

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING – MONDAY – MAY 1, 2006

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened this special meeting at 5:00 PM noting the following attendees: Board of Selectmen: Cheryl Andrews, Michele Couture, Richard Olson, David Nicolau

Excused Absence: Sarah Peake

Other attendees: Town Manager Keith Bergman, DPW Director David Nicolau Guertin, DPW Financial/Administrative Coordinator Dana Faris, Ron Adams Project Manger – Metcalf & Eddy and Facilitator John Goodrich, W & S Board, Austin Knight and Jonathan Sinaiko

Recorders: Vernon Porter and John Goodrich

The following are minutes, in brief.

1. APPROVAL OF APPOINTMENT

Acting Treasurer – Collector Barry Stephen

MOTION: Move that the Board of Selectmen vote, pursuant to Charter section 7-2-5 (i), to approve the Town Manager's appointment of Collector Barry Stephen also as Acting Treasurer until the effective date of appointment of the next permanent Treasurer.

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

2. REVENUE ANTICIPATION NOTE #1062 / BOND ANTICIPATION NOTE #1063

MOTION: Move that the Board of Selectmen vote to issue a Revenue Anticipation Note #1061 in the amount of \$1,000,000.00 dated May 9, 2006 at 3.85% interest payable at maturity to Cape Cod Five Cents Savings Bank on June 30, 2006 and a Bond Anticipation Note #1063 in the amount of \$1,233,000.00 dated May 9, 2006 at 3.90% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 29, 2006.

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to take Agenda Item 3B out of order.

Motion by: Michele Couture Seconded by: Richard Olson Yea 4 Nay 0

3B WATER & SEWER BOARD

Execute Laundromat MOU

MOTION: Move that the Board of Selectmen vote to approve and authorize the Chairman to execute on its behalf the Memorandum of Understanding between the Town of Provincetown and Charles W. Silva and Helen T. Silva, relative to a Laundromat and sewer hook-up on Shankpainter Road.

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

3A WASTEWATER FACILITATED MEETING

Led by Facilitator John Goodrich

Chairman Cheryl Andrews turned the agenda over to Facilitator John Goodrich.

The following are notes from Facilitator John Goodrich:

The following topics were discussed at the May 1st Facilitated Meeting of the Board of Selectmen:

- Status of Delayed Connections
- Laundromat Extension Status and Memorandum of Understanding
- Status of the Cape End Manor and Pier Connections
- Review of the Facilities Planning Process
- Discussion of the Proposed Public Outreach Program
- Preparation for the June 5th Public Hearing
- Upcoming Meeting Schedule

The following notes summarize (i) the presentation of any new information not contained in the Packet for the meeting, (ii) the discussion, including comments, questions and policy direction from the Board, and (iii) the action items and other information from the Wastewater Planning Team's follow-up discussions held on May 2nd. Any formal Board votes are documented separately.

Status of Delayed Connections

The status of both the red-dot delay and delinquent connections was updated for the Board. The efforts by the Staff to encourage property owners to either begin paying the betterment or ideally to both pay the betterment and hook-up immediately have been paying off – these and other efforts are projected to bring the Wastewater Enterprise Fund into the “black” by the end of the Fiscal Year. The Board will be provided with a formal update for the WWEF at an upcoming meeting, after the May 5th completion of the off-peak billing cycle so that the results of the implementation of the “minimum sewer bill” program authorized by the Board last fall can be included.

The Facilitator explained that some of the numbers shown in the Packet needed to be corrected so as to be consistent with the spreadsheets attached to the Packet. The correct numbers are as follows:

- At the beginning of FY06, there were 53 RDD properties with 98,885 GPD of Title 5 design flow still to be connected. Of these 4 (8,860 GPD) have started paying betterments and agreed to hook up now and 17 (42,259 GPD) have started paying betterments and will delay hook up until failure.
- 32 properties (47,766 GPD) still have not started paying betterments or agreed to hook up. These include 9 commercial properties (32,724 GPD) and 23 primarily residential properties (15,042 GPD).
- At the beginning of FY06, there were 15 delinquent properties (the so-called “mandatory blue dots”) with 22,249 GPD of Title 5 design flow still to be connected. Of these, 6 (11,829 GPD) have either hooked up or agreed to do so as soon as the connection can be made and 9 (10,420 GPD) still have not agreed to hook up.

In response to Board comments and questions, the Staff provided the following clarifications:

- For delinquent properties that have not yet shown any positive response to either the repeated, formal contacts by the Town or to the \$50.00 per day fines imposed on them by the Water & Sewer Board as specified by regulation, the next step is to take them to Superior Court to enforce the fines that have been levied. Since this is an expensive and time consuming process, the Staff have preferred for the past two years to try to talk them into hooking up to the sewer. Some of the properties are in tax title and Staff have been unable to reach some of the property owners, despite repeated attempts. Registered mail has been sent to the address of record for the tax bills.
- The Board of Health has been kept informed of the situation with these properties but Staff have not yet sought formal action by the Board of Health.
- The suggestion was made that the Water & Sewer Board hold a mandatory Special Hearing for the three properties that have not responded and then, if no action is taken on their part, the matter could be referred to the Board of Selectmen with the understanding that the next step will likely be Court action. The Board of Selectmen is ready to

assist Staff and the Water & Sewer Board with this situation.

- In one case where the property is for sale, it may be possible to make the hook up a condition of the sale. The Water & Sewer Board could adopt a regulation that requires connection at the time of property transfer; all of these properties already have a sewer system lien.
- By definition, delinquent properties are required to hook up immediately, so there is no opportunity to enter into an agreement for a delayed hook-up. These properties are already paying betterments.

Laundromat Extension Status and Memorandum of Understanding

Considerable progress has been made on all aspects of the proposed Laundromat Sewer Extension since the March Facilitated Meeting, and the Board was very pleased with the proposal, including the final version of the Memorandum of Understanding, and particularly with the way the Staff, the Water & Sewer Board, and the others involved in the effort had worked together to bring the proposal to a successful conclusion. The final rephrasing of Item 6 of the Memorandum of Understanding was singled out as a particularly good example of language that the Board was pleased with.

The Staff provided the Board with the following clarifications in response to specific questions and comments:

- 3-phase power already exists on the pole across from the proposed Laundromat – we need to have NSTAR get that 3-phase power across the street to the location of the pump station. Provision of 3-phase power for the Laundromat itself is the responsibility of the owner – although its installation could possibly be delayed, the best approach is for the owner to upgrade his existing service at the same time rather than at a later date.
- The difference between the total Title 5 design number and the DEP-permitted actual peak flow number was explained. While the DEP and M&E focus on the actual peak flow number, the Town’s planning and betterment assessment are based on the Title 5 design numbers. The Title 5 design numbers are generally larger, the Town has satisfactorily documented the relationship between the Title 5 design numbers and the actual peak flow numbers, and both the DEP and M&E are satisfied with the calculations that are being used for the Laundromat Extension.
- DPW Director David Guertin explained that it will not be necessary to go back to the DEP for a permit modification to increase the number of washing machines from 10 to 12 at a later date.
- The language referring to the Town “entertaining” RFPs for Laundromats was crafted specifically by Town Counsel to address the concerns raised earlier by the Board. In addition, Town Counsel has provided the necessary language so that if the Applicant terminates the Permit, they are still obligated to continue to pay the Betterment.
- The Board would like to see the proposed construction schedule of 4 to 6 weeks sped up as much as possible so that the Laundromat opens earlier in July.

On May 2nd, Brian Dudley of the DEP requested clarification on several permit questions from DPW Director David Guertin; following receipt of this clarification, Brian Dudley approved the Laundromat Extension Permit on the afternoon of May 2nd, in time for the Town to submit the required public comment period notice to the Cape Cod Times for publication on Friday May 5th. Therefore, the public comment period is scheduled to end on June 5th and construction should be able to begin on or about that date.

Following the discussion, the Board voted 4-0 to “approve and authorize the Chairman to execute on its behalf the Memorandum of Understanding between the Town of Provincetown and Charles W. Silva and Helen T. Silva, relative to a Laundromat and sewer hook-up on Shank Painter Road”.

Status of the Cape End Manor and Pier Connections

The Staff provided the Board with updates on the progress for the Cape End Manor and Pier connections, both of which are proceeding on the schedule needed to meet their respective funding and/or conveyance deadlines. In

response to comments and questions from the Board concerning the Pier connection, the Staff provided the following clarifications:

- Staff and M&E are working with the Harbormaster on both the schedule for and the logistics involved with the construction of the sewer connection for the Pier, so as to minimize any disruption to fisherman and others who use the Pier. Most of the work will be done from underneath the Pier, but some planking will need to be taken up in order to install the pipe. The Board would like to make sure that float space owners and fisherman are included in the plans for the construction – the Staff will make sure that these needs are taken into account and will work through the Harbormaster to involve any others that he feels are appropriate. M&E met with the Harbormaster on the morning of May 2nd to begin this process.
- The Town is responsible for the betterment for 4,000 gpd for the Pier itself, and the Whydah is responsible for the 710 gpd for their space. In response to questions from the Board, Staff feels that the 4,000 number is very conservative and can provide for future uses such as public bathrooms. The number was reduced from 10,000 gpd to 4,000 gpd based upon the actual flow numbers for other public bathrooms. The 710 gpd number for the Whydah is based upon the existing bedroom count plus the commercial space; they do not have a food service permit, and they are in agreement with this number. No provision for any future seafood processing facility has been made.

The Board would like to know how much more capacity is possible in the future with the planned-for 2” pipe, since within the next five years, there may be much more interest in using the Pier location for additional uses – people are beginning to see what an important resource the Pier location can be to the town. Can the pipe size be increased? Can holding tanks and dosing be used in the future to increase capacity? Could a Laundromat to serve the Marina area be added?

Review of the Facilities Planning Process

The Board recognizes that the mass loading issue will still need to be resolved with the DEP in order to determine all of the options for build-out of the WWTP and the full use of the sewer system, including the disposal beds. The Staff clarified for the Board what is involved in increasing the permitted capacity of the WWTP from 500,000 gpd to 575,000 gpd – the as-built capacity is 575,000 and the paperwork will be submitted shortly to the DEP to bring the permitted amount up to this as-built level.

Rob Adams of M&E explained the following to the Board:

- There is about 125,000 to 150,000 gpd of available Title 5 design flow remaining at the WWTP currently.
- Since there appears to be more interest than this available capacity number, the first step will be to identify the best optimization and extension areas to use up the available capacity up to the 575,000 gpd level.
- Then, M&E will identify what additional interest remains and what steps would be required to expand the WWTP to meet these needs.
- Finally, the collection system would be expanded further, as needed, to address the remaining needs.

M&E has already been working with the maps and GIS database provided by Dana Faris and the Staff of the DPW. During this summer’s peak period, M&E will use the Town’s radio-read instrumentation to take additional water meter readings so as to better calibrate the relationship between water use and sewer flows.

Once M&E and the Town identify which properties should receive priority for the remaining capacity at the plant, there are only so many options for how to engineer the collection system to serve this demand. The “needs analysis” is the more difficult part of the effort. The initial area to be looked at is the Shank Painter Basin – including the Court Street, Annex, and Brown Street neighborhoods – because of both the interest expressed and the low-lying areas. Other areas will also be looked at, including optimization of the downtown collection system, and the East End.

In response to questions and comments from both the Board of Selectmen and the members of the Water & Sewer Board who were present, M&E and Staff provided the following clarification:

- Assuming no new leaching beds, the build-out capacity of the WWTP as planned is 750,000 gpd. Both the ongoing mass loading study and the review of engineering options will assess whether this or some other number is

appropriate to use for future planning purposes, when looking beyond the current facilities planning capacity number of 575,000 gpd.

- All of the data for the East End will be looked at, including any potential to have the Cape Inn or Beach Point properties connect at some point in the future. The Board and the Staff recognize that there are low-lying areas in the East End, interest has been expressed by a number of property owners, but since it is quite likely more expensive to serve the East End with an extension than the Shank Painter Basin, it is likely that the engineering analysis will show that the Shank Painter area should be served first with the available capacity at the WWTP, and the East End later when additional capacity is available. One cost factor favoring the Shank Painter area will be the fact that a force main will already be in place as far as the Grand Union.
- It was pointed out that as a part of the original Facilities Planning study begun in 1996, the whole Town has already been looked at and the priorities for future sewered areas were identified from a public health standpoint. The whole Town will be looked at again from time to time – this being one of those times. It will always be a “work in progress”, rather than a “one-time plan”.
- Rob Adams of M&E pointed out that the proposed sewer extensions will probably use more large “central pump stations” (like the existing CVS) rather than lots of individual grinder pumps. Gravity flow will be used wherever possible to a new “hub” for the West End and/or a new hub for the East End.
- Since the principal financial issue seems to be the user fees rather than the Betterment rates, we should focus on year-round neighborhoods, which would include the Shank Painter Basin, so as to increase the connected year-round flows to the WWTP.

Discussion of the Proposed Public Outreach Program

The Staff reviewed the proposed public outreach program described in the Board’s Packet. The Board agreed that the proposed “pilot program” was a good idea since it will not be possible to move ahead without good feedback from the neighborhoods that may be candidates for a future sewer extension. The Board would like the Staff to keep track of the amount of time involved in the public outreach effort and to try to obtain the necessary information in as little time as possible.

At the Staff follow-up meeting held on May 2nd, the Staff outlined a “pilot program” to be undertaken immediately by Ron Gamella under the guidance of Dana Faris, to be completed prior to the June 5th Public Hearing. Letters will be sent to the target groups, followed by a site visit to both provide information, obtain information, and to answer property owner questions.

The target groups will be drawn from streets and properties that have shown (i) strong interest, (ii) moderate interest, (iii) minimal interest, and (iv) no interest, so as to get a representative cross-section for properly designing and carrying out the overall public outreach program effectively. The results will be examined and refined after the first five properties have been visited. The Wastewater Team “talked through” all of the likely questions and answers with Ron and Dana as a “dry run” of how the site visits might be conducted.

Preparation for the June 5th Public Hearing

The Staff reviewed the proposed Agenda for the June 5th Public Hearing with the Board. The Board provided the following guidance to the Staff:

- Hold an “open house” starting at 4 PM, with Staff and M&E available to answer questions.
- Presentation of 20 to 30 minutes, from 4:30 to 5 PM. Keep the presentation to a minimum, focus on the historical information, address their questions related to “when” and “how much”, and spend the time on getting input from the public. The initial results from the public outreach “pilot program” may well provide a lot of the most useful information to summarize at the meeting.

- Question and answers from 5 to 6 PM. (To be followed by other Public Hearings scheduled for 6 PM that night).

At the Staff follow-up meeting held on May 2nd, it was pointed out that with the current capacity at the plant limited to 575,000 for this “phase” of the facilities planning, the Town has a scarce commodity – in the form of available sewer capacity – and an ever growing demand for this capacity, as more and more property owners see the benefits of having a sewer connection. Therefore, one of the goals of the Public Hearing may well be to “market” this scarce commodity to the various neighborhoods and encourage them to come forward with a solid commitment to hook up entire streets and neighborhoods so as to ensure the economic success of a sewer extension to serve their particular area.

If an entire area comes forward and wants to be connected to the sewer, then many of the legal, engineering, and administrative details associated with the “checkerboard” or “opt-out” process the Town faced in Phase 1 will be unnecessary for the sewer extensions.

In addition, the proposal to have property owners responsible for all connections from the stub in the street to the building will minimize all of the property-specific construction and administrative issues encountered during Phase 1. The Town can provide each property owner with a list of qualified contractors, a range of expected connection costs – based upon the Phase 1 experience – and a timetable for when the connection must be made.

Whereas in Phase 1, both the vacuum system and the configuration of the lots required many ganged connections and complex pumps or vacuum pits, most of the properties in the proposed sewer extension areas have street frontage and relatively few ganged connections and complex connections will be needed. Where such ganged connections are needed, the Town can provide the property owners with the necessary mechanisms to protect both the Town’s and their interests through escrow or other arrangements.

Upcoming Meeting Schedule

The Board would like to limit the number of meetings over the next several months and would, therefore, like to schedule some of the discussions for the sewer project at the beginning of their regularly scheduled Monday night meetings. The following tentative schedule was discussed:

- Monday May 22nd, 5 – 6 PM – at Regular Meeting
- Monday June 5th, 4:30 – 6 PM – Public Hearing
- Monday June 19th, 5 – 7 PM – Policy-setting meeting to provide direction
- Updates by M&E and Staff as needed at Regular Meetings during summer
- Wednesday Sept 6th – 5 – 7 PM – M&E to present plan to Board
- Monday Sept 18th – Public Hearing to establish sewer extension district(s)

The proposed topics for the agenda item for the May 22nd meeting are as follows:

- Update on the preparation for the June 5th Public Hearing
- Legal questions associated with establishing proposed sewer extensions
- Options for financing the proposed sewer extensions and optimization
- Review of the relationship of the Growth Management Category 5 Surplus Gallonage Pool to optimization of the existing downtown collection system.

– Motion to adjourn by Michele Couture at 7:23 pm.

Minutes transcribed by: Vernon G. Porter and John Goodrich
May 3, 2006