

# DENNIS WATER DISTRICT

## *Board of Water Commissioners*

### Minutes of Meeting

June 22, 2023

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 Paul F. Prue, Chair, at approximately 10:00 AM. Water Commissioners Peter L. McDowell 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**

Mr. Kent Sargent was acknowledged by the Chair. Mr. Sargent shared comments with the Board regarding MHC, LLC the owners of a trailer park on Old Chatham Road. He advised that he has been involved in this lawsuit for more than 35 years. It pertains to land behind his property and abuts the trailer park. He said that he was aware that the District has an agreement to swap three acres of land for six once MHC acquires title. He believed they never would get the title. He said they installed a septic system, approved by the DEP [Department of Environmental Protection] on land they do not own. He said the corporation is out of Chicago and owns more than a thousand properties like the one here. He believes the warranty deed they have is false. He said that the property listing with the assessors is for trailer park use only. Mr. Sargent advised that he is still a party to the suit. There were no questions posed by the Board to Mr. Sargent.

#### **Discussion regarding staffing shortage.**

Mr. Larkowski advised that there was a revision to the agenda in order to provide an opportunity for the Board to go into Executive Session to discuss strategy with respect to negotiating with non-union personnel. He clarified that this pertains to the staffing shortage that the District has been experiencing for some time. On a motion made by Robert M. Perry and duly seconded, the Board ***UNANIMOUSLY VOTED: to defer discussion regarding this topic to the Executive Session scheduled at the end of the meeting.***

#### **Update on review of Town of Dennis' Site 2 Hydrogeologic Evaluation Report**

Mr. Larkowski said he did not have any new information regarding any updates on the progress of this study. He was hopeful that he would have an update for the July meeting and agreed to share any materials he received with the Board ahead of that meeting.

#### **Discuss and Consider Attorney Chamberlain's Response for Legal Opinion on the following:**

***Can any member of the Board of Water Commissioners independently submit to the Clerk (or staff) an item for the agenda and have it included without further review or approval by the Chair of the Board? – Statutory references requested.***

The Chair advised that he had received a call from the District's counsel requesting additional time to prepare a response to the question proposed by the Board and as it relates to Mr. McDowell's agenda item. Mr. Larkowski advised he had received the same information from Attorney Chamberlain and that he will be attending the next meeting to review it with the Board. Mr. McDowell said he has raised this question as to any interference with an elected water commissioner or an elected select board member's right to enter into an agenda of a forthcoming meeting a subject matter that a member wished to have on the agenda.

**Discussion relative to any existing Massachusetts General Law that might interfere with any municipally elected Select Person or Commissioner's authority to timely place an agenda item into a forthcoming meeting.** (Peter McDowell, Commissioner) This item was also deferred due to the above reason.

### ***Superintendent's Report***

Mr. Larkowski advised that the Household Hazardous Waste Collection Day held June 3, 2023, was a success and that there are two additional collection days scheduled in late summer and the other in the early fall. He said that there is always a large quantity of different hazardous chemicals collected. He expressed his appreciation to the Board and the voters at the District meeting for their continued support of this event.

He advised that the Flushing Program, which was covering the southside system, has been halted for the season. However, he advised that they were unable to complete the entire system. This was due to being short-staffed. In the fall, they will resume flushing and complete West Dennis. He noted that not all wells have their water going into the treatment plants and therefore, there is still some iron and manganese in the distribution system.

The Old Bass River Tank Painting Project has been successfully completed by the contractor reported Mr. Larkowski. The tank is online. A new transmitter cabinet has been installed and the components in the old cabinet will be transferred to the new by District staff.

The Superintendent distributed the Consumer Confidence Report [a/k/a Annual Water Quality Report] as well as the postcard that will be mailed to customers telling how they can access the report. He noted that he updates the basic content of the report, but that Ms. McMahon does the rest of the work putting it together, getting it to the printer and on the website. He informed the Board members that the postcard has a QRCode and that anyone can access the report by taking a picture of it with their phone. In terms of water quality for the prior year, there were no violations in terms of the regulations. PFAS samples were taken in 2021, but not in 2022. There is a round coming up in 2023. Mr. McDowell asked if Mr. Larkowski was aware of any developments in the regulations that would lower the contaminant level of PFAS down to 4 parts per trillion. Mr. Larkowski said he was not aware of that change being made yet.

### ***Treasurer's Report***

In regard to Meter Reading, Ms. McMahon advised that District staff are out reading meters for the summer billing that is generally issued in August. She advised that this is the first time the meters are being read and uploaded in the new water billing software which required a new file format. She further advised a likely delay in the issuance of the water bills by about two weeks. She said that it would not be a cash-flow problem.

### ***Minutes - Deferred from last May's Meeting: March 30, April 6 and April 20, as well as May 25 and June 7, 2023.***

Mr. Perry said that the minutes that had been previously deferred generally conveyed what had occurred. He did note that there were several grammatical errors and one that pertained to the interest cost of the bond issuance that was discussed. He also noted that there was a comment made about the possible necessity of having to have the minutes transcribed that was not attributed to him but should be. Mr. McDowell said he has had considerable concerns regarding the minutes, but he didn't want to get into it today. He did say that there have been instances where he and the Clerk/Treasurer have had differences of opinions on some issues. He suggested that the Board consider having someone other than the Clerk/Treasurer doing the minutes. He suggested that the person would be disinterested. Mr. Perry said that the extra process to find a third-party to prepare minutes that are recorded just adds to our cost of overhead. He recommended that if any commissioner disagrees with what is presented in the minutes, the tape is available and if there is an issue with regards to accuracy then it should be raised with the Board. He felt that an issue with

minutes should be resolved among the Board members. Ms. McMahon said she would be pleased to make any changes and edits the Board members agree upon. She said that she would be pleased to receive any edits any commissioner would want to propose and then provide a re-draft to the members for their consideration. She said that there have been Board members who have appreciated the detail of the minutes and other times when it has been said that there is too much detail. She also said that because people often do not speak in complete sentences, the written words can sometimes convey a different message than what was intended during the meeting. Ms. McMahon said that while paraphrasing is welcomed, it can sometimes unintentionally change the message that was intended.

**A motion was made by Robert M. Perry and duly seconded that the Board approve the minutes of March 30, April 6 and April 20.** Mr. McDowell said that reviewing the minutes can take a considerable amount of time to review especially when it involves differences of opinion between himself and the Clerk/Treasurer. He said her views are particularly presented and sometimes his are inconsistent with what he has seen on the TV, and he did not want to spend a lot of time getting into that sort of thing. He said the simple thing for him to do is that when he finds it and objects to it, he is just going to vote no. **The Chair then called for the vote which found it to be UNANIMOUS.** Mr. McDowell said he had not completed his review of March 25 and he would therefore be voting no. Mr. Perry said that he had read the minutes and reviewed the tape and found them to be representative of what happened and it is Mr. McDowell's prerogative to vote no. On a motion made by Robert M. Perry and duly seconded, the Board **VOTED (2-1-0 PLM in the negative): to accept the minutes of March 25 and June 7 with the exception of grammatical errors and that the statement in the March 25 minutes, pertaining to having the meeting transcribed to better form the question to be proposed to Mr. Chamberlain, be attributed to him as the speaker.**

#### **EXECUTIVE SESSION VOTES:**

At approximately 10:51 AM a motion was made by Robert M. Perry and seconded by Peter L. McDowell that **the Board conduct an EXECUTIVE SESSION in accordance with M.G.L. Chapter 39, Section 23B: Reason 2) To conduct strategy sessions in preparation for negotiations with non-union personnel.**

**Reason 3) to discuss strategy with respect to litigation as the Chair has declared that an open meeting may have a detrimental effect on the litigating position regarding the expiration of an easement running in favor of MCH Old Chatham LLC, 310 Old Chatham Road and the District's participation in a multi-party suit regarding PFAS contamination and**

**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. The Chair then called for the vote which was found to be as follows:**

**Robert M. Perry "yes"**  
**Peter L. McDowell "yes"**  
**Paul F. Prue "yes"**

For the record, the Clerk notes that the Executive Session adjourned at approximately 12:00 PM.

Respectfully submitted,

Sheryl A McMahon, Clerk