



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

SEPTEMBER 16, 2020

The meeting was called to order at 5:35 PM

PRESENT:

Commissioners William "Zee" Zielinski/Chairman, William L. Morin/Vice-Chairman, and Robert E. Corey. Superintendent Michael K. Sheu, Field Services Manager John Hudzik, 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 August 12, 2020 as presented. Seconded by Commissioner Morin. Motion passed unanimously.

All agreed to table the Minutes of September 9, 2020

COMMUNITY INPUT:

None

APPOINTMENTS:

Steven Joncas, Common Ground/Request for discounted SDF:

Mr. Joncas informed the Board he wanted to provide them with an update on the proposed Common Ground 40B Senior Housing project. Mr. Joncas stated he will be attending the Town's Zoning Board of Appeals meeting tomorrow night to get approval for the comprehensive permit. The application pre-approval for financing for this project is due on October 30th, and the full application must be completed by January, 2021. Mr. Joncas explained 2.5 to 3 times the amount of applications than will be given approval will be submitted for this type of project and emphasized that DHCD values greatly the support of the community. The Town approved \$3M in CPA funds, and Mr. Joncas would like to have the opportunity to bring the details of this project back to the DWSD 2021 Annual Meeting to see if the legislative body will reconsider discounting the SDF Fees.

APPOINTMENTS (Cont'd):

Steven Joncas, Common Ground/Request for discounted SDF (cont'd):

Mr. Joncas assured the Board the easement being maintained will be a condition of the special permit. Once the comprehensive plan is approved by the Town, Mr. Joncas will provide a copy of the plans to the DWSD. The Commissioners asked what the Town's Sewer Department's vote relative to discounting fees was. Mr. Joncas stated they are in discussions on the matter.

Superintendent Michael Sheu will send Mr. Joncas an email estimating total costs associated with water service for this proposed project, and then Mr. Joncas can let the District know exactly what discounts they are looking for.

TREASURER'S REPORT:

Treasurer Debbie Vinal provided the Board with a written detailed financial report ending August 31, 2020 pointing out receivables are at 17%, over by 1.78%, and expenses are at 17.08%, over by just 0.08%. Mrs. Vinal stated, as was the case last month, expenses are a very small amount over because she takes advantage of significant savings at the beginning of the fiscal year by paying invoices such as Middlesex Retirement and MIIA Insurance Premiums in full.

Mrs. Vinal provided the Board with an OPEB (Other Post Employment Benefits) Report, stating the DWSD is just about half way funded. As of June 30, 2020 the fund was at 45.27% total liability at \$1,728,285. The Treasurer will provide the Commissioners with a hard copy of the detailed report to be kept in the Commissioners' office.

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 informed the Board he heard from Linda Campbell from Attorney Hall's office, and expects Attorney Hall will have the deed prepared prior to the next DWSD meeting.

DWSD Acts & Bylaws Update:

Ongoing

Easement at Winding Brook Estates:

Nothing new to report

166 Frost Road:

Nothing new to report

DISTRICT COUNSEL’S REPORT (Cont’d):

Sick Leave Buyback:

District Counsel provided the Board with their written opinion regarding Field Services Manager John Hudzik’s request for sick leave buyback.

Discuss ensued regarding the current Bylaw, which clearly states in part “Employees who work one (1) full year shall be granted fifteen (15) days at the start of the fiscal year.” The Commissioners all agreed Mr. Hudzik is therefore entitled to fifteen (15) days sick time on July 1st. The Commissioners stated the Superintendent could address the matter of sick leave buyback at an Annual Meeting in the future, but as it stands, Mr. Hudzik is entitled to the sick leave buyback requested.

Commissioner Corey made a motion to accept the recommendation of District Counsel relative to Field Services Manager John Hudzik’s 15 day sick time buyback. Seconded by Commissioner Morin. Motion passed unanimously.

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:

As reported at the last meeting, Well #4A, 4B, & NB Well #1 had been put in to service in order to provide water to the system, when Well #3 failed this summer. Mr. Sheu informed the Board Well #4A & #4B pumps have failed. Maher Services discovered that sand was getting into the pump and recommended these two wells only be used under emergency conditions. The Commissioners expressed their disappointment since the wells had been installed in 2012 by Woodard & Curran at a price tag of approximately \$450,000, adding that in their opinion, it sounds like a design failure that should not have happened. Mr. Sheu reminded the Board Maher suggested keeping the casing at Well #5A for this very reason.

Mr. Sheu asked Maher Services to provide a quote for test replacement wells for Well #1 and Well #4, and also provided a cost comparison between Maher Services and Weston & Sampson. Maher Services was significantly lower, in fact about half the cost of Weston & Sampson. With the Board’s approval, Mr. Sheu stated he will contact DEP for approval via email tomorrow. Commissioner Corey made a motion to accept Maher Services proposal to install test wells around Well #1 and Well #4 as presented. Seconded by Commissioner Morin. Motion passed unanimously.

SUPERINTENDENT’S REPORT (Cont’d):

Distribution:

Winding Brook Condominium – Easement

Tabled

1530 Bridge St./144 Greenmont Ave.:

Addressed earlier this evening under appointments

435 Nashua Rd:

Tabled

1175 Mammoth Rd., Request for Water Service, Steve Coravos:

Nothing new to report

Lazy River, 145-155 Broadway Rd.:

Mr. Sheu informed the Board the required 7 PRV valves have been installed, the 4” PRV was removed and reconnected to the 12” water main, and the 2” potable water and 6” fire protection lines have been connected into the new building. Mr. Sheu reported the 12” insertion valve snapped trying to open it, was repaired by LeBlanc on 9/14/20, and the PRV Valve is no longer in the pit.

625A Broadway Road:

Nothing new to report

52A Avis Avenue:

Nothing new to report

Current Operations Updates:

Pleasant Street Pump Station – Pump Replacement:

Mr. Sheu reported Weston and Sampson CMR has signed the agreement with the District to perform the installation of the two pumps at the Pleasant Street Pump Station.

Emergency & Non-Emergency Water Systems Repair Contract:

Mr. Sheu reported there was a water main break at the 2” line on Burdette Street; that the line is in poor condition and must be replaced. The District was not able to locate the shut off valve, or shut off the valves on Mammoth Rd/Lakeview Ave. Leblanc repaired the pipe while the water was gushing out. In order to replace the 2” line, the District will have to shut down a good sized area at Mammoth Road and Lakeview Avenue. All agreed the District must provide ample notice, including reverse 911 calls, DATV advertisements, advance notice to all businesses that will be affected, and signage. If the District uses two crews, they may be able to complete the installation in one day. Mr. Sheu will contact Granese to work with LeBlanc on this project.

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

OLD BUSINESS:

Tighe & Bond – Master Plan:

Water Treatment Plant & State Forest Water Storage Tanks:

Tighe & Bond submitted Amendment 2 – Hazardous Building Materials Assessment relative to the Water Treatment Plant since purchasing 166 Frost Road, for asbestos removal, in the amount of \$8,000, and for the State Forest Tank in the amount of \$6,000.

Commissioner Corey made a motion to accept Tighe & Bond's change order, Amendment 2, Hazardous Building Materials Assessment in the amount of \$14,000 as presented. Seconded by Commissioner Morin. Motion passed unanimously.

Proposed amendments for the design and construct replacement for K-Street Tank:

Mr. Sheu stated the K Street Tank was not included in the District's SRF Application. The cost for maintenance/repair at the K Street Tank could be up to \$1M. A new tank would provide better hydraulic flow and pressure in both the K Street & Tyngsboro pressure zones, and would cost less now to construct the two tanks, than it would cost to replace one tank in the future. Mr. Sheu provided the Board with draft correspondence by Tighe & Bond to DEP to include replacement of the K Street Tank on the District's SRF application. With the Board's approval, Mr. Sheu will submit the letter to DEP.

The Board reviewed Tighe & Bond's correspondence. Commissioner Corey made a motion authorizing the Superintendent to submit Tighe & Bond's correspondence re Water System Improvements Request for addition of the K Street Tank Replacement as presented. Seconded by Commissioner Morin. Motion passed unanimously.

State Revolving Fund:

Ongoing

Mass DEP Asset Management Grant Application:

Ongoing

Meeting with Town of Tyngsboro/Update, Response:

As stated earlier this evening under 166 Frost Road, District Counsel Roland Milliard provided the Board with final draft correspondence updating the Town of Tyngsboro, Board of Selectmen relative to the proposed water treatment plant.

Mr. Sheu informed the Board Tighe & Bond applied for permits for the Water Treatment Plant from the Town of Tyngsboro Planning Board. The Planning Board is requiring input from the Tyngsboro Water District. District Counsel will draft a letter to the Tyngsboro Planning Board explaining the Acts of the DWSD, emphasizing that they are not outside of the DWSD Boundaries, with copies to the Tyngsboro Town Administrator, Board of Selectmen, and Tyngsboro Water District. Attorney Sullivan stated he will draft the correspondence by the end of next week for the Board's review, approval, and Chairman's signature.

All agreed another "update" meeting at the District with Tighe & Bond would be beneficial for the Board.

OLD BUSINESS (Cont'd):

Requisition of Property 24 Preston St., Dracut:

The Conservation Commission has informed the District the wetlands information relative to 24 Preston Street is too old, and must be updated. Discussion ensued relative to who will be responsible for the updated wetlands survey. Attorney Sullivan stated he believes Norris Engineering is being hired by the 24 Preston Street property owners to do the survey, and will clarify for the next meeting.

Solar Net Metering:

District Counsel reported they have reviewed the contract and stated it appears to be in order. The Commissioners authorized the Superintendent to sign the agreement.

Treasurer's Holiday Pay:

Mr. Sheu informed the Board after much research, he hopes to have found a simple solution to the question of holiday pay for employees with different work schedules by using a DEP example for accommodating differing work schedules as follows: All weeks that include holidays will be considered 8 hour per day, M-F weeks. HR/Office Manager Kelley Chasse will post the change in schedule for each week that includes holidays. All agreed this is easier for everyone. Commissioner Corey made a motion that all weeks which include holidays shall be considered 8 hour per day, M-F weeks. For employees with different work schedules: For Treasurer: all weeks which includes holidays shall be considered 8 hours per day, M-F weeks. For Office Staff: all weeks with holidays on Thursday and Friday shall be considered 8 hours per day, M-F weeks. Seconded by Commissioner Morin. Motion passed unanimously.

John Hudzik's sick time buy back:

Address earlier this evening under District Counsel's Report

NEW BUSINESS:

Extending Legal Contract:

District Counsel requested a five (5) year contract with a 10% increase over the first three years, with consideration for an additional increase for the final two years.

Commissioner Corey made a motion for discussion of District Counsel's contract. Seconded for discussion by Commissioner Morin. Under discussion the Superintendent asked if it was in the best interest of the District to have two attorneys, or should the District have one attorney, and hire a law firm if/when needed instead. Commissioner Morin stated he does not see the need for having two attorneys present at every meeting. Commissioner Zielinski stated he disagrees, as each attorney has expertise in different fields. Commissioner Corey stated he prefers having both attorneys on board. Commissioner Morin offered an amendment as follows: I move that the District vote for a three-year contract for District Counsel with a 3.5% increase each year, retroactive to their anniversary dates. Seconded by Commissioner Corey. Motion passed unanimously.

NEW BUSINESS (Cont'd):

Rules & Regulations for tie-in DWSD water system

Tabled

Water Rate Steps for Residential and Commercial

Tabled

Property Easements – 252 Varnum Road:

With the Nashua Road improvements, Mass DOT will be widening the road in some areas and adding sidewalks. The DWSD has been contacted by Mass DOT to donate a portion of land at the Varnum Avenue Pump Station. The District would lose half of the parking space in front of the building, however, new parking space would be provided next to the building; that space would be donated (or taken) from the Children's Learning Center. Mr. Sheu stated that either way, the project will be implemented, and will actually provide for more protection from traffic on Nashua Road.

Commissioner Corey made a motion for the DWSD to donate a portion of land at the Varnum Avenue Pumping Station to Mass DOT as requested. Seconded by Commissioner Morin. Motion passed unanimously.

Hydrant Damage – Small Claims Court:

HR/Office Manager Kelley Chasse requested the Board address non-payment for hydrant damage. District Counsel Roland Milliard informed the Board he has looked in to the possibility of small claims on these two claims. One of the claims was a hit and run; the other the driver had no insurance. The first claim is for \$3,700 and 2nd for \$4,400. Attorney Milliard stated small claims court is accepting new filings, however, it could be more than a year for a jury trial. Kelley Chasse will turn the claims over to District Counsel to follow up.

Staff Reviews:

Chairman Zielinski passed the gavel to Vice-Chairman Corey and made a motion that moving forward the Superintendent will do all staff reviews. Seconded by Commissioner Corey. Motion passed unanimously.

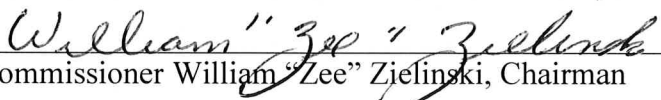
Meeting Schedule

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

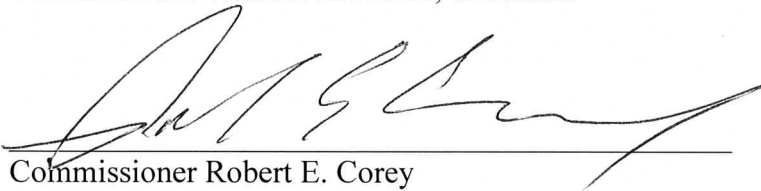
Wednesday, October 7, 2020

Regularly Scheduled Meeting
5:30 PM

Commissioner Corey made a motion to adjourn the meeting at 7:23 PM. Seconded by Commissioner Zielinski. Motion passed unanimously.


Commissioner William "Zee" Zielinski, Chairman


Commissioner William L. Morin, Chairman


Commissioner Robert E. Corey