

# **DENNIS WATER DISTRICT**

## *Board of Water Commissioners*

Minutes of Meeting held

December 22, 2022

A meeting, having been duly posted, was held this date at the Stone Hearing Room, Dennis Town Hall, 685 Route 134, South Dennis and called to order by Peter L. McDowell, Vice Chair at approximately 10:01 AM. Water Commissioners Paul F. Prue (attending remotely) and Robert M. Perry were present. Also present were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

The Pledge of Allegiance was recited.

### **Public Information - None**

### **Responsibilities and Roles of Water Commissioners**

Mr. McDowell opened by stating he felt that it may be necessary to clarify the role the elected commissioners play in this water district in contrast to the functioning of our employees. He first wanted to share why he felt so concerned about this. Mr. McDowell shared his list of experiences in local and state government, having been first elected to the Planning Board on March 1, 1965. In addressing his fellow commissioners, Mr. McDowell said that they must clarify their role, as listed in Item 1, that there may be a chance that what we have had in a recent dialogue over the last few days, as there may be some omissions in our practice. As he understood, following the annual meeting and subsequent special water district meetings with voters, no monies can be spent from there without a subsequent meeting and vote from the commissioners defining the specific and sufficient term of such spending to our staff department heads and supervisor employees. He said that such spending can be via the District budget or special defined in an agenda item during a duly called public meeting. Mr. McDowell asked if Ms. McMahon wanted to touch base on the business of the \$75,000 and the money being spent on the special project that has been talked about, followed up by something in the order of \$25,000 - \$40,000 of annual expenditures at least the first year and could she share with the commissioners what will be talked about on the agenda item we've been discussing this past couple of weeks.

Ms. McMahon said she was not exactly clear on what it is she was to review. She said there was an initial appropriation of \$30,000 in the capital budget for FY 2019 which had been approved by the Board of Water Commissioners, the District Finance Committee, and the voters at the annual meeting. It was a project that initially upgraded the server moving to a new Small Business Server platform on the Windows server because Microsoft was planning the "end-of-life" for Windows 7. All of the networked computers all had Windows 7. All machines were successfully upgraded to Windows 10 at a cost of about \$16,000. Some of the hardware was also upgraded. Subsequent to that, there was some loss of functionality with the existing water billing software system. Some software patches and work arounds enabled the District to continue use of the system. There are still two computers that are still on Windows 7 that are used by staff if there are no other options. The system was originally written in DOS that is how old it is. Over the years, it was upgraded to be compatible with Windows. The original developer passed away and Ms. McMahon was able to contact his son who tried to take over the business. She worked with him for at least a year to upgrade the software so that it then could be moved to a cloud-based platform so it would no longer be housed on the District's server. At one time, when she had informed the Board that she was demoing software when Mr. Tuttle had asked why didn't the District piggy-back with the Town. Munis software was reviewed, and it was found to be exorbitantly expensive. She had made a capital request of \$75,000 in 2020 for billing software because

that is the approximate cost she was getting from quotes from various providers and having talked with other water districts. The \$75,000 cost includes mapping, migrating and verifying the data, setting up forms as well as e-bill presentment to our customers. Customers have an expectation now, considering that so many leave the Cape in the winter, that they can go online and see and pay their water bill. She believed that she had been keeping the Board up to date on the progress of this project. She said she has always done all the procurement for computers and software for the District.

Mr. McDowell asked at what point did the commissioners vote to authorize the acquisition. He shared his understanding that with the years he has been involved in appropriations, that annually the voters annually approve the budget. Once the voters vote that, then the commissioners will vote that appropriation. At the end of each year, all of the budgets and appropriations, unless there are reserves held for certain projects in place is noted, but all the money is turned back into the treasury and then we appropriate each year a brand new year by itself. First the annual budget, after review of the Finance Committee, is voted by the voters of the District at the annual meeting and can be any special meeting thereafter. However, what was asking for was that whenever this money, the \$75,000, at what point did the commissioners have a recorded vote. He said he could not find any and none had been forwarded to them where the commissioners actually voted at a district meeting after the annual meeting. He said you can't spend any money, just because it was provided to us as a whole, unless either in the budget or special articles authorize that expenditure. He wanted to know what the vote was and whatever the terms voted, if there were any, relevant to this project. He said he has been trying to get this information; the budget and voted minutes for the past year and this current year to see if there were any terms for the money held over.

Ms. McMahon, paraphrasing the process said that the budget and the capital items are voted on by the Board. Mr. McDowell asked where the record of that was, not at the annual meeting, but from the commissioners' meeting after the annual meeting. Ms. McMahon said that she could not recall the Board ever meeting after the annual meeting and authorized the budget or authorized the spending. She said that they have been implementing the budget for decades effective July 1<sup>st</sup> unless there are capital items that have been transferred from free cash in which case the expenditure becomes available immediately. Mr. McDowell said that for years the Board of Water Commissioners, that this has been side-stepped by the staff. Ms. McMahon said that if Mr. McDowell was questioning the \$75,000, it had been presented to Board first as a capital item at her request with an explanation. It was then presented with an explanation and printed in the Finance Committee's book of which the Commissioners received an exact copy. All of those items were reviewed and voted on unanimously by the Finance Committee. It then appeared in the warrant at the annual meeting and that appropriation was approved. Mr. McDowell said he had heard this before from Ms. McMahon, but it was his understanding that, in law, that she, as a town employee, cannot start spending money without a specific vote of authorization from the Commissioners as they have control over that. He said she made a side-step by her own admission and asked her if that was correct. He said if she had any questions that we should get that in law. He said he knew that after the annual meeting that it authorizes the District to spend money by the vote of the voters. He said employees can't go out and start throwing money around just because it has happened that way. He said it has to first be under control of the policy makers, the Commissioners and that was the reason he was raising this question. He said obviously this has not been the case and this is why he believed the commissioners, in their role, start functioning in accordance with Massachusetts law. He said if there is any question about that, we can get that, but right now he believed that if this \$75,000 was not voted, Ms. McMahon couldn't do it lawfully and said that this was his understanding.

Mr. Perry said that this discussion of votes on appropriations for billing software occurred before he arrived, but he was on the Finance Committee during some of this period. He said that each month the

commissioners sign and review a warrant for expenditures through the District. There are scores of line items in that warrant, and he has certainly seen hundreds of thousands of dollars being spent on treatment chemicals, well cleaning and lots and lots of hardware expenses and he did not see where the Commissioners routinely votes on large capital expenditures on a line item basis. He said he may need clarification, but he saw the water billing software as a similar expense that had been solidified by a vote of the Finance Committee and a unanimous vote of the water commissioners. He said he did not know how it would be stopped after it had been voted. Mr. McDowell said the question is the signing of warrants authorizing expenditures for which there is just a piece of paper with all the numbers on it, is after the fact. The question here is, did our Clerk/Treasurer have the authority to go out and spend the money shy of, that is following the annual meeting, shy of the voting it by it being on a public meeting or in the budget as that is what they can go ahead with. He said that this is what the question is; where did the commissioners vote the authorization to spend and all the dialogue so far has not come up with that answer.

Mr. Perry said that we need to produce that information and there is reference in Ms. McMahon's memo to the Board that they had unanimously voted for that expenditure and was there a need for a second vote. Ms. McMahon asked to back up for a moment as this was focused on just one appropriation for software. She believed she had brought the commissioners along throughout the entire process and if there had been any point during any of those discussions, there had always been an opportunity for them to ask her about it. She noted that she had advised the current Board that she was going to issue the RFP [Request For Proposal] and that she had followed all procurement regulations. She said that for a number of years she had been advising about the need for new software and now she is being accused of side-stepping process when the Superintendent has many capital items, year after year and this Board never entertained voting to approve to authorize the Superintendent to spend any of it. Mr. Larkowski said he agreed with Ms. McMahon. He said he puts a lot of items in the budget and presents them to the Board and they are approved, then go on to the Finance Committee which also approves them. He said he has dozens of projects. When the final votes are done by the voters, he automatically starts spending this money. He provided an example of upgrades this year at one of the water treatment plants. Once the money was budgeted, he automatically went out and did the upgrade. He said that once the funds are approved, we move on with the project. He asked why the water billing system all of a sudden being scrutinized when it has been talked about for the past five years. He said he almost never discusses his projects with the Board except during the budget process. He said he goes and buys it and gets his project done and they are never questioned, and you sign the warrants and it is over and done with. He said he did not understand why we are at this point.

Mr. McDowell said that what Mr. Larkowski was doing was confirming that there may be a serious problem here. He said that once the annual budget is voted by the voters, the Board of Water Commissioners has further authority on whether they wish to spend and how it is done and when there are projects like this one, we want to hear from the staff as to how it is being spent. He thought what they were hearing that everything is coming together in the same way, that you are not. He said it is a fact that this has not been coming before the commissioners to carry out the policy that the water commissioners have, consistent with the annual meeting of the voters, but to ask specific questions to be handled by the authority and role of the water district commissioners as does the board of selectmen and we have all participated with that. He said one thing is clear here, there is no process in the water district where the water commissioners have been presented, or have been requested, whether it's the budget ourselves that may be part of the annual meeting, but anything special like what was cited by Mr. Larkowski and by Ms. McMahon, is our water district complying with law in that the policy makers, the water commissioners approving the expenditures that have been authorized by the voters following that meeting and the answer to that is, as we have heard from everyone, that "no" we have not been.

Ms. McMahon asked Mr. McDowell for the reference. He said it was common law. He said why don't you get it and give it to us, the law relevant to this? Ms. McMahon said that early on she thought he was reading it. Mr. McDowell said he had asked Mr. McMahon to get them something to read and she had not come up with it. He said he has asked where the budget is, when the expenditures throughout the year in advance of the spending as opposed to finding out and signing the warrant after it is done and paying the bills. Ms. McMahon said that in the years that she served on the Board of Selectmen, when projects were approved under capital items at the annual town meeting, we did not singularly authorize every single project. Once the money was available, those projects got underway, usually by the department manager or whoever was sponsoring that particular capital item. She said that they did not initiate any particular capital line item by saying go ahead and spend the money. She said it is implied that once the approval has gone through the various committees and Finance Committee and Town Meeting, it is implied that the department managers or the Town Administrator is going to move forward with that project. That's why it was voted.

Mr. Perry said that uniquely, with regards to this project, unlike the routine large items that Mr. Larkowski referenced, this original \$70,000 initial outlay was brought up at two commissioner meetings that he had attended. He had asked questions about the cost of that and apparently those questions were answered by Ms. McMahon confirming that those expenditures were high and the topic did not get any traction at those two meetings. He inferred from that this Board did not take strong issue with that, so the software expenditure was discussed at two recent meetings in 2022.

Mr. McDowell said that his point is not having discussions, it is not paying the bills after-the-fact, it is as he understands, following the meeting there must be a vote. If the budget passes, so be it. However, special items he did not know what terms were voted for this particular project this year. If it was voted in a prior year, what was the vote. He said he was not talking about the annual meeting, but the water commissioners because they are at the steering wheel of the direction of the policies of the water district. If just having a conversation from one time to another, there are no terms controlling, the commissioners issuing controls based on information furnished to us by the employees. He said employees don't run things; we do. Mr. Perry said that Mass. Law does have a definition and a route to follow for water commissioners which are primarily responsible for the water supply. He thought it could be expanded that. From his observations, the commissioners do have an oversight role, but we have given charge to the managers and in the absence of complaints or the absence of any kind of irregularity, which he said perhaps Mr. McDowell was and that it needs to be examined, he did not see that the commissioners would have day-to-day oversight online items. He said that the question Mr. McDowell has raised is an excellent one, if there is a law or policy that gets aired that requires us to vote as he was suggesting, he would be all for looking into that.

Ms. McMahon read from the minutes of June 2020 in which the Commissioners unanimously supported the capital appropriation for the new water billing software. She stated that in all her years they had never brought back after the budget process a request to authorize, Mr. Larkowski or her, to proceed with any of the capital items. She said that if there is an issue with it being different than what was originally proffered, then they would bring it back to the Board for a decision to be made. She felt she had done her due diligence and that at any point over the last five years, if the board had ever said they wanted to see anything about this before she let it go, she would of course done that. She said this is way outside what she has known to be the arrangement between the water commissioners and their oversight.

Mr. McDowell said that the one thing they are talking about here is the minutes. He pointed out that Ms. McMahon just read from them and he would have liked to have seen that set of minutes sent to us. Ms. McMahon said that she provided an extensive excerpt of meeting minutes. Mr. McDowell said

what needs to happen from the dialogue this morning is not just discussing it in the meetings, it is a vote and the terms of the vote. Ms. McMahon said she was going to try to step out of this because it is not her decision, it is not the way we have operated for the 36 years she has served as Clerk/Treasurer. She said this is something the Board has to decide; how to instruct the managers because Mr. Larkowski just said it, we have operated together, he and I, answering independently to the Board and she was not sure why this water billing software may be just triggered it, but if the Board wants to change how its operates then that's their decision.

Mr. McDowell asked again, is there a chance, is it fact or not, that we are complying with law. He said you can disobey the law until somebody questions it. Ms. McMahon said she did not know where that law is. He suggested that the Commissioners have their counsel, and we talk about the law and appropriations relevant to the annual meetings, not the annual meetings, but the monies given to us by the voters, how we spend that. He said it was his understanding that, based on involvement of many years, that department heads may not go out and spend money unless there is express authorization that year. He said we have a responsibility to our people; is it lawful? He said to Ms. McMahon, unless you don't care that you are complying with the law or not. Ms. McMahon said Mr. McDowell was equating this as her responsibility and she said that it is not. She said she does not develop policy and if the Board wants to consult with counsel, then she thought the Board should have an agreement among the Board members that you want to seek counsel's opinion. She said she wasn't even sure if she understood the exact question.

Mr. Prue said that Mr. Perry had said he wanted to see the law and Mr. Prue said he would go with that determination. **Mr. Prue moved that the Board investigate, through counsel, what is the status of the law. Mr. Perry seconded. The roll call vote was as follows: Peter L. McDowell "yes"; Paul F. Prue "yes"; Robert Perry "yes".** Ms. McMahon called on Mr. Chairman. Mr. McDowell asked if she was refusing or would she do this. Ms. McMahon said his treatment of her today was really poor today because she hadn't even asked a question and he was accusing her of refusing? Mr. McDowell asked if she would do it. She said that was her question. She wanted to know with some clarity, exactly what this question is that the Board wants proposed to counsel.

Mr. McDowell responded by saying, are expenditures of this type, any expenditures during the year, that it require a vote of authorization from we, the elected officials of the water district, the water commissioners? Ms. McMahon rephrased the question, So any expenditures during the year, does it require a vote? Mr. Perry said this is the question that relates to Commissioners voting on already approved capital expenditures. Mr. McDowell said, by voters, but not by us. Mr. Perry said it has to do with carrying over an amount of money that is allotted for the capital expenditures from year-to-year. Mr. McDowell said with the terms, whatever. Mr. Perry further said but after that money has been appropriated, say in 2021, if you find there is some hardship and you find you're in fiscal 2022, and you're still moving towards that purchase, the question seems to be is there; there are two questions there seems to be; 1) is there a need for further vote to keep that appropriation alive and 2) after that appropriation has been approved by Finance and by these Commissioners, and appeared at the District meeting 'warrant', is there a need for further vote on those expenditures by these commissioners?

Mr. McDowell said for further clarification, it is my understanding that if it is a vote taken in a year and it is continuing beyond that year, that there has to be expressly a balance of the funds appropriated that year has to be withheld, not turned back into the treasury. This is my understanding. If the money is not withheld, then it has to be re-appropriated the next year. Mr. Perry said this is the question. Ms. McMahon asked, is that the question? Mr. Perry said, I think it has to be because Mr. McDowell rightly has a question.

Ms. McMahon said if the purpose of the capital item has not been fully expended, that capital item – that capital appropriation stays continuous until it is either completed or it is not going to be done and those funds are either closed or they can be repurposed by vote of the District.

There was additional discussion regarding the excerpt of minutes having been provided by email. Mr. McDowell said he had not seen them. Mr. Perry confirmed his receipt of them. Mr. Perry noted that there is a maintenance cost going forward that perhaps Mr. McDowell was referring to. Ms. McMahon explained that because the initial contract will carry into the next fiscal year, the annual maintenance will likely be pro-rated and that will be seen in the budget process, and it will be in the operating budget. She said that she was authorized to purchase new water billing software and that it automatically comes with maintenance costs. Mr. McDowell said he wanted to be sure that we focus in on compliance with the law once we discover what the law is saying. Mr. Prue said that Mr. Perry made it very clear and he was satisfied.

### **Current Status of Relationship with Auditors**

Mr. McDowell raised this issue about the commissioners making the selection of the auditor. It should never be that the auditors are chosen by the department head that is being audited. Mr. McDowell said that what was brought to us to make a choice really wasn't a choice because there was only one party. He had asked Ms. McMahon whatever the media was used to reach and to market auditors to consider applying to work with us. He said he did not get that, and he did not hear about how the media that was used by Ms. McMahon for the auditors, for which we only had one. He said if there was only one auditor then they didn't have a choice really. Mr. Larkowski said Ms. McMahon went through the whole process for evaluating and trying to find the auditors. When she put out the request for proposals, we are just a small entity and when the auditors look at the District, he reminded the Board that the older auditors are getting out of the business and the smaller firms are selling off to the bigger firms and there are fewer of them and fewer that want to take on smaller district's like us. He said that was some of the reason why there were so few responders. Mr. McDowell said that the explanation does not answer the question. Mr. McDowell asked how did Ms. McMahon reach out to get auditing firms to respond to our request for proposal. He said he did not get a response to that. Ms. McMahon said she did send a response to his request at 4:31 last evening. Ms. McMahon read her email response aloud. It basically said that she had provided the Board with a list of firms that she had recommended requesting a proposal from. That list, as well as the actual request for auditing proposals was voted unanimously by the Board. The invitation was sent via email to those firms listed. She said the list was comprised of auditors that she knew did local municipalities as well as one or two that are listed on the MMA [Mass Municipal Association]. Ms. McMahon had previously provided a matrix of the firms that had received the invitation as well as their responses, if they provided one, for not being able to submit a proposal. This was provided to the Board at their public meeting in which they voted two to one to award the contract to Roselli Clark. She said that the solicitations went to those that had been on the list approved by the Board.

Mr. McDowell asked if there is a public arena which we might reach for those auditors. He said he knew what she said she did but was that in compliance with an open forum for any auditors anywhere. She said that as she had explained to the Board previously, it would be a waste of money to advertise nationally for firms or just to solicit from all CPA firms because in the qualifications there was a specific minimum requirement of municipal experience. It made sense for the Board to approve a list. She confirmed for Mr. McDowell that she contacted these firms on the list directly because the Board had approved her to do it that way. He said he had a problem with that and that the auditors should be chosen by the commissioners. Ms. McMahon said that Mr. McDowell was arguing with her, but the issue is with his Board because they are the ones that awarded the contract to Roselli Clark.

Mr. Prue said that he couldn't believe the price; it was cheap. Mr. Perry said that he was not part of the Board during those deliberations, but he did study the minutes which run through 2021 and there is quite a lot discussion about how you put out a draft RFP including what level of standards are required and enumerating the criteria. He believed the Board came to the conclusion that they would limit that criteria and there was a motion to have a workshop. He said there was a lot of discussion about it and the role that Ms. McMahon would have in seeking sufficient numbers of auditing firms. He noted that the award was made on only have one respondent because it is allowed. The meeting was held July 28, 2022 and in those minutes it was noted that the RFP and the list of auditors to be solicited was approved by the Board. Mr. Perry read from the minutes of January 28, 2022, in which then Commissioner Tuttle offered a set of motions that would move the auditing process forward. At that meeting the Board set the minimum criteria in the RFP and Mr. Tuttle had said that the rest of what Ms. McMahon had prepared was what was needed. He said it was his understanding that this Board could legitimately vote for the Roselli proposal because they are a licensed CPA firm and because time had been dragging on it was decided to proceed.

Ms. McMahon noted that the agenda item was related to the current status of relationship with auditor. She advised the Board that the contract with Roselli Clark is two-thirds completed and they will be doing the audit for fiscal year ending June 30, 2023. She wanted to advise the Board that she would be seeking Board approval to seek another three-year contract so that we would have a price for the next fiscal year budget. He said he would like to look into other municipalities here on Cape Cod and find out who they use and what the method is and then maybe we can shed some light and the Commissioners can have more than one firm bid on our project. Ms. McMahon said most municipalities issue three-year contracts because it is more cost efficient for the auditing firms which means their prices are usually less than single year contracts. Mr. Prue confirmed that the Board had approved the list to solicit from.

Mr. Perry said he had no objection in having the Board a workshop to discuss this, and he would make a motion that at the next Board meeting they set a workshop date to discuss the criteria and the form of putting that RFP out, whether it goes to a newspaper publication, whatever the procurement approach is and we need to settle that, and he thought it should be separate from this discussion. Mr. Perry's motion is to set up the workshop, to vote on the date, at their next meeting. He suggested that between now and then we could avail ourselves of the questions we have, we can study state law, learn something about it and set up a workshop if we need it. Mr. Perry moved that this Board take up the workshop discussion at the next meeting. The motion was seconded by Mr. Prue. The roll call vote was as follows: Paul F. Prue "yes"; Peter L. McDowell "yes"; Robert Perry "yes".

**Consider request from AT&T to amend lease agreement for additional ground space for equipment at Hokum Rock Tank and Route 28 Tank. The Board may consider adjourning to an Executive Session at the end of the agenda under Reason #6.**

Mr. Larkowski advised that AT&T is looking for a modification to the lease and recommended that the Board go into Executive Session at the end of the meeting.

**Consider Request of Clerk/Treasurer for paid overtime in lieu of accumulating compensation time due to extenuating circumstances.**

Ms. McMahon had provided the Board with a memo making a request to be paid straight time for overtime due to the new water billing system project. In her nearly 36 years of service, she has not asked for overtime pay. She said she is the only person who knows the data, knows how it is mapped, what it is used for. She has spent hours in Webex meetings with Muni-Link and for Invoice Cloud

which is hosting the payment portal. She reminded the Board that there was a recent retirement that happened sooner than originally planned and she is currently training a staff member some of those jobs. Ms. McMahon said there was no point in training staff to do some of those tasks under the old system when it will be changing in about a month and half so she is filling in in those circumstances. She asked that she paid for the time earned in excess of 80 hours of comp time be paid. She noted that Mr. Larkowski is paid for his overtime at straight rate and over the years that amount of paid overtime goes up considerably when there are special projects. Mr. Larkowski echoed what Ms. McMahon said about not having been paid overtime and considering her work on this project, being down a staff person and training a replacement, he wouldn't know what to do with this project. He said she is working six and seven day a week and there two or three hours late at night. He said he recommends that the Board pay this request. Mr. McDowell said that there is a difference between Mr. Larkowski and Ms. McMahon in that he supervises 14 people out in the field and she supervises 3½. He did recognize that she has lost 33% of her staff and commended Louise for her outstanding work. He noted that the regular salary of the Clerk/Treasurer is \$126,000 per year compared to the Town Tax Collector is \$104,000. He said he was sympathetic to her request. Ms. McMahon advised that in her memo she had proposed that the overtime be authorized through February. ***Robert M. Perry moved to offer straight pay for overtime pay in excess of the 80 hours of comp time until the end of February 2023, at which time if there are any extenuating circumstances that it be re-evaluated. The motion was seconded by Mr. Prue. The roll call vote was as follows: Paul F Prue “yes”; Peter McDowell “yes” and Robert Perry “yes”.*** Ms. McMahon said thank you.

**Preliminary FY 2024 Budget Discussions which may include electricity, treatment chemicals, payroll, supplies, and overall increased costs for supplies, materials and equipment due to supply-chain and inflationary issues.**

Mr. Larkowski said we have to start thinking about the budget and he did not provide any materials yet but wanted to start talking about various items to get a sense of what the Board would support. The first item was Pine Tree Trust and he wanted to know the appetite of the Board which he clarified as being Tom Kelley's property on Flax Pond. Mr. McDowell said he would contact and attempt to reach the family. Mr. Larkowski wanted to know if it should be an Executive Session for the next meeting. Mr. Prue said yes. Mr. McDowell said it was definitely a worthwhile piece for the District. Mr. Larkowski said he would put a place holder in the budget for the coming year.

Mr. Larkowski said he has mentioned a rate study previously and plans on putting in a place holder in the budget for next year. He had talked about doing a rate study when the water restrictions were in effect. He did not believe it would be a lot of money and one has never done one. The Superintendent advised that PFAS is the next generation of forever chemicals. He reminded the Board that Wells 5 and 16 had a very low detection of PFAS a year or so ago and then it disappeared. The District will have to test for it in its next round of sampling. The Uncontaminated Monitoring Rule Number 5 regulated (USMR) [*Unregulated Contamination Monitoring Rule*] will be coming out in 2024 and we will need to budget for that. The government is always changing the level of testing. It used to be 20 parts per trillion and he believes it will be down to 6 parts per trillion. With those two wells having periodic detections and knowing what other towns have had to do such as the Town of Yarmouth shutting down 3 wells because of PFAS contamination; Sandwich has one off-line; Centerville Osterville went through it recently; it is here on the Cape. If a well is shut down for PFAS contamination, there has to be a plan for treatment before it can go back online. He advised that treating for it is not easy and expensive. There have to be pilot studies. Because we treat for iron it can hamper PFAS treatment. He would like to put some money aside and look at doing some sampling at those two wells beyond what the state to determine if there is any long-term contamination. If there is,



even at low numbers, start a pilot program to plan for any kind of treatment that might be necessary. This would be a pilot study for a possible treatment process. Pilot studies takes years.

Mr. Larkowski said he intends to recommend more money aside for Green Sand Replacement and Water Main Rehab. He noted that wastewater is coming to the Town of Dennis and the plant is being designed. They have conducted studies for discharge, Site One over near the Transfer Station and Site Two is on Bob Crowell Road. A new study has been conducted by the Town for Site 2 and he will share that with the Board once he receives it. He is recommending a consultant to review the study because he is worried about mounding following discharge of a few hundred thousand gallons to a million gallons per day as it is close to the Main Station to ensure it is not going to influence it. He intends to put a place holder in the budget for a consultant to review some of these wastewater issues in relation to drinking water. Mr. McDowell said he thought Mr. Larkowski is right in this and he noted the concern of subsurface discharge impacts to Swan River and beaches as well as the billions of dollars in cost.

Other items Mr. Larkowski noted for budget items were chemical costs as it nearly doubled last year. He said the way things are going he anticipated an increase. The District is paying about 9.9cents per kilowatt hour for the last two and half years and the rate will end in November. He had originally an exorbitant increase as he was aware that the Cape Cod Cooperative [Cape Cod Compact] was currently at 16.9 cents for residential and would be going to approximately 22 cents in December or January. He believed he can be in 24 to 36-month contract beginning in November of about 13 cents.

Last year, Mr. Larkowski said the Board had given a raise of \$3.00 per hour raise to employees making less than \$30 per hour and those employees making more than \$30 per hour would receive half of that raise that year and the second half this coming year. A reminder that a cost-of-living increase for all employees would be considered. He said he and Ms. McMahon will put together something for the Board to consider at the next meeting.

The last thing he brought to the Board's attention is water sampling. He advised that money will be needed for UCMR 5. He figures it will be about \$15,000 and the lead and copper sampling that is on a three-year cycle which is about \$7,000. He said that replacing the Green Sand is about two to three years away. He will open the filters and check them this year. No ARPA funding was awarded for our well cleaning. He anticipates doing well maintenance for the main station, 6, 9, 12, 15 and 14 to be done this year. He will be asking for one truck and hopefully we will be able to put some money aside in the Stabilization Fund.

### **Superintendent's Report**

Mr. Larkowski advised that the staging has been erected on the Old Bass River Tank and T-Mobile will be moving their equipment off the tank to the staging over the next couple of months. Late winter the contractor will be coming back to place the containment and will begin painting as soon as possible. The completion of the project is anticipated for June 1<sup>st</sup> as best he could remember.

## Treasurer's Report

Ms. McMahon wanted to personally thank the staff for all of their efforts for beginning to read meters a few weeks early because of the need to verify data and run exception reports for the new billing system. She thanked Erica as she has stepped up to do the data verification and data reports as well as thanking the employees that have been reading and going back out to gather readings that were missed for various reasons. She said that they generally have to estimate less than one-half of one percent of water bills. She will be doing a Webex meeting this afternoon on data verification for the first time. She advised that the staff may be seen watching videos while at their desks, but these are training videos. Because of the changes, she will also have to update the website. She admitted that the website is missing about a year and half's worth of minutes being posted.

## Consider adopting Board meeting schedule for Calendar Year 2023

There was a discrepancy on the proposed schedule which was modified. ***Mr. Perry moved to adopt the 2023 meeting schedule. Mr. Prue seconded the motion. The roll call vote was as follows: Paul F Prue "yes"; Peter McDowell "yes" and Robert Perry "yes".***

## Minutes of November 17, 2022

Mr. McDowell said he did not have them. Mr. Perry did. Ms. McMahon said she prints them and has them at the front office. A correction of \$1 invested should be \$1 million. Mr. Perry asked Mr. Larkowski if there has been a resolution of supply change issue regarding the paint for the tank project. He said it was on order. There was not a problem with it getting it in time for the project and it will be stored in the Booster Station until they are ready. Ms. McMahon said that she had sent the minutes to everyone, and she had sent the excerpt of minutes in response to the questions Mr. McDowell had asked. There was a consensus to defer the acceptance of the minutes.

At approximately 11:54AM, Mr. Perry moved to conduct an ***EXECUTIVE SESSION in accordance with 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 and not to return to open session. Mr. Prue seconded the motion. The roll call vote was as follows: Paul F Prue "yes"; Peter McDowell "yes" and Robert Perry "yes".***

The Board adjourned to their Executive Session at approximately 11:55AM.

NOTE: Phrasing contained in [ ] is provided by the Clerk as an editor's note for clarification purposes.

Respectfully submitted,

Sheryl A McMahon, Clerk