

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

**SPECIAL MEETING – MONDAY, FEBRUARY 6, 2006 - 5 PM**

## **JUDGE WELSH HEARING ROOM**

Chairman Cheryl Andrews convened this special meeting at 5:00 PM noting the following attendees: Board of Selectmen members: Cheryl Andrews, Sarah Peake, Michele Couture

Excused Absence: Richard Olson, David Nicolau

Other attendees: Town Manager Keith Bergman, DPW Director David Guertin, DPW Financial/Administrative Coordinator Dana Faris, Ron Adams, Project Manager - Metcalf & Eddy and Facilitator John Goodrich.

Recorder: Sarah Peake

The following are meeting minutes, in brief.

### **1A WASTEWATER FACILITATED MEETING**

Led by John Goodrich

Dr. Andrews asked John Goodrich to take the Board through it. No motions made.

### **1B SEWER CONNECTIONS – RED DOT DELAY PROPERTIES**

Metcalf & Eddy – Change Orders - \$475,369

***MOTION: Move that the Board of Selectmen vote to authorize execution of a change order with Metcalf & Eddy for installation of sewer connections for Red Dot Delay properties, so called, for \$475,369, as set forth in Metcalf & Eddy's cost proposal dated February 3, 2006.***

**Motion by: Sarah Peake      Seconded by: Michele Couture      Yea 3      Nay 0**

Back to Agenda Item 1A – John Goodrich. No motions made.

Discussion of Laundromat and Cape End Manor hook-up.

### **The following are notes from Facilitator John Goodrich:**

#### **Introduction**

The following topics were discussed at the February 6th Facilitated Meeting of the Board of Selectmen:

- Metcalf & Eddy Change Order for Delayed Connections
- Sewer Bank Implementation
- Proposed Laundromat Extension
- Manor Connection
- Sewer System Optimization and Expansion

The following notes summarize (i) the presentation of any new information not contained in the Packet for the February 6th meeting, (ii) the discussion, including questions from the Board, and (iii) Staff action items, including the information discussed at the follow-up staff meeting held on February 7th.

#### **Metcalf & Eddy Change Order for Delayed Connections**

The Board unanimously authorized execution of a \$475,369 change order with Metcalf & Eddy for installation of sewer connections for red-dot delay properties. M&E will now prepare the change order and their subcontractor Robert Orr will order the equipment so that work can begin as quickly as possible, with all work in the street to be completed by mid-May. The Board is very pleased with all of the work that M&E has been doing, the proposed red-dot delay connection work, and the new relationship

that has been evolving between the Town and M&E.

In response to questions from the Board, the following clarifications were provided by Rob Adams of M&E and DPW Director David Guertin:

- The allowances on page 2 of M&E's cover letter include about \$20,000 for the Ice House at 501 Commercial Street. The numbers in the table in Appendix B show that the total costs for 501 Commercial Street under this change order will be \$41,752 for Robert Orr plus an allowance of \$11,000 for Woodard & Curran for the added instrumentation. This change order will include replacing an existing underground storage tank, placing the pumps in the new tank, locating the control panel outside the building, and tying the data directly into the WWTP's SKADA system so as to be able to carefully monitor what goes on at this connection. As a part of the Return to Compliance Plan (RTCP), a new timer was installed and the impellers were changed. The costs already incurred for 501 Commercial Street including the buffer tank and pump total about \$15,000.
- Assumption no. 4 in Appendix A is a direct result of the RTCP – the designs assume that all connections will be gravity connections, although there may be some situations where a pump will be required. Pumped connections add another level of unknowns to the operation of the system and they can adversely affect the capacity of the vacuum system. Furthermore, there is little incentive for a property owner to continue to use the pump and pay the electricity and maintenance for a pumped connection.
- Assumption no. 6 assumes that the Town will cover the costs of the Police detail out of the existing wastewater warrant article. This is the way that these costs have been handled in the past. The current estimate is for a cost of \$10,000 to \$18,000 for the eleven weeks of construction.
- In regards to assumption no. 14, the Town has a good data base from the 350+ connections already made as to what constitutes reasonable versus "unreasonable demands" on the part of property owners concerning the connection. It is expected that one of the proposed connections under this change order may fall into the category of an "unreasonable demand" even though M&E will give ample notice to each property owner for all work and potential disruption that may occur. In addition, Ron Gamela of the DPW will continue to act as an intermediary if any questions or problems should come up.
- Once all the remaining red-dot delay property connection stubs are provided for through this change order, the construction work for "Phase 1" of the sewer will be complete. Originally, 340 properties were to be provided for, while the total number now is 501.

The remaining red-dot delay properties are primarily residential or guest-houses – nearly all of the restaurants have either connected or made an arrangement to start paying their betterment with an agreed-upon connection at a later date. It is anticipated that some of these properties will also come forward and offer to connect once they see the construction work in the street outside their property.

### **Sewer Bank Implementation**

The Board was provided with a brief update on the January 18<sup>th</sup> discussions with Brian Dudley of the DEP on the proposed Sewer Bank Agreement. The Board will be provided with a complete package explaining all of the proposed procedures and the finalized agreement once all of the reviews (Staff, Town Counsel, DEP, and Water & Sewer Board) have been completed.

As requested by the Board, the explanation of the proposed procedures will clearly specify which board or other entity has responsibility for which type of review or approval situation, since this may vary depending upon the type of property and whether or not an Economic Development Permit is required, or the Sewer District needs to be amended.

### **Proposed Laundromat Extension**

The Facilitator and the DPW Director, David Guertin, provided a brief review of the status of the proposed Laundromat Extension:

- Mr. Charles Silva is definitely interested in the proposed Laundromat Extension. He was not able to attend the February 6<sup>th</sup> meeting for health reasons, and sent a hand delivered letter to the Town expressing his interest. A meeting has been scheduled for February 9<sup>th</sup> between Mr. Silva, his consultants, and the DPW to discuss the specifics of the proposed connection for both the Laundromat and the Grand Union. Mr. Silva is not interested in pursuing a housing proposal on his land at this time. Mr. Silva is willing to discuss clear business terms right away, as requested by the Board. Austin Knight will serve as liaison for the Water & Sewer Board and will participate in the meeting.
- Mr. Silva is not interested in opening a Laundromat in the off-season: he would like to either open the Laundromat for the 2006 peak summer season, or he will want to wait until the 2007 peak summer season. Based upon discussions with Brian Dudley of the DEP and M&E, the only option that could allow the Laundromat to open for the 2006 summer season would be a pipe from the WWTP across Route 6 and down Shankpainter Road to serve just the Laundromat and the Grand Union. It is too complicated and time consuming to identify other adjacent properties that would be connected at the same time.
- If the Town submits a Sewer Extension permit application for less than 10,000 gallons per day of flow by the middle of March, the application will not need to include any information justifying capacity at the plant (10,000 gallons was approved for a Laundromat as a part of the original Phase 1 Facilities Plan), and Brian Dudley feels that the permit can be granted by the middle

of May, including the mandatory 30-day public comment period. Assuming approval of construction funds at the April Town Meeting, this would allow the Laundromat to be connected to the sewer for the 2006 peak summer season. Robert Orr will be responsible for the construction work under a change order to the existing D/B/O contract – they will construct the Laundromat Extension as soon as the red-dot delay construction work is completed.

The Board would like to see a Laundromat up and running for this summer season and encouraged the Staff to move ahead with the proposed proposal as quickly as possible. The Staff and M&E will plan to provide the Board with a firm business proposal and cost estimates at the next Facilitated Meeting on February 22<sup>nd</sup>, including any proposed Warrant Articles for the April Town Meeting.

In response to questions and comments from the Board, David Guertin and Dana Faris of the DPW, and Rob Adams of M&E provided the following clarifications:

- No formal outreach program has been done yet to determine which properties in the Shankpainter, Brown Street, Court Street area are definitely interested in connecting to a sewer extension, but an estimate has been made for the Title 5 design flows for all the properties between the Grand Union and Route 6 that have expressed an interest – the total is about 26,000 GPD.
- The Staff will discuss the business terms and commitments with Mr. Silva on February 9<sup>th</sup>, including those areas involving the anticipated cash flow from the Laundromat extension that the Board has expressed an interest in: (i) number of machines and minimum hours and days of operation, (ii) commitments for off season hours of operation, (iii) number of years of obligation for the betterment, and (iv) any issues associated with future changes in ownership or use for the property. Some of these areas were covered in the Town's RFP – all of them will be covered in the business terms to be developed with the assistance of Town Counsel.

In the Staff follow-up meeting held on February 7<sup>th</sup>, the following were also identified as action items:

- Identify and work on any other approvals that may be required, such as Conservation Commission review of the proposed sewer extension.
- Have Town Counsel review what costs should be recovered through the Betterments to be assessed to the Laundromat and the Grand Union, and any other legal issues that need to be addressed at this time.
- Determine the design and cost estimates for the “second pipe” in the trench, to handle any future connections in the Shankpainter, Brown Street, Court Street neighborhoods that are identified during the overall sewer expansion and optimization planning process.

### **Manor Connection**

The Board was also provided with an update on the schedule for the proposed Manor Connection. The Manor will require a Connection Permit from the DEP. Brian Dudley has indicated that the Manor application will require an explanation that there is available capacity at the WWTP, since – unlike the Laundromat Extension Permit – no gallonage for the Manor was approved as a part of the Phase I Facilities Plan. M&E and the Staff are working with New England Deaconess and their engineers to obtain the necessary design information so that M&E can prepare the permit application by April and the Town can receive permit approval before the deadline the end of June.

In response to a question from the Board, M&E explained that it will take longer to prepare the Manor permit application than the Laundromat permit application because of the additional information on available plant capacity that the DEP requires. There is plenty of capacity at the plant – but, the paperwork needs to be prepared to document the available capacity.

### **Sewer System Optimization and Expansion**

No further work has been done on the overall sewer system optimization and expansion planning because priority has been given to the Laundromat and Manor connections, as well as to the red-dot delay connections and the completion of the downtown collection system. Now that these priority efforts are well understood and moving forward, both the Staff and M&E will turn their attention to the overall planning effort. The Board understands and agrees with the priorities that have been set.

A Warrant Article for any additional funds for sewer system optimization and expansion planning will be brought to the Board for review and approval at the February 22<sup>nd</sup> Facilitated Meeting.

In response to questions from the Board, the following clarifications were provided by Rob Adams of M&E and DPW Director David Guertin:

- DEP has stated that any available capacity at the WWTP can be used either for sewer extensions or for optimization of the downtown collection system. For the downtown collection system, M&E is the “gatekeeper” for adding any flows (beyond those provided by the “sewer bank”), and at what locations.
- The DEP will provide the Town with formal notification that the existing effluent beds have sufficient capacity for any

proposed expansion of the WWTP to its build-out capacity of 750,000 GPD. The DEP has accepted the Town's documentation for the higher infiltration rate that allows for this approval.

- As delinquent and red-dot delay properties continue to be evaluated and added to the sewer, the Staff and the Water & Sewer Board will carefully review each situation to identify any unused gallons that can be added to the "sewer bank". The Board would like to see all delinquent property situations resolved as soon as possible.
- The approach used at 501 Commercial Street – night time or off-peak release of flows to the sewer system – is not a good approach to use in the future on a widespread basis because it does not provide the proper air to waste flow mix that the vacuum system requires for optimum operation.

### **Summary of Warrant Articles for Review at the February 22<sup>nd</sup> Meeting.**

At the Staff Follow-up Meeting on February 7<sup>th</sup>, the following list of potential warrant article cost estimates was identified:

1. Laundromat Extension construction
2. Cost to prepare permit to increase WWTP permitted capacity to 570,000 gallons per day.
3. Remaining planning and engineering to optimize the existing system
4. Remaining planning and engineering for sewer extensions
5. Any other construction funds that are needed at this time.

This information will be brought to the Board for review and approval at the next Facilitated Meeting scheduled for 5 PM on Wednesday, February 22<sup>nd</sup>.

### **1C LITIGATION STRATEGY**

Sewer - Metcalf & Eddy – Mediated Settlement – All Outstanding Claims

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, § 23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to litigation; and not to convene in open session thereafter. (Roll Call Vote)*

**Motion by:** Michele Couture      **Seconded by:** Sarah Peake

**Michele Couture – Yes      Sarah Peake – Yes      Cheryl Andrews - Yes**

**Yea 3    Nay 0    Motion Passes**

The Board went into executive session at 6:40 pm.

Minutes transcribed by: Vernon G. Porter  
February 8, 2006