

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## SPECIAL MEETING WASTEWATER

MONDAY– NOVEMBER 27, 2006 [4:00 PM]

### JUDGE WELSH HEARING ROOM

Acting Chairman Sarah Peake convened this special meeting at 4:31 PM noting the following attendees: Board of Selectmen: Sarah Peake, Michele Couture, Richard Olson, David Nicolau

Excused Absence: Cheryl Andrews

Other attendees: Town Manager Keith Bergman, DPW Director David Guertin, DPW, Financial / Administrative Coordinator Dana Faris, DPW Administrative Assistant Ron Gamella, 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.

#### 1A WASTEWATER FACILITATED MEETING

Led by Facilitator John Goodrich

Chairman Sarah Peake turned the agenda over to Facilitator John Goodrich.

##### Introduction

The November 27th Facilitated Meeting of the Board of Selectmen was designed to provide the Board with an update on all of the recent outreach efforts and the resulting interest of property owners in the Shank Painter Basin in connecting to the sewer. The Wastewater Team also reviewed the remaining decisions that will need to be made in order to finalize the allocation of the Phase 2 treatment plant capacity.

In addition, the Board was asked to approve the change orders needed to meet the key permitting, engineering, and planning milestones that have been established. The Board approved both of the change orders by a vote of 4-0.

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 November 28<sup>th</sup>.

##### Allocating the Available Capacity for Phase 2

DPW Director David Guertin and Dana Faris and Ron Gamella of the DPW updated the Board on the very successful outreach program. As of November 27<sup>th</sup>, properties in the Shank Painter Basin representing 102,000 GPD of Title 5 design flow have expressed an interest in connecting to the sewer extension. And, the DPW is receiving 25 or more inquiries a day for information from interested property owners who have become aware of both the opportunity for a sewer connection and the impending deadline.

Given the increased interest from property owners in the Shank Painter Basin, the Wastewater Team would like to extend the deadline a week to December 8<sup>th</sup>. The Board agreed with this recommendation. The Wastewater Team expects that the available Phase 2 capacity will be fully subscribed.

The Facilitator reviewed the outstanding questions that the Board will need to review at their December 11<sup>th</sup> meeting, including (i) the final placeholders to be used for affordable housing, (ii) the gallons to be set aside for Economic Development Permits (EDP), and (iii) the allocation of any Phase 2 gallons outside of the Shank Painter Basin area.

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

- Brian Dudley of the DEP sees no problem with providing a sewer connection for the properties adjacent to the pipe that will be constructed between the Cape End Manor and the new pump station, as long as this does not detract from serving properties in the Shank Painter Basin that need a sewer connection. The Wastewater Team will provide the Board with a recommendation at the December 11<sup>th</sup> meeting.

- No schedule has been set for permitting, final engineering, or construction for the Area E-10 DPW Garage affordable housing site. No funds will be expended for this sewer extension until it is clear that there are affordable housing proposals that are ready to go forward. The 15,000 GPD set aside for affordable housing in this area (i) will cover the cost of constructing the sewer extension to serve this area and (ii) can be used for either or both the DPW Garage site or Mr. Malone's proposed affordable housing project, once a schedule for any housing construction and sewer hook up has been determined.
- Of the 20,000 GPD placeholder for affordable housing for the Shank Painter Basin, approximately one-half will be used for the 90 Shank Painter Road affordable housing proposal, leaving 10,000 GPD still to be allocated. The Board commented that this would appear to be a fairly large number, given the amount of developable land left in the Shank Painter corridor. Town Manager Keith Bergman explained that a window will close soon and the Board will need to make a policy decision as to how much Phase 2 capacity to set aside for other affordable housing projects in the Shank Painter Basin. The Wastewater Team will provide the Board with recommendations as to placeholders at the December 11<sup>th</sup> meeting.
- Although the proposed Shank Painter sewer extension will free up approximately 15,000 GPD of hydraulic flow along the West Main for economic development or other important uses, there are no new options for providing additional gallons in Phase 2 along the East Main. The options remain: (i) flows given up by discontinued uses, (ii) flows approved by the DEP and M&E once the "red-dot delay" properties connect and actual flows – rather than Title 5 design flows – can be used, (iii) the East End diversion, which cannot be constructed until capacity at the treatment plant is expanded and a "Phase 3" sewer extension is built to serve that area, and (iv) diversion of a major user on the East Main to the West Main, which is an expensive "per gallon" option.

The Wastewater Team reminded the Board that the DEP is constantly asking the Town when the "red-dot delay" properties will be connected. Brian Dudley is waiting to see the actual flows from the remaining red-dot delay properties before allowing any increases in flow along the East Main. He will entertain adding flows along the East Main once the remaining properties are connected.

The Board is reluctant to allocate some of the Phase 2 capacity to Economic Development Permits along the West Main when no such opportunity exists along the East Main, because that would be unfair to business owners along the East Main. In addition, the Board will plan to schedule a review of the EDP procedures at another Board meeting, develop the criteria to be used to review EDP applications, and look at some "test cases" to ensure that the criteria and procedures are clear.

Test cases that were suggested by the Board included: (i) conversion of retail space to a bakery and (ii) addition of restaurant seats to an existing restaurant. The test cases should be detailed enough to answer such questions as: will they need a grease trap?

The Board provided the following guidance to the Wastewater Team and Metcalf & Eddy:

- The Board favors all of the options that will reduce costs and/or provide for more connections and betterments at either no additional cost, or the lowest possible costs. This includes the following: (i) connecting the "red-dot delay" properties, (ii) additional flows for Economic Development Permits along the vacuum system, (iii) connecting the properties between the Manor and the pump station, and (iv) any other actions that will increase flows and revenues so as to first, stabilize the WWEF – and, therefore, the user fees – and then second, lead to a reduction in the user fees that are charged.

The Wastewater Team confirmed that the user fees could be stabilized and then reduced more quickly by going after the less expensive additional flows identified above by the Board.

The Wastewater Team will provide the Board with updates on the legal and procedural issues associated with (i) allowable flows, (ii) hook up requirements, (iii) discontinued uses, (iv) red-dot delay properties, and (v) the other outstanding questions at the December 11<sup>th</sup> meeting. Town Counsel Jeanne McKnight will attend the December 11<sup>th</sup> meeting to answer any remaining questions on these topics.

### **Updates on Permitting Requirements and Other Topics**

The Wastewater Team explained that all of the permitting approval steps are going very well. The Board is pleased with the effort that the Wastewater Team and Metcalf & Eddy have made, and the excellent results. In response to questions and comments from the Board, the following clarifications were made:

### **Construction period.**

- Construction of the Shank Painter sewer extension will likely occur in the Fall of 2007. DPW Director David Guertin has reviewed the proposed project and construction schedule with the Police Chief. The Board wants to be sure that no construction will occur during the summer that might adversely affect businesses in the area during their peak income period. Mr. Guertin also reassured the Board that M&E would be able to handle any construction issues that may be

encountered during rainy periods in the low-lying Browne and Court Street areas.

- Once the construction drawings have been prepared, the exact location of the proposed pump station for the Shank Painter Basin will be reviewed with the Board. The proposed location has been reviewed with the Parking Department and the designs will minimize the loss of any municipal parking spaces. The structure will be located primarily below grade, only 3 to 4 parking spaces are expected to be eliminated, these spaces will most likely be in the rear of the lot, and these spaces are used primarily by employees in the neighborhood who have “green” parking stickers – the Town is not expected to lose very much parking revenue from the proposed location of the pump station.

### **Schedule for Expanding the Treatment Plant and for Phase 3**

In response to a question concerning the schedule for planning for the expansion of the treatment plant and any Phase 3 sewer extensions, the Board provided the following comments:

- The Wastewater Team should continue to move forward with the completion of the Phase 3 planning – including the options for expanding the treatment plant. It is clear that there is sufficient interest in the East End and elsewhere for additional plant capacity and sewer extensions, and it does not make any sense to stop the planning process and restart it again later.
- It would be preferable to bring the entire capacity on-line as soon as possible, complete the construction process, repave the streets, and be done with the sewer project, rather than proceed in increments.
- The Board anticipates that fewer facilitated meetings will be required for the decisions that will be required for Phase 3, since so much of the preparatory work has already been done as a part of the Phase 2 approval process. The Facilitator and the Wastewater Team agree with this assessment.

Motion to adjourn by Michele Couture at 5:32 pm.

Minutes transcribed by: Vernon G. Porter and John Goodrich  
November 27, 2006