**DENNIS WATER DISTRICT**

*Board of Water Commissioners*

Minutes of Meeting held

July 30, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the **Dennis Water District Board of Water Commissioners on Thursday, July 30, 2020 at 10:00AM originally scheduled to be held in the Stone Hearing Room, Dennis Town Hall, 685 Route 134, South Dennis, MA 02660** will be physically closed to the public and conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the town’s website, at [www.town.dennis.ma.us](http://www.town.dennis.ma.us) . For this meeting, members of the public who wish to watch the meeting may do so in the following manner: The meeting will be televised via Dennis Channel 18 on Comcast or on the web at <https://www.town.dennis.ma.us/channel-18/pages/live-stream>. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on <https://www.town.dennis.ma.us/home/pages/agendas-minutes-videos> a video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

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, Chairman at approximately 10:00 AM. Water Commissioners Peter L. McDowell and Alan Tuttle was present. Also present were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

**Pledge of Allegiance was recited.**

**Consider Signing a Purchase & Sales Agreement for the acquisition of certain parcels of land known as 635, 635A and 636 Old Bass River Road containing 7.306 +/- acres.**

Mr. McDowell offered his observations. He said he has been involved in this business for over half a century and shared that his concern with the substance of the 21-page purchase and sales agreement. There are certain things a municipal government has to do. He said he was distressed over how this process started and he would like to discuss it again when the bill from the attorney is received. He said he was sympathetic to signing it. There are contents in it that he said were not necessary. On a motion made by Peter L. McDowell and duly seconded, the Board **UNANIMOUSLY VOTED: to sign the Purchase and Sales Agreement for the purchase of 635, 635A and 636 Old Bass River Road.**

**Consider Leak Abatement Request: Richard J. Carleton, 288 Main St., S Dennis, Acct No. 00283**.

Ms. McMahon advised that the information regarding the request had been provided in the packet. She stated that the application had been filed timely on February 25, 20220. The leak had been professionally repaired and in accordance with the Board’s Leak Abatement Policy appears to qualify for a credit of $293. 95. The Treasurer advised that to the best of her knowledge this owner, located at this property, had not received a prior leak abatement. On a motion made by Alan Tuttle, and duly seconded, the Board ***UNANIMOUSLY VOTED: to grant a credit of $293.95 to Account No. 00283, owned by Richard J. Carleton, located at 288 Main Street, South Dennis in accordance with the Board’s Leak Abatement Policy.***

**Consider Signing Amended (1/29/2020) Cape Cod Municipal Health Group Joint Purchase Agreement.**

Ms. McMahon advised that there had been an amendment to the joint purchase agreement for group health, dental, and EyeMed that the District belongs to along with the Town of Dennis and many other public entities on the Cape. The copies provided had identified the changes. Mr. McDowell asked if the changes had any adverse effect on any of the coverages that we can anticipate this year in comparison to prior times and will there be any change in the anticipated cost. So in effect, Mr. McDowell asked, are there were any changes other than the words? Ms. McMahon replied that that was correct as it pertains to the agreement. On a motion made by Alan Tuttle, and duly seconded, the Board ***UNANIMOUSLY VOTED: to sign the amendments made to the Cape Cod Municipal Health Group Joint Purchase Agreement as presented.***

**Consider Participating in Free Sampling Program by MassDEP for Per-and Polyflouroalkyl Substances (PFAS).**

The state is offering free testing for PFAS. New regulations are being issued for sampling for PFAS probably within the next year. The state is offering this to the Dennis Water District however, it requires the Board to acknowledge that if there is a detection of PFAS, that it will trigger some sort of action. This test will be required in the future at our expense. This will give us an early heads up if there is a problem in the system. Historically, the old regulation for PFAS detection MCL (maximum contaminant level) was 70 parts per trillion per PFAS. There are six different polyflouranated compounds. The new regulation is 20 parts for trillion (ppt) for all of the PFAS combined. Hyannis Water back in 2010 has PFAS of 22 and 97 at their wells, primarily due to the chemicals used at the Fire Academy. During the Silent Spring testing there were several other towns that had detections, although they were very small. Dennis had detection of 1.4 ppt at well number 21. If that was found today, it would not trigger any action under the new regulation. If there was a detection, from o to 5 ppt no action is required. For detections of 5 ppt to 10 ppt, it would have to be reported in the Consumer Confidence Report and evaluate operations. At 10 ppt to 20 ppt detection would require a review of options to lower the detection, go to quarterly testing and report it in the Consumer Confidence Report. Over 20 ppt would trigger considering blending it with other wells to lower it, shutting down the well or consider treatment. Cost of the sampling is $325 per well or about $7,200 to $7,500 total. Mr. Larkowski recommended participating in the program. (inaudible) Mr. Larkowski said that he was unaware of any single source that would result in detections of significant levels in the wells. He noted that an individual’s exposure in their daily lives and use of every-day products is probably be more exposure than from the drinking water supplied by the District. The Superintendent reviewed the actions triggered by the various levels of detection. On a motion made by Alan Tuttle, and duly seconded, the Board ***UNANIMOUSLY VOTED: to authorize the Chairman to issue an email acknowledging participation in the state’s free testing program for PFAS at District wells.***

**Review Board’s decision in response to pandemic to waive interest fees for ninety days and suspension of Shut-Off Demand process originally voted April 15, 2020.**

Ms. McMahon advised the Board that the Governor had suspended utilities from shutting off services as the pandemic began to climb in Mass. It did not apply directly to municipally owned utilities, but it was encouraged. The Board, by majority vote had suspended interest charges and the issuance of Shut-off Demands. The information sheet she provided had 24 accounts making partial payments with balances totaling about $8,500. In June of 2019 there were 196 past due accounts compared to this June of 396. Mr. McDowell asked, “What is the benefit of not charging the interest or penalties?” Mr.

Tuttle said that he has met up with a number of people who had previously always paid their bills. He said that we will be getting the money eventually. Ms. McMahon advised that it isn’t a large amount of money. She said that there are a lot of variables as to why properties are “off” but, eventually the funds are collected because as of December 1, those accounts that qualify are turned over for collection as water liens to the Town. Mr. McDowell said he thought this is such a small amount that he was not sympathetic to it. On a motion made by Alan Tuttle, and duly seconded the Board ***VOTED: 2-1-0 (PLM) to continue to waive the interest fees on Past Due accounts until November 1.*** On a motion made by Alan Tuttle, and duly seconded, the Board ***VOTED: 2-1-0 (PLM) to continue suspending the Shut off demand process until November 1.***

**Consider rescheduling next Board meeting from August 27 to August 20 due to Early Voting in Stone Hearing Room**.

Ms. McMahon advised that the Stone Hearing Room would be in use for Early Voting and the Town Clerk has requested that the meeting be moved to August 20. On a motion made by Alan Tuttle, and duly seconded, the Board ***UNANIMOUSLY VOTED: to reschedule their regular monthly meeting to August 20 at 10:30 AM.***

**Discussion of Commissioner policy relative to content of Warrant 51, June 30, 2020**

Mr. McDowell said that he had not brought certain papers with him as intended. He said that $352 for travel which included 20 trips to the Cape Cod Cooperative Bank since March 16. Also, to the Annual District Meeting and trips to the town Post Offices to post the warrant. He wasn’t sure why she had to make the trips at all, was not aware that such reimbursements were made and that they should be terminated. Ms. McMahon provided in the Board’s packets the same information that Mr. McDowell had requested of the Accounts Payable Clerk. She said she has been reimbursed for travel for District business in the past. She noted that the District had been shut down due to the pandemic for almost two months. She further explained that due to staff rotation, having to make manual deposits to limit possible exposure by using other workstations and many times being the only person in the building, she would go and get the mail (of which she did not include) and make deposits. She advised the Board that her yearly average for reimbursement has been about $353. Mr. Larkowski noted that for many years staff has gone to get the mail everyday as well as other errands and they receive mileage. He said, since she was the only one there to do it, it is only fair that she be reimbursed. Ms. McMahon noted that this issue had been brought up in 2013 by Mr. McDowell. She read from those minutes which noted that this mileage reimbursement expense is in the annual budget book narrative for the Treasurer’s Expense Line Item. Mr. Tuttle said that before the explanation was provided he was wondering about all of the trips to the bank. He further inquired about the expenses incurred by Ms. McMahon for attendance at the Mass. Municipal Conference and why she had not submitted them to the Town. She said that before she was a selectman, she attended the MMA Conference, generally every other year, due to the many topics that were relevant to her District work. She said that she has tried to split the cost with Town. Mr. McDowell said that since she essentially works free for the Town as a selectman as she is disqualified from receiving a selectman’s salary, that perhaps the Town could pay for all of her expenses incurred for attending the MMA Conference. Mr. McDowell said he did not understand why another District employee can do these trips. He was of the opinion that with the vehicles that the District has that these charges to the bank, meeting etc. On a motion made by Peter L McDowell that the incidental items listed on the mileage reimbursement such as the bank, annual meeting and posting of warrant not be paid by the Water District. Mr. Tuttle said that he believes employees that use their personal vehicles should be reimbursed. The motion was seconded by Mr. Tuttle. The motion failed on a VOTE: 1-2-0 (PLM in the positive).

**Review of discussions between Clerk Treasurer and Commissioners relative to the Annual District Meeting motion to purchase a parcel of land.**

Mr. McDowell distributed a copy of the motion that was distributed for the Annual District Meeting for the purchase of the land on Old Bass River Road. He had provided a copy that had been marked up to modify the motion because of the excess, great deal of the material in the motion that was unnecessary in his view. At the time of the meeting, Mr. Tuttle read the motion as it had been prepared by bond counsel. Mr. McDowell shared an email from the Clerk/Treasurer on June 23, early in the morning, stated that there is no need for any concern whatsoever for this motion. His hope that by raising this issue the Clerk/Treasurer will allow the water commissioners to proceed with the motions that we have and why this was out of line. He continued with the email reading*: that this motion was prepared and approved by bond counsel and there seems to be a question as to having a reference to map and parcel numbers. Please let me advise you that there is no reason to modify the motion.* Mr. McDowell stated that anytime at town meeting you want to achieve and get the authorization of what you want to do. There was one particular part of this, first there was redundancy that need not have been placed in this motion and there is absolutely one that should have been absolutely forbidden and had to be stricken. He was hopeful that this kind of thing would never occur again at a meeting involving motion that we, the water commissioners, would be making. He said that number one was the identification that the parcel was located in the Town of Dennis so he struck it three times. He said he modified and cleaned up item number three which identified the parcels. He read from the final paragraph concerning the parcels and identified the particular phrasing that he had stuck out. In his revision he had struck the words that pertained to anything other than the actual payment of the land. He said that there was of agitation by the Clerk/Treasurer at the meeting regarding his proposed changes even though she appeared to be sincere in what she was doing. Mr. McDowell said that the motion was written by the bonding counsel and what goes into the motions at the annual meeting are none of his business. He said that to suggest that we cannot alter the wording in our motion is just not valid. Especially when it is counter to the point saying the money can be used for other things, which it cannot be. Ms. McMahon advised that these changes were being done at the last minute and is important for bond counsel to review and approve the article and the motion because as the District needs a legal opinion letter in order to go forward with borrowing. The wording is intentionally broad to provide options to the District. She was of the opinion that it was very important that the legal precision of the motions be done as provided by bond counsel in order to insure that the legal requirements would be met. She said that she disagreed that bond counsel should have no input in the motion because of the assurances that are made in these documents, supported by the legal opinion, is what purchasers of the District’s debt rely one. She further advised that the wording can often times be very broad because often times things change between the time the authorization is voted and the time the municipality actually issues the bonds. Mr. McDowell said that the Clerk/Treasurer’s email said that the motion was prepared and approved by bond counsel. He said that the inclusion of wording that would allow for the payment of all other costs included and related thereto was just wrong. Chairman Prue said that his opinion was that bond counsel had prepared the motion and that was how he voted. Mr. Tuttle acknowledged Mr. McDowell’s experience with purchase and sales agreements than most attorneys but, he said that the purchase was very important to the District and at the time of the meeting if there were arguments over different things that it probably would not pass. He understood what Mr. McDowell was saying, but felt that the motion he made was appropriate and one that would pass. Chairman Prue said that the goal that was intended was accomplished. Mr. McDowell said he was the one that negotiated this purchase and he objected to being told by someone that there was something wrong with his motion because of bond counsel. He wanted to make sure that the disturbance we went through would not happen again.

**Superintendent’s Report**

Mr. Larkowski advised that during August he will be having meetings with the contractor to discuss the work that will begin in September. Hopefully, the project will be completed before any bad weather.

Pumping was down in April and May due to the Covid pandemic, but he noted that June was the largest for that month ever at 191 million gallons. He said that we mimic Centerville-Osterville-Marstons Mills and confirmed that their June was also record breaking. So far July is on track for about 225 million which is average. On July 27 the District pumped 10.3 million gallons which he said he had not had a 10-million-gallon day in few years. Monday’s tend to be the biggest day for pumping.

**Treasurer’s Report**

Ms. McMahon advised that the water bills have been compiled and sent to the printer and the file will be uploaded to UniPay. If customers signup through UniPay, they can receive an email that the water bill is available to review, print and pay. She noted that the amount billed is the first time reflecting the new water rates. Revenue is projected on an average year. She noted that we are up $107,000 more than the same cycle last year due to the new rates but based on the projected usage, we would be down by about $125,000. A copy of the newsletter is available and she expected the bills to be in the mail on or about August 3. She did state that she was participating in web demonstrations of water billing software.

**Consider Entering into Executive Session: Mass. General Law Ch. 30A, Sec. 21(a) Reason 6: to discuss the purchase, exchange, lease or value of real estate, for the purpose of watershed protection, and Reason 3: to discuss strategy with respect to litigation as the Chair declares that an open meeting may have a detrimental effect on the negotiating positon of the District for both of these discussions.**

At approximately 11:26 AM, a motion was made by Alan Tuttle to enter in to and **Executive Session in accordance Mass. General Law Ch. 30A, Sec. 21(a) Reason 6: to discuss the purchase, exchange, lease or value of real estate, for the purpose of watershed protection, and Reason 3: to discuss strategy with respect to litigation as the Chair declares that an open meeting may have a detrimental effect on the negotiating positon of the District for both of these discussions and not to return to open session. The motion was seconded by Peter L. McDowell. The Chair then called for the vote which was as follows:**

**Alan Tuttle “aye”**

**Paul F Prue “aye”**

**Peter L. McDowell “aye”**

Respectfully submitted,

Sheryl A McMahon, Clerk