

# **DENNIS WATER DISTRICT**

## *Board of Water Commissioners*

Minutes of Meeting

November 16, 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.

**The Pledge of Allegiance was recited.**

**Public Information** - None

### **Updates: Waterworth – Water and Service Rate Analysis**

Ms. McMahon said that she believed she was on target for a demonstration at the December Board meeting.

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

Mr. Larkowski was hoping that Mr. Peters, Wastewater Superintendent would be in attendance to provide an update. However, he reported that he has been reaching out to Town departments to coordinate meetings to find out where the Town is on the Site 2 updated report that the District has requested.

### **Continued Discussion on a draft Scope of Work for conducting a Water Supply Capacity Analysis and Discuss PFAS Action Plan**

The Superintendent asked to consider this item along with the next together. Considering community discussion regarding potential changes in zoning, affordable housing, etc. the Superintendent has expressed his concern that the District has not been consulted about its ability to meet future water supply demands. The Board had been provided with a draft scope of work for a capacity analysis prior to the last meeting. Since then, he is recommending that the Board consider a PFAS action plan as a greater priority. Mr. Larkowski distributed a large spreadsheet showing PFAS sampling results system-wide. PFAS are introduced into the water supply by products that have been introduced since the 1950s. He described some of these products that are commonly found in everyday households. He further described the various “forever chemicals” found in the State’s drinking water regulations. The current maximum contaminant level (MCL) is 20 parts per-trillion (ppt). Proposed new regulations will lower the MCL from 20 ppt down to 4 ppt for at least two PFOAs. It provided an outline of the well sampling. He identified the difference between sample testing at a well and at a distribution entry point. For example: Well 18 pumps directly into the distribution system. Wells 1, 2 and 3 are combined into one entry point. If there is a detection at one of the treatment plants, because there are multiple wells entering the plant, then the individual wells have to be tested. Mr. Larkowski reminded the Board that the District is involved in a PFAS Class Action suit. As a participant in that suit, additional sampling for PFAS was taken. He explained that even though some wells have reported “no detection” according to sampling regulations for this MCL, there have been detections noted as “J-values”. These are detections less than 2 parts-per-trillion and identified in the ‘blue’ columns. The Board and Superintendent continued to review the results as reported in the spreadsheets provided. He noted that the District has a lot more detections that are less than the reporting limit of 2 ppt. He noted that Well

18 had a 4 ppt detection of one of the PFOSs, that had the new regulations been in effect, it would have had to have been shut-down. In light of this information, he asked the Board to go forward with developing a scope of work for developing an action plan. He advised that the next rounds of PFAS sampling are in January and July of 2024. The scope of work would outline what steps the District will have to take in the event of a violation. Mr. McDowell asked about the various associations and how they are dealing with this issue. Mr. Larkowski said he was unaware of any so called ‘toolboxes’ put out there by associations related to PFAS. He noted that municipal systems vary greatly in their distribution and treatment design and configurations making each very unique. He said the scope of work should identify the design, permitting and construction timeframes as well as associated costs. He recommended a transfer of \$19,000 from the Reserve Fund for the necessary consulting services to develop this action plan. He noted that Kristen Berger is the District consulting engineer and is currently working with Sandwich Water on their PFAS issues. Mr. Perry said that this dovetails with the capacity analysis but, it is being given a higher priority given the recent data and agreed that this action plan would be beneficial in answering all the questions being raised. This would also be useful in the case of a catastrophic event that would necessitate a well having to be shut down. ***A motion made Robert M. Perry to authorize the Superintendent to bring in Kristen Berger to provide a PFAS Action Plan. Mr. Perry further moved that a transfer from the Reserve Fund to provide funding (\$19,000). The Chairman seconded the motion.*** Mr. McDowell shared comments about the Town’s wastewater project. ***The Chair then declared the vote to be UNANIMOUS.***

Mr. Larkowski recommended that the Board consider funding the capacity analysis during the ensuing budget cycle for FY 2025.

**(43:29) “I Commissioner McDowell respectfully request that we place all “Commissioner requested subjects” into our regular meeting Agendas right after “Public Information”.**

Mr. McDowell expressed his desire to have requested Board agenda items be placed on the agenda immediately following Public Information. Peter L. McDowell moved that if there is any subject matter that is requested by one of the three water commissioners, that we bring it in right after public information. Mr. Perry said he did not have a problem with the request but, offered an amendment that a water commissioner can request placement in the order of the agenda. Mr. McDowell said the Board had absolute control over when items on the agenda are addressed. The Clerk asked for the motion to be restated. Mr. McDowell said he had a provision that was not included previously.. Peter L. McDowell moved “*that any subject matter that we timely submit to the District Clerk/Treasurer as subject matter, that it be placed immediately after public information, provided that it not require more than three lines of substance and that it have the name of the commissioner that put it in*”. The Chairman asked the Clerk if she had any questions. Ms. McMahon said that the Board is authorizing any subject matter from a commissioner to be placed on the agenda, be modified to not more than three lines and who has the authority to edit those lines. Mr. Perry said that his position on Mr. McDowell’s motion does not change how those agenda items get to the person that processes them into the text of the agenda. He said they are still submitted in a timely manner in accordance with the Board’s Policy. He quoted sections of that policy pertaining to when draft agendas are provided. He said he did not appreciate finding out that there is an agenda item being added with only a couple of days prior to the meeting. Mr. Perry said that Mr. McDowell’s motion does not change how the item is presented to the Chair, then to the Clerk, in his opinion. He said that this does not change how the items are approved for the agenda, only where they appear. Mr. McDowell said that timely is at least two days before the coming meeting. He said his motion is to have any commissioner item be placed on the agenda right after public information. Ms. McMahon said that she wanted to be clear. She said that the Board has a Policy on Uniform Flow of Communications which she has been instructed to implement. She recommended that the Board have a future agenda item to review the Policy because she has an issue

which comes in to conflict with Mr. McDowell on the interpretation of “timely” submission. She advised that the agenda has to be at the Town Clerk’s office and posted by 10:00AM on the Tuesday before a Thursday 10:00AM meeting. She added that it is unrealistic and unfair to consider 9:30 or 9:45 just before the posting deadline as “timely” as well as it being unfair to other board members not to have the intended agenda items on a draft prior to publication. Mr. Perry said that in consideration of the Policy he would not be submitting an agenda item for consideration after 4:00PM on the fourth day prior to the deadline. He said that it provides the Board members time to see the draft agenda and to do whatever research is needed to prepare for the meeting. He said he will not support not having enough time to review agenda items. There was additional discussion regarding “timely”. There was discussion regarding the Policy and that the agenda is set on Friday before the meeting. Mr. Perry said he did not know why anyone would need to have anything added after that unless there was an emergency. On a motion made by Peter L. McDowell and duly seconded, the Board **UNANIMOUSLY VOTED: to place all Commissioner requested subjects into our regular meeting Agendas right after Public Information.**

**(1:02:29) Review of Assembly of Book Enabling Act, Bylaws, Board’s Regulations, Policies & General Acts issued during previous meeting of District Commissioners.**

Mr. McDowell had requested this item be included on the agenda. Mr. Perry said he liked the assembly of these documents. Mr. McDowell said that he did not realize that when it was voted that we were accepting all the printed documents in advance before we had a chance to read it. He said he was impressed with the documents that were provided and that it is altogether; voting to approve all the wording inside of it, which he had never seen, we did not do. He said he had not seen the document about the agendas. He said he had not had the chance to go through everything included in the book. He said he wanted to have a future agenda item to accept the substance of it. Ms. McMahon addressed the Board to say that the book was compiled of official records already adopted by Dennis Water District. They are just from different sources. The book is comprised of the Enabling Act which was adopted by the District voters in 1945; the Board’s Rule’s and Regulation most recently amended by the Board at the last meeting; the Bylaws which are adopted by the District voters; the Board’s voted policies and the last section is a compilation of General Laws adopted by the District voters. She advised that there was no action to be taken. Mr. McDowell asked for the date the vote was taken to set the Board’s agendas a number of days before the state law. Mr. Perry, having brought his book to the meeting, read from the Policy which was adopted July 25, 2013 and revised on March 22, 2018. Ms. McMahon said she would provide the excerpted minutes of the votes taken regarding the Policy.

**(1:10:25) Consider Drafting a Board Policy regarding Individual Commissioner Requests for Reports and Data Compilations from Administration/Management that are not already standardized reports.**

**A) Discuss and consider compensation and benefit report for employees and commissioners for FY 2021 and FY 2022 requested by Commissioner McDowell. – Board clarification requested by Clerk-Treasurer.**

Ms. McMahon said that this was in reference to a written request by Mr. McDowell for a report on all compensation and benefits received by employees and commissioners. She said that there was a communications issue regarding the definition of benefits. Ms. McMahon had distributed the report for the two fiscal years requested. The reports include all employees and elected officials and their benefits. She said that the cost to the District of an employee’s future retirement benefit is not individually knowable. She said that her issue, at the time, was that it was not a ‘push-of-a-button’ process to identify the benefits; it was labor intensive but it done. Ms. McMahon said she was no

longer interested in pursuing the Board adopting a policy so long as requests are not frequent or impose on regular job duties, she did not mind doing them. Mr. McDowell read his written request submitted on October 13, 2023; *“For each 2021 and 2022 that you list and certify as Clerk Treasurer, for each employee and commissioner the total compensation received and benefits received”*. Mr. McDowell said that during this past week the Clerk/Treasurer indicated that she would not certify those numbers. He read aloud the note on the spreadsheet concerning the insurance costs which specified the amounts paid for “active” employees. He said that with the Cape Cod Municipal Health insurance, there are all kinds of health insurance options that we can request. He identified the various insurance options for individuals and families and said he wanted to know what the cost was for each commissioner or employee. He said it seemed to be zero. He said he was doing this because he wanted to know how much money the District is paying for staff and the Clerk/Treasurer should know this. He wanted to know why she would not certify those numbers. He acknowledged that the Clerk/Treasurer and he have had issues over the years. He said that when all of a sudden you cannot find a person responsible for handling money; either refuses to step down, he has a natural concern and hoped the other Board members would as well. He said not certifying the monies suggested to him that there are some monies not being accounted for or does not know and that somebody should know. He found it troubling. Mr. Perry said that he had sat down with Ms. McMahon and now understood that about 2/3 of the information is already a tabulated set of numbers that are seen in finance reports. Then there are individual insurance plans with many permutations and kept in different software applications that the information had to be compiled manually. He noted that the pension cost cannot be identified individually for active employees. He noted that the agenda item that had been requested by Ms. McMahon asking if a single Board member can make a request of you that takes many hours to comply with, that may represent an extra task that perhaps the entire Board should weigh in on. However, he believed this was a ‘one-off’ request. He addressed the issue of certification. He was hopeful that perhaps with additional checking of the data it might be certified. Mr. Perry believed that micro-examining District staff circumstances it could be seen as personal. He said the information was good to know but didn’t think it was necessarily good to overly display it. He wanted to go on the record that he understood how much work it took. Ms. McMahon said her reluctance to certify was because to have it checked would have involved staff time. She said she produces many reports and very few are actually certified. She said she could certify it but it would include a disclaimer about it containing errors. She advised that the report does indeed include everyone’s insurance coverage by type and mostly reported on page 3. Mr. McDowell said that he asked for data and it wasn’t a big deal. He referred to the note using the term “active employee” and said that meant it did not refer to any commissioners. Mr. Perry noted that the Moderator and Commissioners were included on the report and that all of their benefit detail was shown. Mr. McDowell asked Ms. McMahon if she was suggesting that every penny of Dennis Water District money that is paid on these charts, by the end of 2021 and 2022, is the total expenditures that was spent by our active employees, and us as active employees; if everyone that is listed that is employed, that received money either directly or indirectly from the District, that every penny that is spent by the District is going to these people and is it true or not true? When he asked her to certify it, and if that is true with whatever condition that may be, she can note that but, when she refuses it is suggesting that she is uncomfortable in knowing whether everyone did really get and what that answer to that question. He asked if that made sense. Ms. McMahon said that all of the employees and the benefits that she could identify and renumerate were included in the charts. It includes their insurance costs. It does not include what the District pays for pension costs. She said it is not a number that is knowable to be assigned individually. She said to the best of her ability and work ethic she included all of the information. She hoped it would be received at the professional level in which she produced it. Chairman noted that these years had been audited. The Chairman ruled to continue with the meeting and Mr. McDowell accused the Chair of concealing potential expenses. Mr. McDowell said he was troubled and wanted to know if there were any monies being spent to the benefit of any individuals. He read from the Notes to Insurance on the FY 2021

spreadsheet. He said he did not ask about future pensions but, read the Notes to Pension Costs. He also read from the Notes to Other Post-Employment Liability. He said he was looking for from the Clerk/Treasurer if this is all the monies spent at the end of 2021. She said “yes”. She said she would not certify it because she could not verify it as it was constructed manually. She explained that she did not think it would be useful to have to “guess” what the District paid for all of the insurances identified so she provided totals. The Chairman said that he was declaring the report satisfactory and moving on.

### **Superintendent’s Report**

Mr. Larkowski advised that the District is no longer fully staffed despite having reported in September that the District was after about three years. He said that the employee left for another utility company for a lot more money. The last several people that have left, have left for that reason. He advised that he will bring this up again during the next budget cycle.

### **Treasurer’s Report**

Ms. McMahon reported that TechMD, the District’s cybersecurity vendor had identified an open port on the network and has proposed a virtual private network for accessing the server remotely. Mr. Larkowski wants to go back to paper. The ‘Phishing’ email program was very successful. She is very pleased with the service being provided. Any District employee that has an issue can initiate a ticket for service.

Ms. McMahon advised that they are looking at upgrading new meter reading equipment and software but, is still waiting for the quotes. She said she did not know about funding the project yet. She said it was good to be going to new cloud-based technology for meter reading.

### **Review and Consider Board of Water Commissioner’s Meeting Schedule for Calendar Year 2024.**

On a motion made by Peter L. McDowell and duly seconded, the Board **UNANIMOUSLY VOTED: to adopt the FY 2024 meeting schedule.**

**Minutes: October 28, 2023 [s/b October 26, 2028]**

Mr. McDowell said that the minutes are actually October 26<sup>th</sup>. On a motion made by Robert M. Perry and duly seconded, the Board ***VOTED 2-0-1 (PLM abstaining): to accept the minutes of October 26, 2023, subject to minor typographical errors.***

**Consider conducting an EXECUTIVE SESSION in accordance with M.G.L. Chapter 39, Section 23B; Item 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.**

A motion was made by Robert M. Perry and seconded by Peter L. McDowell to **conduct an EXECUTIVE SESSION in accordance with M.G.L. Chapter 39, Section 23B; Item 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 not to return to open session. The Chair called for the vote which was found to be as follows:**

Paul F. Prue “aye”  
Robert Perry “aye”  
Peter McDowell "aye"

Adjourned to Executive Session at approximately 11:53AM.

Respectfully submitted,

Sheryl A McMahon, Clerk