



Town of Oak Bluffs
WASTEWATER DEPARTMENT
17 Pennsylvania Avenue
P.O. Box 1526
Oak Bluffs, Ma. 02557
Phone 508-693-0343 Fax 508-696-6035

Commissioner's Meeting Minutes

March 24, 2021

Call to order:

A monthly commissioner's meeting of the Oak Bluffs Wastewater Department was called to order at 3:11 PM, on March 24, 2021 by Gail Barmakian, Commissioner.

Commissioners present:

Hans von Steiger, Chairman

Gail Barmakian, Commissioner

Bill Alwardt, Commissioner

Oak Bluffs Wastewater Treatment Facility Employees Present:

Patrick Hickey, Facilities Manager

Bridget Palmieri, Administrative Assistant

Guests in attendance:

Russell Shappy

Amy Johnson

Christine Rose

Eileen Pelletier

Abby Dillon

Candice Nichols

Zoom User (Name Unknown)



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Agenda Item #1: Approval of Minutes

Approval of Minutes:

Discussion:

Patrick Hickey began by asking the Commissioners if they were able to review the meeting minutes from 2.17.21 and if they would like to approve them. Gail Barmakian responded that she hadn't reviewed them yet and would like to revisit them at another time. Patrick Hickey said we will come back to them.

Motion:

No motion to approve or deny the February 17, 2021 meeting notes was made by the Commissioners.

Business:

Agenda Item #2: 23 East Chop Drive

Exhibits:

1. Commissioner's Meeting Agenda Request Form
2. Application for Abatement of Sewer Charge

Recap:

This is an Abatement Decision Reconsideration with the following new information from the homeowner: An Irrigation meter was installed at 23 East Chop Drive in January 2020 by Capen Plumbing. Woody Mitchell of Squash Meadow Construction said he contacted Lisa Merritt on Wednesday, January 22, 2020 to inform her the meter was installed. He said Lisa Merritt indicated someone would go out and do an initial reading.

Discussion:

Gail Barmakian remarked for process this would be considered an abatement reconsideration, as a decision had previously been made. Patrick Hickey recapped that on January 20, 2021 the request for an abatement came before the board and it was denied. The homeowner, Mr. Shappy was not able to attend that meeting. He had installed an abatement meter in January, 2020 and allegedly contacted the Wastewater Dept., however his name was not on the list of meters to be checked and it was not read



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until December 2020 when he contacted the department. Mr. Shappy had received his bill and it seemed high, it did include the water he used for his irrigation system. Gail Barmakian added we denied the abatement, as it is the responsibility of the homeowner to contact the department if a meter is installed and to do an initial read, which was not done. Mr. Shappy remarked the only information not previous added to the initial abatement request was that Woody Mitchell of Squash Meadow Construction called Lisa Merritt at the Wastewater department on January 22, 2020 at 8:10am to tell her the meter was installed. She said she would send someone to do the reading. He continued that he failed to call in August/September to request a final reading. Hans von Steiger reiterated that it is the homeowners obligation to call the department and we currently have no meter read prior to December 2020 and that is when our records start. Mr. Shappy said it was a brand new meter, that he assumes it was at zero, but doesn't know how meters work. Han von Steiger said it was brand new to him, but not necessarily new to those who installed it, it could have had any number on it, as meters could possibly be reset when installed. Gail Barmakian remarked all we can do at this point is to contact Lisa Merritt to see if she remembers. Han von Steiger added if Lisa Merritt has a file with the initial meter read we can go by that, if not we will have to go by the December read. Gail Barmakian commented as last discussed, the other issue is that \$2900 worth of water is an enormous amount of water, even for an irrigation system, and especially given that it isn't that large of a yard. Patrick Hickey said he would contact Lisa Merritt.

Motion:

No motion to approve or deny the request was made for 23 East Chop Drive by the Commissioners.

Agenda Item #3: 20 Pequot Ave.

Exhibits:

11. Commissioner's Meeting Agenda Request Form
12. Application for Residential Sewer Tie-In

Recap:

Christine Rose on behalf of Pequot Realty Trust is requesting a town sewer tie-in for 20 Pequot Ave.

Discussion:

Patrick Hickey began with a brief background. The property is called "The Towers" and was designated as an infill lot on the original sewer plan in 2002 and they paid betterments. The property has remained on septic since then and the homeowner is now requesting a sewer tie-in. Gail Barmakian remarked our



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records show we consider it as an infill lot, which means they were on the original sewer tie-in and we have them on record as having (9) nine bedrooms at the time they could have tied-in. She continued, on this current application it states they have (15) fifteen bedrooms, which means they are requesting an increase in bedrooms. We are only obligated to tie-in as an infill lot what existed at inception and what is on record is (9) nine bedroom. Gail Barmakian stated there is no justification of an increase of (6) six bedrooms at this time. As we cannot allow increases in flow at this time, Gail Barmakian recommended to Christine Rose that if they don't have to tie-in right now and would like to tie-in with 15 bedrooms, it would be beneficial to wait until we have an increase in capacity and flow to be offered in the future. Christine Rose remarked she was not aware of the 2002 infill record and that to her knowledge no bedrooms had been added. She continued, we will come back at the time increases in flow are allowed.

Christine Rose withdrew the application for a town sewer tie-in for 20 Pequot Ave.

Agenda Item #4: 61 Circuit Ave.

Exhibits:

3. Commissioner's Meeting Agenda Request Form
4. Application for Change of Use or Flow
5. Letter from William H. Lockwood to Members of the Board which include Site Plans
6. Meeting Minutes - December 17, 2015
7. Chef Amy's Menu 1
8. Chef Amy's Menu 2
9. Documentation on waste disposal and removal process
10. List of Take Out Kitchen Equipment and Images

Recap:

Amy Johnson is requesting to use 61 Circuit Ave. as a buffet style takeout restaurant. She proposes it will serve breakfast and lunch & cold beverages.



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Discussion:

Gail Barmakian began by saying, we first need to determine what existed in the space previously, which it was a candy store, and how the use is going to change and whether it will have an impact in flow. It appears there may be, as there is a food menu with potential cooking involved. Patrick Hickey shared the floor plans of the previous business, which was The Good Ship Lollipop and said he contacted the Board of Health who stated the business operated at a limited "TCS" establishment (limited to what they could produce) and only used a chocolate tempering machine and other small pieces of equipment. There were no stoves, ovens, hoods, dishwashers etc. and their warewashing consisted of a retrofitted three bay sink and small handsink. Gail Barmakian said there will be more of an impact on water usage with this new business, unless the food is prepared off-site and sold as is with no seats, but it looks like everything is going to be prepared on site which would be an increase in flow. Bill Alwardt agreed.

Amy Johnson said she believed that it would not be an increase in flow, as she does not use water or has waste and works completely off-grid. She has a food truck and the food would be prepared on this truck which is a full commercial kitchen. She supplies her own water, has a portable waste system and generator. Gail Barmakian remarked, her concern is not what is done on the food truck, but on the premises. That there appears to be a proposed ice machine, warming machine, griddle (which will imply the preparation of food, the necessity of washing) and that the serving of hot food vs. cold food does make a difference. Amy Johnson said she will be preparing the food off-site in her food truck and only using water to wash utensils and washing down walls and wiping down refrigerators. Gail Barmakian remarked that this is creative, but a highly unique and irregular situation. She asked if there is a floor plan. Amy Johnson told the board verbally where all the equipment would go. Gail Barmakian asked if all the hot food was to be made off-site, to which Amy Johnson said yes. She said all that would be prepared on site would be cold sandwiches. Gail Barmakian said what we need you to do is provide a list of menu items prepared off-site and one with on-site items, separate them out. She suggested modifying what is to be cooked on-site. Also, to provide a floor plan showing where everything will go and equipment needed. This is the same standard that was applied to a previous applicant with a similar situation. She continued, since this is highly unique, we need additional information to determine water usage and if there will be an increase in flow, so the application needs to be refined. Bill Alwardt agreed. Patrick Hickey said he would help Amy Johnson refine the application and she could come back at a future meeting.

Motion:

No motion to approve or deny the request for Change of Use or Flow was made for 61 Circuit Ave. by the Commissioners.



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Agenda Item #5: 112 Dukes County Ave.

Exhibits:

13. Application for Change of Use or Flow
14. Letter from Abby Dillon to the Wastewater Commissioners

Recap:

Continued discussion of 112 Dukes County Ave. Ryan & Abby Dillon are requesting to establish official flow and a potential increase to 4 bedrooms (modified from 6) to accommodate his family.

Discussion:

Gail Barmakian recapped that at the last meeting she and Bill Alwardt were in agreement that based on the Wastewater records that the previous structure was approved for 2 bedrooms and retail space, and determined that the new structure could have three bedrooms. Also, it would give some time to see if any new information/new records came to light and changed the number of bedrooms. To date, no new information has been uncovered.

Abby Dillon remarked that she and Ryan Dillon purchased the property as a 4 bedroom and they were hoping to keep the number of bedrooms. She continued that they had hoped to keep the previous structure, but it was not salvageable. Abby Dillon continued that she spent quite a bit of time down at the Wastewater facility looking through records and old minutes and was not able to find any additional information. However, they have other documentation from the Board of Health (when it was septic) and Assessors record that indicates 4 (four) bedrooms. She and Ryan Dillon have current plans for 2 (two)- 2 (two) bedroom apartments and hope to keep the four bedrooms, especially as there were 2 (two) businesses in the previous structure.

Gail Barmakian remarked that the Wastewater facility is at, near or at times over capacity and we are not allowing any increases in flow. Abby Dillon asked if the commissioners would consider the two businesses as an exchange for the two bedrooms. Gail Barmakian remarked she would not consider it, as she has no record of what those businesses were, she is only going by the Wastewater records and what the previous homeowner/applicant was approved for. Both Gail Barmakian and Bill Alwardt said they were only willing to approve (3) three bedrooms at this time. Bill Alwardt said there is no proof to warrant a 4th bedroom. Gail Barmakian said we are applying the same rules to everyone, until there is a facility expansion/upgrade.



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Abby Dillon asked what next step were. Gail Barmakian advised that the Dillons could withdraw the current application for 4 (four) bedrooms and resubmit a new application with plans for 3 (three) bedrooms.

Agenda Item #8: Facility Manager Update

Patrick Hickey said he went to the Water Department to gain some insight, as we have been having a lot of issues with abatement meters this year. He said what they do to read the meters is drive by with a meter gun and either get a read or no read, that there is no misread and you cannot get two meters at once. If they can't get a read of a meter at all they will go back and estimate a read. There is a minimum charge of \$127.25 whether you use water or not.

Patrick Hickey brought to the attention of the commissioners he was made aware of an illegal bedroom at 54 Pennacook Ave. Gail Barmakian responded that we cannot shut them down or unhook them unless there is a danger to health, chemicals leaking etc., it is a Health Department concern.

Patrick Hickey said he wanted to discuss some Wastewater Rules and Regulations and powers of the Commission. Gail Barmakian asked that he send them the highlighted document and they could read over and discuss at a future meeting.

Patrick Hickey brought up the Bike Path Project on Beach Road (Vineyard Haven/Oak Bluffs) and he had blueprints to share. He pointed out where the bike path was going and that the sewer line is on the opposite side of the road. There are a few houses that will be affected where there are laterals and the bike path will cross them. Gail Barmakian remarked that on the corner by the hospital there are houses that she believes to be hooked up to sewer and they will be taking property from the homeowners and digging up the yard, so they are of concern. Other areas of concern were discussed. Patrick Hickey said he will inform (via email) the engineers on the project the areas of concern for the Wastewater Department.

Agenda Item #9: Commissioners Update

Gail Barmakian said we are still working on the draft of the CWMP and we are at the mid-way point of it. Mark Drainville of GHD is working on some basic draft numbers. Also, where the expansion is going to be and what we can take out/put in the plan. Gail Barmakian remarked she is hoping Hans von Steiger will be able to play a role and lend his expertise. Hans von Steiger asked about the timing for the project. Patrick Hickey confirmed at this Spring's Annual Town Meeting the town will vote on funding for the design of the new plant. Discussion continued on timing and funding. Hans von Steiger suggested the facts/increments be put down in writing.



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Motion:

The motion to adjourn the meeting was made by Bill Alwardt. The motion was seconded by Gail Barmakian.

Roll Call Vote:

All commissioners voted to approve the motion.

Gail Barmakian-Aye

Hans von Steiger -Aye

Bill Alwardt- Aye

Meeting was adjourned at 5:38pm.