

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting

September 28, 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 10:02 AM. Water Commissioners Peter L. McDowell and Robert M. Perry were present. Also present were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

Public Information: None

The Pledge of Allegiance was recited.

A motion was made by Robert M. Perry 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 two parcels of real property as the Chair has declared that an open meeting may have a detrimental effect on the District's bargaining position, and to return to open session. The motion was seconded by Peter L. McDowell. The Chair then called for the roll call vote which was found to be as follows:

Robert M. Perry "aye"

Paul F. Prue "aye"

Peter L. McDowell "aye"

At approximately 10:47AM, a motion was made by Robert M. Perry to adjourn the Executive Session and to return to open session. The motion was seconded by Peter L. McDowell. The Chair then called for the roll call vote which was found to be as follows:

Robert M. Perry "aye"

Paul F. Prue "aye"

Peter L. McDowell "aye"

The Chair then called for Public Information. Mr. McDowell said he had a series of questions but would defer them for now.

Updates:

Waterworth – Water and Service Rate Analysis – Ms. McMahon reported that she had met with representatives and discussed the goal of developing a model for determining a labor rate fee based on cost recovery of expenses incurred to provide services. In terms of the water rate and financial modeling, she had forwarded several years of operating expenses and will be forwarding water usage analysis within the next week or so. Mr. McDowell asked when it would be available for review. Ms. McMahon anticipated that it would be available for the budget cycle and when it was available the Board would have a demonstration.

TechMD – Initial Intake Meeting – Ms. McMahon reported that she had the initial meeting with the security team assigned to Dennis Water District last week and has another one this date as well. She advised that they have already conducted the on-site survey and found no serious issues of concern. They have already begun to make alterations on the network server to enhance security.

Consider Initial Review of Board's Rules and Regulations. Ms. McMahon had distributed, prior to the meeting, a first draft of edits to the Board's current set of Rules and Regulations. There were basically three kinds of edits; replacement of terminology pertaining to the automatic reading devices used to read meters, replacing set fee amounts with a reference to a Service Rate Schedule and minor grammatical and formatting edits. There were no recommendations for any substantive changes by management.

Mr. McDowell would like to see if we could duplicate something like the book the Town of Dennis has which has everything in one place. He said they have a book with all the manuals and all regulations. He said it is in a loose-leaf. He said that we have scattered stuff and nothing that talks about when our monthly meetings are. He said that the citizens of Dennis that look for services from the Dennis Water District, if they had a question about how you operate, there is no place they can look unless there is some way they know. He wanted to see if we can duplicate a system that the Town of Dennis. Mr. Perry said he appreciated the edits on the Rules and Regs and had a couple of questions. He recommended that Mr. McDowell, having brought this up a couple of times, but just saying there is a problem with the collection of Rules and Regulations, etc., it would really help if he could construct and outline of the points that he feels are missing or just a simple flow chart or outline that he could give the Board members and staff in order to deal with what the short comings are that Mr. McDowell feels exists. Mr. McDowell said he would be very happy to do that by handing Mr. Perry a thick book that is by the Town of Dennis. Mr. McDowell thinks it can be done because we would be following in the footsteps of the Town, and it has worked very well. Mr. Perry then returned to the discussion about the Rules and Regulations. He said that it was a good job editing things that were outdated and less than clear. He asked that a clean copy be provided to the Board for the next meeting in order for a second pass. Mr. McDowell said it was excellent but, he referred to the Town's book as a reference as it has everything in it.

Consider Signing Easement Extension with MHC, LLC.

Mr. Larkowski noted that the Board had previously reviewed with legal counsel what the District's options were as the original easement is expiring. In accordance with the Board's directive, Attorney Chamberlain has prepared an extension of the Easement on approximately 2.3 acres of land from the District to MHC, LLC, formally known as MHC Old Chatham, LLC. The extension is for two years. Mr. Larkowski clarified exactly to which parcel of land this easement applies. On a motion made by Peter L. McDowell and duly seconded the Board ***UNANIMOUSLY VOTED: to sign the Easement extension.***

Update on Review of Town of Dennis' Site 2 Hydrogeologic Evaluation Report

Mr. Larkowski advised that there has been no movement on this matter. He said he has been in touch with Mr. Andrade, Town Engineer, to see if there has been any progress. Mr. Val Peters, Wastewater Superintendent for the Town of Dennis, reported that they are still waiting for a response from CDMSmith. There is nothing that the District consultant, Maura Callahan, can review until the work is completed by the Town.

Discuss potential threats to drinking water quality from proposed treated wastewater discharge.

(19:20) Mr. McDowell had requested this agenda item. He said there are serious threats to the quality of our drinking water and maybe shutting it all off. He shared his concerns and that the Board needs to raise some questions to the public as the wastewater project proceeds. Phase I has begun however, he

is not just concerned about the wastewater facility, he is concerned about the collection system that will be developed where about 2/3 of the wastewater facility toilets, where wastewater is currently in approved septic systems by DEP and that ultimately the sewage is discharged on the same piece of property where the toilets now exist. Mr. McDowell briefly described the wastewater collection system. Mr. McDowell said that the treated wastewater will be discharged in the Swan River Natural Resource Area. He noted that it is to go to five different locations. One site is on the corner of Bob Crowell Road and Old Bass River Road, not too far from some of our wells. He said our concern is that there are no standards, and nothing has been suggested by any Town authorities, as to what is going to be removed from the raw wastewater and what will be in the treated wastewater that will be discharged into the five locations. Mr. McDowell said that he has asked this of David Young (CDMSmith) and had no response. He said we need clarification as to what will be in the treated wastewater that will be discharged in the Town. He noted that there are public discussions about affordable housing and overlay districts which may create housing for thousands of people. He said he was referring to the area behind Patriot Square and other places in Dennis. He expressed concern that changes to Federal drinking water standards may result in having to shut the water off. He said if we ask these questions at Town Meeting when they are asking for borrowed money, which is a 2/3rds vote, maybe there would be enough people to say no, until we get the answers. He said that we all follow the DEP regulations for septic systems. He said that if the other water commissioners were not concerned, then he was going to do it on his own. Mr. McDowell suggested that the Board set a policy that wastewater not go forward until we get absolute assurance that the wastewater facility will not adversely affect the quality of our drinking water. He suggested that to get assurance would be to discharge the wastewater out into the ocean. Mr. McDowell was interested in learning how concerned Mr. Perry was about the issue. (31:09) Mr. Perry said that he did not have any comments at this time.

Chairman Prue asked if Mr. Larkowski had any response. The Superintendent responded by saying he understood Mr. McDowell's concerns and said that we are waiting for the results of the new scenarios for Site #2 and when they are reviewed, we will discuss the results with the Town and if they might affect the water quality of the Main Station and Well 5. He suggested that the public think of it as Site 1 and Site 2, if they want to move forward with wastewater, that they are doing so with the knowledge that they are accepting the responsibility that if the wastewater treatment does not remove contaminants, like PFAS which is tested in parts-per-trillion, if they are detected in the future then they are essentially acknowledging that they will have to be treated at the drinking water source to be removed. He said we do not know what the treatment plant will remove or not remove until it is built.

(35:40) Mr. McDowell said if any of the wells go bad, it will be forever. He said the discharge is going to be greater in volume than it is today because there is going to be affordable housing but not just that, with all the discussion about wastewater there hasn't been any about the drinking water. He said for assurance, it will be to make sure that none of it is discharged in the land underneath the Town of Dennis. He said if they can't give us absolute assurances that this wastewater treatment facility will offer any protection for our drinking water, or in other words the threat actually occurring, he thought we should not go forward with it at all. He referenced housing in Barnstable on Independence Road that is five stories high.

Chair Prue asked if the District can supply the water which is the next agenda item.

Discuss impact on District's water withdrawal permit limitations resulting from wastewater implementation and proposed zoning changes that will increase housing development.

(39:40) This topic was requested by the Superintendent. He said that there are rumors that there will be 3,000 units, or bedrooms but he wasn't sure what the 3,000 actually represented, and that questions

have been asked about “Can we afford the water”? He said that no one has asked him about it. He said he had asked Dan Fortier [former Town Planner] about the number and was told that it is 300. The bigger question is that, with sewerage, it will change zoning. Zoning has always been one bedroom per quarter acre; with sewerage, Title V no longer exists. Do we have the water currently, or in the future, to supply an explosion in growth? Chair Prue said that was his question. DEP was supposed to renew our water withdrawal permit when it expired in 2010. The Superintendent said the District is authorized to withdraw 1.189 billion gallons a year. They have threatened to reduce that amount. When we talk about growth, are we going to be able to meet our water withdrawal permit in the future? If DEP cuts the permit back, say 100 million gallons, which they are doing in communities, what will the impact be? Mr. Larkowski said the discussion should be about the Town’s build-out, what will zoning look like and maybe we need to start talking with the Town. What can the District afford, what can the Town afford, what should the community expect if we get hit with a big reduction in our capacity? Where are we going to get the water if we have a hit of PFAS. The Town of Yarmouth has three wells down. He asked where we would get that water; we would probably have to have a water ban. He suggested putting a number in the budget to see if we should make some changes and have a discussion with the Town regarding water quantity. He said he has noted this in the past; What happens to the water rates and water revenue if we have to reduce the quantity of pumping? He said there is a lot to talk about. (45:16) Mr. McDowell said the Superintendent’s comments are valid but, that is based on the assumption that our water quality remains acceptable. Mr. McDowell was talking about shutting down wells due to exceeding state standards. He said the Board should vote a policy that we want no adverse effects from wastewater or affordable housing, or whatever else there might be. He said he shared Mr. Larkowski’s concerns. Mr. Larkowski said he was not saying this to stop affordable housing or wastewater. He advised that we are currently vulnerable to PFAS. Yarmouth does not have wastewater and has three wells off because of it. If we had a hit now, we have to deal with it by shutting down the well, restricting water use and building treatment. He said that treatment would be granulated activated carbon for PFAS. The treatment takes time as it has to be permitted, constructed, etc. Chair Prue said it would be expensive. Mr. Perry said the topic was so broad and he did not want to prolong but, it is important. The current Site 1 is not affecting our drinking water that he was aware. As District Commissioner’s we are investigating Site 2 and taken that action. We will be looking toward the additional Sites of 3, 4 and 5. Mr. Perry said the Master Plan doesn’t start collecting from areas within our groundwater supply until forty years or more. PFAS are already being detected and we should be setting our sites on these immediate problems because for all we know, ocean discharge could be a possibility because of the confluent of treated discharge and drinking water supply becomes a critical collision. Mr. Perry said that wastewater throughout the United States is discharged to rivers. Drinking water is treated for the constituents that wind up in that river. He said we should do everything we can to keep our watershed clear of heavy development, so that our water has the best chance to be natural but, that chance is diminishing with every subdivision that is right on top of it. He suggested that for a future agenda we have a short list of possible contingency options that we could borrow from Barnstable and Yarmouth to see exactly what they did for the PFAS threat, to see what they implemented and what it cost. This would provide a schematic for the District in case this happened to one of our wells. The District’s consultant, Maura Callahan recommended we do this more than a year ago and we should have it on an agenda. Mr. McDowell said that there was a difference between him and Mr. Perry and that was that he wanted to act now, and Mr. Perry was favorable to procrastination. Mr. Perry thought that Mr. McDowell has done a good job of illuminating his specific concerns. He said he was more trusting of the science and that the participants will not do anything that causes the catastrophic loss of our drinking water. He said we have severe and critical issues to develop in the near term and work on and we have to keep going in the direction we are to challenge the wastewater disposal going forward. He said the catastrophic threats to the water supply today are coming from the distributed effluent discharge from all of the neighborhoods and industries that we have currently. Chair Prue said that until the consultant can report there isn’t much we can do.

Mr. Perry agreed. Mr. McDowell said he was going to ask the questions of the people at Town Meeting, when the time comes, about the threat to the quality of drinking water.

Superintendent's Report

(58:00) Mr. Larkowski reported that they were in West Dennis for flushing and finishing the Uncle Barneys area. They will then go to the northside starting in Setucket Road. He advised the public to watch for the signs and to refrain from using water during the day if the District is in your area. He was hopeful that the entire northside would be done before the cold weather.

In regard to rainfall, there were no restrictions. The water table was building back, and we have accumulated 47" of rain so far this year. Average for Dennis is 52".

He reported that there was a round of Lead and Copper samples done last month. These samples are done at homes across the Town of Dennis. The tests are done every three years to make sure the pH being raised is effective. Thirty homes are tested. The handful of samples that have come back are none to barely detectable. In October, the sample rounds of Unregulated Contaminants Monitoring Rule #5 will be for 29 new PFAS contaminants. The PFAS tests done now are only for a handful. All water suppliers across the country are testing for these.

Chair Prue asked if the Superintendent was fully staffed. He said they were for the first time in about three years.

Treasurer's Report

Ms. McMahon reported that the August water bills were due yesterday. Since August 21, when viewing and paying the water bill was announced via the customer portal, the District has processed 2,863 eCheck payments and 1,218 credit card payments totaling \$601,000. Approximately 5,000 paper checks totaling about \$850,000 have been processed in house. There are currently, 2,468 customers registered on the customer portal or 16.74%. To date, 10,759 payments have been processed equaling about 77% of the total billed. \$1.6 million collected out of \$2.13 million billed.

She advised that she is investigating new handheld meter reading devices. They are called belt clips. When they go up to the pad it transfers the data to the belt clip which in turn relays it to a smart phone or tablet and then uploaded to the cloud. There were problems with the handhelds this past reading cycle. She was working on scheduling a demo.

Mr. Perry said that after having been here a little more than a year, he has done investigating and become more familiar with what Mr. Larkowski and Ms. McMahon do. He said that the Superintendent has a lot of infrastructure that is largely unseen and staff to manage and it is a significant undertaking. He wanted to say "thanks" for making it work. He noted that Ms. McMahon, over the past year, had brought forward Muni-Link, a major undertaking to bring an antiquated billing system to a modern format as well as the more modern meter reading approach. He wanted to note that it was not lost on him how many new things she had brought to the District's functions in the last year as far as administration and office organization and money related issues having to do with the bonds. He said, "Thank you for that and thanks to the both of them for the job they do."

Minutes: August 3, August 29, 2023

(1:09:50) Mr. McDowell said that he had not had a chance to read them. He noted he had an issue with August 3rd and said he would be voting no on both. Mr. Perry noted that the minutes had been postponed from the last meeting because Mr. McDowell had had an issue with them. Mr. Perry said he did review them and sent them back to Ms. McMahon with suggested edits. A motion was made by Robert M. Perry to accept the edited minutes of August 3 and the minutes of August 29, 2023. Chair Prue seconded the motion. Mr. McDowell said he saw comments in the August 3rd minutes with which he sharply disagreed. He said if the other Board members wanted to accept them, then to go ahead, he was opposed. Mr. McDowell said there was a debate and an argument with Attorney Chamberlain. He said if you listen to the meeting and read the minutes there is some definite differences. Ms. McMahon said that if the Board did vote by majority vote, there is no reason why the Board cannot bring up past minutes at any time and move to make amendments proposed to the Board. The Board can revisit any minutes they have ever voted. She said it is not a fait accompli that once accepted they are banned from ever being edited. If anything is found to be erroneous that needs to be corrected, the Board can vote to reconsider and then vote to make whatever corrections it deems appropriate. Robert M. Perry moved to amend his motion to accept the minutes of August 3 and August 29 and have a caveat that Mr. McDowell, to outline the specific differences that he had with the minutes that he noted a month ago when he said he had an issue with those minutes. Mr. McDowell responded by saying that the roles that we have as water commissioners and others, to just go back and check for the hell-of-it for already approved minutes that isn't going to change anything, he would rather not waste his time. He said his problem is with August 3rd and he didn't know if he had a problem with August 29th because he hadn't had a chance to read them. Mr. Perry said he did read those minutes and he did believe they were reasonably accurate as they are not verbatim. On a motion made by Robert M. Perry, and duly seconded, the Board ***VOTED: 2-1-0 (PLM) to accept the minutes of August 3 and August 29, and to underscore that it is a very useful option, that if extra time is needed to bring back suggested post-edits, he would be in favor of that.*** Mr. McDowell said during debate that he would not waste his time with that.

On a motion made by Robert M. Perry, and duly seconded, the Board ***UNANIMOUSLY VOTED: to adjourn the meeting at approximately 12:03 PM.***

Respectfully submitted,

Sheryl A McMahon, Clerk