

Commissioners

Leslie Gay Corey

Peter Natsios

Chairman - **William "Zee" Zielinski**

Michael Sheu

Superintendent

Lynn Newhouse

Treasurer

MINUTES

FEBRUARY 12, 2024

The meeting was called to order at 5:45 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, Treasurer Lynn Newhouse, District Counsel Arthur C. Sullivan Jr. and Roland L. Milliard, and Secretary Jayne Boissonneault

COMMUNITY INPUT:

None

MINUTES:

Tabled

APPOINTMENTS:

6:00 PM – Proposal for Water Connection at 469 & 479 Broadway Rd., Todd Dow:

Cancelled

6:15 PM – 251 Sladen St. Water Connection – Spiro Skinsacos:

Developer Spiro Skinsacos informed the Board his attorney has met with DWSD attorney Arthur Sullivan regarding the easement language. Attorney Sullivan confirmed, stating he and attorney Geary will be drafting the final language. Mr. Skinsacos stated he is here this evening to discuss the cost of the water connection, and asked if he would have to pay a tap fee for both Salden St. and Lee Rd. The Commissioners agreed he would not have to pay two tap fees because he is looping the project. Mr. Skinsacos asked if there was any possibility the Board could reduce the SDF Fee for the project taking into consideration 20% of the units are reserved for residents 55 & older, and that the Town of Dracut going to work with him on reducing the sewer fees. Discussion ensued and the Commissioners agreed they would likely not reduce SDF Fees, however Mr. Skinsacos was welcomed to come back to the Board once the sewer department has voted.

APPOINTMENTS (Cont'd):

6:15 PM – 251 Sladen St. Water Connection – Spiro Skinsacos:

Mr. Skinsacos confirmed this project will require two 2” lines (one to each building), two 4” lines (one to each building for fire protection) and a 6” tap fee. The project consists of 42 units, 20% of which will be reserved for residents aged 55 & older, adding he would be back to provide the Board with pressure testing results and to discuss any other matters relative to water connection as the project moves forward.

TREASURER’S REPORT:

Financial Reports:

Treasurer Lynn Newhouse informed the Board the District received a check in the amount of \$165,000 from MIIA Insurance for the lightning strike at Tyngsborough Well Fields. The Treasurer provided the Board with a detailed financial report ending January 31, 2024 pointing out receivables are at 63.21%, over by 4.88%, and expenses are at 45.38% under by 12.95%.

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

Discussion ensued regarding submitting a warrant article vs. coming to the Board of Water Commissioners for reduction in SDF Fee requests. The Treasurer reminded the Board the legislative body voted that the Board of Water Commissioners have the authority to vote to reduce SDF Fees, and that in fact, Annual Meeting 2023 Article #25 voted a developer’s article out of order for this reason.

EXECUTIVE SESSION:

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

District Counsel reported there were no updates constituting an executive session this evening regarding potential litigation with the Town of Tyngsborough.

District Counsel asked the Secretary to add DWSD Property Security to the next meeting agenda under Executive Session.

DISTRICT COUNSEL’S REPORT:

Acts/Bylaws Update:

Ongoing

Road Impact Fee

Tabled

SDF Fees – 35 Phineas Street:

No new updates

DISTRICT COUNSEL'S REPORT (Cont'd):

Letter to Makos Street Residents:

No new updates.

Memorandum of Understanding (MOU) between Tyngsborough 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.

Lease Agreement extension with T-Mobile:

The lease was extended until the end of May.

Water Bill Dispute from 833 Nashua Rd.:

No new updates

Use of T-Mobile Pole for Tyngsborough Police Department:

District Counsel sent correspondence to the Town of Tyngsborough Town Manager letting the Town of Tyngsborough/Tyngsborough Police Department know that if they would like to update their telecommunications equipment at this location they are certainly welcome to do that. Attorney Milliard informed the Board the Tyngsborough Town Manager acknowledged receipt of this correspondence however there has been no response to date.

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

SUPERINTENDENT'S REPORT:

Tyngsborough and New Boston Well Field:

Treatment:

Superintendent Michael Sheu reported Maher pulled the pump out of Well #2 and replaced the pump that was damaged on February 8th.

Distribution:

Mr. Sheu reported there was a large water main break at Elm St./Lakeview Ave. which flooded the area and caused schools to shut down. Mr. Sheu explained there were problems with shutting down the water resulting in having to shut down the 24" main at the state forest tank. Channel 5 News was on site, and Mr. Sheu received a call from the Lowell Sun as well. The water main break was repaired by Leblanc.

K Street Tank Maintenance Project:

No new updates

SUPERINTENDENT'S REPORT (Cont'd):

SmartOps:

Mr. Sheu reported he plans to contact Gradient about reducing the price for monthly maintenance in early spring.

Other:

PFAS Remediation Cost Recovery Litigation:

Mr. Sheu informed the Board the court has approved the Dupont settlement, and he expects the District will receive roughly \$1M as a result of this settlement whether or not the District has to build a PFAS treatment plant.

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:

Mr. Sheu stated receipt of the transformer was confirmed on February 8th and the water treatment plant is expected to be online by April.

Water Storage Tanks at State Forest:

Mr. Sheu provided the Board with copies of email correspondence between himself and Christine Berry, DCR Land Protection Specialist. Ms. Berry strongly stated the construction of a second tank will not be supported by DCR, and DCR is not interested in a land swap from New Boston Well Field as mitigation for an article 97 disposition at the state forest.

Commissioner Natsios stated he thought the Board very specifically asked Mr. Sheu not to email DCR and for the District to go through their state representative and state senator for assistance in this matter. District Counsel and the Commissioners agreed this second strike from DCR makes it more difficult now to request assistance from our state senator and the District is backed into a corner because of this. Mr. Sheu stated he remembers being directed to send a second email to DCR at the last meeting and apologizes if he misunderstood, however, so many things were discussed under this topic, one of which he believes was for him to send an email.

Discussion ensued about whether or not there were any other ways to address the Makos & Birchmont pump stations without a second tank. Mr. Sheu provided the Board with copies of a report on water storage tank alternatives from November of 2020 from Tighe & Bond engineers outlining five alternatives (attached).

OLD BUSINESS (Cont'd):

Water Storage Tanks at State Forest (cont'd):

Attorney Sullivan stated one issue the state senator could still be contacted to assist with is the fact that the DWSD has never received paperwork for the easement for the newly constructed tank. Attorney Sullivan was told by DCR Commissioner Arrigo in December DCR & DCAM were going to meet in January. Attorney Sullivan will request the state senator's office inquire about what is happening with this matter, which might open up some communication with DCR. Attorney Sullivan stated the District cannot get into a fight over a new tank until the easement at the existing tank is addressed. District Counsel Roland Milliard asked if there is another department at the state level to represent the public water supply! Mr. Sheu stated it has been his experience from working with DEP that when an email is received by an individual of the department, the entire team has discussed the matter and supports the decision.

Discussion ensued regarding the possibility of selling land at the New Boston Wellfield. Attorney Sullivan stated he believes the District would need approval from DEP. Commissioner Natsios suggested that perhaps the Town's CPC Commission would be interested in the land. Chairman Zielinski instructed the Secretary to add possible land acquisition to the agenda for the next meeting under Executive Session.

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

Mr. Sheu reported Tighe & Bond Engineers scheduled a site visit for February 26th.

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:

No new updates

NEW BUSINESS:

Potential Land Swaps between State Forest (DCR) and New Boston Wellfield

(DWSD):

Discussed earlier this evening under Old Business/Water Storage Tanks at State Forest.

2024 Annual Meeting Warrant Articles:

Treasurer Lynn Newhouse prepared draft warrant articles for the Board's review and recommendations (attached). The Treasurer explained article #16 pertains to the lightning strike insurance reimbursement. The Board recommended approval of articles 1 thru 18.

District Counsel Roland Milliard will draft a place holder article for T-Mobile.

NEW BUSINESS (Cont'd)

2024 Annual Meeting Warrant Articles (cont'd):

The Superintendent presented an article to amend the District Bylaws Section 10.4.25 Health Insurance with language for Active and Retired Employees explaining the District has only adopted Chapter 32B but has no written policy regarding active vs. retired employees. The Treasurer stated though everyone currently employed at the DWSD is grandfathered, she agrees the District needs a written policy in place, adding for example that each municipality can create their own policy.

NEWWA Spring Conference in Worcester:

Mr. Sheu informed the Board about the upcoming NEWWA Spring Conference, adding that he would not be here for the conference this year. Chairman Zielinski stated he will be attending, and let the Commissioners know they are welcome to attend as well.

Treasurer's Review:

Tabled

Superintendent's Review:

Tabled. Mr. Sheu provided the Board with a copy of his current contract.

Other:

Treasurer Lynn Newhouse asked the Secretary to add Engagement Letter from Roselli Clark & Associates to the agenda for the next meeting.

Meeting Schedule

Chairman Zielinski announced the next meetings are scheduled as follows:

Wednesday, February 28, 2024

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

Monday, March 11, 2024

Bylaw & Policies Review Subcommittee
5:30 PM/DWSD
59 Hopkins Street, Dracut
Conference Room

Monday, March 11, 2024

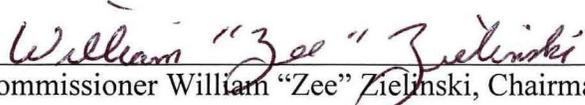
Regularly Scheduled Meeting
Executive Session Meeting
6:00 PM /DWSD
59 Hopkins Street, Dracut
Conference Room

Meeting Schedule (cont'd):

Thursday, March 21, 2024

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

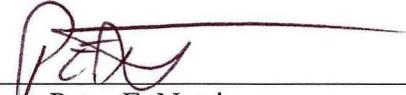
Commissioner Gay Corey made a motion to adjourn at 8:05 PM. Seconded by Commissioner Natsios. Motion passed unanimously.



Commissioner William "Zee" Zielinski, Chairman



Commissioner Leslie Gay Corey, Vice-Chairman



Commissioner Peter E. Natsios