

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

November 19, 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, November 19, 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. 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 Dennis Town Hall, Stone Hearing Room, 685 Route 134, South Dennis and called to order by Peter L. McDowell, Vice Chair at 10:00 AM. Water Commissioners Paul F. Prue, Chair (remotely) and Alan Tuttle was present. Also in attendance were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

In the physical absence of Chairman Prue, Vice Chair McDowell presided over the meeting.

The Pledge of Allegiance was recited.

Public Information

Verbatim: Vice Chair McDowell said he did have, and I will be talking about this during the minutes later in the meeting. I was disappointed the fact that last meeting for which when we reached those minutes. I wanted to publicly advise, make a notation to the public that relevant to the very multi-million, billion dollar wastewater facility that that we'll be voting on this coming this spring, so I understand, in the spring Town Meeting or the Annual Town Meeting. That I made reference to nitrates which is the motivating factor and made some reference to and, I described which, unfortunately in the minutes did not show in our minutes is very important of what the Dennis Water District has as of the independent recordings of certain things and I'll get into those details in the minutes of the meeting rather than getting into it twice of the nitrate numbers that has motivated the need, suggested the need, of going forward with a billion-dollar wastewater facility and there are other complications and we'll talk about that in a different time. That's not a matter of the Dennis Water District. Dennis Water District has posted on their website data relevant to nitrates and we'll get into that a little bit later.

Chairman Prue: You'd rather not (inaudible) under Public Information.

Mr. McDowell: Well, all I would like to have placed, I did that last year, last meeting and it was relevant to the data that we've been, in fact I will get into that now, but I just want have our minutes, those minutes recorded accurately the substance of what I said, which did not appear in the records.

Chairman Prue: So Peter, we'll correct the record.

Mr. McDowell: That's fine, rather than getting into the same details twice. Thank you Paul.

Consider Board of Water Commissioner's Report for 2019 Annual and Fiscal Reports

There was considerable discussion about the timing of the report. Mr. McDowell had concerns about the substance of the report and significant omissions in the report, that a major purchase that was done. His concern is that in about a month 2020 will come to an end. Chairman Prue referenced that Chapter 277 of the Acts of 1945 required that the Board of Water Commissioners issue an annual report. Mr. Larkowski explained that the report is the Board's report is for 2019 and that the report is very late. It is the report that would have been made available at the Annual District Meeting this past April. He explained that with the pandemic the creation of the annual report just was not the priority until recently. Mr. Tuttle suggested that we do the calendar year before the annual meeting and not include the fiscal year. Ms. McMahon explained that this report would have normally been done in the spring. She said that all of the District's annual reports, going back to 1945 are kept in the safe. She said that the 2020 report will reflect the activity that occurred during this year. Chairman Prue said that we've been in the business for seventy-five years and the Board should file a report for 2019. Additional discussion ensued. Mr. Tuttle was of the opinion that the Board could highlight the prior year's accomplishments at the next Annual District Meeting. Ms. McMahon said that this report will keep the reporting in chronological order and that the 2020 report will be issued in March or April of next year. ***A motion was made by Alan Tuttle to accept the Board of Water Commissioner's 2019 annual report as presented. The motion was seconded by Paul F. Prue. The Vice Chair then called for the vote which was as follows:***

Alan Tuttle "aye"

Paul F. Prue "aye"

Peter L. McDowell "aye"

Update on Route 134 Tank Painting and Maintenance Project

Mr. Larkowski advised the Board that the contractor is wrapping up the work despite some weather issues. He said that on the warrant is a payment for up to 90% of the tank project. He expects that next week that the contractor will complete the painting of the roof, replace the hinges on the hatch and the work will be done. He expects to fill the tank which will take about a week. During the work he discovered that a 20" value in the road was broken and that has been fixed by the District. He anticipated the tank to be back on-line in about two weeks. Chairman Prue asked that, on behalf of the Commissioners, the Board's appreciation for their efforts be acknowledged.

Verizon Tank Lease Extension

Mr. Larkowski advised the Board that Verizon has agreed to extend their lease agreement for 20 years based on 4 five-year renewal periods. This is on the Hokum Rock Road. The contract is worth \$46,105.97 at the end of the twentieth year. He has pushed these cellular companies to continue their twenty-year leases. The annual escalation percentage is three per cent. He said their lease on the Route 28 Tank was renewed at the annual 3%. He said that the first year of the lease renewal will \$47,396.44. He is also recommending that a condition be added, and he is adding it to all the leases, requiring the lessee to relocate its own equipment at their own expense when maintenance work is necessary. ***A motion was made by Alan Tuttle that the Board accept the Superintendent's recommendations for a twenty-year lease with the addendum that the lessee relocate its equipment at its own expense necessitated by maintenance to the tank. The motion was seconded by Chairman Prue. The Vice Chair then called for the vote which was as follows:***

Alan Tuttle "aye"

Paul F. Prue "aye"

Peter L. McDowell "aye"

Superintendent's Report

Mr. Larkowski advised that the contractor is coming next week or two to pull pump and motor will be replaced due to wear. This is work that is done every year.

Summer statistics indicate that despite not having a lot of rainfall during the season. The season began with water tables high. He said that the summer and fall has seen high pumping and expects to complete the year with record pumping. He further stated that we are not the only department to experience this usage. This was attributed to many people were staying in Dennis due to the pandemic. He said that October a record. The District's permit is just under 1.2 billion gallons. Through the end of October, the District had pumped 1,149,000,000 which is only about 51 million gallons from the permitted limit and he anticipates that the District will exceed it and he thought a number of other town's will as well. Mr. McDowell inquired as to the status of the State's permitted cap for the District. Mr. Larkowski said that the permit was supposed to be renewed in 2010. The permitted limit is extended until it is re-issued. If the District exceeds the limit, he said we will just have to see how the State responds. Mr. Larkowski said that evaluation of the wells is on-going. The results determine which wells are in need of cleaning and pump replacements.

Treasurer's Report

a) Reserve Fund Transfer Request- Land Acquisition Costs Incurred- Ms. McMahon noted that there had been previous Reserve Fund transfers for a prior acquisition of \$13,000 and another of \$27,000. She had previously distributed a recap of the funds having been carried over from the prior fiscal year for Land Acquisition Expenses of \$2,777.50. Costs incurred fiscal year-to-date is \$12,070.00 leaving a request of \$9,292.50 to be transferred from the Reserve Fund. There have been no transfer this fiscal year from the Reserve Fund. *A motion was made by Paul F. Prue to transfer \$9,292.50 from the Reserve Fund for paying Land Acquisition Expenses. The motion was seconded by Alan Tuttle.* The Vice Chair then called for the vote which was as follows:

Alan Tuttle "aye"

Paul F. Prue "aye"

Peter L. McDowell "aye"

Ms. McMahon advised that right after Thanksgiving the employees will be out in the town reading meters for the February water billing.

Minutes:

February 12, 2020 -A motion was made by Alan Tuttle to accept the minutes of February 12, 2020 as amended. The motion was seconded by Paul F. Prue. The Vice Chair then called for the vote which was as follows:

Alan Tuttle- "aye"

Paul F. Prue- "aye"

Peter L. McDowell- "aye"

February 27, 2020 Mr. McDowell said that the tardiness of the minutes was unacceptable. Ms. McMahon apologized for being behind and said that she planned to hopefully have the minutes caught up. ***A motion was made by Alan Tuttle to accept the minutes of February 27, 2020 as written. The motion was seconded by Paul F. Prue. The Vice Chair then called for the vote which was as follows:***

March 17, 2020 -***A motion was made by Paul F. Prue to accept the minutes of March 17, 2020, as written. The motion was seconded by Alan Tuttle. The Vice Chair then called for the vote which was as follows:***

Alan Tuttle- "aye"

Paul F. Prue- "aye"

Peter L. McDowell- "aye"

March 31, 2020- ***A motion was made by Alan Tuttle to accept the minutes of March 31, 2020, as written. The motion was seconded by Paul F. Prue. The Vice Chair then called for the vote which was as follows:***

Alan Tuttle- "aye"

Paul F. Prue- "aye"

Peter L. McDowell- "aye"

October 15, 2020- Ms. McMahon said that she had amended the first draft of the Oct. 15 minutes and had left the second draft on the table. She said the revised draft included the preamble to the meeting which indicates that the public could only participate in the meeting remotely. She noted that there were some minutes that were done via telephone conference call.

Verbatim: Mr. McDowell: As a member, I would prefer, and ask these minutes not be accepted today and the reason is, and I wanted to talk about in the public information there was a very important matter for what I believe is the Town of Dennis. And that is, relevant to the data readings that David, and others in the water district, extended to install the (inaudible) on nitrates relevant to the wastewater treatment facility that we are about to be voted on, as I understand in this coming spring of 2021. And basically, the Town of Dennis Water District, as I indicated, and I would like to ask that in the third paragraph be totally rewritten. And, I was very disappointed, in the comments I offered and trying to offer a guide for the data that was inserted by the Dennis Water District that is noting the nitrates numbers that we have been required to insert since 1993. And that the nitrate numbers since 1993 have been going down in Dennis. And, most important, as during that portion of the meeting that cannot be found anywhere in these minutes of that material and information that was important, I felt, that was important for the of Dennis to know, that if they wanted to look at nitrates because the nitrate reading is the fertilizer whenever they talk about, of total nitrogen, if you will, when they're talking about wastewater, which is all the fertilizers that become collected within a wastewater collection facility, that the nitrate is the one fertilizer that relates to estuaries. That is where there is a mix of saltwater and the tide goes in and out such as on Bass River. During the discussion of many of, a great length of time, including the 208 water study for which I was a stakeholder representing, in the role that I played attending every meeting, that was sponsored by the Cape Cod Commission, that the nitrate numbers where what is promoted and bringing us to the threshold of going to this billion-dollar plus wastewater facility that we'll be voting on and the nitrates is something that is important and is evidence that is totally independent of any other effort. It shows that the nitrates in comparing our current readings with 1993, which is the very first time, that the Department of Environmental Protection required any municipal providers of drinking water to publish, take note and publish, the amount of nitrates within the drinking water. And, of the 18 wells that we have in Dennis, out of the 22 in our total, nitrate numbers have been going down and been going down if we just take, and there was almost, the number of wells we have the readings there was a total, since 1993, of all of our wells, there are 522 items noted of readings on the chart that we have published, 504 is involving just the 18 wells that currently exist, that were in existence in 1993. My remarks and comments were relevant only to wells that were in place since 1993. In the last 10 years, we have never had less than half of those wells, reading and recording, less nitrates than we had in 1993. The current year, we have 14 of our 18 wells have less nitrates than we had in 1993. One of the concerns I have with these minutes there was no reference to any of the comments I

had in the public information, which I would be hopeful that the minutes would include, for the permanent record. And one thing that disturbed me somewhat was a notation in the minutes that called for a one reading that was in excess of five, in excess of four parts per million in a certain new well that was not part of my discussion, but the report talked about this four point, which is actually is 4.7 in a well that came on line in Dennis, that is well number 21. It was noted in this, didn't identify specifically the well. Yes it did. It included Well 21, which is a well that did not come into service in Dennis until 2004. And that was not part of my discussion and that number that was recited in this report, for which I was trying to suggest and articulate actual hard fact that our nitrate recordings have been going down for the most part, on balance, of the many numbers and recordings that we have, not talking about that well, but this 4.7 that was taken in 2005, one year after the well was brand new, and there was some things taken, was the highest number out of all 525 recordings on that sheet. To single that out of the one highest really flew in the face of what I was trying to suggest for the information for the people of Dennis, that the nitrate numbers are going down and introduce a certain question that some might wish to way if they had the data in front of them, which is available on our website. That that data suggests that our nitrate numbers have been going down and there are certain reasons for that, for which we do not need to get into in the Water District. And the Water District is not going to be involved in the wastewater except that this data is important because it, we, have gathered it, it's available and I want to thank all of those who participated with that, but I do hope that the minutes will be recorded accurately. I went and listened to the record. It is very clear as to what was said and I'd like to this, our report, minutes for October 15th modified to include that announcement. And during the meeting, it was more than twenty minutes discussion at that time of public information and I think it is worthy of being noted in the report as opposed to being what we actually have here. Thank you.

Chairman Prue: Mr. Chairman.

Vice Chair McDowell: Mr. Prue.

Chairman Prue: A question for our clerk. Madame Clerk, Sheryl, if you could review that and if it was in there, perhaps we could make notation of what Mr. McDowell said and that way, if anyone has any questions as to the accuracy relative to the information Mr. McDowell presented, it could be on record.

Ms. McMahon: Mr. Chairman. So I have no problem. Minutes are, usually they are not verbatim. But if the Board would like, I can put the public information section in in verbatim and that way you will be assured to have all the comments that were made during public information in the minutes.

Vice Chair McDowell: The actual words are such, but if it can be presented so that the message about the nitrates and some of the substance, I think it's fairly clear, if that could be modified to include that, and if somehow we were to omit the one highest number of five hundred plus numbers, that might fly in, that might be acceptable as well.

Ms. McMahon: Those were Mr. Larkowski's comments.

Mr. Larkowski: Those were my comments.

[A lot of cross and over talking]

Vice Chair McDowell: You know, as a chairperson you will understand that it's important to be recognized before you begin. And it's always good to hear from you Mr. Prue. However, if at least, if the concern here was that there was a number of lines relevant to the higher number of a single well and I wanted to talk about the many hundreds of the 504 numbers that were related to what I was talking about, for whatever that's worth.

[A lot of over talking]

Ms. McMahon: So, I'll be happy to do that and I will resend the draft. I'll just do a verbatim and you know, I try to, usually when I sense in there, when I say, when I type that somebody said something, I try to make sure that its pretty, not always be quite verbatim, but sometimes you just don't want to be all the oohs and aahs that you might say verbatim, but I try not to substitute words and say and capture exactly what people say. I'll be happy to do them and then I'll resubmit them the Board can choose what it wants to do with them.

Vice Chair McDowell: Exact wording, all of the words is essential, however, the message I think you can (inaudible).

Ms. McMahon: I don't want to have to interpret your message so I'm going to do them verbatim and then you can edit them as you choose.

Vice Chair McDowell: That will be better than the total omission that we now have. Thank you. Thank you very much. I appreciate that. Now, Mr. Prue. Now would you care to have the floor?

Chairman Prue: Yes, you explained it very well that I was going to ask Mr. McDowell, Ms. McMahon to do.

Vice Chair McDowell: Next meeting we will take this up again.

Next Meeting- December 17, 2020

Adjournment

A motion made by Alan Tuttle to adjourn the meeting at approximately 10:58 AM. The motion was seconded by Paul F. Prue. The Vice 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