

# DENNIS WATER DISTRICT

## *Board of Water Commissioners*

Minutes of Meeting held

June 30, 2011

A meeting, having been duly posted, was held this date at the Dennis Police Station, 96 Bob Crowell Rd, S Dennis. The meeting was called to order by Paul F. Prue, Chairman at 8:40 AM. Also in attendance was Water Commissioner Charles F. Crowell. Water Commissioner Peter L. McDowell was absent. The following District officials were present:

David Larkowski, Superintendent

Sheryl A McMahon, Clerk & Treasurer

Thomas J. Perrino, Counsel for the District

### **CONSIDER EXTENSION OF CONTRACT FOR MASSACHUSETTS ESTUARIES PROJECT**

This issue is a continuation of a discussion held on June 23, regarding the extension of a contract between the Dennis Water District and the School for Marine Science and Technology (SMAST) for the Massachusetts Estuaries Project (MEP) that will expire on June 30, 2011. Present for the discussion was Attorney Perrino who had received copies of the current and previous contracts with SMAST prior to the meeting.

Mr. Larkowski provided an overview of the sequencing of events that led to the Board's consideration of extending the contract for another year. The main concern having been expressed by Mr. McDowell during the previous meeting was that without legislative authority to undertake wastewater management, the District does not have legal authority to spend funds on environmental studies related to water quality in the Town's estuaries (MEP). The purpose of the meeting is to define whether we have the authority to extend the contract but to also discuss the terms of the extension. He believes this should be the last time for the extension, at no cost and that all of the reports, according to a letter requesting the extension from SMAST, will be filed with the Department of Environmental Protection (DEP) on or before June 30, 2012.

Chairman Prue stated that there was no question in his mind that we have gone this far and that we can't make decisions until we know what is going on out there and he was hopeful that the District would be able to continue with the MEP.

Attorney Perrino stated that in his opinion the Board does have the authority to extend the contract with SMAST. There was a series of contracts and when read individually they have a beginning period and an end period. Taken as a whole, which he believed is the proper way to look at them. The final contract was for a two-year period with obligations to which, for whatever reasons, were not completed. There are provisions in the contract that allow for extensions at no additional cost. Based on the prior authorization to explore wastewater issues and the prior appropriation of funds is there then extending the contract this one last time to get these reports done is appropriate. Attorney Perrino said he would question any additional extension because this needs to come to a conclusion for the District based on the vote the Commissioners took to suspend the special legislation.

Chairman Prue asked if it should be an extension or a new contract. Attorney Perrino advised that an extension of the existing contract is appropriate in this instance and did not recommend getting into a

new contract because the costs have already been negotiated is already and the existing contract provides for extensions which are incorporated back into the final contract.

On a motion made by Charles F. Crowell, and duly seconded, the Board ***VOTED 2-0-0 (Peter L. McDowell absent): to extend the current contract with the School for Marine Science and Technology, University of Mass. - Dartmouth for the Massachusetts Estuaries Project for a termination date of June 30, 2012.***

On a motion made by Charles F. Crowell, and duly seconded, the Board ***VOTED 2-0-0: to adjourn at 8:58 AM.***

Respectfully submitted,

Sheryl A McMahon, Clerk