

**Minutes of the Provincetown Water And Sewer Board**  
**Grace Gouveia Building, 26 Alden Street, Provincetown**

**Date: Monday, December 27, 1999**

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

James Buckingham

Michael Fernandes

Craig Wiegand, Water Superintendent

Gary Palmer, Truro Board of Health

This meeting was tape recorded.

**Public Statements:**

The meeting was called to order at 1:03 p.m. by Custodio Silva. There were no public statements.

**Approval of Minutes:**

A **MOTION** was made by Jim Buckingham to accept the minutes of the December 13, 1999 meeting as presented. Seconded by Michael Fernandes. **VOTE** was in favor of the motion 3-0.

**Welcome New Board Member:**

Custodio welcomed Michael Fernandes to the Board and noted with humor that his term expires in four days.

**Budget Review:**

Continuation of budget review, section B

-Craig reported that the Water Dept had requested \$50,000 for the Reserve Fund, and that the Town Manager had approved \$10,000 for that item. Craig indicated that the Town Manager's reasoning was that we would be getting \$135,000 in Capital Outlay money which is our free cash. We would be allowed to use that money as a reserve. Custodio asked Craig if that was agreeable to him. Craig expressed concern that the \$135,000 is still a proposed number that hasn't been certified by the State, and that the \$50,000 Reserve Fund would assure us that we would be able to respond to any special circumstances. He noted that if we don't need to use the Reserve Fund it will just roll over and will not be a loss to anyone. Custodio noted that the Finance Committee will not want us coming to them during the year for additional funds. A **MOTION** was made by Jim Buckingham, seconded by Michael Fernandes, to keep the original Reserve Fund figure of \$50,000 in our version of the budget proposal. **VOTE** was in favor of the motion, 3-0.

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-Custodio reminded the Board that we had already voted in favor of the budget item (5114) which included funding a new full-time clerical position in view of the move (favored by Selectmen and Town Manager) toward second meter readings. Concerning new or changing positions, Craig described changes in staffing and licensing categories described in a memo which he distributed. Discussion followed on licensing but no action was required on this since it is already worked into the budget as proposed. There was also further discussion about the justification for the new clerical position to deal with expanded meter-reading.

-Custodio expressed concern about the item under Indirect Costs allocating \$35,090 for DPW Administration. He pointed out that that amount closely equaled our request for additional clerical help. He felt strongly that DPW administrative costs should come from other town budgets. He made it very clear that his concern was NOT an

expression of concern about the DPW Administrator, Mr. Guertin, but was only about the manner of budgeting. Michael asked for clarification about the larger issue of the administrative relationship between the Water Department and DPW, pointing out that, although Craig technically answers to David Guertin, Mr. Guertin is not involved or included in budget negotiations for the Water Department – that is all done between Craig and the Town Manager. Michael further said that it was his opinion that we should not drop the DPW budget item without studying our position on the structural relationship between the Water Department and DPW. Custodio explained that Craig can't do the budget with the DPW Administrator because we are an Enterprise Fund. Michael asked why then we are part of DPW? Custodio said it is because, when the town departments were restructured and consolidated, it seemed neater. Michael expressed the view that we should be clear about why we would have a DPW Administrative cost in our budget - that if our budgeting and operations have to do with DPW, we should be a part of DPW and pay the administrative budget item, and if our budgeting and operations have little or nothing to do with DPW, then we should not. Craig indicated that the Water Departments at many towns on the Cape are not part of their DPW. Michael asked Craig to supply that information in writing to the Board. A **MOTION** was made by Jim Buckingham, seconded by Custodio Silva, to drop the item titled DPW Administration from our budget. Michael said he would not be comfortable with the motion all by itself, unless we made a commitment to studying the larger question of the relationship between DPW and the Water Department. Custodio agreed and said that that commitment would be explained at the budget hearings. Michael said that he would vote for the motion as a way of expressing that we, as a Board, don't necessarily agree with the structure as it currently exists and will study that issue. **VOTE** was in favor of the motion, 3-0.

-Custodio wanted to investigate the fairness of our rent at the G.G. building. He said he was not suggesting that we take any action right now to change that budget item.

-Craig reviewed some of the other items and pointed out that the Town Manager has agreed with about 85% of our budget. He also reviewed the latest budget changes submitted to us since our last meeting, spreading operating costs over a longer period of

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time. There was discussion about the purchase of our own back-hoe. Craig indicated that the Water Department uses a back-hoe about four times a week. We have to rent DPW's back-hoe, and this past summer we had to borrow Truro's back-hoe.

### **Growth Management:**

-Custodio briefly reviewed the joint Board meeting (Planning, Public Health, WSB, Housing) of December 14, 1999. Custodio said he was wrongly quoted in one of the papers as favoring zero-growth. He would like to know from the Selectmen if they feel we have a water problem and, if so, exactly what they want the WSB to do. He asked why we are not directly involved in the permit process in Provincetown. We review permits only from Truro. Gary Palmer noted that when the latest Regulations were passed, it was with the understanding that the regulations would be uniform for both towns. He felt strongly that the process should be exactly the same for both towns.

Jim wondered what the difference would be, since DEP says that there can be no shut-offs. Custodio pointed out that 'no shut-offs' does not mean we can't curb the amount of water we use. Craig and Gary agreed. Craig indicated that they will not support a total shut-down of new use. Craig further said that we are looking at a number of new source-sites. Michael asked for clarification about whether we are saying that we have no jurisdiction over Provincetown permits. Craig clarified that we do, but that the procedure, currently and in the past, has been that permits are reviewed and acted upon by the Water Superintendent. He believes that the Water Superintendent should assess that all regulations are met, but believes that the WSB should have final approval. Michael asked if we are legally mandated to direct the Water Superintendent to bring all permits to us for final approval. Craig believes we are. Custodio said that for it to be effective, the entire permit process should begin with the WSB, so that a building permit is not approved, only to find out that there is no approval from the WSB. Gary pointed out that in Truro an applicant has to demonstrate the existence of potable water to get a Title 5 permit, and that the applicant must already have a Title 5 permit before a building permit can be secured. Craig said he believes we can say no to expansions, but not to hook-ups. A discussion followed about all the ways that growth may or may not be controlled through water use. Craig pointed out that the WSB can choose to take on its legally mandated responsibilities. He suggested that we could, through the permit process, require that applicants show how they will conserve water, that we could disallow expansion, etc. Jim pointed

out that we could be inviting all sorts of legal challenges. Custodio said we would have to send out memos to inform people at all stages of the process that we will be taking on our legal authority. He said that we are becoming a real Board again, and need to be clear about our functions. We agreed to devote future meetings to clarifying our roles and reviewing existing regulations with Craig.

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-Regarding the zoning by-law proposal, Custodio expressed concern that two-family housing was given such low priority, when for many local people, owning a two-family home is the only way to afford to own a home.

-Gary informed the Board that Truro's Board of Selectmen, at a working meeting with the Building Committee, reviewed the options for building a new Town Hall because of water problems at the old building. One of the options is to build a new Town Hall next to the Library. The Selectmen will meet on January 11<sup>th</sup> to make that decision. Gary thinks it will be seen as the most economical. The WSB can expect a proposal within the next year for water for a new Town Hall with about 13 offices, 2 meeting rooms and 2 bathrooms.

-Jim asked about Deed restrictions in Provincetown – i.e. could two-family permits be deeded to keep them as two-family, preventing condo-conversion? Custodio suggested that the Town Clerk might be able to provide us with that information.

-Craig gave the Board an update on conditions at Mt. Gilboa.

-Regarding the zoning by-law proposal, Michael asked if it is typical that the Health Agent determines compliance with Title 5. Shouldn't the section of the zoning by-law involving the Health Agent also involve the Water Superintendent? How else would the WSB have involvement in the Title 5 aspect of the permit process? Craig indicated that it could be impractical to add that function to his job. He recommended focusing on our own regulations as our way of contributing to water regulation and conservation. Custodio repeated that we need to issue memos regarding our intention to take full responsibility for our duties in the permit process, and asked if the Board was ready to take any action. Jim said that we needed to prepare ourselves so as to work effectively and avoid potential legal actions.

-Michael made a **MOTION**, seconded by Jim, that the following statement be adopted and used for such memos, pending modification by Craig for appropriate wording: "Since the membership of the WSB is now fully constituted, we intend to exercise our legally mandated function of reviewing all building permits. When the Water Regulations were passed, they were passed with the understanding that both towns would comply equally. Currently only permits from the Truro system pass through the WSB." **VOTE** was in favor, 3-0.

-Custodio made a **MOTION**, seconded by Jim, that the meeting be adjourned.  
**VOTE** was in favor, 3-0.

Minutes submitted by Michael Fernandes.