

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## SEWER FOLLOW-UP MEETING – FRIDAY, JULY 10, 2009

### 26 ALDEN STREET

Chairman Michele Couture convened the emergency meeting at 9 -00 AM noting the following Board of Selectmen attending - Michele Couture, David Bedard, Mary-Jo Avellar, Elaine Anderson, and Austin Knight

Other attendees - Town Manager Sharon Lynn; Assistant Town Manager David Gardner; Police Chief Jeff Jaran; Director of Public Works David Guertin; Deputy Director of Public Works Sandy Turner; Health Agent Jane Evans; Health & Environmental Affairs Manager Brian Carlson; Tourism Director Bob Sanborn; Town Counsel John Giorgio; Rob Adams, Project Manager AECOM; AECOM Counsel Brian Newbury; Bill Burke, Woodward & Curran; Paul Roux, Woodward & Curran.

Recorder - David Gardner

The following are meeting minutes, in brief.

The Town Manager made the following statement:

Over the course of the last six days the Town of Provincetown has experienced a very serious and potentially catastrophic event during the malfunction of the sewer system. Fortunately, this critical situation is behind us, and we are now concentrating our efforts on attending to those property owners who sustained damage, and equally important how best to remedy problems to be better prepared in the future.

What we do know is the following -

- The SCADA system which monitors system alarms, tank levels, and flow measurement in addition to other operational safeguards, reported an area alarm from an east end location on Saturday, July 4 at approximately 0930. Two on-call operators immediately responded and attempted to locate the problem.
- By 5:30 p.m. the problem was not fixed nor identified, and in fact, escalated to other areas along the east and west mains. At this time, nearly 8 hours since the initial alarm, the plant manager responded to assist.
- As listed in the Emergency Action Plan regarding protocol during a system malfunction, neither DPW staff was contacted, nor the PD, nor the Town Manager, in a timely fashion.
- In addition, throughout the night and into late Sunday morning, additional support had not yet responded to the scene to assist. It wasn't until Sunday mid-morning when the Town Manager, who in my estimation, was suddenly transformed into the Sewer Operations Coordinator, instructed the Deputy DPW Director to notify town employees to respond.
- During the course of the next two days, Sunday into Monday, with everyone pulling together including AECOM engineers, Woodard and Curran operators and other personnel, the Town Manager, the Assistant Town Manager, the Health Agent, the Health and Environmental Affairs Manager, the DPW Director and Deputy Director, the entire DPW front line administration team, various DPW employees from both the highway department and water department, the Police Department, various support personnel and subcontractors who worked continuously including Jimmy Roderick and his crew, Bobby Our and his crew the problem was located Monday night nearly 58 hours after the initial alarm. With the assistance from all of those I just mentioned and more, it wasn't until Wednesday at noon, an additional 42 hours later, when the vacuum system was up and running 100%.

So, what we do know now, after the fact, but fortunately with only property damage to deal with, is that communication will intensify and improve in order to rectify those problems. We can't predict the future of mechanical and system breakdowns, but again, what we do know, and what I can control, is communication, which will be achieved and improved, and a critical incident response plan will be followed, and at least from a reporting standpoint, all of the areas within my control will be followed.

We have a form for reporting damage from property owners, so that insurance claims can be submitted. Please remember to report claims to your homeowner's insurance whether or not you have coverage for these claims. Also, submit a form we are making available here, and also on-line at the Town's website.

David Bedard - Thank staff; we don't need to blame anyone; we need to look at what happened, and move forward.

Mary-Jo Avellar - System is inadequate, poorly designed, we need to point the finger at AECOM because of their negligence. We need to demand that AECOM install monitors at each controller. We need to ensure that this does not happen again. The design of this system is at fault. How do we address our streets being paved? This is the 6<sup>th</sup> time that we have had a failure in this system.

John Giorgio - Contract with AECOM, the design build operator (DBO) of the system. The RFP and negotiated contract had several layers of protection for the town. AECOM is required to maintain insurance and performance bond. This was to ensure that there was one entity that is responsible for the entire system. The one legal entity is AECOM. We have several layers of protection including general liability to cover not only this incident but moving forward others that might occur.

Austin Knight - What I am looking for is what we are going to do so that we don't repeat the problem. Part of this is that we need to educate the public that what goes down their toilet can cause a problem like this.

Elaine Anderson - Thank emergency responders. This was an emergency. This was the first time we had to deal with something of this magnitude, so we need to learn from this and do better. We should educate the public about this issue to be able to identify when a problem exists, and respond appropriately.

Michele Couture - Thank the Health Staff for doing the clean up in the middle of the night. AECOM needs to educate their staff so this doesn't happen again. We need to refine our protocols and have drills to prepare for any emergency. We need some form of notification or alarms installed within the sewer system. We need to restore confidence in the sewer system.

Rob Adams - We take this matter very seriously. We stand behind our work. We will perform a detailed and extensive forensic investigation to determine what happened, review protocols, and make whatever improvements necessary to prevent this from happening again.

Austin Knight - Is there a plan for your company to be available to property owners to get resolution to damages, which resulted from the incident?

Mary-Jo Avellar - I agree that there is no confidence in the sewer system. This pipe was replaced in March, it was either installed improperly or it was defective. I don't have a level of confidence that this will not happen again. Dyer Street residents were not notified that there would be construction in the street on Monday night. I do not feel our town staff should have to deal with the remediation to the property owners. Cost of town employee overtime, contractor's cost, all need to be borne by the contractor.

Candace Nagle - The Town should allow those scheduled to hook up to the sewer the ability to delay until correction to the system is made.

Bill Dougal - Wants to develop a community communication plan. We need to have a system that the whole town can respond to in the case of an emergency. We need to have a system to notify the residents and businesses in the case of any emergency regardless of the type.

Sharon Lynn - Reverse 911 system request was made in FY 2009 and was removed from the budget. For \$9,000, this system would have allowed us to do the types of notifications to property owners that we are talking about here today.

David Guertin - We have an emergency response plan for the water system. PLOG meets regularly and will be unfolding a comprehensive response plan this coming week. There is a formal requirement that this plan be submitted to DEP by the end of the year.

DEP representative will be present on Monday, as a licensed system there is a Return to Compliance process that will need to occur which includes a forensic.

John Giorgio - We could expect another Notice of Non-compliance from DEP. They will likely require a new protocol for the operator, as well as an investigation as to why a pipe break resulted in a full system failure.

Mary-Jo Avellar - Was the protocol followed in this incident?

John Giorgio - We are looking at the protocols to determine if they were followed properly.

Anne McGuire - The Town should look at the company's training program to ensure that they can properly respond to our system needs in case of an emergency.

Robert Pastor - Property owner 128 & 128A Commercial Street - Urgency and magnitude of the response that I need to resolve the claim at our property. We have two rental units, which were covered in excrement. We had a cleanup crew in on Monday, which we had to repeat each day as the damage continued to occur. All furnishings and furniture need to be replaced because of contamination. I was required to relocate my reservations for the entire summer, causing a loss in revenue. The response from the town has already fallen behind. I need to have an expedited permit process, need to have a process for the contractor to bill, and need to be reimbursed to all my out of pocket expenses.

Rick Murray - The town needs to have a communication plan immediately. We need to have Town Counsel look at every contract with AECOM. If the protocol was not followed, then we are held liable. There needs to be a protocol for cleaning up the streets.

Michelle Haynes - VSB is deciding what we can do to help. Who had the responsibility to notify the residents of the town?

Mary-Jo Avellar - I do not trust AECOM to do this forensic investigation. We should be looking at some other company do this. Is there a way to have DEP provide money to help us with this? I don't have any confidence in the system or AECOM to do this investigation.

Sharon Lynn - We are looking at getting a third party engineering review as requested earlier. I also talked to the Lieutenant Governor yesterday, and he is going to get back to us as to what State assistance may be available.

Michele Couture - AECOM should respond by Monday's meeting if they have resources to set up a claim center in town to help property owners.

Barbara Rushmore - I had people visiting and swimming in the bay. There should have been a better system for informing the public about beach closings. We need a better system of posting beaches. We need to utilize the radio station, and other news media to get the word out.

Brian Carlson - Beach closings did get posted at the town landings. We are looking at purchasing flags and a notification system for the beaches and landings to better warn folks. Anyone can be added to the email listing for beach closures, they are also posted on the website.

Mary-Jo Avellar - I was concerned about the contamination of both the streets and the beaches. I find fault in the Health Department's response to this incident.

Elaine Anderson - We are working towards an Emergency Response Program that will need to take into account notification of the general public.

Rick Murray - There should be a public disclosure of the timeline of events as they occurred. This weekend is just as full as last weekend. I am just as concerned about this weekend as Carnival. We need to inform every guesthouse and rental agency to warn our visitors regarding the sensitivity of our infrastructure systems.

Sharon Lynn - We have made assurances that the teams will be available to respond to any issues that might come up.

Jim McGowan - We need a phone number that we can reach someone in this town in the case of the emergency. This sewer is a disaster and it will fail again. We need a third party engineering firm to review this system and make recommended improvements.

Robert Pastor - My needs are unmet. We need to set up an office today.

Anne McGuire - Most private insurance companies have exclusions for sewer backups. The insurance companies will send out investigators to respond to a claim.

Bob Sanborn - Want to examine the check valve system (single flow flap) and whether they can be installed within our sewer system, and on our individual system.

Motion to adjourn by Elaine Anderson at 10:25 a.m.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
July 20, 2009