

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

July 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 4:08 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

NOTE: A Public Hearing is scheduled for **5:00 PM** to consider and vote on the exemption of certain parcels of real estate from District taxation in accordance with Section 7 of the Acts of 1945.

Mr. Larkowski advised the Board that the Richard and Celeste Ulrich agreed to grant an easement to the District to install water main across their property within the existing electric line easement on Airline Road. This will enable the District to run the water main in a more direct route to the new treatment station on Friends Lane. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to sign a letter of commitment to the Ulrich's obligating the District to mow the fenced paddock owned by the District but, held in a life estate for the Ulrich's in exchange for an easement across their property for the installation of water main.***

Ms McMahon advised the Board that she has had a good experience in processing and receiving funds through the Massachusetts Water Pollution Abatement Trust state revolving loan program although, there it requires a considerable amount of paperwork.

Mr. Larkowski advised that the Robert B. Our Company is doing the site work as a subcontractor for Kinsmen Corporation at the new treatment facilities. He advised that the rebar is being installed this Monday followed by a concrete pour on either Tuesday or Wednesday of next week. He said the work is going well and progress is being made although it is still very early in the project schedule.

The Superintendent requested that the Board reconsider their original vote on awarding the fittings group to Ferguson. He said that the materials bid are not of the quality standard used by the District. He did recommend that the Board continue their award to Ferguson for the hydrants and valves. He recommended that the Board not award the bid to any vendor but, that he will obtain quotes for the materials on an as needed basis. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to rescind the award of fittings under Item 6 of Part III of the Materials canvas for FY 2009 purchases.***

Ms. McMahon advised the Board members that due to the need to expedite the loan application for the state revolving loan funds for the Iron & Manganese Treatment Project, a legal opinion letter was required. Edwards Angell Palmer & Dodge, LLC provided the services. However, the appropriation for this expense is not available until Fiscal Year 2009 and the bill is dated for services rendered in the prior fiscal year. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to transfer \$3,000 from the FY 2008 Reserve Fund in order to encumber an invoice for legal services for the loan application through the Massachusetts Water Pollution Abatement Trust.***

Ms. McMahon has been advised by Representative Turner that there is little chance special legislation to combine the District and Town election will be passed in sufficient time for the 2009 election. While this does not impact the Town in any way, there is a serious logistical problem trying to conduct two separate elections on the same day for two separate entities. First and foremost is the lack of a sufficient number of workers. She further noted that the District's recently adopted bylaw requires the election to be the same day as the Town's. Ms. McMahon advised that it will be necessary to hold a Special District Meeting to amend the bylaw and move the election to a different day until such time as the legislation authorizing the combined election is passed.

Ms. McMahon also took this opportunity to advise the Board that, in preparation for the Public Hearing on exempt properties for the Dennis Water District, the Deputy Assessor has identified 66 parcels that lie outside the District and will not be assessed the District tax. However, nearly all of parcels receive water service from the District. The Board discussed the equity of this situation and expressed concern that these parcels have and will benefit from the District's infrastructure and from the wastewater planning efforts but, have no financial responsibility if and when a District tax is assessed. Ms. McMahon also noted that, since the goal is to have a combined election with the Town, unless these parcels are included within the District, it will require 3 separate voter lists for two precincts. This will be a logistical nightmare for the Town. She recommended that the Board pursue the provisions of Chapter 277 of the Acts of 1945 which enable territories to be annexed. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to send letters to those property owners outside the District and ask them to sign a petition letter requesting the Board to annex their property to that of the District.***

On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to recess the regular meeting at 5:04 PM in order to conduct a Public Hearing for the purpose of determining which parcels within the District will be exempt from taxation.***

There were no members of the public present during the hearing.

Ms. McMahon explained that the list of recommended parcels for exemption does not include the "500" parcels as listed by the Assessors. The "500" parcels cannot be located but apparently have deeds recorded. The Town does not exempt them from taxation and she recommended that the District be consistent with the Town. Ms. McMahon further explained that an original list of parcels exempted from District tax was provided by the Deputy Assessor. The list was from the last time a District tax was assessed for FY 1988. Ms. McMahon and Mr. Larkowski reviewed the list in accordance with the criteria prescribed in Chapter 277 of the Acts of 1945, Section 7. On a motion made by Paul F. Prue, and duly seconded, the Board ***UNANIMOUSLY VOTED: to exempt from District taxation Item No. 1 through 10 and 16 through 24 on a list attached to these minutes.*** On a motion made by Paul F. Prue, and duly seconded, the Board ***VOTED (2-0-1 CFC abstaining): to exempt from District taxation Item No. 11 through 15 on a list attached to these minutes.***

On a motion made by Charles F. Crowell, and duly seconded, the Board ***UNANIMOUSLY VOTED: to close the public hearing.***

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 5:31 PM.***

Respectfully submitted,

Sheryl A. McMahon, Clerk