

Commissioners

Leslie Gay Corey

Peter Natsios

Chairman - **William "Zee" Zielinski**

Michael Sheu

Superintendent

Lynn Newhouse

Treasurer

MINUTES

DECEMBER 18, 2023

The meeting was called to order at 5:30 PM

PRESENT:

Commissioners William "Zee" Zielinski/Chairman, Leslie Gay Corey/Vice Chairman, and Peter E. Natsios. Superintendent Michael K. Sheu, HR/Office Manager Kelley Chasse, District Counsel Arthur C. Sullivan Jr. and Roland L. Milliard, and Secretary Jayne Boissonneault

ABSENT:

Treasurer Lynn Newhouse

COMMUNITY INPUT:

None

MINUTES:

Commissioner Gay Corey made a motion to accept the Minutes of November 15, 2023 as presented. Seconded by Commissioner Natsios. Motion passed unanimously.

APPOINTMENTS:

5:40 PM 10 Willowdale Ave – Dan Durkin:

The Secretary informed the Board Mr. Durkin was in touch to let us know he would not be able to attend the meeting this evening due to family health circumstances. Superintendent Michael Sheu explained the property owner disconnected the old service at the curb stop quite some time ago. No one was living in the house at the time. A new house has been built and the property owner wants to connect to the old water service. The Superintendent informed the property owner, because this is new construction, he would have to put in a new service, pay the SDF Fee, and would also have to extend the new connection to the main. Discussion ensued regarding the requirement to extend to the curb stop vs. the main. The Commissioners agreed, based on the information available to the District, the service is already stubbed. The Commissioners agreed the SDF Fee is \$7,500 and the property owner should be allowed to tie in to the curb stop; if that has already been done the property owner will have to open the ground so that the connection can be inspected by the DWSD as required; and the property owner is not eligible for the DWSD's meter to main program.

APPOINTMENTS (Cont'd):

5:40 PM 10 Willowdale Ave – Dan Durkin (cont'd):

Commissioner Natsios made a motion to refer 10 Willowdale Ave to District Counsel. District Counsel will respond, and will send a copy to the Tyngsboro Town Manager, pointing out once again that if the DWSD were included in their building permit check-off process, these types of issues could be alleviated. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Other:

12 Willowdale Ave:

The Superintendent informed the Board 12 Willowdale Ave has a water service leak and LeBlanc is scheduled to repair the leak. The homeowner is on the meter to main program, therefore, the District will pay for the repair. Mr. Sheu indicated that there is a 6" water main at Willowdale Ave. An unknown size main brings water through a cul-de-sac to feed 6, 8, 10, 12, 16 Willowdale Ave. This cul-de-sac is private property. There is no documentation to show that the District had an easement agreement or has accepted this unknown water main. The District does not have any information to show how the water was connected to these houses. The Commissioners agreed the District should do whatever is necessary to repair the leak at this location.

63 Willowdale Ave:

HR/Office Manager Kelley Chasse informed the Board the District received a notice from small claims court filed by Thomas Underwood v DWSD/Peter Natsios, stating the DWSD charged an SDF fee in the amount of \$7,500 he does not believe should have been charged because he has physical evidence of a previous water account with the District at this address.

Commissioner Natsios made a motion for District Counsel to answer the Notice of Small Claim Trial. Seconded by Commissioner Gay Corey. Motion passed unanimously.

TREASURER'S REPORT:

Financial Reports:

No new updates

EXECUTIVE SESSION:

For the purpose of discussing potential litigation with the Town of Tyngsborough and the legal strategy thereto:

All agreed to take the agenda out of order to enter into executive session at the end of the meeting and to reconvene only for the purposes of adjournment.

DISTRICT COUNSEL'S REPORT:

Acts/Bylaws Update:

Ongoing

Road Impact Fee

Tabled

DISTRICT COUNSEL’S REPORT (Cont’d):

SDF Fees – 35 Phineas Street:

No new updates

Letter to Makos Street Residents:

No new updates.

Memorandum of Understanding (MOU) between Tyngborough Water District and DWSD:

No new updates (Attorney Bowen will draft an article for the Tyngsborough Water District to adopt MGL Ch. 40, s.39H.)

Agreement between DWSD & Town of Tyngsborough:

No new updates.

Easement Agreement – 55 Loon Hill Rd., Dracut:

District Counsel Arthur Sullivan provided the Board with a copy of Easement Agreement between 55 Loon Hill Nashua LLC, Bourne Acquisition, LLC, and 2527, LLC, collectively the owner of the property at 55 Loon Hill Rd. Dracut, and the DWSD. Attorney Sullivan stated this is the same template easement agreement used for the Dollar Store as District Counsel is trying to standardize this easement language. Attorney Sullivan pointed out “Exhibit A” referred to as attached to the easement agreement, was not, in fact, attached.

Commissioner Natsios made a motion to authorize District Counsel to execute the Easement agreement for 55 Loon Hill Rd., Dracut, MA contingent upon receipt of “Exhibit A”. Seconded by Commissioner Gay Corey. Motion passed unanimously.

K- Street Cell Tower Lease Agreement extension with T-Mobile:

District Counsel provided the Board with a Letter of Agreement to authorize T-Mobile’s continued use of space on the K Street Water Tank. All reviewed the letter of agreement. The Superintendent confirmed T-Mobile is up-to-date on their rent payments.

Commissioner Gay Corey made a motion to authorize the Superintendent to sign T-Mobile’s Letter of Agreement as presented. Seconded by Commissioner Natsios. Motion passed unanimously.

Water Bill Dispute from 833 Nashua Rd.:

District Counsel reported there has been no response from the property owner to District Counsel’s email.

Other:

232 Nashua Rd.:

District Counsel informed the Board the property owner continues to contact them. District Counsel has repeatedly informed the property owner the DWSD needs a copy of the building permit.

Commissioner Gay Corey made a motion to accept District Counsel's Report as presented. Seconded by Commissioner Peter Natsios. Motion passed unanimously.

SUPERINTENDENT'S REPORT:

Tyngsborough and New Boston Well Field:

Treatment:

No new updates

Distribution:

K Street Tank Maintenance Project:

The K Street Maintenance Project is complete. Scott Kelley from Aquous will attend a DWSD meeting to present the final result of this project.

SmartOps:

No new updates

Valve Exerciser:

Mr. Sheu informed the Board he reached out for quotes for the Valve Exerciser with trailer and only received one quote from Wachs Utility Products.

Commissioner Natsios made a motion to authorize the purchase of a Compact LX Valve Maintenance Trailer VMT, Gas, in the amount of \$40,975. Seconded by Commissioner Gay Corey. Motion passed unanimously.

PFAS Remediation Cost Recovery Litigation Agreement and Draft Settlement:

Mr. Sheu provided the Board with copies of correspondence from Attorney Ken Sansone of SL Environmental Law Group, along with several design flow reports for each well including finished water. Mr. Sheu stated the District would be getting somewhere in the area of \$1.5M in installments beginning in June of 2024.

District Counsel Roland Milliard stated in his opinion, the best-case scenario for the District is perhaps recouping the cost of getting the media at the water treatment plants swapped out for approximately three years.

Other:

Mass Clean Water Trust / LSL Planning Grant:

No new updates.

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

OLD BUSINESS:

Tighe & Bond – Master Plan:

Water Treatment Plant Updates & Change Order/Fence:

Louis Soracco, PE Tighe & Bond provided the Superintendent with the specifications for the proposed chain link fence at the water treatment plant site as requested, pointing out that the fabric is to be 9 gauge galvanized. All agreed 9 gauge is acceptable, however, the specifications do not say if the posts & rails are galvanized. The Superintendent will ask Tighe & Bond for an updated spec sheet adding post & rails for the next meeting.

Water Storage Tanks at State Forest:

No new updates

Undersized Water Main Repair/Replacement at Forest Park Ave.:

No new updates

State Revolving Fund:

No new updates

K Street Tank, Lease of Space on Water Tank – Verizon & T-Mobile:

Addressed earlier this evening under District Counsel's Report.

Other SRF Projects:

Kenwood Water District – Water Connections and system updates:

Mr. Sheu provided the Board with the 2017 Kenwood Water Evaluation done by CDM and their Annual Statistical Report (ASR) of 2021. From the 2021 ASR, Kenwood purchased 165 MG of water from Lowell and 28MG of water from Methuen with a total water purchase of 193 MG. There is a potential revenue of \$1.3M (using the District's current water rate) if the District were to take over the Kenwood Water District. Chairman Zielinski requested the Superintendent provide DEP's Sanitary Survey for Kenwood for further discussion.

NEW BUSINESS:

Overdue accounts and disputes:

HR/Office Manager Kelley Chasse asked if the Board wants to file in small claims court for accounts that are continuously and repeatedly overdue. All agreed Mrs. Chasse should forward all of the account information and addresses to District Counsel for review and recommendation.

NEW BUSINESS (Cont'd):

DWSD Bylaws & Policies Review & Vote:

The Board was provided with final drafts of all final amended DWSD Bylaws and Policies as recommended by the DWSD's Bylaws & Policies Review Committee. The Board reviewed the final documents voted as follows:

Commissioner Gay Corey made a motion to delete the DWSD Red Flag Policy in its entirety as recommended by the DWSD Bylaw & Policies Review Committee. Seconded by Peter Natsios. Motion passed unanimously.

Commissioner Peter Natsios made a motion to accept the DWSD Fraud Policy, amended as recommended by the DWSD Bylaw & Policies Review Committee. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Commissioner Peter Natsios made a motion to accept DWSD Bylaws Section 5.2 Demolition, amended as recommended by the DWSD Bylaw & Policies Review Committee. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Commissioner Peter Natsios made a motion to accept DWSD Bylaws Section 10.4.24 Work Week, amended as recommended by the DWSD Bylaw & Policies Review Committee. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Commissioner Peter Natsios made a motion to accept DWSD Table of Organization, amended as recommended by the DWSD Bylaw & Policies Review Committee. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Christmas Breakfast:

The Superintendent and HR/Office Manager requested the Board's approval for all staff to enjoy Christmas Breakfast on Friday, December 22nd from 9:30-11:30 AM, adding that everyone is welcome to attend. The Board approved Christmas Breakfast and wished all staff a Merry Christmas and Happy & Healthy New Year, adding they will try to stop by on Friday morning as well.

Meeting Schedule

Chairman Zielinski announced the next meetings are scheduled as follows:

Wednesday, January 10, 2024

Bylaw & Policies Review Subcommittee
5:00 PM/DWSD
59 Hopkins Street, Dracut
Conference Room

Wednesday, January 10, 2024

Regularly Scheduled Meeting
Executive Session Meeting
5:30 PM /DWSD
59 Hopkins Street, Dracut
Conference Room

Meeting Schedule (cont'd):

Wednesday, January 17, 2024

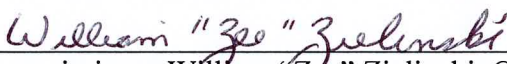
Snow Date for all of the above

Chairman Zielinski asked for a roll call vote to enter into executive session for the purpose of discussing potential litigation with the Town of Tyngsborough and the legal strategy thereto, and to reconvene the open meeting only for the purpose of adjournment. The roll call vote was as follows:

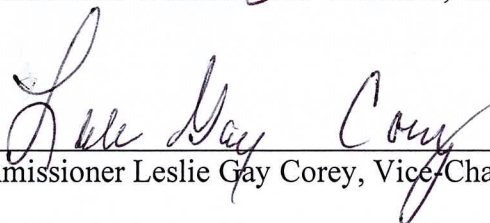
Commissioner Gay Corey	-	Yes
Commissioner Natsios	-	Yes
Commissioner Zielinski	-	Yes

The open meeting was reconvened at 7:41 PM. Chairman Zielinski announced no votes were taken in executive session.


Commissioner Gay Corey made a motion to adjourn at 7:41 PM. Seconded by Commissioner Natsios. Motion passed unanimously.



Commissioner William "Zee" Zielinski, Chairman



Commissioner Leslie Gay Corey, Vice-Chairman



Commissioner Peter E. Natsios