

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING WASTEWATER

MONDAY– JANUARY 22, 2006 [4:30 PM]

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened this special meeting at 4:32 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 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.

Introduction

The January 22nd Facilitated Meeting of the Board of Selectmen was designed to provide the Board with the information needed to move forward with the implementation of Phase 2 as authorized by the November 2006 Special Town Meeting and the Board's actions at the December 11th meeting.

The primary focus of the meeting was on the allocation of the available capacity for Phase 2 to both interested property owners and to the important Town priorities of affordable housing and year-round economic development, and a review of the proposed Phase 2 construction schedule. Looking ahead to the next meeting with the Board on February 26th, the Wastewater Team provided the Board with a list of recommended topics for discussion at either the February or other future meetings.

The following notes summarize (i) the presentation of any new information not contained in the Packet Report, (ii) the discussion, including comments and policy direction from the Board, and (iii) the action items and other information from the Wastewater Team's follow-up discussions held on January 23rd.

ALLOCATION OF PLANT CAPACITY FOR PHASE 2

The Wastewater Team provided the Board with an update on the outreach program and a review of their revised recommendations for allocating the Phase 2 capacity. Despite a six-month long intensive outreach program for the Shank Painter Basin, only 142 properties or about 75% of those who initially said they were interested in a connection are now confirming that they will hook up. The main reason property owners give for not wanting to hook up: they feel the user rates are too high. Therefore, the Town has a dilemma: more connections and more flow are needed to reduce the user rates, but not enough people are willing to sign up at the current user rates.

The Wastewater Team reported that they were looking at several ways to make sure that Phase 2 can move ahead as planned even with this shortfall in committed users in the Shank Painter Basin. These include the following:

- A successful outreach program to the Seashore Point neighborhood which has resulted in confirmed interest from 13 property owners totaling over 5,000 GPD. The Wastewater Team is continuing to focus on any

larger users that can be encouraged to connect, including municipal and other public service uses.

- The updated number for the “breakeven” gallons needed to cover the construction costs for both the Shank Painter Basin and the Seashore Point areas is 5,000 to 10,000 less than the number that was estimated earlier.
- Specific “decision windows” have been proposed to ensure that betterment revenues will be forthcoming for the affordable housing and economic development (EDP) placeholders at the time that construction begins and pre-construction betterments are issued.

During the discussion, the Wastewater Team provided the following clarifications and the Board provided the following guidance:

- The Wastewater Team confirmed that the Betterment is seen as reasonable by potential users, in comparison to the cost of complying on site – the issue is the user rate.
- The Board requested that the Wastewater Team look at possible ways to reduce the user fees as soon as possible, and to determine what a reasonable user fee would be. Some members of the Board did not favor reducing the fees before the additional flows and revenues occur. The Board agreed that whatever approach is recommended and adopted, the WWEF must be financially healthy.
- The Board suggested that a review of the user fees could include the option of revisiting the original political decision to have the users pay 100% of the costs for the sewer system. This option might result in a request to Town Meeting to provide funding from the General Fund – such as request might require a Prop 2-1/2 override vote since the Town is at its levee limit.
- At the Wastewater Team’s follow-up meeting on January 23rd, the user rate issue was discussed on a conference call with the Town’s financial consultant Mark Abrahams, and it was agreed that a review of this issue will be provided to the Board at the March meeting, to be attended by Mr. Abrahams.
- The Wastewater Team explained that the outreach program in the Manor neighborhood has resulted in confirmed interest from those that can be served by the proposed Pump Station and that if any additional properties that can be served cost-effectively do come forward, they will be included as well.
- The Board agreed that the Wastewater Team should immediately begin an outreach program to those property owners along the West Main who have previously indicated an interest in a sewer connection in response to the two town-wide mailings. The outreach program will focus on properties adjacent to West Main 2 and the Bradford West Main where capacity will be freed up.
- The Board proposed a motion and voted 4-0 to have the Town Manager file an application with the Community Preservation Committee for CPA funds to cover the betterment for two years for the 20,000 GPD affordable housing placeholder for the Shank Painter Basin, as proposed by the Town Manager and the Wastewater Team. The Board deferred to the Town Manager to develop the specific numbers to be requested. The Wastewater Team confirmed that the placeholder includes the proposed Cumberland Farms site, as well as additional gallons for yet-to-be-determined housing proposals that proponents may bring forward. The Board felt that there is sufficient information available concerning the benefits of a potential sewer connection in the Shank Painter Basin to encourage housing proponents to come forward with specific proposals.
- As a part of the discussion and in response to a question raised by Water & Sewer Board representative Austin Knight, the Wastewater Team explained that (i) the proposed request for CPA funds is specifically targeted at the Shank Painter Basin, but since the funds would be repaid into a revolving fund once the housing project comes on-line, the funds could then be available for other housing projects in the future, and that (ii) the discussions with the CPC will confirm that additional funding opportunities will be available again in the Fall should other housing projects be ready to move forward and need a sewer extension then.
- The Wastewater Team also explained that in situations such as the proposed Area E-10 and E-9

affordable housing sites - where no construction will need to occur until the housing is ready to go - there would be no need for revolving funds to cover the betterment prior to the housing project coming on line. In such situations, the sewer extension would be built when the housing is ready for it, and the housing would cover the betterment payments from the beginning. Present information indicates that the need for a sewer connection for Areas E-10 and E-9 is at least two years away.

- In contrast to the affordable housing placeholder, the Board felt that there was not sufficient information available to encourage business and property owners interested in an economic development permit (EDP) to come forward with specific proposals for the use of the 5,000 GPD placeholder reserved for this use. The Board subsequently scheduled a discussion of the permit procedures and other issues for this topic for their regular February 12th meeting.
- In preparation for the February 12th meeting, the Wastewater Team has prepared a map and a description explaining the locations where business and property owners can request additional flows for approved EDP gallons – either on the new Shank Painter Sewer Extension gravity sewer system, or along those portions of the existing downtown vacuum collection system where capacity will be freed up once the new sewer extension is constructed. The description also clearly explains the end of April deadline for a “decision window” for this placeholder.
- The Wastewater Team confirmed that in Phase 2, any EDP requests along other portions of the existing downtown vacuum collection system will need to rely upon gallons released from “discontinued uses”, as reviewed with the Board at the December 11th meeting. It is anticipated that some of the “discontinued use” gallons may be released as early as November 2007.

UPDATE ON THE SCHEDULE FOR PHASE 2

Rob Adams of Metcalf & Eddy met with Brian Dudley of the DEP on the morning of January 22nd and confirmed that the DEP has just issued new regulations that will simplify the permit requirements for sewer extensions and connections. In the future, the paperwork that the Town will need to submit and the approval process will be much simpler. In summary:

- The governing decision for the Shank Painter Sewer Extension will be the approval of the design specifications submitted last week for the SRF approval, rather than a separate approval for a Sewer Extension Permit. The former requirement to submit a Permit for approval is exempted by the new regulations if the project is subject to SRF review.
- In addition, the Town cannot proceed until the Ground Water Discharge Renewal Permit has been approved. This Permit has already been submitted and is being reviewed by the DEP.
- For the Seashore Point neighborhood, the already-approved permit will need to be modified to add the additional properties in the neighborhood to be served – since this area is not part of any SRF submission, the requirement to submit a Permit for approval is not exempted by the new regulations. The additional review will not delay the schedule for the Seashore Point project.

The bottom line: the proposed May 1st 2007 construction start date is still aggressive, but is more achievable under the new regulations.

In response to questions, Rob Adams of Metcalf & Eddy explained (i) the cost savings associated with the proposed “horizontal directional drilling” approach to be utilized under the cemetery, (ii) the fact that the sewer pipe tunnel will be located some 30 feet under the cemetery, and (iii) the questions asked by the Mass Historical Commission are simply because they are unfamiliar with this approach and were interested in receiving a technical explanation of the process.

DPW Director David Guertin reviewed the proposed Shank Painter Basin Sewer Extension construction schedule with the Board. The construction to be undertaken during the May to July timeframe will involve (i)

the sewer main on Shank Painter Road, (ii) the sewer mains on Bradford Street, (iii) the new Pump Station to be located next to the Fire Station, and (iv) the force main connection to the treatment plant. Mr. Guertin explained the phasing of construction from July to December for the side streets in the Shank Painter Basin, and the rationale for the proposed schedule, based upon the experience learned from last year's Laundromat Sewer Extension, as well as the Phase 1 construction, and the desire to ensure that Phase 2 is affordable by hooking up properties as quickly as possible.

Mr. Guertin explained that:

- The successful Laundromat outreach program will be used as a model, including notices, coordination with the Police Department, and with the Council on Aging regarding elderly residents.
- Multiple construction crews will be used to accelerate the construction.
- One lane will be kept open at all times and dust control will be employed.
- The contractor can do 100 or more feet in a day, so no one location will experience disruption for more than one day.

He also explained that, since the sewer extension will be a gravity sewer, once the work is done in a particular area, properties can be hooked up immediately and both flows and user revenues can begin, unlike the experience with the Phase 1 vacuum sewer where the entire system needed to be completed for flows to begin.

In response to comments and questions from the Board, Mr. Guertin explained that the amount of disruption will be the same whether the work begins before May 1st, on May 1st, or at a later date. During Phase 1, no construction was permitted from May 15 to September 15, and the same will be true for the area between Bradford and Commercial Street for Phase 2. However, the proposed schedule does call for construction during this time period for other portions of the Shank Painter Sewer Extension area. If the Board were to require a halt to the construction during certain peak periods, there will be an additional cost incurred – the Wastewater Team will provide this information to the Board at a later meeting.

Mr. Guertin reassured the Board on the following issues that they raised:

- A single point of contact will be named and their phone number made available. The Board suggested the Chief of Police as the point of contact.
- Metcalf & Eddy will provide an excellent Clerk of the Works, who will work with the Town's representatives on all outreach and scheduling issues.
- If there is an outcry, construction will be shut down until the issue is resolved.
- One lane will be kept open at all times, and the roads will be maintained in "good shape" for the Memorial Day and July 4th weekends.

TOPICS FOR UPCOMING MEETINGS

The Facilitator summarized the topics that are proposed for the upcoming meetings and asked the Board if they had other questions concerning the Report.

In response to questions and comments concerning the written updates in the Report, the Wastewater Team provided the following clarifications concerning the recent grease-related failure:

- The vacuum system experienced its second grease-related failure, which has been reported to the DEP.

A pump failed because it was impacted with grease – due to inadequate pumping of the grease – and the pump had to be replaced.

- Of the 26 grease generators on the sewer system, 18 have good grease management practices and the Town needs to focus on the other ones. The Wastewater Team has reviewed with Metcalf & Eddy the type of enforcement program and costs that would be needed to ensure that all of the grease traps are managed properly.
- Ensuring that all of the grease traps are managed properly is of concern not only from an enforcement standpoint, but it also has a direct impact on mass loading which has been shown to be a limiting factor for making any unused capacity at the treatment plant available for additional connections. Therefore, it has financial implications as well.

The Board provided the following guidance:

- Each of the grease generators is responsible for managing their own grease trap properly in the same way that they were responsible when they had an on-site system – it is not the Town’s responsibility.
- The Board requested that the Wastewater Team bring forward an enforcement program at the next meeting, including consideration of large enough fines to deter any bad behavior. The Wastewater Team plans to provide the Board with recommendations at the February 26th Meeting.

At the Wastewater Team’s Follow-Up Meeting held on January 23rd, the following schedule of meetings and topics was developed, based upon the availability of Mark Abrahams, as well as a determination of the dates that either information will be available or that decisions are needed in order for the Wastewater Team and Metcalf & Eddy to move ahead with the schedules that have been established for Phase 2. All of these dates are regular meeting dates for the Board.

February 26th

- Phase 2 interest, permitting, and construction schedule updates, including any policy decisions that are needed by the Wastewater Team.
- Update on the CPA funding request for the affordable housing betterment and the allocation of the EDP placeholder.
- Recommended grease management program.
- Metcalf & Eddy review of the plant improvement options and a proposed “Roadmap” with timelines for future phases.

March 12th

- WWEF Financial Analysis, including a discussion of user rates – Financial Consultant Mark Abrahams will attend this meeting.

April 23rd

- Finalize Phase 2 allocations and construction schedules and contracts
- Policy decisions for WWEF and for the timeline for future phases.

MOTION: Move that the Board of Selectmen vote to instruct the Town Manager to file the appropriate application for betterment fees for the Shankpainter Basin on behalf of the Board of Selectmen.

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

Motion to adjourn by Michele Couture at 5:45 pm.

Minutes transcribed by: Vernon G. Porter and John Goodrich
January 24, 2007