

A meeting of the Town of Barnstable's Hyannis Water Board was held on August 11, 2009 at 3:15 PM in the Growth Management Conference Room, 367 Main Street, Hyannis, MA.

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

Staff present were Mark A. Milne, Finance Director, Hans Keijser, Supervisor, Water Supply Division and Dale Saad, Ph.D., Senior Projects Manager

Also present were staff from United Water: Tim Lescarbeau, Beth Murphy, Charlie Bardonner, and from Municipal Financial Services: Lisa Zotomer and David Hyder.

Public present: Richard Andres

A quorum being present, Chair Krau called the meeting to order at 3:25 PM.

The Agenda was approved.

Milne began with a financial update on the Water Supply Enterprise Fund. The Statement of Revenues and Expenditures show a net income of \$444,593. Budget v Actual shows that \$2.7 million was budgeted and actual revenue was \$3.1 million. Operating expenses were \$2.588 million, leaving a net income of \$444,593. The Capital Fund balance shows a total available balance of \$1.15 million for approved capital projects. The surplus funds available and subject to certification is \$728,760

The Minutes of the July 14, 2009 meeting were approved as written

Keijser followed up on questions on the use of flares at airport to scare away birds. Three types of firecrackers are used. He distributed the MSDS sheets, showing that potassium perchlorate is in the shells. Frank Sanchez, Asst. Airport Manager, emailed Keijser that the shells are stored in the operations building and vehicles and are used at a moment's notice, nothing is left on the ground to pick up. Duds are given to the fire department, which ships the remains off Cape.

Delinquent Account – follow up on issues identified by United in the transition. Keijser said they are still working on it. Residential collections are slated to begin in September and commercial collection will start in late August. A list of commercial accounts to be liened should be available for the September meeting. Keijser still needs to get information from Legal and the Tax Collector for implementing liens for this tax billing cycle.

Lisa Zotomer and David Hyder from MFS joined the meeting to discuss the cost of service survey. Hyder said they are looking to the Board for goals and objectives, what are key items they should be looking at?

A key consideration is replacing the fire protection fee. Cross said they could add it into the total revenue and divide it by the number of users. Another alternative is to use property value as a factor, or meter size, or property frontage. There are many different ways. Krau asked - do we want to have something that says FIRE PROTECTION on the bill? Simpson – is it a specific line item? Do we need to decide today? Cross is in favor of some mention of fire readiness – however said, it needs to be stated. Krau asked do we need to know what the true cost is – does

it cover the cost of maintaining the system? The ISO rating is important to commercial properties. Krau would like a way to offset the seasonal charges to part time users.

Cross said it is important to consider that we are an enterprise account, we need to pay for everything from the rates.

Zotomer said the fire protection charge could probably use the fire line size, not property values. Sprinklers could be a factor. Krau is looking for recognition of the difference between small residential properties and large parcels. Zotomer said it is fairly unusual to differentiate between the two.

Krau said however we structure the fee, it should approximate the cost.

Hyder noted that there is no driver to keep water usage down. Conservation is encouraged, but broadly, water companies need to sell water to pay their expenses.

The Board established a timetable for completion of the survey to be in time for the November rate hearing.

The Board reviewed the Zoning Code prior to Stuart Bornstein's arrival to discuss groundwater protection. Bornstein explained that he owns many properties and that he has concerns also about protecting the water. While he agrees the rules are good sometimes he thinks they need to be tweaked. He has invested in the Hollywood Video properties about \$500,000. This site used to be for trucking, however, many potential tenants can't use the property because of groundwater protection. It is near a hardware store and West Marine. A paint store would like to move to the site across from Hubbard Paint, 5 automotive repair shops, and Atlantic Motors but he is stopped from leasing the property because of the rules. The paint product is 85% latex, maybe 100 gallons of paint thinner in sealed containers. He said that latex will spill and harden in a few hours, it does not seep into the ground. They would only be moving diagonally across the street and the store is sprinkled. They have never had a spill. He finds it tough to call the operation hazardous when so much of the material is water based.

Krau said the Zoning bylaw controls the definitions and quantifying of hazardous materials. She doesn't know how this will affect the rule. Bornstein said this is an area of other paint stores and automotive operations.

Cross said the Board can't change what was done, but only plan for the future. Bornstein said so much of the paint is water based. Hyannis is in a stranglehold based on zoning laws – there has to be some give and take.

Krau asked if the move by Sherwin Williams would trip any issues in Zoning Bylaw §240-35? She recommended he go to the Building Commissioner. Bornstein said he is looking for an accommodation – he will be send back to the Board. He wants to run the idea by this Board first. He said that soon the laws are going to require 100% water based paints. He said he won't pursue the idea if the Board will not support his request. Krau is not sure what is in a paint store that would trigger the Bylaw. Bornstein said that 75% of what is sold in Hyannis could not be sold if the business were starting today. There can be control of the situation with lined buildings.

Bornstein said it would be better to work with Sherwin Williams to improve conditions than to just say no.

Bornstein asked about the Linens and Things building, which is faced with the same problems, it is located in a groundwater protection area. Many potential tenants are not allowed at that site. He said there is much of the vacant commercial space in Hyannis is not used because of the rules.

Simpson sympathizes but says we are prisoners of the map and not able to change it, it is the call of the building inspector. It is not within our area to review a project and accept or reject it. Cross said we are part of a conversation with many other agencies – building, fire, water,

Bornstein said that building containment units could resolve the danger. Krau said to tell it to the Building Commissioner and if he signs off on the move, then he doesn't even need to come before the Board.

Abatement Request of H. Carlton Neuben, 52 School Street, Hyannis. The applicant had higher than normal water readings in the past two quarters and suggested it might be because a road paving contractor used their hose to fill roller tanks. The property has been thoroughly check and no other explanation for the excess usage was found. Keijser investigated the possibility that rollers were filled and found that not likely. A review of the file indicated this is a commercial, quarterly- billed company for hair replacement and/or laser removal and 3 other commercial units. The Board reviewed usage history back to 2006 for comparative periods and found no correlation year to year or quarter to quarter.

Krau made a motion to deny the abatement request, which was seconded by Cross

VOTE:Unanimous to deny the abatement.

United staff distributed its July operations report and it was reviewed by the Board, which was glad to get it so soon after the end of the month. Some estimated customer bills have been questioned. It is believed that the bills were based on higher irrigation uses in the past. Presently pumping is down 17%.

There being no further business, the meeting was adjourned at 6:00 PM.

Respectfully submitted,

Denise Geoffrion