

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

JULY 18, 2019

The meeting was called to order at 5:30 PM

PRESENT:

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

MINUTES:

Commissioner Corey made a motion to accept the minutes of June 19, 2019 as presented. Seconded by Commissioner Morin. Motion passed unanimously.

COMMUNITY INPUT:

None

CORRESPONDENCE:

None

TREASURER'S REPORT:

Treasurer Debbie Vinal provided the Board with a detailed financial report ending June 30, 2019 pointing out receivables are at 102.85%, over by 2.85% for collections and expenses are at 80%, under by 20%.

Mrs. Vinal informed the Board she estimates free cash at \$626,426.00, and that the District's auditor will be meeting with her after Labor Day.

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

APPOINTMENTS:

145 – 155 Broadway Road:

Michael Novak of Meridian Associates, and Marc Cooperstein, of 2915 Consulting, LLC presented their proposed retail cannabis & cultivation center, stating all three building at this property are existing structures, two of which have existing water & sewer services. They would like to continue from the existing 6" water service, adding backflow to the larger front building (currently housing a groomer, church, & martial arts studio), and sprinkler system with a 2" service into the building in the back. Mr. Novak stated a flow test was performed on the existing hydrant on October 31, 2018. Mr. Novak & Mr. Cooperstein stated they expect to be breaking ground on this project in mid-September.

Commissioner Corey made a motion to approve the extension of the existing 6" water main at 145 – 155 Broadway Road with a 2" service and sprinkler service connection to Lazy River Products, LLC, with a SDF Fee of \$30,000 plus meter & fire protection; all fees to be paid prior to construction. Lazy River Products, LLC shall provide the DWSD with certified stamped plans and as built. Seconded by Commissioner Morin. Motion passed unanimously.

The Superintendent will follow up regarding the flow test performed October 31, 2018.

73 Pleasant Street – Life Storage:

District Counsel stated they have not yet drafted a letter addressing change of use regarding this project. All agreed they would vote on this project at the next meeting, after District Counsel has drafted their letter of conditions relative to change of use for the Board's review.

1787 Bridge Street:

The Superintendent informed the Board a used car sales business is proposed for this property, and the owners were advised to come to a meeting to present their plan to the Board of Commissioners.

Commissioner Morin made a motion to authorize the Superintendent to email the Town Manager stating water is available for this project. Seconded by Commissioner Corey. Motion passed unanimously.

DISTRICT COUNSEL'S REPORT:

The Commissioners agreed to take the agenda out of order to hear District Counsel's report under Old Business for 166 Frost Road appraisals, and 15 Cedar Grove Ave.

166 Frost Road appraisals:

Three appraisals were done on this property as follows:

Raymond Boutin	\$346,000
A.C. Klein	\$340,000
Sharon Keough	\$360,000

166 Frost Road appraisals (cont'd):

Superintendent Michael Sheu informed the Board he spoke with the property owner, who would like at least 20% more than the highest appraisal. Mr. Sheu suggested 10% higher, bringing the total to approximately \$400,000. District Counsel Arthur Sullivan stated the District cannot go higher than the highest appraised value, and stated Attorney Field would know that as well. Discussion ensued regarding the appraised value of the property vs. property taking by eminent domain.

Commissioner Morin made a motion to have District Counsel Arthur Sullivan draw up a purchase & sales agreement offer to purchase the property at 166 Frost Road for \$360,000. Seconded by Commissioner Corey. Motion passed unanimously.

Chairman Zielinski asked the Secretary to post an executive session meeting for the purpose of discussing the potential purchase of property at 166 Frost Road for the next meeting.

15 Cedar Grove Ave:

Mr. Sheu informed the Board Kelley Chasse did some research relative to water shut off at this property. Mrs. Chasse stated according to 220 CMR, water shall not be shut off for any reason other than failure to pay a bill. Mr. Sheu had a conversation with the property owner today, who would like to know if she can keep her old meter. Mr. Sheu explained the issue is with the ERT battery, which does not last much longer than 10 years. Mr. Sheu informed the Board the District does not have a Bylaw or policy in place to terminate water service other than for non-payment, and the property owner is opposed to the District charging more for meter reading fees. Mr. Sheu requested District Counsel provide a written legal opinion relative to water shut off at this property, and to draft policy language to address they type of issue moving forward.

In the meantime, all agreed, as long as we are able to get accurate reads, to provide the property owner with a 60W vs. 100W ERT model.

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

Tabled

DWSD Acts & Bylaws Update:

Tabled

Hearthstone Lane - Total cost to the District:

District Counsel Roland Milliard reported conciliation is scheduled on August 2nd, and he expects the matter will be settled that day. The Board has already authorized the Superintendent to be the decision maker for the District, and the decision makers for the other party are expected to be present on August 2nd as well. Attorney Milliard stated that if the parties do not come to an agreement, Judge Crane will hold a hearing on motions for summary judgement.

DISTRICT COUNSEL’S REPORT (Cont’d):
Hearthstone Lane: Total cost to the District:

Chairman Zielinski asked the Secretary to post an executive session meeting for the purpose of discussing pending litigation relative to Hearthstone Lane for the next meeting.

Easement at Winding Brook Estates:

District Counsel reported there has been no response regarding this matter to date. All agreed the next step is for District Counsel to send letters to the Board of Trustees to inform them the DWSD has been attempting to deal with the easement issue since “x” date, and to include copies of correspondence already sent to the property management company.

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:

Superintendent Michael Sheu provided the Board with copies of Tighe & Bond’s proposal for a satellite well at TWF Well #5, previously approved by the Board in February, 2019. Mr. Sheu pointed out that the proposal includes Tighe & Bond attending related meetings with DEP & the DWSD, test well investigation, pump test application, design, bidding, and final report.

Commissioner Morin made a motion to approve Tighe & Bond’s proposal for the development of a satellite well at TWF Well #5 as presented in the amount of \$93,500. Seconded by Commissioner Corey. Motion passed unanimously.

Project of new 16” water main from TWF through Norris Road/Lawrence Ave to Lakeview Ave:

Mr. Sheu informed the Board that the Town of Tyngsboro plans to pave Frost Road, Norris Road and Lawrence Road. The paving work is scheduled in September. Once the paving work is completed, there will be 5 year restriction on the Road Opening permit.

Mr. Sheu informed the Board that the future Water Treatment Plant will generate wastewater and there is currently no sewer line available in front of the Tyngsboro Well Field. The closest manhole for the sewer is at the intersection of Frost Road and Norris Road. It will be costly to extend the exiting sewer from the existing manhole to the Tyngsboro Wellfield. The only option to handle wastewater generated by the water treatment facility is recycling and on-site treatment (lagoon).

SUPERINTENDENT'S REPORT (Cont'd)

Project of new 16" water main from TWF through Norris Road/Lawrence Ave to Lakeview Ave (cont'd):

The construction work at Nashua Road has been completed, and the Town of Tyngsboro is very happy with the project. Mr. Sheu informed the Board Granese has submitted a change order in the amount of \$3,908.05 for extra material costs and lost time on June 12th and June 13th. Commissioner Corey made a motion to approve N. Granese & Sons' change order for work completed at the Nashua Road Water Main Extension Project in the amount of \$3,908.05. Seconded by Commissioner Morin. Motion passed unanimously.

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

OLD BUSINESS:

Tighe & Bond – Master Plan:

Mr. Sheu reported he met with Tighe & Bond engineers to discuss the District's master plan. The master plan includes the Water Treatment Plant, the 16" Water Main Replacement from Tyngsboro Wellfield to State Forest Tank, the Replacement of State Forest Tank and K-St Tank. The pilot test for the Water Treatment Plant will begin in October of this year.

State Revolving Fund:

Mr. Sheu informed the Board he met with DEP & Tighe & Bond on June 20th to discuss the District's State Revolving Fund (SRF) application. As a result of this meeting, both the District and Tighe & Bond have a better understanding about how to apply for these funds. Mr. Sheu stated that because of pending PFAS regulations, there is more and more competition for SFR funding. The application deadline is August 31, 2019. The Superintendent and Tighe & Bond will meet with DEP again prior to the final SRF application submittal.

Proposal of Operating Kenwood Water System:

Mr. Sheu provided the Board with copies of the DWSD's proposal, and reported there has been no further discussion to date. Mr. Sheu will bring the draft agreement for review and discussion after he meets with the Kenwood Water Superintendent, Jay Reynolds.

2019 NEWWA Annual Conference:

Mr. Sheu informed the Board he needs a decision regarding attendance at the 2019 NEWWA Annual Conference in order to register. Commissioners Morin and Corey stated they will not be attending. The Superintendent and Chairman will be attending.

OLD BUSINESS (Cont'd):

System Development Fee:

HR/Office Manager Kelley Chasse provided the Board with the DWSD's Application for New Commercial Water/Fire Service for review and discussion.

The application form was approved with the following changes:

- Sentence immediately following fee chart should read: **In accordance with DWSD Rules & Regulations.**
- There should be a signature line for the applicant
- There should language which states:

"I have reviewed the application and recommend (circle one) approval disapproval" followed by a signature line for the Superintendent.

Commissioner Morin made a motion to approve the DWSD Application for New Commercial Water/Fire Service as amended. Seconded by Commissioner Corey. Motion passed unanimously.

NEW BUSINESS:

28 Makos Street:

Mr. Sheu informed the Board the property owner at 28 Makos Street continues to have problems with low water pressure, despite that fact that there is a booster pump in the house. Mr. Sheu suggested the pressure problem should be alleviated once work in this area was completed, but the problem still exists. After inspection it was discovered the water flow and pressure drops to almost zero after the water has been on for approximately ten minutes. The District will look further into this matter and report back to the Board.

Emergency Water Repair Contract – Blue Diamond:

Mr. Sheu informed the Board the District's contract with Blue Diamond for emergency water repairs expired on June 30, 2019. Blue Diamond has offered to waive the \$250 fee offered to waive the \$250 fee if the District signs another three-year contract now.

Attorney Sullivan informed the Board the extension of the contract cannot be more than one-year, otherwise, it would be considered a new Contract and required to rebid. Discussion ensued and all agreed to go with the one-year option, allowing sufficient time to review the contract & if the District signs another three-year contract now. Mr. Sheu stated he would prefer not to sign a three-year contract at this time. Attorney Sullivan informed the Board a one-year extension option is already built in to the contract, therefore, if the District opts for the one-year extension, they do not have to go out to bid on the contract. Discussion ensued and all agreed to go with the one-year option, allowing sufficient time to review the contract & related cost.

NEW BUSINESS (Cont'd):

Backflow Prevention Policy for Existing Accounts:

Mr. Sheu informed the Board there are commercial accounts that do not have backflow prevention devices installed as required by DEP, i.e., the Mill building at 100 Pleasant Street. Mr. Sheu requested assistance from District Counsel to provide written notice for commercial accounts for required inspections. The Commissioners asked that District Counsel review the District's existing policy and provide language for the Superintendent in order to enforce this requirement.

DeFelice Final Paving Agreement with the Town of Dracut:

Mr. Sheu informed the Board several residents have complained about the paving at Gilmore Street. The Town Engineer has informed Mr. Sheu that Gilmore, Sparks, Beacon, and Lakeview Terrace are scheduled to be paved this Fall.

DWSD Office Operation Hours:

Mr. Sheu asked that the Board consider changing the evening the District Office is open from Thursday evenings to Tuesday evenings, to be consistent with the Town's hours of operation. This would also allow for more meeting preparation time, as most meetings take place on Wednesday evenings. Commissioner Morin stated he would be opposed to changing from Thursdays to Tuesdays because people are already used to the District being open on a Thursday evening. Commissioners Zielinski and Corey stated they are open to discussion, and asked that the Superintendent poll the office staff. Chairman Zielinski instructed the Secretary to keep this item on the agenda for discussion and possible vote at the next meeting.

Employee Reviews - Christopher Hudson, John Laffey:

Tabled

Other:

Commissioner Corey reminded the Board they are supposed to vote to reorganize each year at the meeting following Annual Meeting. Chairman Zielinski pointed out that they have not done this because both Commissioners Morin & Corey have wanted Commissioner Zielinski to remain Chair. Chairman Zielinski instructed the Secretary to put Reorganization of the Board on the next meeting agenda.

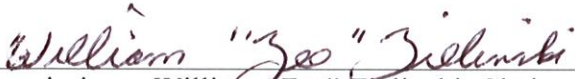
Meeting Schedule:

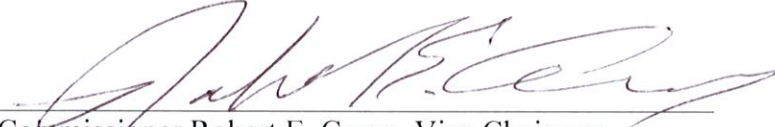
Chairman Zielinski announced the next meetings are scheduled as follows:

Wednesday, August 14, 2019 5:30 PM Main Office Building/Conference Rm

Wednesday, September 18, 2019 5:30 PM Main Office Building/Conference Rm

Commissioner Corey made a motion to adjourn the meeting at 7:50 PM. Seconded by Commissioner Zielinski. Motion passed unanimously.


Commissioner William "Zee" Zielinski, Chairman


Commissioner Robert E. Corey, Vice Chairman


Commissioner William L. Morin