

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING WASTEWATER

MONDAY – SEPTEMBER 11, 2006 [4:30 PM]

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened this special meeting at 4:30 PM noting the following attendees: Board of Selectmen: Cheryl Andrews, Michele Couture, Richard Olson, David Nicolau, (Sarah Peake arrived at 4:43 pm)

Other attendees: Town Manager Keith Bergman, DPW Director David Guertin, DPW, Financial / Administrative Coordinator Dana Faris, Austin Knight Water & Sewer Board, Ron Adams of Metcalf & Eddy and Facilitator John Goodrich.

Recorders: Vernon G. Porter and Facilitator John Goodrich

The following are minutes, in brief.

1. WASTEWATER FACILITATED MEETING

Led by Facilitator John Goodrich

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

Open discussion ensued.

MOTION: Move that the Board of Selectmen vote to adopt as a policy for Phase II of the sewer project that property owners must sign to hook-up at the time that the sewer becomes available.

Motion by: Sarah Peake Seconded by: David Nicolau Yea 5 Nay 0

Introduction

The September 11th Facilitated Meeting of the Board of Selectmen was designed to provide the Board with an update on the proposed Phase 2 sewer optimization and expansion, the proposed permitting process and timeline, and other information requested by the Board. The following notes summarize (i) the presentation of any new information not contained in the Packet, (ii) the discussion, including comments, questions, and policy direction from the Board, and (iii) the action items and other information from the Wastewater Team's follow-up discussions held on September 12th.

Proposed Phase 2 Sewer System Optimization and Expansion

Most of the meeting was spent discussing the updates concerning the proposed Phase 2 Sewer System Optimization and Expansion. DPW Director David Guertin summarized the very successful Neighborhood Meeting that was held on September 6th. This was followed by a Wastewater Team recommendation that a formal subscription period be established with a deadline of December 1st, which was accepted by the Board.

Then, Rob Adams of M&E provided the Board with the requested financial analysis for Areas W-1 and E-10 that showed that the estimated costs could be covered by an affordable betterment of no more than \$45 per GPD. Finally, the Facilitator summarized the options that M&E and the Wastewater Team are evaluating for meeting the near-term needs for additional flows to support more year-round economic development in the downtown area.

In response to questions and comments from the Board, the Wastewater Team provided the following clarifications:

Requirement to Hook-up to the Sewer Immediately when it is available

- In response to a question at the September 6th Neighborhood Meeting concerning whether or not a property

owner could start paying the betterment immediately and delay hooking up, the Wastewater Team said “maybe”, pending a review of the policy with the Board. After discussion, the Board made their policy very clear by voting 5-0 to adopt a policy that properties that sign up for a connection in Phase 2 must hook up at the time the sewer is available.

- The Wastewater Team will work with Town Counsel on how to use or modify the current Water & Sewer Board procedures so as to implement this policy vote.

Allowable Flows for Properties Connecting in Phase 2

- The Board would like the Wastewater Team to determine all of the procedures for properties that may want to change or add to uses and or flows. In particular, the following questions should be answered: (i) what is the definition for “developable” for a property? (ii) how is the allowable Title 5 flow to be determined for properties that may not have maximized the use of their land under Title 5? (iii) what procedures should be followed to ensure that any changes are consistent with the sewer system’s “no growth” policy, other than for the allowable public service use exceptions? (iv) what provisions are made for environmentally sensitive properties that may need to be connected at a later date?
- The Wastewater Team will schedule a review with Town Counsel and with the Town’s Permitting Staff prior to the October 10th Selectmen’s Meeting and report back on these questions to the Board at that time.

User Fee Rates

- The Board is interested in knowing how the Phase 2 optimization and expansion can further the Board’s goal of reducing user fees. The Wastewater Team confirmed that one of the major purposes of Phase 2 is to increase the flows and revenues with relatively little increase in operating expenses, and thereby further the Board’s goal of reducing user fees. The Shank Painter Basin includes many residential properties which will provide both year round flows and revenues.
- The Wastewater Team explained that (i) all Phase 1 and Phase 2 users will be charged the same rates, (ii) it will not be possible to modify the rate until there has been a full year’s worth of flow data following the completion of Phase 2, to use as a basis for any rate change, and (iii) they will update the Board at the January meeting on their estimate of the effect of the Phase 2 flows on user fees, based upon the specific list of users and flows to be included in the final engineering and the DEP Permit Application to be submitted January 15th, 2007.

Downtown Economic Development

- To date, the Town has not evaluated any applications for Economic Development Permits (EDP) since there are no gallons in the pool. However, it is expected that on November 14th, there will be 5,000 gallons in the pool and the Town needs to be prepared to tell people whether or not they can obtain additional flows from the downtown sewer system before next summer. Business owners want to be able to make any modifications over the winter so that they are able to use the additional flows for more seats etc. before next summer.
- The Wastewater Team reviewed the several options under consideration – as described in the Packet – and confirmed the following: (i) under any circumstance, the review by M&E will need to be location-specific to ensure that the vacuum system structures at that location can handle the additional flows, (ii) M&E will complete their analysis of the options prior to the October 10th Selectmen’s Meeting so that the issue can be discussed and resolved at that meeting, and (iii) information on the procedures and the timing can be made available prior to the November Special Town Meeting.

Phase 2 Permitting Process

As a result of the very positive meeting with Brian Dudley of the DEP on August 31st, a set of milestones and a timeline has been established for the Phase 2 permitting process. This timeline will be further confirmed at a meeting with the Cape Cod Commission on September 22nd, to be attended by Brian Dudley. Key dates (i) include a review of the data to be used to determine available plant capacity in early October, (ii) the December 1st subscription deadline for property owners in the proposed sewer extension area, and (iii) a January 15th, 2007 submission deadline for the

SRF information and the permit application to the DEP. The Board will be informed of progress on each of these and other key milestones at its regularly scheduled meetings on October 10th, November 27th, December 11th, and January 8th.

Following a brief discussion of the permitting process and timeline, the Board voted to approve change orders for M&E and for the Facilitator so that critical path items required to meet the tight permitting timetable could move forward.

In response to questions from the Board, the Wastewater Team provided the following clarifications:

- The Board would like to be assured that all change orders are carefully reviewed to ensure that they properly reflect the work that is needed by the Town, and that a careful accounting of all tasks requested versus executed is kept – including the associated costs. The Town Manager and the DPW Director assured the Board that the change orders do properly reflect the work that the Town both requires and is receiving – on a time and materials basis, rather than on a lump sum basis, which is the way that Phase 1 was undertaken. The estimated engineering costs for Phase 2 are in line with industry standards of 10%+/- of estimated construction costs.
- The funds requested for the Agenda Item 1C change order are funded by a grant, and not by taxpayer dollars.
- The reserve gallons set aside for affordable housing (20,000 GPD for Area W-1 and 15,000 GPD for Area E-10) are consistent with the estimates for housing units that could be ready to connect when Phase 2 construction is available. Additional housing units that the town may provide would not be ready in time to be served by the proposed Phase 2 sewer extensions. They would need to be served by future phases of the sewer system.

Preparation for September 25th Public Hearing

The Wastewater Team briefly reviewed the plans for the upcoming Public Hearing on the proposed sewer system optimization and expansion. Existing written materials and PowerPoint presentations will be updated to reflect the most up-to-date information concerning the project and the questions that property and business owners have asked.

1B WASTEWATER CONTRACT AMENDMENTS

Sewer Optimization & Expansion

MOTION: Move that the Board of Selectmen vote to authorize execution of a contract for facilitation services with Mr. John Goodrich in an amount not to exceed \$10,000.

Motion by: David Nicolau Seconded by: Sarah Peake Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to authorize execution of change order #3-9 with Metcalf & Eddy in the amount of \$150,000 for continued wastewater engineering services, as set forth in Metcalf & Eddy's cost proposal dated September 7, 2006.

Motion by: David Nicolau Seconded by: Sarah Peake Yea 5 Nay 0

1C EOT GRANT MacMILLAN PIER – PUBLIC RESTROOMS

Metcalf & Eddy Change Order - \$337,500

MOTION: Move that the Board of Selectmen vote to authorize execution of change order #4-2 with Metcalf & Eddy in the amount of \$357,500 for extension of the sewer system for handicapped accessible public restrooms for MacMillan Pier, as set forth in Metcalf & Eddy's cost proposal dated September 7, 2006.

Motion by: David Nicolau Seconded by: Sarah Peake Yea 5 Nay 0

Motion to adjourn by Michele Couture at 5:52 pm.

Minutes transcribed by: Vernon G. Porter and John Goodrich
September 13, 2006