

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

April 7, 2010

A meeting, having been duly posted, was held this date at the District Office, 80 Old Bass River Road, S Dennis. The meeting was called to order by Paul F. Prue, Chairman at 2:06 PM. Water Commissioners Charles F. Crowell and Peter L. McDowell were present along with the following District officials:

David Larkowski, Superintendent

Sheryl A. McMahon, Clerk & Treasurer

The Board members, having previously received a draft copy of the Board of Water Commissioners 2009 Annual Report as prepared by Chairman Prue, discussed the contents and context of the text. There was a lengthy discussion regarding a majority vote of the Board last fall to discontinue its support of the special legislation that would enable the District to become a sewer district. On a motion made by Charles F. Crowell, and duly seconded, the Board **VOTED (2-1-0 with PLM being opposed) to accept the 2009 Annual Report as drafted with the following replacing the first sentence of the third paragraph:**

Also, at the suggestion of the Board of Selectmen through Town Administrator Rick White, a majority of the Water Commissioners voted to temporarily suspend pending legislation which would have given the District authority to become a sewer district.

See Attachment A for complete text as voted.

As was voted on at the March 25 meeting, the Board considered the drafting of a letter requesting a legal opinion of certain questions pertaining to the expenditure of District funds for wastewater. Mr. McDowell informed the other board members that he had sent a draft of his questions to Attorney Perrino to ensure that his phrasing of the questions did not “box” in counsel’s response.

On a motion made by Peter L. McDowell, and duly seconded, the Board **UNANIMOUSLY VOTED: to forward the following set of questions to Attorney Thomas Perrino for a legal opinion:**

As we understand that enabling legislation, as amended has granted authority to Dennis Water District to provide Dennis citizens with potable water and water for fire protection. We respectfully request answers to our following questions relating to limitations in our authority:

1- Can the Dennis Water District, upon an affirmative vote of the Water Commissioners and vote of the District voters at duly conducted meeting(s) vote to expend District funds and to impose a real estate tax upon the taxpayers for any municipal purpose it might choose or if there are limitations what are they?

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Accepted 5/27/10

Page 1 of 4

2- Does the Dennis Water District have the authority to expend funds and tax, for investigative studies to determine whether or not a need exists within the District to address wastewater issues or concerns.

3- The Dennis Water District has recently taxed certain real estate within the town of Dennis and authorized the expenditure of approximately \$600,000 of District funds for wastewater planning and environmental studies. Currently there is a \$263,909 unexpended balance with approximately \$199,247 in outstanding commitments for the Massachusetts Estuaries Project. This includes a \$13,000 allocation for a sixth round of water quality sampling in the summer of 2010. Can these funds be lawfully expended?

Mr. Larkowski advised the Board that a review of the preliminary site analysis for the Wind Power Feasibility Study has been completed. Thomas Michelman of Boreal Renewable Energy Development would like to review the findings with the Board. There was agreement to meet the consultant on Thursday, April 15 at 3:00 PM at the District office.

On a motion made by Charles F. Crowell, and duly seconded, the Board UNANIMOUSLY VOTED: to adjourn the meeting at 3:09 PM.

Respectfully submitted,

Sheryl A McMahon, Clerk

REPORT OF THE BOARD OF WATER COMMISSIONERS 2009

Commissioners Prue and Crowell would like to recognize the election of Peter L. McDowell as the third and newest member of the Board who replaces Edward A. Crowell. Chairman Crowell retired upon completion of his current term on April 22 having served with distinction for more than 42 years. He will be sorely missed as a colleague and friend of the Board.

The Board of Water Commissioners is proud of and thankful for all the employees of the District for their enthusiasm, commitment and hard work in completing the single largest construction project undertaken by the District since its inception. The two iron and manganese removal plants were completed in late summer and have been performing nearly flawlessly. The District employees undertook several major components of the project such as the installation of nearly five miles of raw and treated water mains, pumping station upgrades and the construction of four settlement and two infiltration lagoons for the treatment backwash. These initiatives saved the rate payers of Dennis an estimated \$2 million dollars in project costs. The Board would also like to take this opportunity to express its appreciation to the project manager Kristen Berger, PE of AECOM, Inc. (formerly Earth Tech, Inc.) and the general contractor Kinsmen Corporation for the excellent working relationship among all those involved in this outstanding project. The New England Water Works Association, Massachusetts Water Works Association and the Massachusetts Department of Environmental Protection have all recognized in various seminars and printed articles the unique characteristics of this project and the outstanding job done by District employees.

Also, at the suggestion of the Board of Selectmen through Town Administrator Rick White a majority of the Water Commissioners voted to terminate the pending legislation which would have given the District authority to become a sewer district. It was felt that support of the legislation should be deferred so that concerns over Board of Health and certain zoning and planning issues might be taken into consideration in the planning effort. Also, since no scientific reports have been received from the Massachusetts Estuaries Project, and this report is a major component of determining the need for wastewater management, it was felt that it may be premature to proceed with the legislation until a complete evaluation has been studied and determinations are discussed. The Board can request the voters to reauthorize the filing of the legislation at a later date when a comprehensive wastewater management plan is adopted.

In December, the Board voted to move forward with plans to develop a wind power project by authorizing management to develop a request for proposals for engineering and consulting services for a feasibility study. The District uses approximately 1.2 to 1.4 megawatts of electrical power annually for its pumping stations, chemical treatment stations and other facilities. The potential cost savings is significant as the amount paid for electricity in Fiscal Year 2009 was \$243,778 representing 8.8% of the operating and maintenance expenditures. A special District meeting will be held in February 2010 in order to authorize and approve funding for the study. It is anticipated that the study will be available in early to mid 2010.

We can not leave this report without once again extending our gratitude to all of the employees who serve with such dedication and esprit de corps. To the voters of the District we extend our appreciation for their continuing support of the Board's efforts to deliver water in sufficient quantities and of superior quality.

