

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

Michael Sheu
Superintendent

Debra H. Vinal
Treasurer

MINUTES

DECEMBER 2, 2020

The meeting was called to order at 5:33 PM

PRESENT:

Commissioners William "Zee" Zielinski/Chairman, William L. Morin/Vice-Chairman, and Commissioner Robert E. Corey. Superintendent Michael K. Sheu, Treasurer Debbie Vinal, HR/Office Manager Kelley Chasse, District Counsel Arthur C. Sullivan Jr., and Secretary Jayne Boissonneault

Chairman Zielinski asked for a roll-call vote to enter into Executive Session at 5:33 PM for the purpose of discussing real estate acquisition and the legal strategy thereto. The roll-call vote was as follows:

Commissioner Morin	-	Yes
Commissioner Corey	-	Yes
Commissioner Zielinski	-	Yes

The regularly scheduled meeting was reconvened at 6:00 PM. Chairman Zielinski announced a vote was taken in Executive Session.

MINUTES:

Commissioner Corey made a motion to accept the October 21, 2020 Minutes as presented. Seconded by Commissioner Morin. Motion passed unanimously.

COMMUNITY INPUT:

None

TREASURER'S REPORT:

Treasurer Debbie Vinal provided the Board with a written detailed financial report ending November 30, 2020 pointing out receivables are at 53.65%, over by 11.65%, and expenses are at 39.46%. Mrs. Vinal reported the System Repair & Maintenance line item is high right now because the District just bought a generator and new pumps.

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

DISTRICT COUNSEL’S REPORT:

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

District Counsel Arthur Sullivan reported he was able to deliver the recorded deed to the property to the Superintendent this evening. Chairman Zielinski asked that the Secretary take this item off the agenda.

DWSD Acts & Bylaws Update:

Ongoing

Easement at Winding Brook Estates:

Nothing new to report

166 Frost Road:

Addressed earlier this evening in Executive Session

Other:

DWSD Annual Audit/Management Letter:

District Counsel stated they have reviewed the District Annual Audit/Management Letter and noticed that there are some items the Management Letter recommends the District address that will require Bylaw changes. District Counsel will prepare a list of those items for the Board’s review at their next meeting.

Attorney Milliard pointed out the District must review and sign an agreement relative to Other Post Employment Benefits (OPEB). District Counsel will work with the Treasurer on this and report back to the Board. The District should also have a Fraud & Ethics Policy in place, including computer security. District Counsel will work with HR/Office Manager Kelley Chasse on this as well.

City of Lowell Rate Increase:

Attorney Milliard reported he spoke with City Councilor Rodney Eliot regarding the City of Lowell’s significant water rate increase without notice. All agreed the City of Lowell has the authority to increase their rates, the complaint is the timing of such a significant increase without any notice, which has not been budgeted for, and whether or not the back dating of this rate increase is even legal.

District Counsel asked if there is money in the budget/line item to pay the prospective bill once it comes in from the City of Lowell. The Commissioners agreed they should not pay the back bill. District Counsel will file for declaratory judgement and see what the courts have to say. If the District wins, they wouldn’t have to pay the interest or the bill. In the meantime, District Counsel suggested the funds be placed in escrow. The Superintendent will let staff know not to pay the back charges portion of the bill at the increased rate unless otherwise directed to do so by the Board of Commissioners.

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

SUPERINTENDENT'S REPORT:

Tyngsboro and New Boston Well Fields:

Well #5:

Superintendent Michael Sheu informed the Board the District is still discussing interface work with LeBlanc, and will follow up with Tighe & Bond.

Distribution:

Winding Brook Condominium – Easement

No new updates

1530 Bridge St./144 Greenmont Ave.:

Mr. Sheu informed the Board Common Ground has received approval for a MassWorks Grant in the amount of \$650,000 to help fund this project. Mr. Joncas sent an email to the DWSD on November 25th which is clearly a misunderstanding of the discussion that took place at the November 18th meeting where the Commissioners pointed out they have *already* reduced the fee by half, and the District cannot reduce fire protection and tap fees. The Commissioners are also waiting to know if the Sewer Department is reducing their fees. District Counsel Roland Milliard will draft a letter to be reviewed by the Board and sent by the Superintendent to be clear about what the District has and has not agreed to, and to be sure Mr. Joncas understands the Commissioners cannot vote to reduce SDF Fees – this must be done by the legislative body at an Annual Meeting.

Current Operations Updates:

Pleasant Street Pump Station – Pump Replacement:

Mr. Sheu informed the Board the roof will need to be cut and a hatch installed at the Pleasant Street Pump Station in order to accommodate the 2 new pumps, which puts the project over \$50,000 at this point, with the possibility of costing up to \$100,000. The Commissioners agreed this was an emergency repair and the work must be done.

Other:

New Fire Station, 539 Nashua Rd.:

Mr. Sheu informed the Board the Dracut Fire Department has requested a 2nd meter to measure water usage for fire protection. All Commissioners agreed they have no problem with the new fire station having a separate meter for fire protection.

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

OLD BUSINESS:

Tighe & Bond – Master Plan:

Water Treatment Plant & State Forest Water Storage Tanks:

Mr. Sheu reported Tighe & Bond has met with DCR, and they will not issue a permit to the District. Attorney Sullivan pointed out the language is in the Home Rule Petition

OLD BUSINESS (Cont'd):

Tighe & Bond – Master Plan (cont'd):

Water Treatment Plant & State Forest Water Storage Tanks:

already filed as quoted on page 25 of the Superintendent's report: The 2016 legislation stated that: "...The exact location of the water tower or standpipe and pipes, pumps, connections, appurtenances, and rights of way on Parcel 5 shall be determined by the Board of Water Commissioners of the Dracut Water Supply District at the time of construction."

Mr. Sheu informed the Board he spoke with Tighe & Bond again this morning, and they are having another meeting with DCR. If there is no resolution at that point, the District will request the assistance of State Representative Colleen Garry and Senator Barry Finegold.

State Revolving Fund:

Nothing new to report

Mass DEP Asset Management Grant Application:

Ongoing

Requisition of Property 24 Preston St., Dracut:

Nothing new to report

Solar Net Metering:

Nothing new to report

NEW BUSINESS:

Rules & Regulations for tie-in DWSD water system

Tabled

Water Rate Steps for Residential and Commercial

Tabled

DWSD's Operations under COVID-19:

As discussed at the last meeting, Mr. Sheu suggested the District close the main entrance lobby and that the public only use the drive thru as the number of COVID-19 cases continues to rise. All Commissioners agreed at this point it is in the best interest of the District rate payers and employees to close the main entrance lobby and accept payment via the drive-thru. Staff will alternate working from home and from the office. HR/Office Manager Kelley Chasse will put signage outside, on the website, and on the bills.

Dracut/Tyngsboro Archeological Reconnaissance Survey:

Addressed earlier this evening

NEW BUSINESS (Cont'd):

Superintendent Employment Agreement:

The Commissioners reported they have had an opportunity to meet with the Superintendent regarding his request for a contract, and District Counsel stated they have reviewed the contract. All agreed Mr. Sheu has done an excellent job and continues to be instrumental in moving the District forward well into the future. Chairman Zielinski asked about the District's comp time policy. HR/Office Manager stated the DWSD comp time policy states no more than 40 hours of comp time can be carried over into the next fiscal year.

Commissioner Morin made a motion to authorize the Employment Agreement as presented by Superintendent Michael Sheu commencing November 21, 2020 (Mr. Sheu's anniversary date) through November 21, 2025. Seconded by Commissioner Corey. Motion passed unanimously.

The Commissioners agreed to sign the Employment Agreement at the next meeting as there was a formatting error on page 3 of 5, paragraph one.

New Lowell Water Rate:

Addressed earlier this evening under District Counsel's report

Customer Assistance Program:

District Counsel stated that while the idea of creating a program to assist ratepayers who are having a tough time financially certainly demonstrates the character of the HR/Office Manager, they recommend considering a charity from year to year such as the Dracut Scholarship Foundation and Dracut Food Pantry to benefit from a "rounding up" type of payment option on line.

HR/Office Manager Kelley Chasse informed the Board she will be watching a webinar next week and will have more information at the next meeting.

New DEP Regulations – PFAS:

Mr. Sheu reported the new PFAS regulations will be effective beginning January 1, 2021. The District will be required to collect samples for PFAS testing quarterly, and will cost \$1,000 per quarter.

Service Charge Appeal – 17 Beverlee Road Tyngsboro:

Mr. Sheu informed the Board a ratepayer sent a written request for a service charge to be removed from his bill. Mr. Sheu explained the customer caused the District's water valve to leak, contacted the answering service over the weekend to request a service call, was informed there would be a charge for sending someone out, and still wanted someone to come out. The Commissioners agreed they cannot remove the service charge, as the customer was informed about the District's policy and advised there would be service charges in advance.

NEW BUSINESS (Cont'd):

Time Card Requirement for Exempted Employees:

Mr. Sheu informed the Board of the four salaried employees at the DWSD (Treasurer, Field Services Manager, HR/Office Manager, and Customer Service Manager) two are required to punch a time card in and out; two are not. All agreed salaried employees should not have to punch in. Commissioner Morin added that as long as this policy is not abused, he agrees all salaried employees should not be required to punch a time card. Commissioner Corey made a motion that effectively immediately salaried employees do not have to punch a time card. Seconded by Commissioner Morin. Motion passed unanimously.

Meeting Schedule

Chairman Zielinski announced the next meeting will be scheduled at Harmony Hall as follows:

Wednesday, December 16, 2020

Executive Session Meeting
5:30 PM

Regularly Scheduled Meeting
6:00 PM

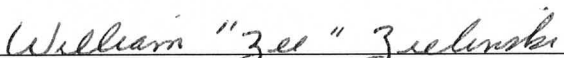
Snow Date:

Thursday, December 17, 2020


Executive Session Meeting
5:30 PM

Regularly Scheduled Meeting
6:00 PM

Commissioner Corey made a motion to adjourn the meeting at 7:39 PM. Seconded by Commissioner Morin. Motion passed unanimously.



Commissioner William "Zee" Zielinski, Chairman



Commissioner William L. Morin, Vice Chairman



Commissioner Robert E. Corey