

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

January 28, 2022

A meeting, having been duly posted, was held this date in the Stone Hearing Room, Dennis Town Hall, 685 Route 134, South Dennis and called to order by Paul F. Prue, Chair at approximately 10:02 AM. Water Commissioners Peter L. McDowell and Alan Tuttle was present. Also present were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

Public Information None

Leak Abatement Request: Alan & Helen Jenest, 23 Garden Road, Acct. No. 08688

(01:00) Mr. Larkowski explained that there are three meter pits at the beginning of Garden Road that provide water to three residential properties. Mrs. Jenest had a leak in her service a few years ago and the Board awarded her a credit based on its Leak Abatement Policy. Mrs. Jenest was notified about a large water usage during which will create a water bill in excess of \$4,000. She contracted with Robert Our Company to have the rest of the water line repaired that had not been previously replaced. The Board members asked a number of questions of Mrs. Jenest regarding her service. There is no water main on Garden Road. Mr. Larkowski advised that the owners on private roads such as Garden Road all have to come together and agree to pay for the installation of a water main. There were a number of questions asked and answered regarding the service lines, possible water main installation and the properties on Garden Road. On a motion made by Alan Tuttle, and duly seconded, the Board **UNANIMOUSLY VOTED: to deny the request of Helen Jenest of 23 Garden Road, Acct. No. 08688 for a leak abatement.** (21:31)

At approximately 22:50 minutes into the meeting it was necessary to recess the meeting so that the cable/video programming could be restarted as the audio was not broadcasting.

At approximately 32:30 minutes into the meeting the audio and visual cable broadcast and recording resumed.

Review Draft Request for Proposals for Auditing Services

Mr. Tuttle stated he had a few ideas which he hoped would move the matter forward. ***A motion was made by Alan Tuttle to create a three-person committee to review and award the contract to an auditing firm and that the committee will be the three commissioners and ask the Clerk/Treasurer to serve in an advisory capacity. Mr. McDowell seconded the motion.*** Discussion ensued. Mr. Tuttle will review the contracts that are received and set the guidelines to what they want and then make the award. Mr. McDowell stated that his concern had been that the person being evaluated should not be the one to select the auditor. Mr. McDowell said that he would share with the other Board members the materials that he has acquired regarding municipal audits. ***The Chair then called for the vote which was declared as being UNANIMOUS.***

Mr. Tuttle suggested that the Board set minimum criteria which should be five (5) years of experience instead of eleven (11) as it appeared in the draft Request for Proposals (RFP). He felt that the rest of what Ms. McMahon had prepared is what is needed. (38:30) A motion made by Alan Tuttle ***to use the minimum criteria and request the proposals in such a manner.*** Mr. McDowell asked if Ms. McMahon has any problem with what Mr. Tuttle was suggesting. She did not. She did offer a clarification that while it is true that the auditor does review accounting policy and procedures and the

recordkeeping, the main effort of the auditor is to prepare the financial statements and the reason those are important is because the rating agency uses the information to evaluate the financial condition of the District in order to meet the existing bonds or anticipated bond issuance. ***The Chair then called for the voted which was declared as being UNANIMOUS.***

On a motion made by Alan Tuttle, and duly seconded, the Board ***UNANIMOUSLY VOTED: that the proposals will remain sealed and opened at a meeting, either regular or special, and the committee will choose the proposal that meets all criteria at the lowest price.*** (41:38) Ms. McMahon said she would try to issue the (RFP) in a couple of weeks.

Consider Declaration of Mandatory Two-Day per Week Outdoor Watering Restriction from Memorial Day through Columbus Day.

(42:30) Mr. Larkowski advised that our groundwater levels have not turned around. He said Dennis records an average of 52 inches of rainfall a year and in fact that is the amount of rainfall Dennis had last year, yet the wells have been low for twelve months. A graph for the past three years of the USGS well in Brewster is on the back page of the February newsletter. He explained the graph lines. In 2020, we were above average. In January of 2021, we were just at normal, but for the remainder of the year we continued to fall way behind. Neighboring water departments are seeing the same thing and last year we all had mandatory odd-even watering restrictions. He described the difference of Dennis' wells compared to Brewster's. They have fewer wells, but they are all very deep and can withstand more stress whereas Dennis has many more wells, but there are quite a few that are shallow and are more susceptible to low groundwater levels. Despite the mandatory declaration of odd-even watering restrictions many did not abide by it. This year he said we have to do something. He explained that in the District's bylaw, which was established in 1996, it gives the authority to establish a fining system. He said that it goes through a court process which is cumbersome. Mr. Larkowski said he would like to have a simplified system and have it less cumbersome. He suggested that Section 5 of the bylaws be simplified and that an increasing rate of fines be adopted. Something else to consider would be an appeals process. Mr. McDowell suggested that how this was going to work should be included with the water bills that are going out in February. Mr. Larkowski suggested that the District utilize several means of getting the message out multiple times in multiple ways. Discussion ensued about newspapers, social media and the idea of using an advertising and marketing company to get this message out. Mr. McDowell suggested that as much complete and up-to-date information that is available be distributed with the July water bill. Chair Prue suggested that the people that we should reach are those that put the irrigation in service with this message about the restrictions. Mr. Tuttle suggested that an additional mailing could be done once the bylaw was changed. Ms. McMahon suggested that it would be important to warn the inhabitants of stricter enforcement of the restrictions once the bylaw was changed. She suggested a postcard mailing like the one that is done for the annual water equality report. Mr. McDowell said mailing to every customer the information is what has to be done and it is the best we can do. Mr. Larkowski explained that a preferential process would be to issue a warning, then a subsequent fine which will be on their water account and if that remains unpaid it will be a lien on their tax bill. Ms. McMahon said that it would work the way it currently does for unpaid water bills. There is a demand shut off notice issued and if it remains unpaid it is submitted to the Town as a lien and if that remains unpaid it goes into tax title. Chair Prue said we should take a reasonable approach and that the newsletter was a good start. Ms. McMahon suggested that they would include a message in the newsletter advising the reader that the Board is considering changing the bylaw and increasing the fines and to look for future updates. She also said they would work to bring a draft bylaw change to the Board's next meeting. Ms. McMahon advised that if they did not get the cooperation from the public as necessary they may come back to the Board to engage in additional public outreach. (1:20) Mr. McDowell said there are two areas where the water consumption, the water

demands we must provide for is going to get worse; one is wastewater and the other is affordable housing. Chair Prue said that it is lawn irrigations that use the water. He said that the reason the tanks drop just as the sun comes up is because of lawn sprinklers. Ms. McMahon said that it is the single largest non-essential use of water in this town. The Board discussed the time frame for which to implement the restriction. On a motion made by Alan Tuttle, and duly seconded, the Board **UNANIMOUSLY VOTED: to implement a two-day per week outdoor watering restriction from May 1 through September 30 as recommended by the Superintendent.**

Review Water Restrictions and PFAS Articles for February 2022 "Main-Line" Newsletter to be mailed with February Water Bills.

The article explains the PFAS (per and polyfluoroalkyl substances) detections and the testing that was done. There are a number of towns across the Cape that have wells shut down because of it. The detection was at the South Treatment Plant. There are six source wells that enter the plant. Wells 5 and 16 were found to have .53 and 8.5 parts per trillion (ppt). Individually, they are well below the maximum contaminant level of 20 ppt. When combined with wells that have no detection it is diluted to 2.3 ppt at the entry point into the distribution system. Routine monitoring will continue. Dilution is considered a means of treatment by the Department of Environmental Protection. Mr. Larkowski said that they have changed the pumping rotation of those wells so that they are always pumped with other wells. He conducted a review of the areas surrounding those wells and could not easily identify any activity that would lead him to conclude a definitive source for the detection.

Mr. Larkowski anticipated that the new Unregulated Contaminant Monitoring Rule #5 (UCMR) is issued for 60 new contaminants for 2023 and 2024. There are thousands of PFAS and he anticipates that they may all be in the next UCMR.

Consider FY 2023 Payroll Wages and FY 2023 Preliminary Budget Review.

A payroll budget for FY 2023 that reflected what the Board had discussed during their meeting on January 11, had been provided for review. Mr. McDowell noted the percentage ranges for a number of listed personnel. Mr. Tuttle said that the some people were underpaid and those were raised to where they should be and the rest were reasonable. Ms. McMahon noted that the rates were not based on percentages, but adjusted to ensure that the rates are competitive. She particularly noted the office staff where two employees that have been with the District for nearly five years and are being paid close to the entry level rate for the Town of Dennis Beach Coordinator. Ms. McMahon noted that one of the employees that was supposed to be raised by \$3 per hour was only reflecting an increase of \$1.50 and that the correction would be carried forward. ***A motion was made by Alan Tuttle to accept the payroll proposal as presented. Mr. McDowell seconded. He noted that the entire payroll was going to increase by 6.3%. The Chair called for the vote which was found to be UNANIMOUS.***

Ms. McMahon noted the line items that have changes are noted. Energy costs are increasing significantly. The total budget submitted is \$4,991,651 or 3.34% projected increase over the current fiscal year. There is a projected increase of \$9,200 for gasoline and \$3,000 increase for propane. \$4.174 is the operating budget less the debt service and elected officials salaries. Ms. McMahon advised that the current budget includes a 10% increase for group insurance. Once the Board of Director's for the Cape Cod Municipal Health Group meets in February, she will have final numbers. On a motion made by Peter L. McDowell, and duly seconded, the Board **UNANIMOUSLY VOTED: to approve a budget of \$4,991,651 plus the additional cost of one employee's rate increase of \$1.50 per hour.** (1:52)

The Board reviewed the Capital Appropriations of \$1,596,000. Mr. Larkowski advised that General Motors cancelled the District's order for a ½-ton pickup truck because of the chip shortage and it is not

a popular truck. He is proposing to buy two 1/2 –ton pickup trucks that will have 4-cylinder turbo engines. They do not build 6-cylinder ones any longer. Ms. McMahon noted that the appropriation will include the unexpended balance of \$24,000 for the truck that was cancelled. The Superintendent is requesting an additional \$100,000 for pumping station maintenance for the roofs and \$86,000 for upgrades in the iron and manganese treatment plants that will include the replacement of two hydro skid mounted pressure systems. Mr. Larkowski noted that there is three-to-five years of life remaining in the green sand which will cost approximately \$1 million to replace. There is currently \$500,000 funded in an existing appropriation. He estimated that the painting of the Old Bass River Tank will be \$1.4 million. It is a good environment to contract for this work as there seems to be some bidding competition. The cost includes the contracting services, removal of the cellular apparatus on the top and an inspector. There is a request of \$5,000 for land acquisition costs. The Board has done this historically to have some of these costs available if the opportunity for a possible land acquisition occurs. A motion made by Alan Tuttle to tentatively approve the Capital Appropriations of \$1,596,000 ***Mr. McDowell objected to the use of the word “tentative” in the motion. Mr. McDowell said that if we take out the “tentative” and just vote it we can just change it later. Mr. McDowell asked Mr. Tuttle could we strike the tentative. He said he has handled a lot of parliamentary rule in government and “tentative” is just wishy-washy. Mr. Tuttle said that it is just used through the budget process and we can always change it. Chair Prue said he would go with tentative. Chair Prue seconded the motion and then called for the vote which was found to pass by majority vote: 2-1-0 (PLM). (2:11)***

Ms. McMahon stressed the importance of having the revenue estimates based on five-year averages. The Revenue Budget for FY 2023 is projected to be the same as it was for the current year. She noted that, although the commitment for the February bills was not final, she was anticipating that the revenue for the cycle will be very close to the average billing. Currently, the water usage is \$55,000 less than what was estimated. She said she would be working to present the Board with rate adjustments for labor rates. Ms. McMahon further noted that when she started the District took out 3,000 seasonal meters. It is now about \$1,600. The total of all appropriations is currently at \$6.6 million for FY 2023. \$1,339,692 is the surplus. If \$992,450 it will leave a balance just under \$350,000 which the Board has generally agreed not to go below. Ms. McMahon was recommending a \$1million appropriation for the Old Bass River Tank project to be combined with the \$400,000 current appropriation and a borrowing authorization of \$200,000. The proposal is to have the borrowing authorization in place so that, as Treasurer, she can sign the contracts for the project in fall once it has gone out to bid. In the spring of 2023, the Board can then consider an appropriation to rescind the borrowing authorization. In reviewing the summary of the budget proposal it appears that the increased rates are supporting the operating budget and meeting some of the capital appropriation needs. The Stabilization Fund has about \$204,000 available. Mr. Larkowski noted that in the Long Range Projection there is a \$250,000 annual appropriation over four years to fund the replacement of the green sand.

Review Retirement Announcement of Pamela Marsh, Esq., of Chamberlain Law Group, as General Counsel for the District.

Ms. McMahon advised that Attorney Marsh is in the process of retiring from the Chamberlain Group. She noted that management had enjoyed working with her and lauded her particular work and success on five land-damage suits that were resolved by their having been withdrawn. The Treasurer provided an excerpt of the vote when the Board originally appointed Attorney Marsh as general counsel. Within the Chamberlain Law Group, Daniel Chamberlain is being proposed as representing the District as legal counsel. On a motion made Alan Tuttle, and duly seconded, the Board ***UNANIMOUSLY VOTED: to appoint Chamberlain Law Group as general counsel for the Dennis Water District.***

Superintendent's Report – Nothing further to report.

Treasurer's Report – Nothing further to report.

Minutes: September 23, 2021 and January 11, 2022

Mr. McDowell said he has been distressed over the minutes of September 23. At some time he would like to discuss having someone that does not have an interest of what occurs at the meeting. There was some confusion because the items concerning the Minutes and the Executive Session did not print on the Commissioner's copies that were provided in the packets however, they were included on the legal posting of the meeting. There was consensus among the members not to continue with those items at this meeting.

Ms. McMahon read CMR 940: 29 aloud to the Board which stipulates the requirements for which minutes of public bodies are to be posted. Ms. McMahon asked that if any Board member wishes to make edits to the draft minutes that they provide them to her, she will red-line the draft and redistribute it to the Board members so they can see the changes and approve them.

Consider Executive Session: M.G.L. Chapter 39, Section 23B, Reason #6: to consider the purchase, exchange, taking, lease, or value of real property.as the Chair has declared that an open meeting may have a detrimental effect on the District's bargaining position.

There was some discussion about Mr. McDowell having told Mr. Kelley that the Board had voted "no" in regards to a prior Executive Session vote. Chair Prue did not agree. There was consensus among the members not to continue with this item at this meeting.

Adjournment

On a motion made by Peter L. McDowell, and duly seconded, the Board ***UNANIMOUSLY VOTED: to adjourn the meeting at approximately 2:45 PM.***

Respectfully submitted,

Sheryl A McMahon, Clerk