

# DENNIS WATER DISTRICT

## *Board of Water Commissioners*

Minutes of Meeting held

January 24, 2008

A meeting, having been duly posted, was held this date at the main offices at 80 Old Bass River Rd., S Dennis. The meeting was called to order by Edward A. Crowell, Chairman at 4:05 PM. Water Commissioner Paul F. Prue and Charles F. Crowell were present along with the following District officials:

David Larkowski, Superintendent

Sheryl A. McMahon, Clerk & Treasurer

Paul McCormick, Selectman and Chairman of the CWMP Task Force

Nathan C. Weeks, PE, Stearns & Wheeler, LLC

The Treasurer noted that a payment has been received from the Tony Kent Arena in the amount of \$2,028.61. There is still \$1,756.91 due and the February water bills will be issued in about a month.

The Board noted correspondence from Charles Ehl of 53 Old Town Lane, East Dennis. A major water main break occurred on December 8 causing extensive water damage to his home and property. He complimented the District and the Fire Department for their quick response on the scene as well as working quickly and effectively to mitigate any further damage. He requested that this letter of appreciation be added to Mr. Larkowski's personnel file.

The Board also noted a similar letter of appreciation from Christine Tynan of 396 Setucket Rd, South Dennis in which she wished to extend her appreciation to the employees who responded to a major water main break at the corner of Setucket and Route 134. The water rushed down the roadway and filled her yard. The District crews showed up to the scene quickly and went to work redirecting the rushing water in order to minimize the damage to her yard. In addition, the crews returned after the leak was repaired and restored her yard to her complete satisfaction.

Stearns & Wheeler –

Mr. Weeks reviewed the questions and issues contained in the current study entitled "*Dennis Water District Investigation of Ownership Issues Related to Wastewater Facility Implementation in Dennis*". The scope of the study is to assist public officials in determining which entity would be best suited to plan, design and implement wastewater management in Dennis. He pointed out that the District has taken the "bull by the horns" by having contracted with the Massachusetts Estuaries Project and with Stearns & Wheeler to develop the Needs Assessment Report. The District has been active in this issue for at least four years. Considering that the nitrogen limits will not be issued for another two years, the Commissioners were desirous of knowing if Town officials wanted the District to move ahead with wastewater planning because the process of authorizing and organizing as an entity will likely take a couple of years. What had really brought this issue forward has been communications from the Board of Health on how the planning process was going to proceed. The study was commissioned by the District in order to initiate the decision making process. One of the initial steps for the District will be to file legislation to change its charter. The District already has authority to take by eminent domain, to levy a tax and to bond for the payment of debt (all limited to water purposes). Those powers could be expanded to include wastewater through legislation. There would be a need for inter-municipal agreements in order to utilize Town-held properties for infrastructure if necessary. It was further noted

that municipally-held conservation properties are protected by Article 97 of the State Constitution and would require a two-thirds vote of both legislative houses to allow other uses.

Another issue raised in the study was the identification of the likely entity that would be responsible for meeting the nitrogen limits. Mr. Weeks said he found this subject particularly intriguing and it led to an interesting discussion with officials at the Department of Environmental Protection (DEP). It was interesting because DEP is responsible for discharges into the Waters of the Commonwealth because they are responsible for establishing the septic regulations as well as special permits for systems exceeding local jurisdiction. It is the non-source point discharge into Waters of the Commonwealth that are resulting in the nitrogen loading of Waters of the United States. Mr. Weeks specifically asked DEP how they were going to enforce compliance with the nitrogen loading limits once they are promulgated. Currently, they do not have any enforcement authority. What they are hoping is that the cities and towns will see the negative impact nitrogen is having on their water resources, identify with the losses such degradation will have to the enjoyment, recreational and commercial fishing and aquaculture and to those communities that rely on water quality for its tourism.

Mr. Weeks asked of DEP, "What happens if they don't cooperate?" Then DEP could make changes to the Title V regulations by making discharge permits more difficult to obtain. Realistically, DEP does not know how they would enforce the nitrogen limits at this time. If the Dennis Water District does not notify DEP that they are assuming the responsibility and have been authorized to respond to wastewater issues in Dennis, it would seem likely that the Town would be held responsible for meeting those limits. If the Town's water resources decline, it will more likely be that the town selectmen will hear from citizens and business that are being adversely affected and be called upon to solve the issue.

Mr. Weeks said he believes that DEP will work with the Town or District to develop a wastewater management plan. DEP will look to the District and/or Town to follow the plan and make progress towards it. The District could decide to take on the responsibility for wastewater management implementation by stating that the District would be responsible for meeting the nitrogen limits as established. None of Dennis' estuaries have established Total Maximum Daily Limits (TMDLs) for nitrogen. The limits established for estuaries in Chatham vary based on variables such as tidal flows, etc. Mr. Larkowski coordinates the MEP sampling program. The samplings taken over the last three consecutive years of the four named estuaries has been done in order to establish baseline data. He further stated that, although the baseline of sampling has been completed, the sampling will need to continue.

The question was asked, "If the entire town was sewerred right now, how long would it take before any noticeable improvement would be accomplished?" He said that improvements would depend on the travel time of the effluent which varies based on soil conditions and hydraulics. Nate said that it will take approximately 5 to 15 years.

A discussion ensued regarding the sewerred efforts in Town of Falmouth and Waquoit Bay. Waquoit Bay does not have their nitrogen loading limits established. Success of planning efforts will be dependent on the ability of both entities to coordinate activities with Town departments even though it might not necessarily affect the coastal waters but may instead be affecting other issues related to failing systems, or the need to plan for greater density for redevelopment. A question was asked if the Board of Health could demand that the District install sewers in a certain area perhaps ahead of an already established construction schedule or in an area not previously planned for sewerred. If it were for health reasons, maybe. For purposes of redevelopment, maybe not. Mr. Weeks said that these are certainly the

kinds of issues that would require good communications with Town departments and the creation of a good understanding of how to work cooperatively. The heart of the discussion about which entity would be best suited to control the implementation of wastewater will likely rest on the “personality” of the Town. By this, Mr. Weeks explained that, although it may seem most expedient to have the Town handle wastewater, there does not appear to be any insurmountable obstacles precluding the District from assuming that responsibility and that the decision may be decided for political reasons. The scope of the study was deliberately contracted without a recommendation being provided by the consultant. The only recommendation provided was for those involved in the decision making process to use the information as a basis for discussion on which entity is best suited.

Chairman Crowell stated that, for now, he believed that the Iron and Manganese Treatment Plants are the District’s first priority. Mr. Weeks stated that DEP does not have the grant funding available that it once had for wastewater infrastructure. Mr. Larkowski asked if it is too early to decide this question because the TMDL’s are not determined for Dennis and that perhaps the estuaries are not going to require as much treatment as is being anticipated. He felt that there should be a more comprehensive understanding on what was going to be needed in terms of wastewater before determining ownership of the infrastructure. Chairman Crowell asked if the Selectmen have discussed this issue as he felt the Water Commissioners should know which direction the Town was headed. Mr. Larkowski stated that whether the Town or the District took over the responsibility from this point forward, the funds appropriated for wastewater for the first five years would be almost exclusively spent on the work of professional consultants. Mr. Weeks concurred with this observation. It was noted that the Town of Yarmouth is currently studying and planning for wastewater infrastructure for the Route 28 corridor because they have identified a more immediate need for economic redevelopment. They continue to wait for their MEP results. They have received their nitrogen limits for Lewis Bay. They are still waiting for Parker’s River and others. Ms. McMahon suggested that the Board of Water Commissioners refer the report to the Comprehensive Wastewater Management Task force for their consideration and recommendation and then request a joint meeting with the Board of Selectmen. The next meeting of the Task Force is scheduled for Tuesday, February 12. Ms. McMahon has already taken the liberty of tentatively scheduling the Water Commissioners to meet jointly with the Selectmen on Tuesday, March 11. She recommended that other Boards such as Health, Planning and both the District and Town Finance Committees be invited to hear the presentation by Mr. Weeks and to join in the discussion. Mr. Weeks stated that DEP officials are very curious about which entity is going to own this because the District is the only one that has stepped up to undertake this work so far. He further explained that nitrogen in drinking water is limited to 10 parts per million. Dennis has very well protected public water supplies due to the amount of undeveloped lands held by the District for watershed protection. Mr. Weeks went on further to say that marine life is much more susceptible to nitrogen at significantly lower levels. Essentially .5 parts per million is considered the maximum level that can be tolerated by coastal ecosystems. On a motion made by Paul F. Prue, and duly seconded, the Board **UNANIMOUSLY VOTED: to request that the Board of Selectmen meet with the Board of Water Commissioners on Tuesday, March 11, to hear and comment on the report prepared by Stearns & Wheler entitled “Dennis Water District Investigation of Ownership Issues Related to Wastewater Facility Implementation in Dennis” and further, if the Board of Selectmen vote to request that the Board of Water Commissioners pursue legislative authority to undertake wastewater management planning and infrastructure as being in the Town’s best interest, then the Board of Water Commissioners will seek the funding to continue with the necessary environmental and ancillary studies to continue the planning effort.**

There was further discussion about the possibilities and variables for development and implementation of a wastewater system.

Mr. Larkowski informed the Board about the possibility of investigating the feasibility of wind turbines on District properties. He reported that he had attended informational sessions about wind turbines. He referred to successful sites such as the IBEW Union Hall and Massachusetts Maritime Academy (MMA). He also provided information regarding their size and cost of installation. The one at the MMA was \$3 million, produces 660KW and is considered medium sized. At peak performance it provides about a third of the MMA's electrical demand. It is 241 feet high. MMA deems it successful because it estimates that the return on investment will be in about six or seven years. They use the power generated on site. They are a very large user so they use all of the power generated and return nothing to the grid. The IBEW Union Hall turbine is 100KW, 154 feet high and cost approximately \$1.5 million to install. They also use all the power generated on their site. How would wind power help the District is an unanswered question. Mass Technology Collaborative, having sponsored the sessions, awards grant funds for feasibility studies. They would reimburse us for a substantial amount. They would hire an engineer to look at locations, prevailing winds, they need 6.4 meters per second at 70 meters high. They would also investigate on what we would do with the power. Normally, the design is for the owner to use the power directly. In Dennis Water's case, it is estimated that there would be surplus power generated that it would be sold back to the grid. Ms. McMahon stated that she was aware of pending legislation that will provide "net metering". Net metering allows an owner to gain credits for energy sold back to the grid at retail value and to be further applied to other meters that might not be directly connected to the wind turbine. The feasibility study would provide the District with a rate of return on the investment into wind turbines. As energy costs continue to increase, the number of years for the return on investment continues to decrease.

#### Iron & Manganese Removal Project:

Mr. Larkowski explained to the Board the need to install water mains from wells 7, 8, & 10 across Airline Road and across the Ulrich Farm (all through the NSTAR easement) to the new treatment facility off Friend's Lane. Mr. Larkowski requested that the Board authorize him to obtain an opinion as to the value of a water main easement across the Ulrich property. He stated that it is his goal to have this water main installed next winter. Chairman Crowell said that he would like the opportunity to speak directly with Mr. Ulrich to discuss the possibility of donating the easement.

Ms. McMahon and Mr. Larkowski explained the need for Board's authorization to proceed with the necessary paper work to apply for federal and or state grants or low-interest loan funds for the water treatment project.

On a motion made by Paul F. Prue, and duly seconded, the ***Board UNANIMOUSLY VOTED: to designate the District Treasurer to file applications, execute agreements for grants and/or loan assistance as well as furnish such information, data, documents pertaining to the District as applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the District in connection with its application with the Massachusetts Water Pollution Abatement Trust.***

Ms. McMahon discussed various topics for inclusion in the newsletter that will accompany the water bills in February. The February mailing includes the Consumer Confidence Report. There was a

consensus that the major article of the newsletter should be the treatment project and how it will impact the customers through projected water rates.

Ms. McMahon advised that each year the group insurance pool for the District's worker's compensation conducts an audit of payrolls actually paid for the prior fiscal year. The audited premium for Fiscal Year 2007 is \$2,369. She further advised that there are no appropriated or reserved funds for this additional expenditure. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to transfer the sum of \$2,369 for Audited Workers' Compensation Premium for the Fiscal Year 2007 from the Reserve Fund.***

There was a lengthy discussion by the Board members regarding the possible distribution of \$5,000 appropriated for Bonuses and Re-grades within the Operating Budget. Mr. Larkowski stated that although it is early in the process, he felt that the Board might consider an equal distribution of the line item among all the full time personnel later in the spring when the work on the project progresses. He stated that, although every one does not work directly on the project, most will help accommodate the project by filling in those gaps left as other employees work directly on the project. Ms. McMahon stated that there is considerable additional staff work that has to be processed to set up before the project begins as well as during. Mr. Prue felt that a small bonus at the appropriate time would demonstrate the Board's confidence in the District personnel's ability to undertake this project and as reward for work done to date. He felt that unique undertaking of this project warrants recognition and asked that a letter from the Board be included with bonus check when they are distributed. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to authorize the distribution of a \$250 bonus to all full time employees and to the position of electrician and that a letter of acknowledgement signed by the Board accompany the checks.***

The Board then reviewed each line item of the FY 2009 O & M budget with the Superintendent and Treasurer. Approximately 22% of the projected \$202,928 increase in the Operating and Maintenance Budget is due to the extraordinary increases in energy and chemical costs. An additional 22% of the increase is realized in fixed costs as a function of payroll such as group health insurance and the retirement assessment. Approximately half of the total dollar increase is in payroll wages which represents a 4% increase over the prior fiscal year budget. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to approve the FY 2009 Operating and Maintenance Budget in the amount of \$2,843,364.***

Mr. Larkowski and Ms. McMahon reviewed the General Appropriations budget. Most items were standard and had either no increase or a moderate increase. The Interest on Loans experienced the largest increase due to anticipated short term interest for the iron and manganese removal project. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to approve the FY 2009 General Appropriations Budget in the amount of \$765,374.***

The Board then reviewed the bids received for the purchase of new trucks. Mr. Larkowski has proposed to trade-in three vehicles; a ½-ton pickup trade-in for new, a ¾-ton pickup for a new utility service truck, and to replace the Superintendent's 4 x 4 for a Ford Explorer. Ford of Hyannis was the lowest and responsible bidder for the ½-ton pickups and the ¾-ton from Robertson's GMC and the 4 X 4 from Ford of Hyannis. When asked, he explained that duty personnel take home a truck with a plow in order to respond under inclement weather conditions for either station calls or customer emergencies. On a motion made by Paul, and duly seconded the Board ***UNANIMOUSLY VOTED: to approve the FY 2009 Capital Budget in the amount of \$302,735.***

With no further business before the Board, the Commissioners signed the Accounts Payable Warrants and on a motion made by Paul F. Prue, and duly seconded, ***UNANIMOUSLY VOTED: to adjourn their meeting at approximately 5:38 PM.***

Respectfully submitted,

Sheryl A. McMahon, Clerk