

*C. May*

ORLEANS, BREWSTER, EASTHAM GROUNDWATER PROTECTION DISTRICT

BOARD OF MANAGERS MEETING

JULY 23, 2014

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

Others: Jay Burgess, Chief Operator; Beverly Carney, Orleans resident; John Bailey, Wind River Septic Service.

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 18, 2014. This motion was seconded by Charlie Sumner and unanimously approved and passed. Vote: 3-0
3. Citizen's Forum:
  - Beverly Carney, Orleans resident, asked if Jay has had access to the \$300,000 allocated from the three members towns, for repairs and maintenance to the plant.
  - Charlie Sumner stated he needs his Selectmen's permission to spend the money. I don't see any problem and I have talked to Jay and I am very supportive, but I need something in writing from Jay to give to my Board to review.
  - John Kelly stated at the last Board of Managers Meeting we were talking about the other items that needed repairs, and Jay was putting together a pricing list for the Board to consider.
  - John Bailey, Wind River Septic Service, stated their septic company is one of the largest septic companies in the country and they own several septic facilities. He stated they would be interested in purchasing this plant.
  - John Kelly suggested they send a letter of interest to the Tri-Town Board of Managers and we will put that in with the study of the re-use of this property. Our groundwater discharge permit expires in 2016 as well as the Intermunicipal Agreement. At this point, we cannot give you an answer as to whether we have an interest because the Town of Orleans owns the property and the District owns the plant. Beyond that, the District operates the plant through the Intermunicipal Agreement. This Board represents the Selectmen of the three towns.

- Charlie Sumner stated the Town of Orleans has to make the determination of what the future holds for this plant. I have told my Board that I would like Brewster to continue to have a good relationship with a facility on this property.
- John Kelly stated it may be a year before we have an idea as to what we will be doing with this property.

4. **Tri-Town Advisory Panel Liaison Designations:**

- John Kelly stated the Town of Orleans has a new Water Quality Advisory Council and there are a number of groups that are represented. My Board of Selectmen have voted to appoint members to be involved with Brewster, Eastham, DEP, EPA, Cape Cod Commission, Pleasant Bay Alliance, and the Tri-Town Facility. I attended the meeting last week, and they will meet once a month. I don't have any problem with volunteering to meet with them as a designee for this Board, but someone from this Board should be an alternate if I cannot attend a meeting. Each of the panel members has an alternate. We are not a voting member on the panel, but we are there to provide input and bring information back. There is a Water Quality Panel website on the Town of Orleans website which has all the material posted and available on an immediate basis.
- Martin McDonald stated he would volunteer to be the alternate.

5. **A motion was made by Charlie Sumner to designate Martin McDonald as the alternate for the Tri-Town Board of Managers for the Water Quality Advisory Council Panel. This motion was seconded by John Kelly and unanimously voted and approved. Vote: 3-0**

6. **Chief Operator Updates – Jay Burgess:**

**Process** –Nitrates 21 mg/l. While the micro C's worked at reducing nitrogen, it also created a host of other problems that needed process maintenance and the hydraulic loading and design is not built into the system yet to provide that, so it is basically shut down for now. If they ever decide to use this facility, they would probably use the methanol. All our other permit numbers are running in the single digits.

- **Maintenance** – On July 3 we had a mixer blade, weighed down by rags, fall through the bottom of a receiving tank full of 100,000 gallons of septage. On the same day we hired a hauler to pump down that tank. At the time we did not know what was blocking the discharge hole. We had to pump out 4,000 gallons at a time. When we got down there, we found a portion of the mixer on the bottom blade got so heavy with rags that it fell off and got stuck in the suction pipe. We pulled that out and cleaned it and it is now repaired but too corroded to go back together. We tied it off so it would not become a hindrance and secured the upper blades so we would still have a mixer. It is now working again. That was done on July 3 and July 7, and during that time, we only accepted Orleans, Brewster and Eastham. On July 4, 5, and 6, we were shut down completely, except for emergencies. At the

same time all this was happening, we also had a complete shut down of our process with a power failure from the tropical storm and it took about three hours to get our computer systems back up and running. We have a generator and we can choose which piece of equipment we want to be powered by it.

- **Filter Press** – We have one filter press that is down now with a load cell failure. I purchased a new one from England and had to wire money to them before they would send us the product. They have notified me that they have received our money and that was the last contact I have had with them. I tracked down the machine shop that actually made the part and they said they could make another one but it would be 5-7 weeks to build.
- **Water Meter** – I was notified by the Orleans Water Department that our incoming water meter line from the streets is corroded and weeping. I contacted Wright-Pierce Engineers and there is a six inch main line coming into the water meter and then from the water meter to the backflow prevention. All of this has to be replaced. They are going to send over someone to look at it and give us a price.
- **Repair List** – I have a list of repairs and a few of the prices for the odor control, odor control pump, sand filter, RBC media, septage receiving pump, filtrate pump, and plant water system. John Kelly stated Jay handed out the repair list at the last Board of Managers Meeting as follows: Odor Control - \$7,000, Odor Control Pump - \$12,000, Sand Filter and Air Compressor Monitor- \$300, RBC Media - \$8-\$10,000; Septage Receiving Pump - \$10,000, Filtrate Pump - \$22,000; Plant Water System Pump – No pricing yet.
- Jay stated he has the pricing for the Plant Water System pump, the filtrate pump, and one of the odor control pumps. There is one set of media but we have two sets of RBC's and the second set is older than the set that we repaired. I have an additional set of media on the list but I do not have the pricing yet.
- John Kelly stated at the last Board meeting we were going to have Jay make a list of priorities, put them on the agenda for this meeting, and whatever we cannot fund out of the District's operation budget would be eligible for the \$300,000. Charlie would have to go back to his Board for approval. At this point, we need to know from Jay where do we start with the operating budget items from July 1, and how far can we get through the list, and what do we need to go back to the \$300,000?
- Jay stated I am not 100% sure what the procurement guidelines are right now as far as purchasing equipment. I can't just go buy replacement components? The Plant Water Replacement is \$16,848.00.

- John Kelly stated that you are looking at a furnish and install. So if you are buying a piece of equipment and you are installing it, \$35,000 is the cut off amount. For the equipment that is furnish and install, you are suppose to advertise in the Central Register for anything over \$10,000 up to \$25,000 and you have to put an ad in the newspaper as well as an ad in the Central Register. You also need to have wage rates for everything that we do that is construction related. A lot of the things you are looking at are a sole source.
- Jay stated the Gustavo Preston piece of equipment that was built for this plant is a sole source, and the same thing with Hayes Pump, Inc. That was a system that was built for this plant and designed by Wright-Pierce. We could substitute other equipment but we would have to re-design it.
- John Kelly stated one issue is whether they pay the wage rates to their technicians or not.
- Jay stated he could find out the prevailing wage rates.
- John Kelly stated he will send over the wage chart that he uses for equipment installation at the town buildings.
- Jay stated to pay for these items out of the District's budget could create a potential problem.
- Charlie Sumner stated let's use the \$300,000 fund for the list of repairs that we just discussed.
- John Kelly stated we have a list of items that were included in that \$300,000. There was a chart that included the walkway over the clarifier, the stairway downstairs, and a few other things. Those are items that we did not budget for, so when I say within your budget, we are talking about the maintenance line in the budget. If we didn't assume those costs to be paid out of that, that's where the \$300,000 comes in. It's not to be used to pay for overtime or regular maintenance. It's to be used for some of the bigger ticket items. All Charlie needs is to get a vote from his Board to release the funds.
- Charlie Sumner stated his Board is meeting August 4<sup>th</sup>, so if he gets it the Friday before, he will give it to his Board for a vote.
- John Kelly stated the original list you gave us had emergency safety related issues, one of which was the fencing.
- Jay stated he thought the fencing issues were shot down until the next phase, so am I going to have to coordinate my needs with the reports needs?

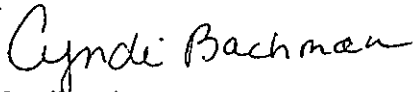
- John Kelly stated it would be great if Jay could give this Board a list of the work he is proposing to do for the next two months for approval now. Charlie can then get approval for funding from his Board. Each of the towns has to fund that specific appropriation. We would pay the bill directly, but we need to have the paperwork in order to get that processed.
- Jay stated he did not walk around with the Stantec Report in hand while making his list. He just identified what equipment needed to be replaced. Now I need to see where my list stands with the Stantec Report.
- John Kelly asked if there are any safety issues that haven't been addressed.
- Jay stated the safety related issues are being worked on and I have already ordered parts for it.
- John Kelly stated at one point we were talking about the receiving scale.
- Jay stated I simply have not had any time to get to that.
- John Kelly stated the stairway and the walkway were addressed. I think the fencing was discussed more for Homeland Security Act reasons.
- Jay stated there are a couple of issues regarding fencing. We are having a cut through situation because we can't keep the fence in tact on the south side of the facility. Yesterday we had a young lady come into the plant crying. She was from out of town and dropped off by her friends and needed assistance. I had one of the operators take her to the bus station and point her back to the direction she was going. We have people come to the fence and see the big building and come up here. On the compost side of the fence where it is wide open, I continually see skateboarders, kids, bikes, etc.. I also saw a family who just wandered off the bike path and wanted to see what we were doing. We turned them around back to the bike path. This is happening while we are here working at the plant for nine hours each day. That is my reasoning for the fence. I was called in on Sunday night for an intrusion alarm. The police got here first and didn't see anybody. I don't know what caused the intrusion alarm, whether someone shook the doors and got out of here when they saw the police show up. It's not just a Homeland Security issue, it's a regular security issue.
- Martin McDonald asked if the police come up here regularly.
- Jay stated they do, and now that it is summer, we have the bike police come through as well. But if someone sees the police coming, they can get out quickly.

- John Kelly stated part of the \$300,000 was to address security, so I will talk with Tom Daley about the bike path entrance on the back side of the compost building, which has been repaired several times in the past. We need to address all the fencing along the main entrance of the plant and get a quote. If you would put together a list of items that you want us to consider, Charlie could take the list to Brewster for approval first, and bring it back here for a vote. Obviously, if there is something that needs to be addressed immediately, we could call a meeting within 48 hours to get it posted and meet for ten minutes to approve something. But we need to have a paper trail and it is my Board's expectations that the \$300,000 is to be used as a last resort. So, use what you can out of the District's operating budget for maintenance related items, and the rest would then come out of the \$300,000.
- Martin McDonald stated he needs to check to see if Sheila Vanderhoef, Eastham Town Administrator, needs to sign off on that money.
- Charlie Sumner stated he would be fine to agree to setting up a custodial account in Orleans to release the funds.
- John Kelly stated he will discuss this with Dave Withrow to work it out with Brewster and Eastham's Town Accountants on how we are going to process these payments.
- Charlie Sumner stated if Jay would give him a list, even if it is approximately \$15,000, we are just going to approve it.
- John Kelly stated Jay can make a list of projects to be done over the next three months and submit it with estimates so we can have a package to share with our Boards in order to pay the bills.
- Jay stated the receiving scales and tractor are two items that we simply do not have time for right now. He also stated he saw the suggestion from Nancy Ice, Brewster Health Agent, regarding tying the haulers licenses to pump with not paying their bill at the plant.

- John Kelly stated he talked with his Health Agent, Bob Canning, and with his Town Counsel, Mike Ford, regarding that issue. We have a local Bylaw in town that ties permits and license renewals to payment of all taxes and fees. The problem that we have is two fold: there is a grace period of 18 months before that becomes effective and there is also the issue if the individual that we are talking about is no longer the owner of the company but works for that company. Is there the ability to go after the license, and is the license issued to the individual hauler or is it to the company? Each one of the employees that's handling it is not licensed or permitted. Mike Ford was going to look at that and get in touch with Brewster's Town Counsel and review. There is also the issue of whether Tri-Town being owned by the three towns would have any bearing on a town license for a hauler who uses the plant. We would have to look at as if you owe the debt to Tri-Town it is the same as owning the debt to the town, therefore you cannot be licensed until you pay off your debt. Legally, we are not sure.
- Charlie Sumner stated he talked to Brewster Town Counsel who thought we may have to amend our Bylaw to reference not only the Town of Brewster but any other entity that we are affiliated with.
- John Kelly asked for the status on the collection effort of Neighborhood Wastewater's delinquent account.
- Jay stated they paid \$15,000 to the collection agency, of which we have received \$6,000. We will get another \$5,000 at the end of this month. They are back on COD for discharging at the plant until we have been paid in full.
- Jay stated the Board previously talked about writing a letter to Ocean Edge Resort regarding their Fall pumping. Maybe all we do is offer them an attractive rate and we let them know that their previous hauler did not pay us for what they pumped last year, so they may not want to use that hauler again. I've seen Wind River Septic Service in Ocean Edge pumping. We can let them know ahead of time the discount rate and direct billing.
- John Kelly asked Jay to write a draft letter to Ocean Edge and send it to each Board member for comments to be finalized at the next Board of Managers Meeting.

7. The Board reviewed the District's bank balances.
8. A motion was made by Martin McDonald to approve Treasury Warrant Nos. 1 & 2 for payment. This motion was seconded by Charlie Sumner and unanimously approved and passed. Vote: 3-0
9. A motion was made by Martin McDonald to adjourn the meeting at 10:47 a.m. This motion was seconded by Charlie Sumner and unanimously approved and passed. Vote: 3-0

Respectfully submitted,



Cyndi Bachman

District Secretary