

Commissioners
Robert E. Corey
William L. Morin
Chairman - William "Zee" Zielinski

Michael Sheu
Superintendent

John M. Hudzik
Field Service Manager
Primary Distribution Operator

Debra H. Vinal
Treasurer

MINUTES

NOVEMBER 15, 2017

The meeting was called to order at 6:00 PM

PRESENT:

Commissioners William Zielinski/Chairman, Robert E. Corey/Vice-Chairman and William L. Morin. Superintendent Michael K. Sheu, Field Services Manager John Hudzik, Treasurer Debbie Vinal, District Counsel Arthur C. Sullivan Jr. and Roland L. Milliard, and Secretary Jayne Boissonneault

Chairman Zielinski called for a moment of silence in memory and in honor of all Veterans.

MINUTES:

Commissioner Morin made a motion to accept the minutes of September 20, 2017 as presented. Seconded by Commissioner Zielinski. Motion passed two to one; Commissioners Morin and Zielinski in favor, Commissioner Corey abstained as he was not present at the 9/20/17 meeting.

The Commissioners agreed to table acceptance of the October 11, 2017 minutes to the next meeting.

APPOINTMENTS:

Community Input:

None

6:00 PM Joel Kahn representing Circle Health/Discussion, Easement Agreement:

Joel Kahn of Equity Alliance, LLC stated he was present this evening representing LGH/Circle Health for final approval of the easement agreement between the Arbors and the DWSD. Mr. Kahn pointed out the DWSD has access to all three shut offs individually as well as a shut off at the street. All agreed the language on page 2 section III must be amended prior to acceptance.

APPOINTMENTS (Cont'd)

6:00 PM Joel Kahn Circle Health/Discussion, Easement Agreement (cont'd):

Commissioner Corey made a motion to authorize the Superintendent to sign the Easement Agreement between the DWSD and the Arbors contingent upon District Counsel's approval of the amended language on Page 2 Section III of the agreement. Seconded by Commissioner Morin. Motion passed unanimously.

7:00 PM: James & Nancy Steere, 58 Old Meadow Rd./Hydrant

The Commissioners agreed to take the agenda out of order as the 6:15 appointment was not present. Mr. & Mrs. Steere requested an update on the placement of a hydrant on their property at 58 Old Meadow Rd. Superintendent Michael Sheu provided the property owners with an easement agreement for placement of the hydrant. The Board asked that Mr. & Mrs. Steere take time to review the easement prior to having the document signed and notarized, after which the District will move the hydrant to the agreed upon location. Mr. & Mrs. Steere stated they would review the easement agreement and would get back to the Board as soon as possible.

The Commissioners agreed to continue with the Treasurer's and Superintendent's reports until the next scheduled appointment arrived.

TREASURER'S REPORT:

Treasurer Debbie Vinal provided a detailed written report, pointing out as of October 31, 2017 revenues were under at 33%, under by 2.85% and expenses were at 31.41%, under by 3.52%. The Treasurer also provided the Board with a report on revenues from SDF fees over the past 3 years (2014, 2015 & 2016).

Commissioner Corey made a motion to accept the Treasurer's report as presented. Seconded by Commissioner Morin. Motion passed unanimously.

SUPERINTENDENT'S REPORT:

Tyngsboro and New Boston Well Fields:

Superintendent Michael Sheu informed the Board drilling of the well for flow test at Well #2 has been completed, and the flow test is scheduled the week after Thanksgiving.

Tyngsboro Well #3 Replacement design work has been completed. Mr. Sheu authorized Weston & Sampson to move forward with the bid for this project without DEP's approved permit, pointing out there is always a risk that DEP can come back with comments that could result in a design change and therefore change order. The bid opening is tomorrow, November 16th at 10:00 AM with 10 bids received as of this evening.

Mr. Sheu will contact DEP to request expedited review and approval for this project and report back to the Board at the next meeting.

The Commissioners agreed once again to take the agenda out of order and hear the Superintendent's report on Security Issues at Tyngsboro Wellfield

SUPERINTENDENT'S REPORT (Cont'd):

Security Issues Tyngsboro Wellfield and State Forest Pump Station:

District Counsel Roland Milliard reported he went to Lowell District Court to file the paperwork necessary to request a magistrate hearing, and summons JP & Sons for a clerk's hearing. Attorney Milliard was advised to request the Tyngsboro Police Department take out the complaint (see attached). Attorney Milliard agreed, and will update the Board at the next meeting.

APPOINTMENTS (Cont'd):

6:30 PM K.P. Law, Attorney Holland/Solar Net Metering:

The Board requested District Counsel contact Attorney Holland to review the Solar Net Metering proposal one final time before they voted to accept the proposal. Attorney Holland informed the Board he has reviewed the contract on behalf of the District, and agrees it is a good deal. Attorney Holland informed the Board the District will need to provide all of their accounts to be put on the "Schedule Z", and will be asked to sign additional documents over the first few years. Discussion ensued and the Commissioners agreed they will send any additional documents to Attorney Holland for his review prior to signing. Attorney Holland agreed, informing the Board he made sure the contract includes language so that whenever the District is asked to do something that will incur legal fees, all legal fees will be paid by 580 River Solar.

Attorney Holland stated there are a few typos he will have corrected, but other than that, the agreement is final if the Board wishes to vote on the proposal this evening.

Commissioner Corey made a motion to accept the Power Purchase Agreement from 580 River Solar NG, LLC as presented. Seconded by Commissioner Morin. Motion passed unanimously.

6:40 PM James Abreu/Request for Water Service, Shelton Street Ext.:

James Abreu, property owner, and Kenneth Lania, Civil Engineer, presented plans for two new single family homes on Shelton Street. Mr. Lania requested the Board vote on the water services this evening if at all possible, so that he can get the utilities in up to the roadway edge before winter. The Board reviewed the plans, and John Hudzik, Field Services Manager, stated he received and reviewed the plans prior to this evening's meeting and has no problem with them.

Commissioner Morin made a motion to approve installation of a 6" dry water main for two 1" services on Shelton Street, allowing final connection in the spring, contingent upon payment of a \$6,000 tap fee prior to installation, and providing a new plan showing the 6" gate, in accordance with all Rules & Regulations of the DWSD. Seconded by Commissioner Corey. Motion passed unanimously.

APPOINTMENTS (Cont'd):

6:50 PM Tim Barlow/Request for Water Service, 1827 Bridge St. (Assisted Living Facility):

Peter Hingorani, the property owner for the proposal Assisted Living Facility, 1827 Bridge St., Tim Barlow, developer and engineers were present to continue discussion for water service to the proposed project. Attorney Sullivan reported there is an easement coming over from Avis Avenue to the property. Field Services Manager John Hudzik stated the District has access to shut off from the street on both Avis and Bridge Streets.

Both Superintendent Michael Sheu and Field Services Manager John Hudzik stated they have reviewed and have no problem with the plan as presented. Mr. Hudzik stated they may need a new meter if their meter is more than 10 years old.

Commissioner Corey made a motion to allow Dracut Place Realty Company, LLC, 1827 Bridge Street, Dracut, MA to continue connection of an 8" water main to the existing 6" main and to loop the system, in accordance with all Rules & Regulations of the DWSD. Seconded by Commissioner Morin. Motion passed unanimously.

Mr. Hingorani presented the Board with a check in the amount of \$316,228.00 for SDF fees for the project.

SUPERINTENDENT'S REPORT (Cont'd):

Undersized Water Main Projects:

Field Services Manager John Hudzik reported all projects have been completed with the exception of looming and seeding which will be done in the spring. Mr. Hudzik pointed out the District has replaced approximately 6,300 feet of undersized water main this year.

Proposal of a new 16" water main from TWF through Norris Rd/Lawrence Ave to Lakeview Ave:

Mr. Sheu reported Tighe & Bond are in the process of performing boring tests this week, and he will keep the Board informed as this project moves forward.

Metering Replacement Project:

Mr. Sheu reported a meeting is scheduled with Weston & Sampson to discuss this project tomorrow, and he will provide the Board with an update at the next meeting.

Water Management Act Application:

Mr. Sheu reported Tighe & Bond has submitted the Phase 1 Water Management Act renewal permit application, which is included in this evening's packet. Mr. Sheu requested the Board read the correspondence and supporting documentation provided to MADEP by Tighe & Bond for future discussion.

SUPERINTENDENT'S REPORT (Cont'd):

Easement Bylaw in Dracut & Tyngsboro:

Mr. Sheu reported he spoke briefly with District Clerk Kathleen Graham regarding an easement Bylaw in both Dracut & Tyngsboro, and will be working together on an article for Annual Meeting.

Commissioner Corey made a motion to accept the Superintendent's report as presented. Seconded by Commission Morin. Motion passed unanimously.

DISTRICT COUNSEL'S REPORT:

New Office Building Close-Out/Update – Coughlin Heirs:

Nothing new to report

Acts/Bylaws Update:

Tabled

Hearthstone Lane – Total cost to the District:

District Counsel Roland Milliard reported he has filed a complaint in small claims court.

State Forest Legislative Filing:

Nothing new to report

Easement Agreement/The Arbors:

Addressed earlier this evening under Appointments, Joel Kahn

Update/Solar Net Metering Proposal:

Addressed earlier this evening under Appointments, KP Law – Attorney Holland

Commissioner Corey made a motion to accept District Counsel's report as presented. Seconded by Commissioner Morin. Motion passed unanimously.

OLD BUSINESS:

District Counsel's Contract(s):

Tabled

Water Conservation:

Ongoing

NEW BUSINESS:

Fluoridation:

Mr. Sheu informed the Board he spoke with representatives of the Town of Dracut-Board of Health, who prefer the question of removing fluoride from the drinking water go to the voters vs. a three member Board. All agreed there should be opportunities to educate the public about the pros and cons of having fluoride added to drinking water, without taking a stand either pro or con. Attorney Sullivan is going to do more research on how the District can provide educational materials and/or perhaps conduct a survey. Mr. Sheu will gather additional information, and Attorney Milliard will do some research with the City of Methuen.

Chairman Zielinski instructed the Secretary to keep this item on the agenda under Old Business for future discussion.

Discussion/SDF Fees:

At a previous meeting, Commissioner Morin asked that District Counsel review the District's Bylaws for the definition of a "unit" and report back to the Board. District Counsel explained that at the 2005 Annual Meeting there was a vote taken regarding SDF fees for single family, multi family, commercial new construction, etc., however, the vote was not sent to the legislature. Attorney Sullivan stated the Commissioners have since been given the authority to vote on SDF fees, and may, therefore, want to vote to ratify the vote taken at the 2005 Annual Meeting.

Chairman Zielinski instructed the Secretary to keep this item on the agenda under Old Business for future discussion.

Commissioner Corey made a motion to accept District Counsel's report as presented. Seconded by Commissioner Morin. Motion passed unanimously.

Staff Reviews:

Stephen Deheney:

Field Services Manager Johh Hudzik reported Mr. Deheney is up to date with all of his licenses and holds both a T1 and D3 license. Superintendent Michael Sheu stated he would like to see Mr. Deheney work more toward treatment. The Commissioners agreed they would like to see Mr. Deheney pursue additional licensing in treatment.

Commissioner Morin made a motion to give Mr. Deheney a 4% increase retroactive to his anniversary date. Seconded by Commissioner Corey. Motion passed unanimously.

NEW BUSINESS (Cont'd):

Staff Reviews (cont'd):

Timothy Germain:

Field Services Manager Johh Hudzik reported Mr. Germain has his T1 and D2 licenses. Superintendent Michael Sheu stated he would like to see Mr. Germain work toward obtaining additional licenses in distribution. The Commissioners agreed they would like to see Mr. Germain pursue additional licenses as well.

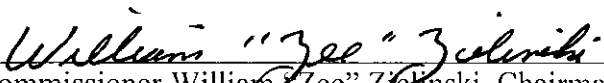
Commissioner Morin made a motion to give Mr. Germain a 3% increase retroactive to his anniversary date. Seconded by Commissioner Corey. Motion passed unanimously.

Meeting Schedule:

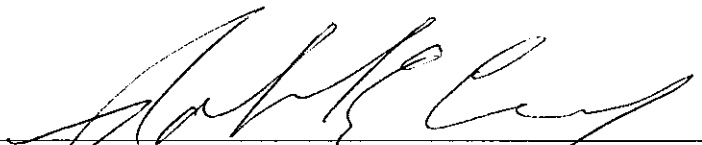
Chairman Zielinski announced the next meetings scheduled as follows:

Tuesday, December 12, 2017 6:00 PM DWSD/Main Office Conference Rm.

Commissioner Corey made a motion to adjourn the meeting at 8:33 PM. Seconded by Commissioner Morin. Motion passed unanimously.



Commissioner William "Zee" Zielinski, Chairman



Commissioner Robert E. Corey, Vice-Chairman



Commissioner William L. Morin