



Commissioners

Leslie Gay Corey

Peter Natsios

Chairman - **William "Zee" Zielinski**

Michael Sheu

Superintendent

Lynn Newhouse

Treasurer

MINUTES

JANUARY 10, 2024

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 December 18, 2023 as presented. Seconded by Commissioner Natsios. Motion passed unanimously.

Commissioner Gay Corey made a motion to accept the Executive Session Minutes of December 18, 2023 as accurately reflecting the Executive Session Meeting but not for release as public information until such time as the purpose for the Executive Session no longer exists. Seconded by Commissioner Natsios. Motion passed unanimously.

APPOINTMENTS:

5:45 PM – 251 Sladen Street Water Connection, Spiro Skinsacos:

Property owner Spiro Skinsacos and Engineer Mark O'Hara appeared before the Board once again to present an updated plan for 251 Sladen Street, Dracut, MA. The proposed project consists of two 21-unit buildings with a total of 32 2-bedroom and 10 1-bedroom units, 20% of which will be for age 55 & over.

Mr. Skinsacos informed the Board he has approval from Planning Board, Conservation, and the Zoning Board of Appeals, issues with the culvert have been resolved, and he hopes to begin the project by early spring.

APPOINTMENTS (Cont'd):

5:45 PM – 251 Sladen Street Water Connection, Spiro Skinsacos (cont'd):

Chairman Zielinski asked if the Dracut Fire Department has signed off on the updated plan, advised Mr. Skinsacos to obtain DFD's written approval of the updated plan. Mr. Sheu recommended a minimum of 30 psi for this 3-story project. Mr. Skinsacos reported flow tests have been done adding the Superintendent should have copies of those reports. The Fire Department does not want a gate at Lee Rd., but does want gravel.

An easement agreement is being drafted by District Counsel Arthur Sullivan, and the developer's Attorney Geary. All agreed the easement agreement must include that the property owner is responsible for the interior booster pumps, not the DWSD.

Discussion ensued regarding a 1.5" vs. 2" connection and the Commissioners informed Mr. Skinsacos he must demonstrate a 1.5" connection will provide enough water for the project. Mr. Skinsacos stated he has a plumbing engineer on board, and if necessary, he is willing to increase to a 2" connection. Water has been shut off to the property and Mr. Skinsacos stated he understands he must contact the District when the line is disconnected so they can witness and document in accordance with the Rules & Regulations of the District.

HR/Office Manager Kelley Chasse provided Mr. Skinsacos with a list of DWSD Bonded Installers. Chairman Zielinski informed Mr. Skinsacos if his contractor is not on the list to contact Kelley for requirements/additional information if they want to be added.

Mr. Skinsacos & Mr. O'Hara thanked the Board for their time and stated they would come back before the Board in February with the easement agreement, written approval of the plan by the Dracut Fire Department, plumbing engineer demonstrating a 1.5" connection is sufficient to provide water to the project, and final plan.

Proposed Denby Place at Genest St., Brian Lussier:

Property owner Brian Lussier and Engineer Mark O'Hara appeared before the Board to present a plan for Denby Place, a proposed 22 lot project on Genest Street. Mr. Lussier stated the plan has been approved by Conservation and Planning Board. Mr. Lussier referred to the plan, pointing out to the Commissioners he could tap in off of the 6" main, loop through the development or tie back up to Malwood Ave. All agreed it would be best to connect the 6" from Pleasant to Dorothy to Genest and tie back up to Malwood Ave.

The District will require an easement between lot 15/16 approximately 20 feet in length. Mr. Lussier will have his attorney Melissa Robbins reach out to Arthur Sullivan regarding the easement language.

K St Tank Maintenance Project Presentation – Scott Kelley, Aqueous:

Mr. Shue informed the Board Scott Kelley had to cancel due to illness and will reschedule the presentation for the next meeting.

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 Executive Session be cancelled and rescheduled for the next meeting as there are no new updates for the Board this evening.

DISTRICT COUNSEL'S REPORT:

Acts/Bylaws Update:

Ongoing

Road Impact Fee

Tabled

SDF Fees – 35 Phineas Street:

No new updates

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.

Easement Agreement – 55 Loon Hill Rd., Dracut:

District Counsel Arthur Sullivan reported he has reviewed the Easement Agreement for 55 Loon Hill Rd., Dracut, MA and it appears everything is in order. Commissioner Gay Corey made a motion authorizing the Superintendent to sign the Easement Agreement as presented. Seconded by Peter Natsios. Motion passed unanimously.

Lease Agreement extension with T-Mobile:

Superintendent Michael Sheu informed the Board he happened to be driving by the K Street Tank and noticed work was being done by Green Mountain Communications (GMC) at the site, told them they have no permission to be there, and was contacted by John Vittum explaining that the work was for the Fire Department. Mr. Sheu allowed them to continue as he was under the impression the work was for the Dracut Fire Department since only the Dracut Fire Department has the code to get into the site. Mr. Sheu stated, however, he never gave permission to install any equipment on the structure.

DISTRICT COUNSEL'S REPORT (Cont'd):

Lease Agreement extension with T-Mobile (cont'd):

District Counsel Roland Milliard informed the Board as soon as he learned about this matter, he contacted T-Mobile's attorney Braillard who reported T-Mobile had no prior knowledge of this installation. Attorney Braillard contacted GMC who confirmed they installed a MW Dish for the Tyngsborough Police and Fire Departments on January 2nd and further stated the installation was completed without permits, and that DWSD Superintendent Michael Sheu gave permission to Cybercom for the Tyngsborough Police & Fire Departments to mount the MV on T-Mobile's structure above its antennas. Attorney Braillard noted none of the parties involved requested approval from T-Mobile to install equipment on their pole and T-Mobile was never notified of such installation.

Attorney Milliard assured Attorney Braillard no one thinks T-Mobile intentionally allowed this to happen and this matter would not affect the Board's decision whether or not to extend T-Mobile's lease. The question remains, how did this happen and what are the DWSD's options. Perhaps GMC told Tyngsboro Fire Department they would handle the matter. District Counsel will draft a letter to Tyngsborough's Town Counsel to address this matter as a violation of the security of the DWSD's site and trespassing as the DWSD was never notified. Someone had to have given GMC the code to enter the property. As far as T-Mobile's options, all agreed to let T-Mobile deal with that piece. IF T-Mobile allows the Tyngsborough Police & Fire Department equipment to stay, it will be subject to T-Mobile's lease.

Attorney Milliard reported Attorney Braillard has informed him Verizon is finalizing their plan and is on the verge of making an agreement. T-Mobile has requested an extension from DWSD to May 31, 2024. Verizon still needs a permit from the Town of Dracut, and believes they should be all set by that date. Discussion ensued, as the DWSD Annual Meeting is May 6, 2024 and this will require a vote by the legislative body. All agreed a place holder article could still be submitted by the deadline to submit warrant articles, March 22, 2024.

Commissioner Gay Corey made a motion to extend T-Mobile's lease to May 31, 2024 subject to T-Mobile providing in writing no later than April 30, 2024 its plan verifying they have an arrangement with Verizon. Seconded by Peter Natsios. Motion passed unanimously.

Water Bill Dispute from 833 Nashua Rd.:

District Counsel will send a letter to the property owner stating their bill must be paid or the DWSD intends to take them to small claims court.

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

SUPERINTENDENT'S REPORT:

Tyngsborough and New Boston Well Field:

Treatment:

Superintendent Michael Sheu reported the District lost power at the Tyngsborough Well Field last Sunday during the storm. The generator at Well #2 building is still not working since the lightning strike in June, 2023. This generator provides power to the Corrosion Control Building. The operation of the Tyngsborough Wellfield had to be shut down due to no chemical treatment during the storm. Mr. Sheu contacted Kraft and they have agreed to expedite the work to get the generator at Well #2 building fixed.

Commissioner Gay Corey reported she received email from two residents (Sladen and Bancroft Streets) with complaints that their water was brown. She explained that the District lost power at the Tyngsborough Well Field and the water had to be re-routed, and instructed the parties to contact the DWSD if the water did not clear up.

Distribution:

K Street Tank Maintenance Project:

Mr. Sheu reported there is a leak at one of the manways at the K Street Tank. Aquous repaired the leak this morning.

SmartOps:

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

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:

Mr. Sheu informed the Board he received an email from National Grid stating it will take eight to twelve weeks to bring power to the new Water Treatment Plant.

Change Order/Fence:

As requested at the last meeting, Tighe & Bond included the specifications for the posts and rails for fencing at the water treatment plant. The Board reviewed the updated measurements and specifications.

Commissioner Gay Corey made a motion to approve PCO 22 F & I fence in the amount of \$113,895. Seconded by Commissioner Natsios. Motion passed unanimously.

OLD BUSINESS (Cont'd):

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:

Draft Legislation / Correspondence from Representative Colleen Garry

Mr. Sheu provided the Board with a copy of an email from Representative Colleen Garry along with draft legislation prepared by House Counsel to allow the sale of water to three separate entities as submitted by the District and requested District Counsel review and comment.

The three separate requests were combined into one by House Counsel. All agreed the requests to supply/sell water to the Town of Pelham NH, Hudson NH, and Kenwood Water Department Dracut MA should remain separate. District Counsel will work with the Superintendent to prepare a response explaining combining all three together could jeopardize each individual approval, therefore the District requests the three remain separate.

DWSD Office Building Siding Repair:

The work on the Office Building Siding Repair has been completed. The Commissioners agreed they were very pleased with the work.

NEW BUSINESS:

Updates to new water main 130 Frost Rd.:

Mr. Sheu reported the installation of new water main at 130 Frost Rd. has been completed and the water turned on at this location. The property owner may request the DWSD take ownership of this new water main after one year of installation.

Mr. Sheu reported the Tyngsborough Town Engineer requested the District combine the new 6" water main with this 2" water main that feeds the Sewer Pump Station. Installer Mike McCarthy had agreed to do this but did not follow through. Mr. Sheu suggested this be addressed again when the property owner requests the District take ownership of the new main one year from installation.

NEW BUSINESS (Cont'd):

Hydrant Fee Review:

HR/Office Manager Kelley Chasse provided the Board with a report comparing fees from several water districts similar in size to the DWSD showing the DWSD's Hydrant fees are much lower. The Commissioners reviewed the report and agree Hydrant Fees must be increased. Currently, the Tyngsborough Water District charges \$250 per hydrant, but gives ½ credit for the Town to paint and maintain the hydrants.

All agreed the DWSD should increase their Hydrant Fees to \$150 per hydrant, with ½ credit for the Town to paint and maintain the hydrants. Mrs. Chasse suggested the increase take place in FY2025, giving the Town ample advanced notice of increase. Mrs. Chasse added the District will require the Town to submit reports on hydrant maintenance prior to ½ credit being applied in order for the District to document & update their GIS maintenance program accordingly.

Commissioner Natsios made a motion for the DWSD to implement a Hydrant Fees increase beginning FY2025 to \$150 per hydrant with ½ price credit for painting and maintenance according to DWSD specifications. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Meter to Main Program Review for 12 Willowdale Ave., Tyngsborough:

Other:

12 Willowdale Ave:

The property owner was concerned the DWSD may damage their lawn, bushes and basement and stated he prefers the District only repair the line where it is leaking vs. replacing the whole service line. The District explained this is the 4th repair on this service line. In order for the District to agree to fixing the line only in the location of the leak the property owner would no longer be eligible for the meter to main program. The property owner stated he will take the risk of future repairs and still insisted on the line only being repaired at the leak.

Commissioner Natsios made a motion to take 12 Willowdale Ave., Tyngsborough off of the DWSD Meter to Main program, and for District Counsel to memorialize this agreement in writing to the property owner. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Attorney Sullivan provided the Board with a copy of a covenant regarding this subdivision which established an "Access & Utility Easement" August 21, 1991. This easement allowed the sewer, electrical, telephone cable and television transmission to be installed, but had no mention of water main and water service lines. Commissioner Natsios pointed out that because water is not specifically mentioned in the covenant does not mean it is excluded. The maintenance responsibility for the water mains and water service line would be the residents of the subdivision, since there is no mention of DWSD in this easement. HR/Office Manager Kelley Chasse will flag the properties (Willowdale Ave #8, 10,12, 14, & 16) noting that this subdivision is a private property and will not qualify for the DWSD's Meter to Main program.

NEW BUSINESS (Cont'd):

Legal Litigation from 63 Willowdale Ave:

HR/Office Manager Kelley Chasse is prepared to be present on January 22nd to address the complaint filed by the property owner at re 63 Willowdale Ave., Dracut in Small Claims Court.

The use of T-Mobile's Pole for Tyngsborough Fire Department:

Addressed earlier this evening under District Counsel's Report.

Potential Land Swap between State Forest Park (DCR) and New Boston Well Field (DWSD):

Mr. Sheu provided the Board with copies of email to Vanessa Curran, DCR Office of Water Resources regarding a potential land swap from New Boston Well Field and the State Forest. Mr. Sheu stated a second tank at the State Forest could eliminate the need for the Makos, Birchmont, Varnum, and K Street Tank pump stations while improving the water system.

Attorney Sullivan will alert Senator Kennedy that this conversation has become active with DCR.

Treasurer's Review:

Tabled

Superintendent's Review:

Tabled

Superintendent's vacation request:

Mr. Sheu requested the month of March, 2024 for time off in order to care for family in Taiwan. Mr. Sheu stated he will be available remotely during this time as needed including attendance at Commissioners' meetings remotely. There is a plan in place for coverage between HR/Office Manager Kelley Chasse, Field Services Manager Steve Dehaney & Field Services staff. The Commissioners approved Mr. Sheu's vacation request for the month of March.

Meeting Schedule

Chairman Zielinski announced the next meetings are scheduled as follows:

Wednesday, January 31, 2024 Bylaw & Policies Review Subcommittee
5:00 PM/DWSD
59 Hopkins Street, Dracut
Conference Room

Wednesday, January 31, 2024 Regularly Scheduled Meeting
Executive Session Meeting
5:45 PM /DWSD
59 Hopkins Street, Dracut
Conference Room

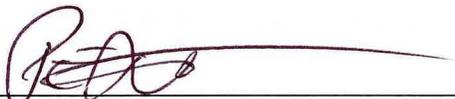
Commissioner Natsios made a motion to adjourn at 8:08 PM. Seconded by
Commissioner Gay Corey. Motion passed unanimously.



Commissioner William "Zee" Zielinski, Chairman



Commissioner Leslie Gay Corey, Vice-Chairman



Commissioner Peter E. Natsios