


**Joint Meeting  
Board of Selectmen, Wastewater Management Steering Committee and  
Wastewater Management Validation and Design  
January 8, 2009**

**Approved on March 25, 2009**

TOWN OF ORLEANS  
TOWN CLERKS OFFICE  
09 APR -7 PM 12:20



Present: Chairman David Dunford, Vice Chairman Mark Carron, Selectwoman Margi Fulcher, Selectman Jon Fuller, Town Administrator John Kelly, Planning Director George Meservey, WMSC Chair Gussie McKusick, Judith Bruce, Sims McGrath, Ann Hodgkinson, Walter Bennett, WMV&DC Chairman Paul Ammann, Ron Collins, Judith Scanlon, Jeff Eagles and Ed Daly. (0:00:31)

Chairman Dunford called the meeting to order.

Chairman Dunford began by stating that as a collective group we all have to work together harmoniously and to communicate more effectively with each other to reach our goals. To begin with, Chairman Dunford felt that we should begin by defining our common goal.

The charges for the WMSC and the WMV&DC were outlined by the Chairmen and a brief report was given identifying where each committee is in relation to their charge. Mrs. McKusick, Chair of the WMSC, stated that the charge was adopted almost nine years ago. The WMSC has adhered to the concept behind the charge and has completed all but a final few tasks. She noted that their job was to do the research, the science, hire a consultant, come forth with a plan that was adaptable and get it approved by the people of Orleans and the Regulatory Authorities. She noted that their charge will be finished in this calendar year.

Paul Ammann, Chair of the WMV&DC, stated that they were charged with evaluating and validating the Pleasant Bay report and they have sent out an RFP for consultant work in areas that we do not have expertise in which should be completed by May. They were to validate economically viable alternatives to a sewer plan to reduce nitrogen and we are just starting to look at that. Our final charge is to review the Comprehensive Wastewater Management Plan with Mike Giggey next week to plan the transition.

Mrs. McKusick stated that the CWMP is a plan and should be viewed as such. Pre-engineering should come next. She questioned the review of CWMP, and asked if the WMV&DC is assuming that you need to review every angle of it or to do what your charge tells you, to review the structural and non-structural elements. Mr. Ammann replied that they would be reviewing the structural and non-structural elements or the proposed infrastructure and stormwater related activities.

Ron Collins of the WMV&DC stated that in looking at the first charge of looking at economically viable alternatives to reduce nitrogen, it is looking at options that may replace a centralized treatment plant. We have heard from the DEP to not deconstruct the model and look at other alternatives that does not include the centralized plant. How far does the WMV&DC take that. Chairman Dunford replied that we have a good relationship with DEP to date and it is incumbent upon us to fix the problem at the least

cost. If there are ways to do that to achieve the same goal, then we should look into it as long as it is allowable. Margie Fulcher agreed with Mr. Dunford and further stated that there is a lot of talent in the committees and a lot of work put into the project so far. Her concern is over the engineers that do not agree with the work that has been done for the last nine years. She would like to see more respect and understanding than what has been displayed so far. Mr. Fuller felt that perhaps we made an error making it a validation and design committee and it should have been made two separate committees. At this point, we need to validate what has been studied to date and he was not sure that validation is being done.

Ed Daly of the WMV&DC stated that we are not looking at the link model, that is what the State is supposed to do. We are totally in support with this.

Jeff Eagles of the WMV&DC, stated that we ought to get a common understanding of what the State won't let us do or look at.

Mrs. McKusick of the WMSC noted that some of the gray areas are making determinations of what the land based nitrogen is and what is the surrogate value that is used for determining sewer flow. She warned against discrediting proven industry standards as it is going down a path that leads to faulty information and faulty assumptions. Also, troubling her were comments made that all the data that came out of a combined sewer/septic treatment plant out of tri town will cost 3 and 4 times more than the estimate that was derived over months from engineers that build these plants. Another statement that she felt was derogatory is that septic systems will last forever because they are made from concrete but systems fail because the leach field becomes plugged and a hydraulic failure occurs. She felt that making generalizations is dangerous and you have to look at and rely on experience.

Chairman Dunford felt that this is good feedback and this is what should always occur between the committees.

Ann Hodgkinson of the WMSC, going back to Mr. Fuller's statement that he is not sure validation is being done, commented that she is not sure either. All the work is done outside of the open meetings. People watching have no way of knowing of what has gone in the sub-committee meetings. Paul Ammann of the WMV&DC addressed that by stating that most of the members of the WMV&DC come from industrial backgrounds and before a large presentation, work is done behind the scenes to prepare for the it. There is nothing done in the sub-committees except for refining information in preparation for the public. Drafts have been distributed before the vote, we received no feedback and our activities have been completely open.

Judith Bruce of WMSC replied that open meetings in municipal government consider the entire citizenry and they are informed of how conclusions are made. She felt that the WMV&DC should be working with someone who has expertise specific to wastewater. She hoped that they would use the work done by the first committee and the resources available such as Mike Giggey. Ms. Bruce cited comments made by Greg Horne of the WMV&DC that the MEP is seriously flawed and Orleans will prove this is a problem and get all of the other towns on Cape Cod to join with us. She felt this is a waste of money and not what the voters directed the committees to do. She noted

that she shared the validation of the science and the plan to reduce a certain amount of nitrogen.

Town Administrator John Kelly noted that when the WMV&DC began, the question was raised given the levels of expertise on the Committee, could they divide the review of chapters of the MEP, report back to the whole committee and they were less than a quorum and they were not considered a sub-committee. Also, this measure was reviewed by town counsel. There was no intention to conduct meetings in secret. It is the nature of the MEP and the need to review it in this manner that may have been perceived as the problem.

Chairman Dunford basing his remarks on Judith Bruce's comments, suggested that a new charge may very well be in order. Mrs. Fulcher agreed with Ms. Bruce and Mr. Kelly and she addressed the email concerns noting that all must be included in the emails.

Ed Daly stated that we looked at six technical chapters of the report and divided them up for a sub-committee review. We have spent over 2000 hours reviewing the report and we posted the reports on the website and received no comment from anyone. We have issued no criticism of anything in the CWMP. We are just starting to review the second task to take an independent look at the system to see if there are other ways to accomplish the same goal at a less expensive cost. Independent review is good and questioning the science is good and now we are examining the work of the University of Massachusetts and the DEP. Our question is, are the requirements in that report correct. Our job is to question all of the facts and findings.

Chairman Dunford asked to discuss the communication issue, we need to have a common document that will have an implementation schedule of all of the deliverables. He also suggested that the Board and Committees have a common time line document. George Meserve will develop these schedules.

Mrs. McKusick asked about the term "develop low cost options" and does this mean there will there be a change in the CWMP, will there will be options laid out and adopted. She did not understand the intent of the term. Chairman Dunford, asked to hold the question till later on in the meeting.

John Kelly felt that both the implimentation schedule and the timeline be coordinated but first, begin work on the implementation schedule. Sims McGrath interjected that it would be good to realize that these schedules are not hard and fast due to the economic times and there will probably be changes to the implementation and timeline schedules. Ed Daly recommended that we utilize Microsoft Project as it lists tasks by time as in the CWMP and it has a GANT chart. It was suggested to convert the Microsoft Project to excel where everyone can access it. Ed Daly will work with George Meserve on the project.

Chairman Dunford asked to discuss Mike Giggey's Task Outline. He asked the Committees to start to integrate the tasks into the implementation, timeline and dollars schedule. Mr. Kelly felt that if there are items that need to be done outside the charge, they should be noted by asterisk for discussion as charges can be reviewed and revised as needed.

Margie Fulcher asked that another meeting of the two committees devoted to outlining the tasks, scheduling and applying a dollar amount to each be arranged with either George Meservey or John Kelly sitting as chair. Mrs. McKusick offered that the WMSC shared what they have done in the past and what they need to do. She felt that the WMV&DC received a very specific charge to look at the Pleasant Bay Report. She extended her apologies to the Board that she suggested we need a validation and design committee. She now feels that was a mistake and we have to rethink the charge. She felt that the new committee should be restricted to review of the technical report and the TMDL and the CWMP as it relates to Pleasant Bay and then discuss the findings. The final work should be held in abeyance. She felt when the validation is done, the draft is finalized, then a new committee should go forward with implementation.

Mrs. McKusick felt dismay over a document that had been made public holding information to "issue Tri-Town termination notice and terminate tri town inter-municipal agreement". This implies that the town has made a decision when we have not even begun to talk about it. She worried what does this would say to our regional efforts. Mrs. Fulcher and Mr. Fuller agreed that this could be perceived in the wrong way.

Mark Carron commented that the fact is, these documents were made public quite a long time ago and this wasn't done deliberately. The sniping and nitpicking that is being done by each committee is counter productive and we will not be able to achieve our goals.

Mrs. McKusick replied that she did not want every comment she makes perceived as sniping. She feels it is her responsibility to correct misinformation. Mr. Carron noted that he respected Mrs. McKusick immensely, but did not agree with her referring to the WMV&DC as the "deconstruction" committee. It is healthy and appropriate for the taxpayer for us to discuss costs and implementation. If the Committee is studying costs because the Board wants them to come in at the lesser cost, then we have to be open to alternatives. The group continued to discuss duplication of effort and questioning of the studies done. The WMSC felt that with the work done by their committee to date, it would be good to share this with the WMV&DC even though the newer committee wants to work independently.

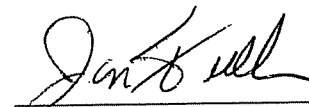
Ann Hodgkinson stated that in order for the two committees to move forward and work on the complete list of tasks together, she requested that the WMV&DC come up with their own list outside of Mr. Giggey's 41 tasks and associate a cost with it. Also, she commented that she would hate to see town employees caught in the middle of this and George Meservey shouldn't have to come up with this information. It must come from the committees.

Chairman Dunford asked that the collaborative task outline being made by George Meservey and Ed Daly also include assignment and responsibility of each task. Mr. Carron asked for a deadline be put on the assignment of responsibility but first the committees must decide if an adjustment of their charges might be in order to effectively divide the tasks, then it would be given as a report to the Board of Selectmen. Another joint meeting date will be set to discuss this further. Both committees will complete their immediate task and tentatively meet on January 29<sup>th</sup> to include the Capital Improvement Plan.

On a motion by Sims McGrath and seconded by Judith Scanlon, the Board moved to adjourn the meeting. (2:08:34)

Respectfully submitted,

Margaret Astles

  
\_\_\_\_\_  
Jon Fuller, Clerk

