

ICDerry ASO
'14 MAY 15 3:33PM

ORLEANS, BREWSTER, EASTHAM GROUNDWATER PROTECTION DISTRICT

BOARD OF MANAGERS MEETING

APRIL 16, 2014

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

Others Present: Jay Burgess, Chief Operator; Steve Brito, Assistant Chief Operator;
Cyndi Bachman, District Secretary.

1. Meeting called to order at 9:12 a.m..
2. A motion was made by Martin McDonald to approve the Board of Managers Minutes dated March 12, 2014. This motion was seconded by Charlie Sumner and unanimously approved and passed. Vote: 3-0
3. Pre-Town Meeting Follow-up Discussion:

- John Kelly stated his Board of Selectmen are looking for an update on the list of repairs that Jay prepared regarding employee safety. He stated there are a couple of Orleans Selectmen who have said if the repair money is not approved, we should be looking at closing the plant or shutting down the areas that are not safe.
- Martin McDonald stated this Board will have to re-group after our respective town meetings.
- John Kelly stated his Board voted 3-0-2 for any plans that this plant has going forward will not include discharge into Nameskaket Marsh, which means if this plant continues to operate after 2016, it will have to have a discharge site located elsewhere. Alan McClennen, John Hodgson and David Dunford voted in favor and Sims McGrath and Jon Fuller voted against. They did vote in favor of the Intermunicipal Agreement to go forward to 2016 and they voted to support the \$100,000, but we have no alternative discharge site. There is a genuine concern of the plant's current condition and how long it should be operated. The RFP is a very comprehensive evaluation of the re-use of this site, including the septage component, and the market analysis. The RFP will not be back until May 2.
- Martin McDonald stated the RFP originally had the Nameskaket Marsh Study in it and asked if it was taken out.

- John Kelly stated they reduced the scope and dollar amount and are looking to fund about \$510,000 versus the \$625,000, which was the estimated costs. The Nameskaket piece got smaller, and tracking the plume from the landfill got eliminated. Now they have to go back and do additional analysis of alternative locations for discharge. They take the whole watershed out of the equation, not just this property. He also stated the Sunshine Committee submitted a million seven dollar Article to fund a third of the five million dollars in repairs, but because it wasn't filed in Brewster and Eastham, it is not mandatory in Orleans. They were also seeking to reduce the discharge from 45,000 to 35,000 gallons a day.
- Martin McDonald stated Boards change.
- John Kelly stated one Board cannot tell another Board down the road what they have to do. As a policy, they decided that any plan they would consider would have a discharge site. If you don't have an alternative location and get tied up in litigation, who knows when you will have a site. In the meantime, we have a plant that is permitted to run through 2016 and the IMA operates through 2016. We are not going to have a site assignment for an alternative location finished by that time.
- Charlie Sumner stated the marsh has so much capacity to absorb nitrogen and is an asset to all of us.
- John Kelly stated the direction has changed from the nitrogen capacity to the impact of the freshwater due to the background levels being higher than a three parts per million.
- Jay stated that's because they found no nitrogen. He stated he had asked the Friends of Nameskaket, who hired a testing crew for Nameskaket Marsh, for the numbers they collected to compare them to ours, but they would not give them to me.
- John Kelly stated the nitrogen capacity was the argument for a long time. A year and a half ago the freshwater going into the marsh was going to change the characteristics of the marsh. Everything to date indicated that it would be a minimal change. When we had our DRI approval, we had to study the impact on the marsh. Mike Domenica said we are going to have to study the hydrology of the marsh, because if you take the effluent discharge here with more freshwater out of that marsh you may be impacting the marsh. Over this next year my Board will be deciding what they want to do with this property. If they decide they want to do go forward with the plant operating and they decide to go forward with a disposal site, they are going to have to build in a window for the next five years to continue to discharge and then have the other site ready to go in five years.

- Martin McDonald stated if we extended the plant to operate another five years after 2016, there is nothing saying we have to shut off the flow to Nameskaket Marsh.
- John Kelly stated if they are committed to design an upgraded plant, there is no location for another site. If they say the goal is in five years, we would have to have an alternative site ready to operate for discharge.
- Jay handed out a letter he received from the Orleans Taxpayers Association asking him to attend their next meeting and to be on their panel for discussion. He stated he doesn't consider himself a panelist to discuss anything, and does not have any prepared statements, handouts, etc.. All he would have is his suggestions and be there to answer questions.
- John Kelly stated he doesn't think Jay is in the position to discuss any of the issues that are political in nature.
- Charlie Sumner stated Jay would be valuable to discuss the condition of the plant.
- Jay stated he is not a resident of any of the three District towns and anyone who is active in wastewater in town certainly knows what he has said in the past. He will leave it up to this Board to decide if he should attend this meeting.
- John Kelly stated it is up to Jay to decide if he wanted to go. Jay's position right now is to advocate for the operation of the plant and the staff. I am not sure he is in a position to discuss the various proposals for the plants future.
- Jay stated he does not want to speak about the future of the plant.
- Charlie Sumner stated he is suggesting that it might be helpful to have Jay talk about the current plant conditions due to funding because we are trying to get approval for repairs. He stated his preference is for Jay to go to the meeting and explain the condition of the plant and some of the issues he has to deal with.
- Martin McDonald stated as far as he knows, Eastham's attorney has not been able to talk to Orleans attorney. The Orleans Article states the IMA says all three towns need to approve the extension of the IMA.
- Charlie Sumner stated the approval from Eastham would come from the Selectmen and not town meeting.

- John Kelly stated the Orleans Charter states it needs town meeting approval from the three towns. I will find out why our town attorney has not talked to Eastham's town attorney.
- Jay stated the towns are desiring to extend the IMA to December 31, 2016, but if that fails, the agreement expires May 30, 2015.
- John Kelly stated it has to be approved in all three towns.

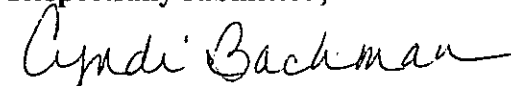
4. Chief Operator Updates – Jay Burgess:

- Maintenance:

- ❖ **Boiler** – Repairs have been completed to the boiler and we are back in compliance with our insurance company.
- ❖ **Bar Rack** – The new bar rack has been completed and it will be installed today.
- ❖ **BOD Incubator** – This incubator has failed and we purchased a replacement.
- ❖ **Generator** – Our emergency generator would not start and we will be having it serviced next week. In 25 years we have only been on generator backup for 60 hours.
- ❖ **Recharge Beds** - We are currently working on the recharge beds and getting them ready for the summer months.
- ❖ **Disposal Rates** -There has been some discussion in the past as to why Truro, Wellfleet, and Provincetown, who have done nothing to help this plant, get charged the same rate as the in-District towns. I am suggesting that we raise the rate on those three towns two cents a gallon on both septage and grease. We have the most liberal payment plan of any wastewater plant on the Cape, which is payment is due 30 days from the date they discharge. If they don't pay their bill within the 30 day timeline, they start getting charged interest. At the 60 day mark they are shut-off until they bring their account current. At the 90 day mark their account is sent to a collection agency. The Yarmouth Plant shuts them off at 14 days. My recommendation is if their bill is not paid in 30 days, they are shut off and at the end of 60 days their account goes to a collection agency. This is still giving them a grace period, and better than the Yarmouth Plant's billing plan.

5. A motion was made by John Kelly to increase the disposal rates two cents a gallon for both septage and grease for the towns of Wellfleet, Truro, and Provincetown, effective May 1, 2014, with payment required within 15 days. After day 15 through day 30, interest will be charged. On day 30 if the account is not paid in full, the account will be shut off. After 60 days the account will be turned over to a collection agency. This motion was seconded by Martin McDonald and unanimously approved and passed. Vote: 3-0
6. The Board reviewed the District's bank balances.
7. A motion was made by Martin McDonald to approve Treasury Warrant No. 8 for payment. This motion was seconded by Charlie Sumner and unanimously approved and passed. Vote: 3-0
8. A motion was made by Martin McDonald to adjourn the meeting at 10:25 a.m.. This motion was seconded by Charlie Sumner and unanimously approved and passed. Vote: 3-0

Respectfully submitted,



Cyndi Bachman
District Secretary