



Town of Provincetown
Meeting of the
WATER & SEWER BOARD

Thursday, December 8, 2016

Grace Gouveia Bldg., 26 Alden Street, Provincetown, MA

Board Members Present: Moe Van Dereck(chair), Zoe Babe, Jean Horner and Gary Palmer

Board Members Absent: Kathleen Meads(co-chair), Mark Collins, Kevin Kuechler, and Bill Worthington

Other attendees: Rich Waldo, DPW Director; Sherry Prada, Director of Operations; Cody Salisbury, Water Superintendent, and Jane Petterson

Recording Secretary: Susan Leonard

Call to Order: Mr. Van Dereck acting as chair, called the meeting to order at 2:07 p.m.

Agenda Item 1 – Statements from the Public

- a. Mary Jo Avellar – water conservation, water served at restaurants
- b. Other Members of the Public

Discussion: Mr. Salisbury pointed out that Ms. Avellar was not present at the meeting and recommended that the Agenda Item be tabled.

Agenda Item 2 – Water Abatements [Full Board]

Water & Sewer Board
Water Abatement Applications

12/2/2016

Acct#	Property Address	Applicant	Usage	Bill Amount	Avg Usage	500% Rule Usage	Avg Bill Amt	500% Rule Amount	Staff Recommendation
<i>Fall 2016</i>									
0003706	606 Commercial St	office on behalf of Deborah Bowles	190,000	\$ 2,422.50					Abate \$2,317.50. Actual usage = 19,000
9010612	168 Shore Rd	Jack Peak	324,000	\$ 4,566.50	32,667	163,333	\$ 207.50	\$ 1,037.50	Abate \$3,529.00. Underground leak, 500% rule.
0002404	358 Commercial St	Hefen Buker	109,000	\$ 1,126.50	54,333	271,667	\$ 434.50	\$ 2,172.50	Deny. Underground leak, but does not meet 500% rule.
0009849	11 Kimberly Lane	Sam Janopolis	91,000	\$ 874.50	7,333	36,667	\$ 70.83	\$ 354.17	Deny. 87,000 went through meter in July, then dropped to normal again. Field techs visited several times. Unable to determine cause. No leaks.
0004012	1 Holway Ave 1& 1A	Nancy Lockwood	47,000	\$ 346.50	16,333	81,667	\$ 96.67	\$ 483.33	Deny. Underground leak, but does not meet 500% rule.
0002902	18 Standish St	Linda Wielblad	94,000	\$ 910.50	56,333	281,667	\$ 404.50	\$ 2,022.50	Deny. Private ejector pump broke. Also does not meet 500% rule.
0001913	411 Commercial St	Madelyn Camey	301,000	\$ 4,168.85	76,667	383,333	\$ 702.50	\$ 3,512.50	Deny. Fixture leak, If allowed 500% rule would result in abatement of \$656.35

Discussion:

a. 358 Commercial Street

Mr. Salisbury explained that although there was an underground leak, it does not meet the 500% Rule, therefore staff recommends that the abatement request be denied. The cause of the leak is not known.

Motion: *To deny the abatement request for 358 Commercial Street, according to staff recommendation because it does not meet the 500% Rule.*

Motion: Jane Horner

Seconded: Zoe Babe

Vote: 4 – 0 - 0

b. 506 Commercial Street

Mr. Salisbury explained that this was a clerical error that showed a usage of 190,000 gallons. The actual usage was 19,000 gallons. Staff recommends an abatement of \$2,317.50.

Motion: *To abate the request for 506 Commercial per recommendation of staff.*

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 4 -0 - 0

c. 18 Standish Street

Ms. Petterson informed the Board that this request will be tabled until January.

By unanimous agreement, the board agreed to table Agenda Item 2c.

d. 290D Bradford Street

Mr. Salisbury explained that the unit owner is seeking an abatement for an "after hours" shut off/turn on of the water service. After a repair had been made at the property the owner called the technician back to turn the service back on after hours. The owner was charged \$150 for the call. The owner argues that, according to the police department, there is no fee associated with the water department being called out. Field staff know what the fees are. Mr. Salisbury thinks there must have been a miscommunication because it was within the 3 hour window of time for a call. We do not charge a separate call out if it is within 3 hours. The \$150 charge stands for the after hours call out. Staff recommends to deny the abatement.

Ms. Babe asked if any of the facts presented are relevant to the rules for abatement requests as written in the bylaws? Mr. Salisbury said it is covered under miscellaneous fees. Ms. Zoe asked if fees are subject to abatement? The rules and regulations speak to user charges for abatements. He has no experience with accepting an abatement for a miscellaneous fee.

A representative for the property owner said there is agreement by staff and the department that there was a miscommunication. The owner claims she spoke with Verne, but Mr. Salisbury states that Mr. Horner was the technician who was on that day.

Mr. Van Dereck suggested that the request be denied. Ms. Babe agreed, stating she does not think it is an appropriate abatement request. She read the regulation regarding abatements.

Motion: *To deny the abatement request according to staff recommendations.*

Motion: Jean Horner

Seconded: Zoe Babe

Vote: 4 – 0 - 0

e. 11 Kimberly Lane

Mr. Salisbury explained that there was a large spike in usage recorded by the meter. The average usage is 7,333 gallons; the meter reading was for 91,000 gallons. Although the staff recommendation is to deny the request, Mr. Salisbury sent a technician to check the property and no leaks could be detected. He called the manufacturer of the meter to determine any possibility of malfunction. It is an extremely rare event for the meter to throw a random reading. We don't know where the discrepancy came from. It is an enormous amount of water for the month of July.

Mr. Janopolis said he has a private well with a sprinkler system at his property. There is just one 8' section of drip hose that he used only once the entire summer in early July. This has now been disconnected. He thinks the meter was faulty. He checked his toilets for leaks with dye also.

Ms. Babe pointed out that the staff can't explain the cause. Mr. Van Dereck added that you have to have some proof of what occurred. The staff is unable to determine the cause and no leaks were detected. He doesn't see how he could charge the customer without proof.

Motion: To abate and grant the abatement request for 11 Kimberly Lane based on failure of equipment under our rules and regulations.

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 4 – 0 - 0

f. 168 Shore Road, No. Truro

Mr. Salisbury informed the Board there was an underground leak which meets the 500% Rule. The actual usage was 324,000 gallons whereas the average usage is 32,667.

The applicant, Jack Peak appeared before the Board. He appreciates that the Town staff informed them of the problem. The leak was right at the beginning of the peak rate period. He said there was no above ground evidence of a leak. The sonar found the leak and it was repaired by that evening.

Motion: To abate the request based on the 500% Rule.

Motion: Moe Van Dereck

Seconded: Zoe Babe

Vote: 4 – 0 - 0

g. 1 Holway Avenue #1 & 1A

Mr. Salisbury explained that this was also an underground leak. It does not meet the 500% Rule, therefore the staff recommends to deny the request. It affected the back unit which was on a common meter originally. The town went in and corrected the service. It was thin walled pipe.

Motion: To deny the abatement request based on not meeting the 500% Rule

Motion: Moe Van Dereck

Seconded: Zoe Babe

Vote: 4 – 0 - 0

h. 411 Commercial Street

Mr. Salisbury explained that this was fixture leak of a basement toilet. Based on abatement rules, staff is recommending a denial. The leak was discovered and repaired.

Based on the previous discussion for 411 Commercial Street, Ms. Horner moved to grant the sewer abatement for this property. As she understands it, the property owner claims that the water did not enter the sewer.

Ms. Babe asked if this is consistent with the sewer regulations? Ms. Petterson mentioned that although the paper work was turned in on time it did not make the agenda.

Mr. Waldo asked if it would be hardship for the property owner to return for the next meeting in January so that the request could be put on the agenda? Ms. Carney replied that it would be difficult for Mrs. Madelyn Carney, her mother, but it was decided that she could represent the property owner.

Ms. Sherry Prada informed the Board that the house is connected to the sewer system. If the basement toilet is still connected to a septic tank, it is illegal. The old septic system should have been filled. She is concerned where the water went. The toilet should be taken off-line.

Ms. Horner suggested that discussion of the sewer abatement for 411 Commercial Street be tabled until more information is available. Ms. Babe advised Ms. Carney she could represent her mother.

Mr. Waldo said there is an issue of a cross connection which the Health Department could look into. Mr. Waldo stated that the Board can direct staff to come back with more information about the property. He recommends it be postponed. Mrs. Carney said she would just like to have the toilet removed and be done with it.

Motion: *Taking under consideration new information, the sewer abatement request for 411 Commercial Street should be tabled, and staff will be directed to investigate and come back with a report.*

Motion: Jean Horner

Seconded: Zoe Babe

Vote: 3 – 0 - 0

d. 11 Kimberly Lane

Mr. Salisbury highlighted the huge discrepancy in usage as discussed earlier.

Mr. Van Derck said it is highly unusual that they can't determine what happened. It is a lot of water. Ms. Babe said the Board should be consistent in its factual determination regarding this property.

Motion: *To abate 11 Kimberly Lane with regard to sewer as consistent with our prior factual determinations with regard to water.*

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 3 – 0- 0

Mr. Janopolis asked that a new meter be installed at his property. He wants to not worry about it anymore.

a. 358 Commercial Street

Mr. Salisbury explained it was an underground leak so staff recommends a n abatement in the amount of \$752.13.

Motion: *To abate the amount of \$752.13 according to staff recommendations.*

Motion: Jean Horner

Seconded: Zoe Babe

Vote: 3 – 0 - 0

Mr. Salisbury presented the last two requests together since they are straight - forward situations.

b. 506 Commercial Street

This was a clerical error. Actual usage was 19,000 gallons not 190,000. Staff recommends an abatement of \$2,368.35

c. 1 Holway Avenue

This was an underground leak. Staff recommends an abatement of \$424.73

Motion: to abate 1 Holway Avenue and 506 Commercial Street consistent with staff recommendations for the sewer.

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 3 -0 - 0

Agenda Item 3 – Termination of water service, 99 Commercial Street #4 – 7 failure to install backflow prevention device. [Full Board]

Discussion:

Mr. Salisbury explained that this is an ongoing issue. Two demand notices have been sent regarding installation of a back flow device. CMR regulations and Mass DEP consider piers and marinas high hazard facilities. A portion of the property is on a pier with many domestic water services running under the pier, some of which are actually submerged during high tide, with hose bib drains. Mr. Salisbury has inspected the site and has required the installation of a containment device after the meter connection. There has been a failure to comply. He has gone to legal counsel. The first demand notice was July 14. And a second demand notice was sent September 6.

The property owner did reply in September that a contractor had been engaged and the only thing holding it up was getting a duty police officer on site during the work. As of now, nothing has been done for Units #4 -7. They other units have complied. A final demand notice has been prepared with notice of termination. The Board is being asked for approval of termination.

Motion: That staff may terminate water service for 99 Commercial Street for failure to install back-flow prevention device.

Motion: Zoe Babe

Seconded: Moe Van Dereck

Vote: 3 -0- 0

Agenda Item 4 – Truro Application for Water Service [Full Board]

a. 276 Shore Road

Discussion:

Mr. Salisbury informed the Board that this is a unit at Days' Cottages. It has been signed off on by Truro Selectmen and Board of Health. They are requesting that they separate out from the rest of the cottages. This will be a phased approach. A meter vault will be centrally situated to pick up a cluster of 5 of the cottages. This owner has spoken to abutting

cottages. They are in agreement to proceed. This is not an expansion. It is not an increase in demand, just a separation of services.

Motion: To approve the request.

Motion: Gary Palmer

Seconded: Moe Van Dereck

Vote: 4 – 0 - 0

The Board agreed to take Agenda Item 10 - Sewer Grease Trap Variance Requests [Provincetown Board] out of order.

Agenda Item 10 – Sewer Grease Trap Variance Requests [Provincetown Board]

Discussion:

a. 379 Commercial Street – Wired Puppy

Ms. Robin Read, who along with her wife owns the Wired Puppy, spoke to the Board about the grease trap variance request. The business has been operating for 12 years without a grease trap. The owners were notified this year by Morgan Clark that they needed a grease trap. Licensing now requires them to have a common victualer's license. After much discussion with the plumbing inspector it was determined they could install an interior grease trap because there was virtually nowhere to situate one outside on the property. Nothing has changed with the business. It is not a restaurant. They are meeting the intent of the law. They support complying with the law.

Mr. Waldo explained that the regulations originally required a 1,000 gallon trap which is not suitable for a small establishment like the Wired Puppy. Eventually the sewer regulations need to be updated. In the meantime, this gets the establishment into compliance. What they have now is sized appropriately for its use. The Board of Health recommends this, as well as the DPW. They have been cleaning the trap regularly and logging it.

Motion: To grant the sewer grease trap variance in regard to 379 Commercial Street.

Motion: Zoe Babe

Seconded: Jean Horner

Vote: 3 – 0 - 0

b. 539 Commercial Street – Fanizzi's

Ms. Prada informed the Board that Fanizzi's wants to stop using the monitoring company and use someone local to monitor their grease trap. The current company is not local or always available and the accuracy of the monitor is questioned. They will contract James Roderick to monitor the grease trap and pump it.

Motion: To accept Fanizzi's request to have a local septic inspector monitor the grease trap.

Motion: Jean Horner

Seconded: Zoe Babe

Vote: 3 -0 - 0

c. 226 Commercial Street – Vorelli's

Ms. Prada stated that the owner wants to self-monitor the grease trap. Ms. Horner said the Board would like more information. The Restaurant does not currently contract anyone to monitor its grease trap.

This item was tabled until more information is provided.

d .212 Commercial Street – Grab & Go Health Bar

Ms. Prada explained that the food service does not require a grease trap as long as the menu remains limited to what is currently served. There are no dairy products or grease involved in the food service. Approved by the Board of Health and DPW.

Motion: *To accept the variance for Grab & Go.*

Motion: Jean Horner

Seconded: Moe Van Dereck

Vote: 3 – 0 - 0

Agenda Item 5 – Staff Updates

Mr. Salisbury informed the Board that there is a 22% decrease in water withdrawals from last year. Billable water was up slightly from last year. Overall, if projections continue there will be a reduction of 10,000,000 gallons for the year. Leak detection and unaccounted loss has been holding steady. Staff has done a great job this year locating leaks.

Mr. Waldo mentioned the budget review in the agenda packet. The department is trying to keep the Board fully informed and have time to review it. He is refining the information. In the past the budget wasn't brought to the Board. He thinks the Board's support during the budget process is important. The Board will have to consider an upcoming rate increase. The last rate increase was in 2009, but costs have been increasing. We are not covering the operating budget as we should. There is a financial analyst working on the best way to address the costs.

Agenda Item 6 – Accept Minutes from Prior Meeting [Board as it applies to subject matter]

The Board reviewed the minutes from the previous meeting.

Motion: *To accept the minutes as written for the November 3, 2016 meeting.*

Motion: Moe Van Dereck

Seconded: Zoe Babe

Vote: 3 – 0 – 1

Agenda Item 7 – Statements from the Board [Board as it applies to subject matter]

There were no statements by Board members.

Agenda Item 8 –Unanticipated business that may legally come before the Board requiring immediate action [Board as it applies to subject matter]

There was no unanticipated business raised for consideration of the Board.

Agenda Item 11 – Proposed Sewer Regulation Amendment – Year-round Housing Public Benefit (David Gardner, Gloria McPherson) [Provincetown Board]

This item was postponed until the proponents can be present.

Agenda Item 12 – Flow Revisions [Provincetown Board]

Discussion:

Ms. Prada suggested that the flow revisions be voted on together. None of them are complex issues

- a. **101 Bradford Street** Returns 90 gallons
- b. **129 Bradford Street #1** Return 110 gallons

These two are from updating Growth Management Program. At the end of two years the unused gallons have to be forfeited and returned to the Growth Management gallons pool.

- c. **641 Commercial Street** Fixes discrepancy on a rental certificate. 1 bedroom eliminated.

Motion: *To accept the flow revisions as recommended by staff.*

Motion: Jean Horner

Seconded: Moe Van Dereck

Vote: 3 – 0 - 0

Adjournment:

Mr. Van Dereck moved to adjourn the meeting at 3:44 pm. It was passed by unanimous consent.