

Minutes of the Water & Sewer Board Meeting

Held on Tuesday, April 13, 1999 at 1:00 p.m.

At the Grace Gouveia Building, 26 Alden Street, Provincetown

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

In attendance:

Custodio J. Silva, Jr. Chairman

John Cicero

David Perry

Craig Wiegand, Water Superintendent

David Guertin, DPW Director This meeting was taped.

Keith Bergman, Town Manager

Kathie Meads, Water Department Secretary

Gary Palmer, Chairman Truro Board of Health

Fred Simonin, Owner Highland Creamery

Jan Romano, Owner Highland Creamery

APPROVAL OF AMENDED MINUTES

David Perry made a motion to accept the amended minutes for the Water & Sewer Board: March 23, 1999; February 16, 1999; January 19, 1999, January 12, 1999 and December 8, 1999. The minutes will now read excused or unexcused absences. The motion was seconded by John Cicero. **Vote in favor of accepting the amended minutes 3-0.**

The letter to the Board of Selectmen and copied to the Town Clerk was signed notifying them of the vacancies which exist on the Water & Sewer Board – two permanent members and one alternate.

HIGHLAND CREAMERY AND WATER HOOK-UP REGULATIONS:

John Cicero made a motion to take the Water Regulations first before the Highland Creamery application.

Custodio stated that we are having a Public Hearing on April 29th to hear public comment on the proposed Rules for Water Hook-ups. Although the two Boards of Selectmen have voted to approve these regulations, the Water & Sewer Board have not voted to accept these Regulations as yet. Therefore, the Highland Creamery application decision will be made today under the existing Rules for Hook-ups which is the Truro Memorandum #24. We can only judge the Creamery under the old existing regulations.

Keith Bergman offered that the Board should indeed refer to the existing Truro Memorandum #24 and that this is a new day for water relations with Truro with new people and a new spirit of cooperation. He added that tonight Truro will take up new conservation measures at their Town Meeting.

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John Cicero than asked if the Board would agree to grant the Highland Creamery application approval contingent on the passing of the water conservation by-law in Truro tonight? After some brief discussion on this subject, Mr. Cicero made a motion to approve the Highland Creamery application under the old regulations. The motion was seconded by David Perry. During the discussion Mr. Cicero asked if the Creamery was willing to abide by the current Rules and Regulations of the Department. It was explained that their signature on the new water application form indicated that they would.

David Perry asked to hear from Provincetown Water Staff on their position on this.

David Guertin told Mr. Perry that staff recommends the hook-up as per DEP's recommendation although all parties involved must fully understand that there are pressure problems along that stretch of line which may present fire protection risks. A hydraulic modeling study is needed to better identify and deal with the pressure stats. The Creamery is keenly aware of the low pressure as is Seamens Savings Bank.

Craig Wiegand stated that lot #2 of the Costa property is no longer in compliance with DEP regulations for a public water supply and from the information received on the surrounding lots, there is no way that they will be able to comply due to septic and wellhead considerations.

John Cicero spoke on the history involving this application saying that the old Board was told that when the business signed a lease on this property he was told that they would not be able to hook-up to the Provincetown water system. Now the story seems to have changed.

Custodio stated that two months ago the Water & Sewer Board asked for the map of the surrounding septic systems and wells on the abutting properties. We finally got that map and have seen it for the first time. We certainly want to see them abide by the Rules and Regulations and we do recognize that the laws from DEP have changed on public water supplies and DEP recommends this hook-up at this time. However, we can ask for flushing wells for toilets to ensure that our potable water is not used for flushing purposes. This should be for everyone that is able to plumb with a flushing well.

Keith Bergman said the law will govern the hook-up. Don't worry about the conditions.

John Cicero made a motion to approve the Highland Creamery application. David Perry seconded it. Vote in favor 3-0.

Gary Palmer thanked the Board on behalf of the Town of Truro and commended all parties involved with reaching a resolution to the problem. Gary Palmer, Mr. Simonin, Ms. Romano and Keith Bergman left the meeting.

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WATER CURB SERVICE FEES:

The curb service fees were discussed among the staff and Board members. Craig informed the Board that he and his staff were having some problems and questions regarding the enforcement of these new fees and the implementation by the Department. For example: new curb cuts in Truro, jacking service lines under roads, police details and how the customer will be billed for all these associated costs. He asked the Board's approval of a month's postponement of this agenda item until he and his staff can get through water billing and begin to address some of these issues.

John Cicero added that this could present a problem during an emergency situation: not knowing who would pay for what service.

Custodio wanted to emphasize that the 100 foot water main pit law was being included in these considerations and would be enforced without partiality.

David Perry asked if a water main runs down the middle of the street from what point do you begin to count the 100 feet?

Craig agreed that these were all issues which he wanted to address more thoroughly if he could have the time he asked for.

The Board agreed .

Custodio did ask if the school and any other private entities were being billed for the time Water Department personnel and equipment were being used to rectify their problems. He also mentioned the former Dusty Miller Inn project.

David Guertin assured him that the school and Robert B. Our Co. were being billed for time and equipment used by the Water Department for two instances which recently occurred.

HYDRAULIC MODELING:

Craig informed the Board that we are negotiating with Environmental Partners on a contract to do the entire Town. The first area of concern, however, is Truro and specifically the line running south from South Hollow Road. Craig feels that we need to involve Truro in absorbing some of the costs of this study. He would like to see at least ½ the cost paid by Truro.

Mr. Cicero asked how we would accomplish this as we are enterprise funded and we should not allow Truro to perceive its participation as ownership of the system in any way.

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David Guertin interjected that who, in fact, owns the line has not yet been discussed. He continued that his discussions with Mr. Bergman on this subject have led to the consensus that Truro should come up with some share of the cost of this study.

Craig agreed that there has to be some monetary involvement by them.

Mr. Cicero feels that there is nothing more corrupting than the dollar. We need to maintain control of our own system.

At this point there was some discussion on how both communities should be looking forward and down the road toward mutual water development goals.

Mr. Cicero agreed with Craig's opinion of looking toward future development and agreed that the best approach is a regional approach with Truro sharing equally in the responsibility for these development costs. He was not in favor of taking this money until they were committed to these goals.

David Perry asked if Truro is willing to build a standpipe we should accept their participation with whatever they offer.

David Guertin added that DEP thought it was an excellent idea to have both Towns contribute monies to the hydraulic modeling project.

Craig said that DEP will be forcing Truro and Provincetown to deal with this pressure problem along that stretch of the line.

David Perry asked if you need our permission to proceed.

David Guertin asked for their guidance in directing the study by:

1. Do you want a partial study?
2. Do you want the whole system done?
3. Should we ask Truro for what share of the cost?

Mr. Cicero asked where the funds would come from. He was told that Barnstable County has approximately \$11,000 for each Town (Provincetown and Truro). We also have \$94,700 in Enterprise Funds which we are waiting for the State to certify. This money is available for capital projects.

David Guertin explained that the total hydraulic modeling project would be about \$20,000 and he hoped Truro would pay for about \$4000 anyway as the Truro part of the study would be about \$7000.

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David Perry made a motion to back the staff in this study and authorize the spending of \$20,000 for this purpose accepting whatever amount Truro would be willing to contribute toward the total cost. John Cicero seconded the motion. Vote in favor of funding the hydraulic modeling project 3-0.

OTHER BUSINESS

The Board discussed the format for the Public Hearing to be held on April 29, 1999 at Town Hall at 5:30 p.m..

Custodio clarified that he would have those in favor of the regulations speak first; those opposed would speak second. We will address the regulations paragraph by paragraph giving each side a chance to speak on each paragraph.

Custodio also instructed the staff that we cannot make the rules more restrictive and that we are conducting a hearing on what had been agreed to by both Boards of Selectmen but not the Water & Sewer Board

A basic review of the regulations was then conducted by the Board as they made their way through each paragraph. Most paragraphs were agreed to but (refer to the tape) some were discussed and it was agreed that the Board could offer more changes at the hearing.

Mr. Cicero was not willing to endorse the regulations without allocations being a part of the regulations.

The Board agreed to review these more carefully before the Public Hearing at which time they would be reviewed paragraph by paragraph.

Custodio added that we can agree with each paragraph or disagree.

Next Agenda;

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Custodio specifically asked if we could have public statements first on our agenda for each meeting with approval of the minutes second.

This meeting was adjourned at 2:50 p.m..