

**MINUTES  
PUBLIC WORKS COMMISSION  
WATER POLLUTION CONTROL BOARD  
JOINT MEETING  
MARCH 19, 2013**

**PRESENT:** Al Baker, Member, Public Works, Water Pollution Control Board  
Thomas Mullen, Vice Chair, Public Works  
Wolfgang Fattler, Member, Public Works, Water Pollution Control Board  
Paul J. Canniff, D.M.D., Member, Public Works

**ABSENT:** Robin Young, Chair, Public Works

**STAFF:** Daniel W. Santos, P.E., Director  
Roger D. Parsons, P.E., Town Engineer  
Dale Saad, Ph.D., Senior Project Manager

**PUBLIC:** Mr. and Mrs. Richard Andres  
Mr. and Mrs. Jeff Brown

A quorum for the Public Works Commission and Water Pollution Control Board being present, the meeting was called to order at 1:00 PM.

Mullen introduced Dan Santos as the recently appointed Director of Public Works.

The Minutes of the January 15, 2012 meetings were approved as written.

Conflict of Interest Law: Members were reminded to take the online ethics test and forward their certificate to the Town Clerk.

2013 Town Council Liaisons: The list of liaisons was distributed.

Sewer Usage Warrant – 2013 Third Cycle was signed by the Water Pollution Control Board members.

**Sewer Usage Abatement Requests**

Sewer Usage Abatement Request – David Lopez, 39 Wellesley Circle Hyannis. Mr. Lopez has submitted that the excess water usage occurred when he planted and watered a new lawn twice daily in November. He does not feel he should be liable for usage above his last billed usage of \$50.76. Peter Doyle, Supervisor of the Water Pollution Control Division recommended denial of the claim because a second water meter should have been installed to measure the water used outside the dwelling. After a brief discussion the Board VOTED to deny the abatement request.

Sewer Usage Abatement Request – Francis Devin, 398 Old Strawberry Hill Road, Hyannis. The applicant submitted documentation to substantiate his claim that vandals cut his exterior garden hose and that the excess water went into the ground, not the sewer system. After a brief discussion the Board VOTED to grant the abatement request in the amount of \$3,460.86.

Sewer Usage Abatement Request – Kenneth Ethier, 15 Highland Street, Hyannis. The applicant submitted documentation of multiple leaks that were not reported by tenants, substantiating the claim that the excess water did not enter the sewer system. The Board VOTED to grant the abatement request of \$838.54.

### **Grinder Pump Maintenance Cost in the Stewarts Creek Sewer Project**

Canniff asked if there has been any response from the Town Manager about the letter he wrote on behalf of the Commission on November 28, 2012 regarding the unanimous vote of the Commission to recommend that maintenance be included in the usage fees. He said the Commission feels it is the right thing to include maintenance due to the costs. There has been no response or acknowledgement of the letter. Canniff followed up in February with the Town Manager's office and still received no response. He said he spoke with Asst. Town Manager Mark Ells last Tuesday and was told that maintenance will be included in the usage fee. It is Canniff's understanding that this is now the Town policy. Baker concurs. Canniff said he also wants the grinder pump installation costs carried in the betterments.

Mullen said that a grinder pump is used when the outlet is below street level. The cost of the overall system would have been higher if the pipe had been placed deeper. The decision to go with the pump was based on overall costs. The owner pays; we have always done it that way. Santos said he is not aware of a change in the maintenance policy. Saad said she did not know of any policy change and said all policy changes need to be in writing. She questioned – what do we do with all the other pumps in town? At Red Lily Pond the customers pay an annual fee for the maintenance.

Fattler said all costs should be in the user fee because the system requires the grinder pump in order to function. Mullen said that is not necessarily fair to all the customers. Santos said the pump serves the property, not the system.

Parsons said installation and maintenance is not covered yet. There are over 200 grinder pumps throughout the town that receive no service from the Town. Mullen suggested that the Town pay for grinder pumps and replacements. These are covered in the Red Lily fee structure.

Jeff Brown said there is no town responsibility for a pump if it's necessary, but it's different in his neighborhood because the Town decided on a separate lift station and did not use the 1987 plans. He said that under MGL Chapter 83 the Town cannot burden the homeowner with the design. The Town has direct responsibility for damages in failure due to the design. He commends the Board for bringing up these issues.

Laurie Brown commented on the policy of assessing 50% betterments. She said the source of the Town's 50% is dedicated from rooms and meals taxes, not from general taxes. Mullen said if the increased tax revenue was not used to create a sewer fund it could have been used for something else, like education. Special legislation was required to allow this taxation for good benefit.

Saad added that stimulus funding in the form of cash was for green infrastructure – the photovoltaic arrays and wind turbines at the Water Pollution Control facility. The stimulus for

the sewerage was in the form of debt forgiveness and its benefit was calculated into the betterments.

Mullen said that the Red Lily Pond system has been successfully operated for many years by Town employees for a fee. In the end, we will carry out the policies implemented by the Town Manager and Town Council. Maybe there's a place in between, some middle ground.

Private Roads: As a point of information, catch basins located on private roads are no longer maintained by the Town. Services are limited to maintaining public safety access per Legal. By law, the Town cannot expend public money on private roads. Mullen commented that the private roads are rapidly deteriorating. He asked for a discussion of private roads at the next meeting.

Richard Andres raised drainage issues on Oak Street, West Barnstable in the vicinity of his home. He said that Cape Cod berms and inadequate drainage was installed several years ago. Rainwater is not shed off the side of the road and stormwater flows into water recharge areas. He said this is wrong and should be remedied. Parsons said he will look at the situation again to determine what can be done.

Fattler distributed a newspaper article about trash collection in Florida, stating that residents will save considerably due to a new collection route contract. Mullen said that there are several businesses hauling trash in Barnstable and that he often sees multiple companies collecting in his neighborhood throughout the week. He said that trash pick up was studied in Barnstable and while it was generally proven it would be less expensive if trash collection were structured for efficiency, the local trash haulers said this had the potential of putting them out of business. There was no political will to change the system.

There being no further business, the meeting was adjourned at 2:15 PM.

Respectfully submitted,

Denise Geoffrion

Handouts: Abatement Requests as listed above  
Minutes of 12/18/12