

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

June 12, 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 4:08 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

On a motion made by Paul F. Prue, and seconded by Charles F. Crowell, that the Board of Water Commissioners enter into Executive Session to hear complaints or charges brought against an employee and or to consider discipline or dismissal of said employee and further that the Board will return to open session upon conclusion of the Executive Session. The Chairman then called for a roll call vote which was recorded as follows:

Paul F. Prue – Yes

Charles F. Crowell – Yes

Edward A. Crowell - Yes

The Board returned to open session at 4:18 PM.

Ms. McMahon advised that the Loan Agreements with the Massachusetts Water Pollution Abatement Trust have arrived and she has signed them as the authorized officer. In addition, she has received the Loan Certificate and Interim Loan Note to be signed and certified as well as the contracts with general contractor for the project, Kinsmen Corporation. Ms. McMahon noted that very specific wording for the motions to authorize the loans has been provided by counsel.

On a motion made by Paul F. Prue, seconded by Charles F. Crowell, the Board ***UNANIMOUSLY VOTED: that the District shall issue a bond or bonds in an aggregate principal amount not to exceed \$8,600,000 (the “Bonds”) pursuant to Chapters 29C and 44 of the General Laws and a vote of the District passed April 29, 2008 (Article 5), for the drinking water project identified in such vote (the “Project”);***

That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$8,600,000;

That each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the “Trust”) at a price determined pursuant to the Loan Agreement;

That the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and

the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Water Commissioners and the Treasurer as evidenced by their execution of the Bonds or Notes;

That all action taken to date by the District and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and

That the Treasurer and the other appropriate District officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement and the Project Regulatory Agreement relating to the Project.

Mr. Larkowski advised that, with a certain level of reluctance and or concern about the District's ability to complete the intended amount of self-performing work, namely the installation of nearly five miles of raw and treated water mains, backwash lagoons and other related work, the Department of Environmental Protection has assented.

Mr. Larkowski provided the canvas of bids received for potassium hydroxide, ductile iron pipe & fittings and water service material. He noted a very alarming trend in the increase cost of the potassium hydroxide used to raise the water's pH. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to award the bids to the lowest eligible and responsible bidders at the quoted prices as recommended by the Superintendent.***

The Superintendent advised the Board that there was a water main break in Swan River. Yes, the actual break was in a 10" water main in the river just north of the Swan River Bridge. It is the original water main that traversed the river. It was shut down and remains so. The Superintendent is recommending that the main be cut and capped permanently. There is a 16"-main on the bridge which is sufficient to meet the needs of the area. To date, the loss of the main does not seem to have had an impact on service to the area. There are a number of other mains of various sizes crossing the river. The only other main under the river is at Upper County Road.

In accordance with action taken at the Annual District Meeting, and on a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to take by eminent domain, with the consent of the owner, a parcel of land on Pilot Drive, East Dennis as described under Article 11 of the Annual District Meeting held April 29, 2008.***

Ms. McMahon reviewed the actions taken at the Annual District Meeting to fund additional studies as may be necessary to further the development of a Comprehensive Wastewater Management Plan. The District's engineering consultants for wastewater management, Stearns & Wheler, LLC, has submitted a scope of work and for the preparation of Special Legislation which will enable the District to develop a wastewater management plan and to implement and manage any infrastructure to be constructed. The not-to-exceed price quoted for the work is \$28,000. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to award a contract to Stearns & Wheler for the work necessary to file special legislation with the Great and General Court granting authority and responsibility to the Dennis Water District for wastewater management within the Town of Dennis.***

Ms. McMahon advised the Board that, in considering that the potential layout of a future sewer system may require the siting of various lift stations it has come to her attention that the Town of Dennis Treasurer has foreclosed on a number of small parcels throughout the Town which may serve as possible sites for sewer infrastructure. The Board of Selectmen has sent the list to those Town boards and committees which might deem the foreclosed properties suitable for their needs (conservation, parks, etc.) Since she is not qualified to evaluate whether or not the listed parcels are suitable, she recommends that the professional services of a consultant be contracted. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to award a contract for services to Stearns & Wheeler, LLC in the amount of \$2,000 for the evaluation of 12 properties taken as tax title possession by the Town of Dennis as to their suitability for the possible siting of wastewater infrastructure.***

Ms. McMahon noted that the cost assessed for issuing Demand Shut-Off Notice has risen over the years but the Demand Fee has remained the same at \$10. Demands are issued when the outstanding balance is more than \$100 and more than 90 days due. They are processed on a monthly basis. She asked the Commissioners to consider raising the Demand Fee from \$10 to \$15 and the outstanding balance threshold from \$100 to \$150. She noted that there are sometimes more than 200 Demand Notices generated when the water bills are aged more than 90 days and the thresholds are met. Ms. McMahon advised that there only about two dozen accounts making regular partial payments. That is a remarkable statistic given that the District has nearly 14,000 active accounts. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to increase the Demand Shut-Off Notice threshold from \$100 to \$150 and the Demand Fee from \$10 to \$15 effective immediately.***

Ms. McMahon apologized for having distributed the draft minutes of 2007 so late. Regrettably, the current work load is prohibiting her from having them completed and reviewed by the Board on a more timely basis. She said that she would endeavor to bring them up to date. Mr. Prue noted that the reading the minutes helped him remember the process which brought the iron removal project forward and he commended Ms. McMahon for their thoroughness. He felt it is a good historical record of the Board's decision making process. Ms. McMahon said that it is a good reference when needed however, the thoroughness is time consuming. She did note that she takes minutes in draft form on the computer during the meetings so; there is a very rough draft immediately available. Refining the minutes for the permanent record is time consuming. Mr. Crowell provided a mark-up of his copy to the Clerk as corrections to be made. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to approve the minutes for 2007.***

With no further business before the Board, the Water Commissioners signed the accounts payable warrants and on a motion made by Paul F. Prue, and duly seconded, ***UNANIMOUSLY VOTED: to adjourn the meeting at 4:45 PM.***

Respectfully Submitted,

Sheryl A. McMahon, Clerk