

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

March 21, 2022

A meeting, having been duly posted, was held this date at the District Office, 80 Old Bass River Road, South Dennis and called to order by Paul F. Prue, Chairman at approximately 3:00 PM. Water Commissioners Peter L. McDowell and Alan Tuttle were present. Also present were David Larkowski, Superintendent, Sheryl A McMahon, Treasurer and Daniel W. Chamberlain, General Counsel for the District. Robert Perry, District Finance Committee Member also joined the meeting.

Review Draft Article for Replacing Current Bylaw, Section 5 – Water Use Restrictions and the Process for Enforcement with Attorney Daniel Chamberlain, Chamberlain Law Group

Mr. Larkowski began by explaining that the current Article 5 – Water Use Restrictions of the District’s Bylaws was adopted by the voters in 1966. It had been based on a model bylaw developed by the Department of Environmental Protection (DEP). There was some discussion regarding the District pumping limit of 1.189 billion gallons. It is based on DEP’s Water Withdrawal Permit which essentially expired in 2010 and the District has yet to go through comprehensive the renewal process so by special legislation the permitted limit is still effective. He further explained that last year, the groundwater was below normal and the District mandated odd/even outdoor watering. However, even though the District has a bylaw which authorizes the issuance of non-criminal citations, they were not pursued.

Mr. Larkowski explained that Well 15 had its pumping capacity reduced from 700 gallons per minute (gpm) to 500 gpm and it remains there still due to low groundwater levels. The water table is still low, but he is hoping that with average rainfall we might be able to see the levels return to normal long enough to consider pulling back on the mandatory two-day limit on outdoor watering. He further advised that Wells 1, 2, 3 and 4 are still “turned back” in their pumping capacity. As he mentioned previously, drought conditions last year were of considerable concern with the high demand of summer.

Chair Prue commented that when the automatic irrigation systems start to turn on around 3:00 AM and continuously over the early morning hours, the tank levels drop very quickly and it takes the entire morning with all available wells pumping to restore the tanks levels. Mr. Larkowski stated that this new replacement bylaw is not intended to “go after any businesses”. The bylaw is for outdoor lawn irrigation which he said is the single largest non-essential use of drinking water. Mr. McDowell questioned the availability of the Town’s golf courses to use water. Mr. Larkowski advised that the golf course director goes along with whatever the program is for the District.

There was some discussion regarding how the District knows which properties have irrigation systems. Ms. McMahon stated that over the years, when staff has gone out to verify high water usage, one of the things they look for and identify is if the property has lawn irrigation and then it is noted in the customer’s account. It was also noted that the District could verify irrigation systems because they are required to have a backflow device and a backflow device installation requires a permit from the Town.

During the continuing review and discussion of the proposed replacement bylaw, there was agreement that the following bullet be deleted.

- *washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and*

The next section of the proposed bylaw was that of Penalties. Mr. Larkowski reminded the Board that the District's current bylaw invokes Chapter 40, Section 21D for enforcement through non-criminal disposition. First, the District would issue a warning and provide educational materials to the customer in violation. These are instances that have to be directly observed by the District staff. Staff will be instructed to use their tablets to take pictures which will be date and time stamped. Violators can simply pay the fine to the District directly and the ends the disposition.

He advised that pre-printed ticket books, similar to those currently used by the Town of Dennis for parking and other fines would be printed for the District. Attorney Chamberlain advised that those tickets that are unpaid will be turned over to him and dealt with at the Orleans District Clerk. He has already met with the Clerk of the Court and arranged to have a special day assigned to the District to hear and decide on violations that are unpaid or that the violator has requested a hearing. The Town of Dennis already has one day a month for its non-criminal dispositions. Attorney Chamberlain said that the Clerk tends to lean towards not issuing fines if the violators do not incur any additional violations and will tend to dismiss them.

There was a brief discussion regarding the removal of the hours of 9AM to 5PM under Section 8 (b), and to include the words "traffic island" in the first bullet under Section 4 in the paragraph regarding *"The following outdoor water uses that are subject to review and approval by the District through its Board of Water Commissioners...":* and to delete the hours of "9 Am to 5 PM" found at the end of that bullet as well.

On a motion made by Alan Tuttle, and seconded by Paul F Prue, the Board ***VOTED: 2-0-1 (PLM abstaining) to recommend that the District vote to rescind Article 5 – Water Use Restrictions as currently appears in the District Bylaws and to replace it with the proposed Article 5 as reviewed and modified during this meeting and to include an article for this purpose on the Annual District Warrant.***

The Board thanked Attorney Chamberlain for attending. On a motion made by Peter L McDowell, and duly seconded, the Board ***UNANIMOUSLY VOTED: to adjourn the meeting at 4:05 PM.***

Respectfully submitted,

Sheryl A McMahon, Clerk