

A meeting of the Town of Barnstable's Hyannis Water Board was held on April 28, 2009 at 3:15 PM in the School Administration Building Conference Room, 230 South Street, Hyannis, MA.

In attendance were Deb Krau, Skip Simpson, Tom Holmes, Rebecca Baxter, and Peter Cross.

Staff present were Hans Keijser, Supervisor, Water Supply Division and Johanna Boucher, Purchasing Agent.

A quorum being present, Chair Krau called the meeting to order at 3:20 PM.

The Agenda was approved.

The February 10, 2009 minutes will be reviewed in May, the March 10, 2009 minutes were reviewed and accepted as amended.

Hilton Hotel Report – Krau reported on the Planning Board meeting held last night. The discussion focused on the water deficits detailed in the April 13 letter from Weston and Sampson. The re-testing requested by the Board shows the area currently has enough water, but the system will not meet the demands for fire flows after construction. The remaining flow after construction will be reduced for the rest of area. Cross asked what has changed that suddenly there is a deficit? Keijser said the original fire flow tests were done on separate dates in January, leading to a concern expressed by the Board that emails between the fire district and the consultants were not in sync with the Board's understanding of the fire flows. Everything was too ambiguous and this resulted in meetings of all interested parties; the fire district, Growth Management, and W&S. Weston & Sampson was asked to clarify test results, which were re-done on April 10. They clearly show that there is not enough water. Simpson said that the fire chief's hands may be tied in that the plans meet the minimum state codes so that he cannot deny a permit on that basis. Bornstein has said he will pay his fair share for improving the fire flows.

Krau asked the Board - Do we want to make a specific recommendation for mitigation? Simpson said it is clear from this experience that there is a specific reason why fire and water districts are under one roof. He suggests working with the fire department and have participation on their part. Is there no mechanism to determine the fair share of the cost? We need to find an amount to assess so that rate payers don't have to pay it. Impact fees can only be put in place by the Town Council. A fee could be developed by an impact study, but the challenge is that a five story hotel was never contemplated for this area, so the impact isn't known.

Simpson described an electric line extension scenario where the developer pays all extension costs and gets reimbursed as others request to tie into the line. A variation might work in this situation.

Krau asked what is the developer's fair share? It is his development that tipped the bucket and as there has been no planning to redevelop this area, there is nothing in place upon which to base an assessment. Simpson said it probably makes sense to do the pipe when the road is widened in a few years, but in the mean time, the building is in deficit. This structure would not have been planned for in this area – it throws an extra twist into the scenario.

Krau said the Planning Board has been told that the Hyannis Water Board wants mitigation and the Board needs to determine how much. Simpson suggested the cost of the main should be sufficient.

Cross said we need to determine what the fair share is and how to get the rest of the money and from whom. Bornstein might be stuck with excessively high insurance costs while waiting for the water deficit to be resolved. Cross said we need to look to potential uses of a property, not its current use, that is how a developer looks at land. Much of the neighboring property could also be redeveloped and require additional water, and much of that property is already owned by Bornstein.

Keijser said he could calculate cost of a 12” main from Mary Dunn Road to the hotel and that the Board could allow the developer do the upgrade.

Krau summed up the issues as follows:

This project cries out for something because it is outside all planning for the area.

The project is causing the deficit – it was not there before this proposed use

Even with a study for buildout of the area – it would not be accurate because a hotel was not included in the planning

Krau believes the main needs to be upgraded so proposes as a compromise that the extension done by the developer under the supervision of the Town. Krau will draft a letter outlining these points.

Keijser raised other issues to consider. What is the impact on water towers and water storage needs and treatment facilities? These need to be assessed in the cost of service survey.

A Motion was made and seconded for Krau to draft a letter to Growth Management and the Chair of the Planning Board to recommend a way to deal with the developer’s fair share of the upgrade of the water main, given the fact that mitigation is all that exists now and impact fees do not come into it because a hotel is not allowed by current zoning and this project is much bigger than anything else and that are still concerns that this project tips and creates a deficit not being created by other users on the road. The Board is recommending that the developer install a 12” main at his cost, which would be lower than the Town’s cost to upgrade the pipe, from Mary Dunn Road to his hotel

VOTE: Unanimous.

Capital Expenditure Requests. Krau noted that the Board is very appreciative of the Town Council support received for the lien policy instituted and for the approved capital expenditures. She said to go forward the Board needs to vote support and approval of the air stripper and SCADA projects.

Keijser reviewed the W&S report for the cost of the air stripper repairs..

A Motion was made and seconded that air stripper improvements in the amount of \$100,000 be approved by the Board for movement to the Town Council.

VOTE: Unanimous

Keijser reviewed the costs for a new SCADA system and said this is a reasonable estimate of the costs, he will be meeting with a design engineer shortly to learn more. There is a high likelihood that the cost will be less. Simpson thinks the need for a new SCADA system is elevated as result of RFP.

A Motion was made and seconded that the SCADA system upgrade in the amount of \$440,000 be approved by the board for movement to the Town Council.

VOTE: Unanimous

Agenda Items 5 and 6 were deferred to the next meeting.

RFP for Water Tank Design and Siting Support. Simpson noted that the RFP is asking for the evaluation of 5 sites, why not ask for one site or an overview? Cross suggested eliminating the existing site. The goal is to get water off that site, so why evaluate it? Keijser said that NIMBY factors may play a role in site selection. There is a need to balance the system with another location. Simpson wants to keep the existing site in play because it might be the most acceptable site. Boucher suggested the Board prioritize the sites and get cost for each evaluation.

Keijser doesn't think much will be saved and it is best to explore depth and breadth of all sites. Public perception is important.

After a brief discussion the Board decided to leave all 5 sites in the RFP.

Boucher will set the dates for the RFP and interviews. Krau and Simpson will review the final RFP before issuance.

At that point a Motion was made and seconded to go into executive session to comply with the provisions of Chapter 30B.s 6(d), which prohibit the discussion of requests for proposals in public until such time as either the evaluations are completed or a proposal is accepted. The Board will not reconvene to Open Session.

VOTE: Unanimous roll call: Krau, Baxter, Simpson, Holmes, and Cross.

The public meeting was closed at 5:19 PM.

Respectfully submitted,

Denise Geoffrion

Text of letter to the Planning Board

April 28, 2009

Dear Members of the Planning Board (delivered via email to Ellen.Swiniarski@town.barnstable.ma.us):

At the public hearing on Monday April 27, 2009, members of the Planning Board asked if the Hyannis Water Board could recommend a “fair” mitigation number that is less than the \$700,000 required to replace the deficit water main from Mary Dunn Rd to the Airport Rotary.

As you are well aware this is a very complex issue and the Hyannis Water Board at its April 28, 2009 meeting considered the following in making its recommendation:

- The deficit situation is directly related to adding the Garden Hilton Hotel to the area along Route 28
- Betterments for all other properties in the area do not apply because the other properties on the street fit within the available water and so we are not bettering their properties.
- Impact fees, while not in place in the town, are also problematic to use in this case. Impact fees are determined by using the current zoning and doing a build out according to the allowed uses. Since a hotel is not allowed in the area as it is currently zoned, any amount determined using the traditional build out methodology would understate the impact of this building.
- Since we are trying to address insufficient fire flows, collecting part of the money needed to satisfy the needs of the new hotel would not help us correct the problem immediately as there is no funding source except the rate payers to get the remaining dollars.
- Mitigation is the only mechanism in place to protect the Hyannis Water ratepayers from carrying the burden of system expansion requirements triggered by the significant requirements of the proposed project.

Therefore the Hyannis Water Board is recommending that as part of his construction project, Mr. Bornstein upgrade the water main to a 12” main from the proposed Garden Hilton Hotel to the 16” water transmission main at the corner of Mary Dunn Way and Brooks Road. The cost estimate for the 1800 feet of water main is \$200 per foot or \$360,000. Our estimate is based on the work being done under a municipal contract for engineering and construction but does not include any costs associated with opening a state road. A private developer can usually do the work for less money. At the conclusion of the project, the water main will become the property of the Town of Barnstable.

By accepting this recommendation for Mr. Bornstein to include the upgrade of the pipe in the construction cost of the property and completing the work as the project is built, we can be assured that we will have adequate fire flow at no additional cost to the Hyannis ratepayers.

Sincerely,

Deb Krau on behalf of the Hyannis Water Board

CC: John Klimm, Mark Ells, Hans Keijser, Joann Buntich, Hyannis Water Board Members