

**TOWN OF JAMESTOWN
BOARD OF
WATER AND SEWER COMMISSIONERS**

Tuesday, April 16, 2002

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Philomenian Library, Conference Room, 26 North Road at 7:02 PM by Vice-President David Swain. The following members were present:

Kenneth G. Littman
David Long
Norma Willis

Also present were:

Maryanne Crawford, CPA, Town Administrator
Steven Goslee, Public Works Director
Denise Jennings, Assistant Finance Director/Water and Sewer Clerk
Douglas DiSimone, Esq., Town Solicitor
Arthur Christman, Fire Chief

Absent at roll call: Commission President Guy Settipane

READING AND APPROVAL OF MINUTES

1) 03/19/02 (regular meeting)

Following clarification of one item, motion was made by Commissioner Littman, seconded by Commissioner Willis to accept the minutes of 03/19/02. Motion so voted 3 in favor; Commissioner Long abstained. Commissioner Long was absent at said meeting.

REPORT OF TOWN OFFICIALS

1) **Pumping Report:**

Mr. Goslee reported that pumping was down for the month, rainfall was down and that the reservoir is full. He also reported that with the expected 90-degree temperatures, we might have to start pumping from South Pond.

2) **Town project reports** (see attached written report)

Town Wells:

Mr. Goslee reported the following:

- JR-1-ready to go back on line.
- JR-3-shut down and will be put back online and rotated with JR-1.
- JR-4-Mr. Goslee stated that he is currently working with George Gifford and that the benthic survey will be complete in late May or early June.
- JR-5-lab tests have come back and continue to have traces of sodium; the iron level is elevated. The iron level would have an impact on the filtration system at the treatment facility.
- JR-6-permit package is complete and has been submitted to CRMC. Mr. Gifford has been in contact with CRMC and the application is still under review by the staff biologist.

North/South pipeline:

Mr. Goslee reported that the pipeline is in operation (off line as of this date) and pumps 500,000 gallons a day.

Aeration System:

Mr. Goslee reported that the shed is complete. The foundation will be poured on 04/18/02 and the system is scheduled to go back on line at the beginning of May.

7:10 PM: Commission President Guy Settipane arrived.

Beavertail Road water line replacement:

Mr. Goslee reported that the pipe is on site and that he anticipates starting the project soon.

The Commission asked for clarification on a few items as previously reported by Mr. Goslee.

Commission President Settipane: We were fortunate that almost as the pump came on at the South Pond, we started coming into more rain. For long term planning, is it time now to explore outside the western birm, rather than waiting for crisis to happen? Has there been any discussion to fill out the second area and get something going with CRMC? Mr. Goslee: Dr. Bob Kortman from Ecosystems did the original research and design on this and he had looked at that option. I will give him a call to see what his thoughts are, now that we have implemented items recommended by himself and Fay, Spofford and Thorndike.

Sewer Plant Rehabilitation:

Ms. Crawford reported that Mr. Siegmund would be present at the next water and sewer meeting on 05/20/02 to discuss the project and that they have been working on the facilities plan and are about 75% complete. Ms. Crawford: I thought that with the scheduled work session regarding the highway barn this evening, that it would be better for Mr. Siegmund to attend the next water and sewer meeting.

Commissioner Willis: Are we setting aside reserves for the next 20 years? Ms. Crawford: We can, we are doing this for the General Fund. Commissioner Willis: I keep hearing about the necessity plan for tertiary treatment. I heard from the Public Works Director that we are in the 3rd year of a 5-year license from DEM and that perhaps we may be required to provide tertiary treatment as part of that relicensing. A long-range plan should be presented to the Commission on an ongoing basis, on this issue and on any other prospective project. At the next water and sewer meeting, I would like an in depth discussion of the tertiary treatment and what its ramifications are for the Town. Mr. Siegmund will be present at the next water and sewer meeting as previously stated by the Administrator. I would also like someone to come from DEM; those who deal with sewer plants and

licensing for sewer plants. Commission President Settipane to the Administrator: In Mr. Siegmund's assessment he is to assist us in long term planning as part of the overall scheme of the rehabilitation, is this correct? Ms. Crawford: Correct. I will let Mr. Siegmund know that this is one of the specific questions that you will be looking for answers from him on.

Wastewater Management Plan:

Ms. Crawford: The plan has been submitted to DEM. Commission President Settipane: Have you or the Town Planner set a date when this will go online? Ms. Crawford: We are still planning for June. Commission consensus: To continue discussion of the Wastewater Management Plan at the

next water and sewer meeting on 05/20/02.

3) Copy of memorandum from the Water and Sewer Clerk to the Library Director re: 2002 meeting schedule

Motion was made by Commissioner Littman, seconded by Commissioner Long to accept the communication from the Water and Sewer Clerk. So unanimously voted.

LETTERS AND COMMUNICATIONS

1) Letter from Richard W. Spete, Senior Management Consultant/HDR Engineering, Inc. re: proposal to search, identify and verify a municipal ground water source

Ms. Crawford stated that she would like to send a letter of thanks to Mr. Spete. Motion was made by Commissioner Littman, seconded by Commissioner Long to accept the communication from Richard W. Spete, Senior Management Consultant/HDR Engineering, Inc. So unanimously voted.

UNFINISHED BUSINESS

1) Status of temporary employee for Water Department (continued from 03/19/02)

Ms. Crawford reported that Mr. Paterson is no longer working for the Water Department.

Commission President Settupane: Have funds been used from the harbor budget? Ms. Crawford: No.

2) Review **Rules and Regulations of the Board of Water and Sewer Commissioners** (continued from 03/19/02)

Solicitor: This is the same draft as originally presented to the Commission a few months ago. We have added a definition to the definitions page. This would address the situation where if there were any undefined term, which is used in the water and sewer regulations and is defined in any other ordinance in the Town, than such words shall have the definition given in such other ordinances. For example, you may have situations where the use is determined or is questioned to have been abandoned. An abandonment use may be a defined term in the Zoning Ordinance, although that term is not defined in the Rules and Regulations of the Board Water and Sewer Commissioners. With this change it would have the same definition as in the Zoning Ordinance. It is a catchall; it was a suggestion of this Commission that we draft some language. Commission President Settupane: I would like to go through each section; 14A. Urban Water District and then 14B. Rural Water District.

Commission President Settupane: In regards to this definition, we have talked about abandoned use and there were some conflicts from our rules and regulations and the Zoning Ordinance. I am leery about going beyond where we say "Zoning Ordinance" and then define "any other rural regulation".

Should we perhaps tie into one, so we don't actually invite more conflict? Solicitor: No, you will find definitions in your Subdivision Regulations which will always be in line with the Zoning Ordinance and then there are others terms which are also defined in your Subdivision Regulations which are not defined in your water rules and regulations or in your Zoning Ordinance. Commission President Settupane: Could we tie into those two? Solicitor: This draft accomplishes that. When you have a term that is not defined in your water rules and regulations, but is defined in some other municipal ordinance or regulation, then you are going to use that definition. Frankly, I think this is covering everything that you asked for and to delete it so that we tie it in just for the Zoning Ordinance; I respectfully suggest that you may have situations in the future where you are going to have the same situation, where you are going to have terms that are undefined. Commission President Settupane: I agree. How about adding "Zoning Ordinance or Subdivision Regulations"? It is so broad. Solicitor: That is fine. Commission President Settupane: I would like to drop "all other regulations". Commission consensus: To add "Zoning Ordinance or Subdivision Regulations"

and to drop “all other regulations”.

Solicitor: The changes that have been made to the urban water district and the rural water district, we have basically separated applications for extensions from connections and extensions for changes of use and expansions of use. The language that you have in front of you is self-explanatory. We have included a provision for applying a standard. The standard is based upon the historical standard that you have here in town, which is the one or two family use as permitted by the Zoning Ordinance. When we go to a use that is a change in existing use, the standard allows for a comparison to the actual historic use at that property or the usage of a one or two family use in town.

This gives you a better measure. I think we have addressed all the current concerns that you had and if not now is the time to talk about it. Commission President Settipane: Any questions for the Solicitor on 14A changes? Commissioner Swain: On paragraph II.c, what years are we immediately prior to? Solicitor: I would suggest to you a period of time which is long enough to allow for variations? Mr. Goslee: You could use 3 years. Commission consensus: To use 3 years. Solicitor: The Public Works Director or some other person should annually conduct a review of the water usage for those use categories. This could be done administratively and does not need to be added to the regulations.

Commission President Settipane referred to section b.2 i. Commission President Settipane: I would like to add a footnote. When people read the regulations they are not getting enough information from the regulations. Perhaps if there were a footnote, so that they could contact the Public Works Director and he could keep on file what these numbers are. The quotient could be updated annually at the end of March at budget time. This would give the applicant some better information and would make it fair. Solicitor: Every year when you make applications ready, the calculation could be done and the standard could be put right on the application. This way there would be no question, mistake or misunderstandings.

Commission President Settipane referred to section b.2 i. Commission President Settipane: Did you mean to lump the average between single or two family use together? Should there be a quotient for single and a quotient for two family as separate? Solicitor: Two family is permitted as of right by the Zoning Ordinance. The standard that will be applied is the average use by all two families over the 3 year period. Later in the paragraph when you use the words “such uses”, if it is a single family that would have been permitted by right than the average is for single family and if it is a two family that would have been permitted by right than the average is for two family. The word “such” modifies the use, for either use. That is why we use the word “or”. Perhaps at the end of the paragraph where I use the word “and”, that should be changed to “or”.

Commissioner Willis asked that the regulations be laid out again like the blue book. She stated that it would make it easier to follow. The Solicitor agreed.

Solicitor: In section 14B (Rural Water Districts) we have deleted the language which referenced administrative subdivisions and certain language which would permit you to grant extensions in the rural water district to minor subdivisions. The difference between a minor subdivision and an administrative subdivision is that an administrative subdivision is the movement of lot lines that results in no additional or newly created lots and a minor subdivision is a subdivision created by five lots or less.

Commissioner Settipane to the Town Administrator: You have some concerns regarding the impact on large lots at Beavertail. Ms. Crawford: There is a 50 acre lot over by Walcott Avenue, which is of concern. Mr. Goslee: There is a lot of property out at beavertail that could create 5 lot subdivisions. Commissioner Willis: The beavertail lot owners will have to try to drill wells, before coming to the Commission. Discussion ensued regarding 5 lot subdivisions. Commission consensus:

A 5-lot subdivision as proposed is okay. Solicitor: I will make some final changes and then the Commission can adopt them. I'm not certain that this needs to be advertised. I will find out and report back to the Town Administrator. Commission President Setticone: I would support advertising this. Commission consensus: To advertise the amendments for adoption at the next water and sewer meeting on 05/20/02.

3) **Sewer Budget-Fiscal 2002/2003** (continued from 03/19/02)

Following clarification of a few items, motion was made by Commissioner Long, seconded by Commissioner Swain to approve the Sewer Budget for fiscal year 2002/2003 and to increase the sewer use rate by 2.3%. So unanimously voted.

4) **Proposed water tower lease agreement** re: Cellco Partnership dba Verizon Wireless
The Town Solicitor recommended that the Commission discuss the proposed water tower lease agreement with Cellco Partnership dba Verizon Wireless in executive session at the next Town Council meeting. Motion was made by Commissioner Littman, seconded by Commissioner Swain to discuss the proposed water tower lease agreement with Cellco Partnership dba Verizon Wireless at the next Town Council meeting on 04/22/02. So unanimously voted.

NEW BUSINESS

1) **Water conservation:**

Ms. Crawford stated that in accordance with the rules and regulations of the Board of Water and Sewer Commissioners as currently written, water conservation measures automatically commence on June 1. Ms. Crawford recommended that the Commission conduct a public hearing to lift regulation 15A#2-no house washing, boat washing and residential car washing until July 1 and to keep the restriction on lawn irrigation as scheduled for June 1. Commission consensus upon no objection: To conduct a public hearing at the next water and sewer meeting to be held on 05/20/02 for the lifting of regulation 15A#2 as recommended by the Town Administrator, in accordance with 15A#7 of the rules and regulations of the Board of Water and Sewer Commissioners.

2) **Application of James A. Thompson (Plat 8, Lot 84; 32 Pemberton Avenue) for utility service connection/change of use**

James A. Thompson stated that he planned to use the building for general commercial use and that he anticipated that the usage would be approximately 5,400 gallons per a quarter. Mr. Goslee: This would be a decrease in usage. The previous owner used on an average of 15,000 gallons per quarter. Commission President Setticone: What type of offices do you plan to have? Mr. Thompson: A real estate appraisal office, an office for my wife who is a speech pathologist and an islander who runs a lobster recovery business. Motion was made by Commissioner Swain, seconded by Commissioner Littman to approve the application of James A. Thompson (Plat 8, Lot 84; 32 Pemberton Avenue) for general office use. So unanimously voted.

3) **Application of O'Farrell & Sons, LLC c/o Bill and Nona O'Farrell (Plat 11, Lot 7; 951 Fort Getty Road-Barn) for utility service connection/change of use**

Noreen O'Farrell: We received approval from the Zoning Board of Review at their last meeting. We plan to use the building as a residence for our family for the summer seasonal usage. There is another house and a barn on the property. Solicitor: I spoke to the O'Farrell's attorney John A. Murphy, Esq. regarding their application. A family will use less water than a farming facility. Commissioner Swain: The Town Planner states that the application is supported by the housing, historic and cultural resources, and public services elements of the comprehensive plan. Ms. O'Farrell: In the future, we may pasture cattle in the conservation area. Commissioner Swain:

Pasture cattle are different than dairy cattle. Motion was made by Commissioner Swain, seconded by Commissioner Long to grant the application of O'Farrell & Sons, LLC c/o Bill and Nona O'Farrell (Plat 11, Lot 7; 951 Fort Getty Road) for utility service connection/change of use. So unanimously voted.

BILLS AND PAYROLL

Motion was made by Commissioner Willis, seconded by Commissioner Swain to approve the Water and Sewer Bills and Payroll. So unanimously voted.

TOWN BUSINESS

1) **7:30 PM:** Town Council work session with Gannett Fleming regarding site and operational cost for the new Department of Public Works facility
Minutes done under separate cover.

ADJOURNMENT

There being no further business before the Commission, motion was made by Commissioner Long, seconded by Commission President Settipane to adjourn the meeting at 8:01 PM. So unanimously voted.

Attest:

Denise Jennings
Assistant Finance Director/Water and Sewer Clerk

xc: Commission Members (5)
Town Administrator
Town Solicitor
Public Works Director
Town Clerk