mr. Waldo asked the Board to consider Agenda item 10 next.

Agenda Item 10 – Request for Waiver of Sewer Regulation, Section 7, Part C, - Grease Trap [Provincetown Board]

Discussion:

Mr. Waldo: This is a request for a waiver from the Water & Sewer Regulations requiring that all grease traps be external. The applicant is seeking an internal grease trap. He has worked very well with the Health Dept and me on this matter. I have personally inspected it and reviewed all the material and data regarding correct sizing of the grease trap as well as the dishwasher. During the site visit I noticed it was plumbed a little incorrectly and it was operating a little too hot. We modified the temperature of the boiler and re-plumbed the dishwasher to tie into the grease trap properly. Everything is installed to my satisfaction.

Mr. Sinaiko: Is the temperature high enough to meet requirements of the Board Of Health?

Ms. Clark: There are two different temperatures. This is a low temperature dishwasher which uses chemicals for sanitation.

Mr. Sinaiko: Where are they putting the grease trap?

Mr. Waldo: It is already installed under the sink. It is close to the dishwasher.

Mr. Edwards: This is at Tiny's Restaurant at 336 Commercial St. Because we are using an interior grease trap we cannot use a high temperature dishwasher. It runs a little more than 120 degrees that allows it to be closer to the grease trap. It uses a chemical washing cycle and a total of 1.6 gallons for a three minute cycle. The grease trap is rated for 20 gallons/minute making it well within its capacity.

Mr. Sinaiko: Do you monitor this visually or with an alarm?

Mr. Edwards: I clean it every week.

Mr. Waldo: My recommendation is that it be maintained weekly, which is what is being done.

Ms. Clark: You need to keep a log of that on the premises, Donald. We will be inspecting it for compliance.

Ms. Meads: He is being very conscientious. When someone with an established business is trying to adhere to our regulations as best he can, I am all in favor of it.

Motion: *To approve the grease trap waiver from Sewer Regulation, Section 7, Part C, - for Tiny's Restaurant, 336 Commercial St and also that it be cleaned and inspected weekly and be required to keep a log.*

Motion: Kathie Meads

Seconded: Sacha Richter

Vote: 4 – 0 - 0

Agenda Item 9 – Discussion with Dept of Health and Environment Director Regarding Follow-up Items from May 7, 2015 Joint Grease Meeting [Provincetown Board]

Discussion:

Ms. Clark: I am following up on the joint meeting we had in May. What you just saw was one of the results that came from it. In the first diagram you see the overlapping grease regulations of the Boards, and State Plumbing Code and Title 5 Code. I am going back to each Board to

review the overview and synthesis of what came out of that meeting and potential steps forward for the Water & Sewer Board to help clean things up. Administratively, Rich Waldo, the plumbing inspector and I have developed a form for any variance to your regulations. We will have already reviewed and approved any variance request before you see any request. The second page is a review of Licensing Dept responsibilities that you can review on your own. What I want to cover today is the third page which details recommended changes in your Board's regulations as follows:

1. Grease traps - now requires exterior grease. Anything else would be a variance.
2. Monitoring Requirements – Electronic monitoring now mandated. All allowable methods should be outlined.
3. Pumping/Cleaning Frequency – Specify number of pumpings and cleanings per period of time.
4. Maximum Allowable Grease – Increase maximum allowable grease to 200mg/L [Industry Standard]. 100Mg/L is almost unachievable.
5. Regulate homeowners and non-food businesses. This came up at the meeting. You may want to consider it.

Mr. Waldo: In general, I think our Rules and Regulations need to be updated. These are some of the suggestions that came out of our meeting.

Mr. Sinaiko: I think we should do it. I am not sure about the homeowners.

Mr. Waldo: I think for the homeowners it requires more outreach and education on our part, instead of more regulations.

Ms. Meads: What I gather from this is that Board of Health Regulations will be reflected in Water & Sewer Regulations if we go ahead and make these changes.

Ms. Clark: We have already taken out of our Food Establishment Regulations anything about grease traps. The Board of Health is just going to cite your regulations about grease traps, and Title 5 for septic. We are not going to write our own regulations for them.

Ms. Meads: So, we will be enacting these for our regulations. Will the Board of Health have a chance to see these beforehand or are you working as their agent.

Ms. Clark: Both. We also have recommendations for changes to our regulations. A lot can happen with the individual Boards making their own changes. Each Board has its own homework to do.

On the compliance side of things, anything that is going to be varianced will be varianced by the Water & Sewer Board. You will know ahead of time that Plumbing, Health and DPW have looked at it. Soon businesses that have received pumping variances or a grease trap variance from Board of Health will receive a letter stating that those variances are no longer valid and they must reapply to Water & Sewer for a variance because you should be variancing your

regulations. There may be 8 places that have pumping variances and 2 or 3 that have internal grease trap variances.

Ms. Meads: So, instead of a pumping variance we could be looking at a log and a schedule?

Ms. Clark: It is worth revisiting whether it is ever appropriate for a year-round business to only pump once a year. Maybe monitoring for a year and then coming back to us ...

Mr. Richter: Is the Board of Health asking convenience stores to have grease traps? Some of them are cooking a lot of food there.

Ms. Prada: If they are on the sewer they probably have one. I will have to check.

Ms. Clark: Any new food establishment in Provincetown will go through Plan Review with the Health Dept. It will include Plumbing and DPW sign off.

Ms. Meads: What about existing businesses that all of a sudden change their menu and start cooking hot dogs and hamburgers?

Ms. Clark: If they are changing what they are cooking then they have to go through Plan Review. It hasn't been the case before, but it is the case now. We will be doing outreach to the businesses.

Mr. Waldo and I have discussed how to set up inspections of grease traps to ensure their proper function. We could contract an engineer paid from a wastewater enterprise fund or look for a grant for a one-time inspection. The second option is to require businesses to provide an engineer's inspection report every 5 years. The onus is on the business. We don't even have a sketch of most of these grease traps or know if they are hooked up and functioning properly.

Mr. Waldo: In the beginning we will probably find a lot of non-compliant systems or undersized systems.

Ms. Meads: We bill according to property owners not business owners. If we insist that every 5 years a restaurant has to provide an engineer's report, we will need a list of the businesses and who is the responsible party. At the end of the day, it is the business owner who will pay if they want to have their license.

Mr. Sinaiko: I think making the business the responsible party is the way to go. Do you want a motion to that effect?

Motion: *That the business owner is responsible for providing the grease trap inspection report to the Licensing Agent before the license is issued.*

Motion: Kathie Meads

Seconded: Jonathan Sinaiko

Vote: 4 – 0 - 0

Ms. Clark: The next recommendation is spot inspections by Sewer Dept of monitoring logs which are required by Title 5. The Health Dept will be doing it as well. You can provide an example of a monitoring log online. We will clean up the regulations. You will be the "motherboard" that will be issuing variances. We will send non-compliance issues for you to

enforce. If your Board learns of non-compliance you can send it on to us and Licensing. Licenses can be held until the issue is corrected. If you choose to issue fines, I believe that they are criminal fines and require Town Counsel. They are your regulations now.

Mr. Collins: I think we want to know if we were issuing a fine that was a criminal issue before issuing one. I do have a question about pumping for year-round businesses. We want to encourage year round business and not deter it with pumping schedules. Is a small amount of grease in the winter a problem?

Ms. Clark: You can variance Title 5 that can demonstrate with logs and maintenance schedules if you want. If someone shows they are doing due diligence then variance. Think we all agree it has not been done correctly in the past. Hopefully, people will learn the importance of maintaining their system.

Mr. Waldo: Typically, in those months we do not have a grease problem at the plant. We want people to maintain their system and know their system enough to know when to pump.

Mr. Sinaiko: If you have a Title 5 system, you are the only person that will be hurt if you don't pump. If it kills your system you have a problem.

Mr. Collins: I like the idea of a push to clean the system at the end of the year. Informing businesses that it is part of closing up for the winter is an important part of protecting the system.

Ms. Clark: I will come back with suggested regulation changes and a list of acceptable variances for you.

Agenda Item 11 Supplemental Phase 3B Sewer Surcharge Order and Notice [Provincetown Board]

Discussion:

Ms. Prada: There are two things for you today. The first is bettering two properties – 341 Bradford St, which is a public health failure and 951R Bradford St which is the property that was owned by Housing that was sold to a private owner. We previously voted to allow it to connect to the sewer.

Motion: *To approve the sewer surcharges as recommended by staff.*

Motion: Jonathan Sinaiko

Seconded: Sacha Richter

Vote: 4 – 0 - 0

Agenda Item 12 - Sewer Flow Revisions [Provincetown Board]

Discussion:

Ms. Prada: We will take them one at a time. The first is 162 and 164 Bradford St Ext. Originally, 3 bedrooms were assigned to vacant lots. The owner has come back for the betterment of the actual number of bedrooms at each lot. 162 Bradford St. Ext. has 6 bedrooms an increase of 3 bedrooms/330 gallons and 164 Bradford St. Ext. now has 4 bedrooms which is an increase of 1 bedroom/110 gallons. He was already in the Growth Management queue before we cut the gallons off.

Motion: *To accept flow revisions for 162 Bradford St Ext. and 164 Bradford St Ext.*
Motion: Kathie Meads Seconded: Sacha Richter Vote: 4 – 0 - 0

Ms. Prada: The next is Sal's Restaurant, 99 Commercial St. The owner has separated the residence from the restaurant and is giving back restaurant seats for a reduction of 700 gallons.

Motion: *To accept the flow revisions for 99 Commercial St.*
Motion: Kathie Meads Seconded: Sacha Richter Vote: 4 – 0 - 0

Ms. Prada: The next is 34 Bradford St. The property was connected to the sewer for a long time paying for 2 bedrooms. The new owner discovered that the Assessor has it listed as 4 bedrooms and being taxed for 4 bedrooms. This will be an increase of two bedrooms/220 gallons. No one checked how many bedrooms it was bettered for when it was sold.

Motion: *To accept the flow revisions for 34 Bradford St.*
Motion: Jonathan Sinaiko Seconded: Sacha Richter Vote: 4 – 0 - 0

Ms. Prada: The next is 415 Commercial St. It is a condo complex and there was some confusion over bedrooms assigned to each building. We are correcting our error. They are decreasing by 1 bedroom/110 gallons.

Motion: *To accept the flow revisions for 415 Commercial St.*
Motion: Kathie Meads Seconded: Jonathan Sinaiko Vote: 4 – 0 - 0

Ms. Prada: The last one is China Trust, 361A Commercial St. The number of gallons assigned to each building when the property was split was in error. We are decreasing 20 gallons from Unit #1 and 20 gallons from Unit #2. These 40 gallons will be added to Unit #4. It is an even swap among the units; there is no increase or decrease in gallons.

Motion: *To accept the flow revisions for 361A Commercial St Unit #1, #2 and #4.*
Motion: Kathie Meads Seconded: Jonathan Sinaiko Vote: 4 – 0 - 0

Agenda Item 13 - Adjournment:

Mr. Sinaiko adjourned the meeting at 4:43.