

A meeting of the Town of Barnstable's Hyannis Water Board was held on September 14, 2010 at 3:15 PM in the Growth Management Conference Room, 367 Main Street, Hyannis, MA.

In attendance were Deb Krau, Skip Simpson, Tom Holmes, Peter Cross and Joe Dunn

Staff present: Hans Keijser, Supervisor, Water Supply Division, Tom Geiler, Director, Regulatory Services Department, Joanne Buntich, Director, Growth Management Department and Dale Saad, Ph.D., Senior Project Manager, Department of Public Works.

Also present: Ken Maltese and Mark Lavoie from United Water, Omer Dumais, Tighe & Bond, Priscilla Bazilio & Lemmie Wynns, Residents, 101 Pine Grove Avenue-Hyannis, David Still, Barnstable Patriot and Richard Andres.

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

The Agenda was approved

The Minutes for the August 10, 2010 meeting were approved.

Operations Report – The Board raised question on why the Billed Revenue figures were down in the August Monthly Report furnished by United Water. Maltese from United Water explained that due to the billing software conversion to the new rate structure, the Commercial Monthly billing figures did not make it into the August report. Next months Billed Revenue figures will reflect the updated information. When asked if this is to be expected with the Quarterly revenue figures, Maltese responded that a delay in this reported information is not anticipated.

Collections: There have been no residential shut-offs due to the efforts of staff working with residents on payment plans and the over 120 day past-due accounts receivables continues to slowly decline.

An abatement request for \$30.00 has been filed by Mrs. Priscilla Bazilio & Lemmie Wynns, 101 Pine Grove Ave., Hyannis. Mr. Wynns stated that he had to flush his system to clear the rust-colored water from his home. Wynns claims he has done more flushing than his original abatement amount of \$30.00, not including the amount he paid for bottled water. Keijser explains that there have been water quality complaints as a result of the construction, and that the construction contributes to water quality issues. Cross states that the excessive flushing will also affect the sewer bill. Krau requests that a notice be sent to the sewer department.

A Motion was made and seconded to approve the abatement of \$30.00.

VOTE: Unanimous. The abatement is approved.

Regulations and Zoning- the Growth Management Department did a study in August 2010 on the Yarmouth Road Area relative to Permits and Uses comprised of a 97.05 acre area including commercial/light industrial use. It showed that most of that area had been developed prior to the Towns zoning laws that were adopted in 1929. Most of the area is zoned Business (B) which is

considered one of the most liberal zoning district regarding permitted uses within the Town. It is noted that 172 businesses are established within the 130 properties in this study. Although records could not determine how 11 of these businesses originated, only 26 of the above referenced properties have been permitted for development or redevelopment since the adoption of the Groundwater Protection Zoning in 1985. Out of those 26 properties, only 3 required zoning relief due to the Groundwater Protection. Question was then raised as to the definition of “grandfathering”.

Clarification was made by Buntich stating that “grandfathering” depends on the property’s origin and is case specific. If a lands use had been started before the zoning laws were adopted in 1929 the land use is allowed to continues. Generally grandfathering goes with the land –not the business or owner.

The study also showed that 29 of the 172 businesses store hazardous materials, 12 of these businesses store hazardous materials of more than 111 gallons on-site. These are monitored by the Health Division of the Town. Ten (10) of the properties are considered hazardous spill sites.

Geiler explains that even though the Regulatory Department can only investigate if there has been a complaint in regards to hazardous materials violation, business owners are required to report and be monitored by the Health Department with hazardous materials exceeding 111 gallons. The study shows that there has been a decline of business exceeding this threshold of 111 gallons.

It was agreed by Buntich and the Board that communication, education and outreach to businesses in the area is vital to the safety, protection and awareness of the drinking water wells at the Maher Well field. Krau expresses that both board members and business owners should be involved in communication sessions with the Growth Management Department and Buntich agrees. It was stated that the Board has no desire to put anyone out of business, but to promote and “share a vision” to protect our water and avoid costly disasters. Geiler also suggests to the Board to communicate with the Fire Districts in the Town of Barnstable to see what’s in place already. Keijser will check with other Superintendents regarding available brochures.

Tank Siting –Dumais presented the budget for the proposed water storage facilities initial preliminary design. It showed a 40% increase in cost over the original opinion of probable cost of 4.16M. This opinion of cost was for partially sunk dual chambered tanks with a buried pump stations with 5 pumps at an approximate cost of 5.8M. Krau did not anticipate such an increase. Cross expresses that although it is nice to see the options, we are restricted to a budget as noted above.

The Board requested Tighe & Bond to presents new figures to reflect single, ground-level tanks with above ground pump stations and 3 pumps.

Dumais will trim down and re-work the figures with Keijser to target the board’s requests above and aim toward the budget of the original 4.16M.

New Business –Keijser calls attention to his letter attached to the submittal of the Hyannis Water System 20 year renewal application for the water withdrawal permit to the Massachusetts

Department of Environmental Protection Water Management Program. The letter requests alterations of special permit conditions 3, 6 & 7 that are more conducive to current conditions which would prove to be beneficial to operations and the Hyannis Water System rate payers.

Krau requests that the board review the new Open Meeting Law material that is dispersed.

Meeting was adjourned at 5:53 PM.

Respectfully submitted,

*Marcia Sellitto
DPW, Water Supply Division -Administrative Assistant*

Materials presented at meeting:

- Meeting Agenda September 14, 2010 (*presented by:* T.O.B.-DPW, Water Supply Div.)
- Meeting Minutes for approval 8/10/10 (*presented by:* T.O.B.-DPW, Water Supply Div.)
- H.W.B. Monthly Report, August 2010 (*presented by:* United Water)
- Application for Abatement of Water Usage Charges, Priscilla Bazilio & Lemmie Wynns
- August 2010 Yarmouth Road Study Area Permits and Uses (findings, inventory, and map), Barnstable Code §240-35, Chapter 108.Hazardous Materials (*presented by:* T.O.B., Growth Mgmt. Dept.)
- Letter and pictures to Site Plan Review from Chair Krau
- Formal Site Plan Review Meeting Notice- August 26, 2010 from Growth Mgmt., Chapter 140B-MA law, §502-1 Definition-Town of Barnstable, §240-35 Definition-Barnstable Code, letter to Timothy J. Ferreira from T.O.B.-Growth Mgmt. Dept. -12/4/09, copy of Town of Barnstable license for DBA Ferreira's (as Junk, Old Metals & Second Hand Articles)-License#38.
- Newspaper Clippings
- Copy of Open Meeting Law Guide
- Copy of Letter to MASSDEP Water Management Program from Hans Keijser, Supervisor, Water Supply Division
- Tighe & Bond Proposal documents for Water Storage Tank