

ORLEANS, BREWSTER, EASTHAM GROUNDWATER PROTECTION DISTRICT

BOARD OF MANAGERS MEETING

JULY 10, 2013

Board Present: John Kelly, Chairman, Orleans; Charles Sumner, Brewster; Martin McDonald, Eastham.

Others: Jay Burgess, Chief Operator; Cyndi Bachman, District Secretary; Brian Dudley, DEP; Tom Daley, Director, Orleans Public Works; Beverly Carney, Orleans resident, Heidi & Harold Boas, Orleans residents;

1. Meeting called to order at 9:00 a.m..
2. **A motion was made by Martin McDonald to approve the Board of Managers Minutes dated June 19, 2013. This motion was seconded by Charles Sumner and unanimously approved and passed.**

3. **Citizen's Forum:**

- Beverly Carney, Orleans resident, stated if DEP is only here to provide the District with a shut down punch list, then it is a sad day for regional groundwater protection. In the 1970's, every town had lagoons. In the 1980's, DEQ reissued consent orders, shut down nine discharge locations and supported, by permit, Tri-Town. Today, with triple population density, Chatham is out, Yarmouth is beyond storage capacity and increasing their tipping fees by 1 cent across the board, and our county is spending 3.5 million dollars the State gave them, not to keep Tri-Town operational for another 20 more years, but for a planning, study, and report. And then there is the Orleans pursuit of CWMP implementation by design failure to achieve majority at two consecutive town meetings. Is anyone willing to keep their word and do the right thing at the right time?

Does decommissioning Tri-Town fit these circumstances, or is it to be two more seasons, at best, for locally available and regionally affordable grease and septage only treatment and disposal? What unfolds from this meeting will be a measure of our duties and assertion of our rights.

- John Kelly stated he asked Tom Daley, Orleans Public Works Director, to come to the meeting today to help the District due to the Orleans Board of Selectmen voting not to continue with the Intermunicipal Agreement past May 30, 2015. He stated to Brian Dudley that the Board has a list of issues the District has to deal with for the next two years before the IMA expires. One is the discharge permit. We were wondering if DEP might be able to help us in terms of a checklist from the EPA, with respect to the decommissioning of the plant, time lines, and filings. We are meeting

with the three towns Boards of Selectmen in October, and this Board has been charged with trying to put together some of these timelines. Any information you can provide us with today would be helpful.

- Brian Dudley stated DEP does not have an official decommissioning process. One thing we should discuss going forward is whether or not you want to suspend the groundwater discharge permit and keep it active but not operational, or if you just want to revoke it entirely. Should this site be utilized for any other wastewater treatment, in all likelihood it would be under a new entity, and therefore it would need a new permit. If you wanted to reserve rights for the possibility of maintaining any sort of septage treatment in the future, that is something we should discuss.
- John Kelly stated, based on that note, Orleans has struggled to try and gain the consensus of the community as to what project they are going to support going forward. It has now failed twice, once in May and once in June, and the issue is not going away. This property was purchased for septage treatment disposal and recreation. It is going through the site assignment process, and has been studied for a very long period of time. Obviously Brewster is very interested in the marsh, as is Orleans. Moving forward, does it make a difference if the discharge permit is active or not? If we had a target date where we wouldn't be able to accept septage beyond a certain date in order to allow the decommissioning, I don't think we would want to revoke the permit because it goes through 2016 with the latest extension act. From our standpoint, everything is still on the table.
- Brian Dudley stated that is something we need to discuss and come to a mutually acceptable arrangement on how to proceed. We haven't come to a final decision as of yet. Even with the plant not accepting septage, not treating or discharging, there is a period of time that we would want to continue monitoring down gradient of the wells. Under a suspension of a permit rather than revoking it, that will enable us to do that. Depending upon what the plans would be, you may be looking at at not accepting septage anymore, how long do we want to continue, rather than having to go through the process of getting a new permit for a plant that doesn't exist, and how far beyond that would we want to continue. One question that I had is, what is the future of the District and the plans to maintain or dissolve it?
- John Kelly stated the plan was not to extend the Intermunicipal Agreement beyond May 30, 2015, which is the current agreement ending date. Unless the three towns vote to create a new entity beyond that date, the District would dissolve.
- Brian Dudley stated that would be an automatic dissolution. Would there be any other statutory or legislation?

- John Kelly stated at that time we would have a Special Act of Legislature put in place that would allow the District to continue to pay for it's ongoing liabilities with respect to personnel and anything else that comes up. In our CWMP and the approval with DRI, everything still has a regional entity, but the plan that we tried to have approved twice was a very limited plan and did not have a regional entity as part of it. That has not passed, so our CWMP still calls for a regionalization of one or both towns in a capacity at this site. I am hopeful we will try to frame the next proposal and be in a better position to answer that. Right now we are proceeding as if there will be no Tri-Town after May 30, 2015 in any way shape or form.
- Brian Dudley stated in terms of any specifics that DEP would be looking for, they would be interested in looking at a plan for decommissioning. Jay and I had discussions via e-mail, and I have come up with a list. We would like your plan submitted to us so that we can comment on it. We are looking at the minimum to include identification and plan for removal of any underground storage tanks, identification and plan for removal of and manifesting of any hazardous chemicals or wastes that may have been generated or exists on site, identification and plan to remove any other chemicals, lab equipment, and that sort of thing, and an overall demolition plan, in terms of buildings, a disposal plan for the RBC's themselves, and any other equipment with sewage contact.
- Jay stated we got rid of two RBC's by cutting off all the plastic, and disposing it at the Bourne Landfill. The metal was recycled.
- Brian Dudley stated that is acceptable. He also asked the Board to submit a plan for site rehabilitation and compatibility for any future use on this property. We talked about continued monitoring of the wells for a period of time, as well as security of the site so it won't be a target for vandals or any other unauthorized uses.
- John Kelly stated at that point the property reverts back to Orleans and the District dissolves. Orleans will have all of these responsibilities going forward. Regarding the re-use of the site, we have gone through the MEPA review and know what the limited uses are staying within this footprint.

- Brian Dudley asked if the compost building will be part of the demolition.
- John Kelly stated the Orleans Board of Selectmen want to talk about that due to the proximity to the neighborhood, and the possible re-use of the steel. They are looking to demolish it at the same time the plant is taken down. If there is a salvage value, we will take advantage of it. That is Orleans' issue because that building is no longer part of the District.
- Brian Dudley stated if you come up with a decommission plan, we would like to take a look at it and comment on it.
- Martin McDonald stated assuming we outlined a plan and sent it to DEP, does it take two months, three months, or six months to receive something back from DEP?
- Brian Dudley stated it all depends on what your schedule is. I would suggest you include a time table. If we have a time line, we can adjust a review accordingly.
- Charles Sumner stated he thinks we are going to have to go to town meeting at least once. That being said, it would be nice to have something ready for September and get DEP's requirements by mid Fall, so when we go into our budget season we know each town is responsible for "x" amount of dollars to get funding for it.
- John Kelly stated the demolition costs have been estimated somewhere around a million dollars. If there is a salvage value of the plant, it would be part of that package. We are looking at funding the demolition of the plant probably a year before it is actually removed because our town meeting is in May. We are going to try to bring in an engineer to help us put together an RFP for the demolition, as well as estimates for some of these costs. If we give you a complete package, it should be a quick turn around.
- Brian Dudley stated something like this doesn't happen every day. It's not only a regional issue but we will have to coordinate with Boston and work with their schedules as well. In terms of your scheduling and needs for going to town meeting and getting appropriations, work backwards and get it to us as soon as you can. Are you looking to go to town meeting in 2014?
- Charles Sumner stated Brewster's Fall Town Meeting is 2013.
- John Kelly stated Orleans does not have a Fall meeting. Everything is at the Spring Town Meeting for the following year.

- Brian Dudley stated if you can get something to us at least two months ahead of time, we will try to work with you to accommodate what you need, but I can't promise anything.
- Martin McDonald stated what about a MEPA review, the Heritage and Endangered Species people, or anyone else you think would automatically come into this?
- Brian Dudley stated he doesn't know if this would trip any MEPA thresholds. I think that is something we would have to look into. I know that there have been some natural heritage issues on this site itself, but it probably would be worthwhile touching base with them. I would think that if the demolition is being confined to the existing site, they may want to do a review.
- Martin McDonald stated they may want to review what we send you because their concern is going to be anything escaping from a contained site.
- Brian Dudley stated that is something that should also be in the work plan of how you are going to contain the existing site. In regards to the beds, I imagine that you would want them for potential future use?
- John Kelly stated unless you are considering the sand as something that needs to be remediated, I don't know why you would need to remove them.
- Brian Dudley stated you might want to consider making sure that those beds are maintained in an appropriate condition because if it ends up you just let them go fowl, you would have to rebuild them at some point.
- Martin McDonald asked if the Board could get a copy of the list Brian is referring to today.
- Brian Dudley stated he would e-mail the list to Jay who can forward a copy to the Board.
- Tom Daley stated a couple things to think about going forward would be storm water going off site and capping off utilities.
- Charles Sumner stated he would need to know the engineering and permitting amounts for Brewster's Fall Town Meeting.
- John Kelly stated we don't have the money to engage the services of an engineer depending on the cost of the full package.

- Charles Sumner stated we are thinking that we may need to go to town meeting next May if we don't have something before hand. If we can address it with existing funds here, we would try. That is why we were looking to have your help in putting together the proposal. The only thing that has ever been looked at in terms of costs, is something that Mike Giggey, Wright-Pierce Engineers, had rolled into the construction of a new plant, at a cost of a million dollars. On that note, it may very well be that the three towns enter into an extension of the existing IMA for the purpose of demolition and decommission. If we don't have enough time to do all of this and the funding requirements, we may end up with an extension just for that purpose, which is certainly an option. We have to look at the potential of one of the towns not funding demolition.
- Brian Dudley stated in terms of a timeline, does the District have any discretionary funds that might be able to be used to build on?
- John Kelly stated that is something we need to look at. We first need to do an appraisal and identify exactly what we have. I think we could do an engineering study phase. We may be able to fund an initial phase with existing funds from the District and then try to fund the full amount as we go back to town meetings.
- John Kelly asked Brian Dudley if there was a similar plant that has been torn down with a new plant built on the same site?
- Brian Dudley stated the only one he could think of is the Chatham plant who incorporated existing equipment.
- Martin McDonald stated it may not have to be a wastewater plant. Other municipal facilities usually have a decommissioning plan when they are permitted. There may be a decommissioning plan from another type of plant that may still be helpful to us.
- Brian Dudley stated he can ask around. DEP does not have a decommissioning process, but I don't think it is complicated. Basically we just want to make this a safe site.

4. Discussion Buy Back on Vacation Days of the District Employees:

- Jay stated there are only two District employees who are interested in buying back three weeks each of their vacation days: Cyndi Bachman and Bill Grant.

- John Kelly stated the District Personnel Bylaws states in item 6.2.13: All employees are allowed to carry up to 20 vacation days forward one year past their anniversary date. At the end of the second year they are able to cash them in upon approval of the Board of Managers. He stated to place this item on the Agenda for the next Board meeting.
 - Jay asked if the Board can vote on Cyndi's buy back time today?
5. **A motion was made by Charles Sumner to approve a buy back of three weeks vacation time in the amount of \$3,201.60 for Cyndi Bachman. This motion was seconded by Martin McDonald and unanimously approved and passed.**
6. **Discussion and Vote on Longevity schedule for the District Employees:**
- John Kelly stated changing the word Bonus to Longevity will become a annual credit to the District Employees pension, which they are entitled to.
 - Charles Sumner stated the District's bonuses have been frozen for the past three years. I would like to take the average of Orleans and Brewster for 2014 and apply it to the schedule of service time. Longevity for Brewster employees has not been frozen, so why should the District's be frozen? I would also like to adjust Longevity for FY14 because it is only fair as we do this for Brewster employees as well as the other two towns employees.
 - John Kelly stated we voted and changed the wording at the last Board meeting. We froze the rates because the District did not have the money.
 - Jay stated we were running in the red for a while and now we are back in the black.
 - John Kelly stated why don't we look at a proposal for the next Board meeting to average the current Longevity for Orleans and Brewster and list in the individual's on staff here, and what they have been getting for an annual Bonus versus the new rate.

7. Chief Operator Updates – Jay Burgess:

- **Process** – Nitrogen was 20mg/l., TSS, BOD's, and Phosphorus were all in the single digits.
- **Maintenance** – The filter press feed pump was completely overhauled including hydraulics, packing and drainage. One boiler was brought up to State code. The recharge beds were maintained, cut and tilled, and we planted the pumpkins. We had one failure of equipment this week. The heater exchange on the No.1 generator which circulates twenty-four hours a day, seven days a week.
- Jay stated Len Short, Orleans Water and Sewage Commissioner, came to the plant because he was upset about a letter from the Orleans Conservation. He wanted me to respond to it but I did not, and asked him to come to today's meeting for discussion.
- John Kelly stated the letter had concerns about the marsh and its impact. The Orleans Conservation Trust owns 36 acres of that property, and they wrote the Commissioners of MEPA and DEP looking for answers to questions about fresh water impacts on the marsh, and sent a courtesy copy to the Orleans selectmen a couple of days prior to the Special Town meeting. I don't see an action from this Board.
- Jay stated you asked me to get in touch with Peter Weiskel, U.S.G.S., and I received an automated e-mail stating that he was on vacation.
- John Kelly stated he thought U.S.G.S. was supposed to be ready with their report this July. We still would like to have that public meeting.
- Jay stated he's sure Peter Wieskel will call him back soon.
- Martin McDonald stated going back to the decommissioning of the plant, I am concerned that time is flying by and we don't have anything on paper except notes that we have taken based on Brian Dudley's visit here today. I think we should take \$5,000 to \$10,000 from the Tri-Town Plant to get an engineer to outline what is going to be involved, as well as other costs.
- John Kelly stated he had offered to have Tom Daley try and help the Board put together that outline.
- Charles Sumner stated he received an e-mail yesterday from a firm and may have some information by the end of the week. This will give us some parameters and costs, and if we want to look at other firms and interview people, fine, but maybe we can do some interim work.

- John Kelly asked to place this back on the Agenda for the August Board of Managers meeting. He will meet with Tom Daley to see if we can pull together a time line and work towards the goal of having an engineer give us some proposals on putting together some of the baseline information that we need to make future decisions here.
- Martin McDonald asked Tom Daley if this is something he can do.
- Tom Daley stated it doesn't cost anything to bring someone in and start looking. I've been thinking of a project manager that I have worked with in the past in my career who works for Stan Tech. My recommendation is to let him come in to start getting information together and give us a proposal.
- John Kelly stated if it is okay with the Board, he will work with Tom Daley and get someone to come in to try and get proposals for our August meeting. They can come in and tour the plant with Jay and identify everything that we are going to have to address and maybe get a proposal from them to see what we need for short money and what we will need going forward.
- Martin McDonald stated in terms of consultants, Eastham has worked with Stan Tech Environmental Partners who have done a lot of freebies for the Town of Eastham.
- John Kelly stated in some of these cases you are looking for a firm who has experience in building these plants who understand the guts of what is involved with removing them. Unfortunately some of the firms on the Cape are much smaller in terms of what they deal with on a regular basis. The goal is to get a blueprint for our next meeting.
- Jay stated at the last Board meeting, Charlie stated he was going to get someone from Barnstable County Retirement to come to a Board meeting to answer employees questions.
- John Kelly stated he was looking to get Mark Zelinski of Barnstable County Retirement to come to a meeting to answer questions. I don't see that as being as critical as trying to get this other stuff started. That is one of the items of ongoing costs that will have to be accounted for that the towns can budget for the future.
- Jay stated you have to realize that the employees feel it is more critical than destroying the plant. The Board meets once a month, which means about ten more meetings before things start falling apart here, in the meantime the employees are on the phone with Barnstable County Retirement asking questions.

- John Kelly stated he will contact Mark Zelinski and ask him to come to a meeting and asked Jay to invite the employees to come to that meeting to ask their questions.
8. The Board reviewed the District's bank balances.
9. A motion was made by Martin McDonald to approve Treasury Warrant No. 14 for payment. This motion was seconded by John Kelly and unanimously approved and passed.
10. Any Items for Future Agendas:
- Bill Grant – Vacation buy back and dollar amount
 - Longevity – Current Longevity schedules for Orleans and Brewster, along with a list of the District employees, their years of service, previous bonus amounts for the past three years and potential new rates.
11. A motion was made by Martin McDonald to adjourn the meeting at 10:05 a.m.. This motion was seconded by John Kelly and unanimously approved and passed.

Respectfully submitted,



Cyndi Bachman
District Secretary