

Commissioners

Leslie Gay Corey

Peter Natsios

Chairman - William "Zee" Zielinski

Michael Sheu

Superintendent

Lynn Newhouse

Treasurer

MINUTES

MARCH 14, 2024

The meeting was called to order at 5:36 PM

PRESENT:

Commissioners William "Zee" Zielinski/Chairman, Leslie Gay Corey/Vice Chairman (via Zoom), and Peter E. Natsios. Superintendent Michael K. Sheu (via Zoom), 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:

None

TREASURER'S REPORT:

Treasurer Lynn Newhouse reported that eight months through the fiscal year, as of February 29th receivables are at 72.37%, over by 5.71%, and expenses are at 49.25% under by 17.41%. The Treasurer pointed out internet was paid early, and that system repairs and maintenance expenses this month were inflated due to lightning strike expenses.

HR/Office Manager Kelley Chasse reported shut-offs for past due accounts will be resuming, with approximately 35 past-due accounts, many of which are the same accounts year after year. Mrs. Chasse stated the District will continue to work with the Town of Dracut to place liens on past-due accounts.

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

EXECUTIVE SESSION:

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

All agreed to enter into executive session at the end of the open session meeting and reconvene only for the purpose of adjournment.

DISTRICT COUNSEL'S REPORT:

Acts/Bylaws Update:

Ongoing

Report on Meeting with Town of Tyngsborough:

District Counsel asked that the Board take the agenda out of order to hear report on the March 6th meeting with the Town of Tyngsborough which includes several agenda items under District Counsel's Report. The Commissioners agreed.

District Counsel Roland Milliard reported a meeting was held on March 6, 2024 at 2:00 PM at the Tyngsborough Town Hall with representatives from the Town of Tyngsborough including Selectboard Chairman Eldridge, Tyngsborough Town Counsel Costa, and Tyngsborough Town Manager Colin Loiselle, and representatives from the DWSD including Commissioner Peter Natsios, and District Counsel Arthur Sullivan and Roland Milliard.

Attorney Milliard provided the Board with a written summary of his memory of meeting details, and reviewed the summary items 1 through 13 (attached). Commissioner Natsios reviewed and agreed with District Counsel's summary.

District Counsel and Commissioner Natsios reported the general sense of the meeting was positive and it appeared as though all present agreed with the desire to work together to begin a new era between the Town of Tyngsborough and the DWSD. The Town of Tyngsborough appeared genuinely grateful for the DWSD's willingness to negotiate.

District Counsel reported they informed the Town of Tyngsborough they would not have to come up with all SDF funds up front and suggested the Town of Tyngsborough waive the DWSD PILOT for a period of five years, which would be \$70,000. Chairman Eldridge countered with \$60,000 on the school budget and the remainder by suspension of the PILOT. Discussion ensued and the Commissioners agreed the bottom line for the DWSD would be \$90,000 and that Commissioner Natsios have the authority to make that agreement. Commissioner Natsios will report back to the Town of Tyngsborough that the DWSD Board of Commissioners are in agreement in principal to accepting that bottom line. The Board thanked Commissioner Natsios for a job well done in representing the DWSD at the March 6th meeting and all look forward to formalizing the agreements outlined in District Counsel's summary as presented.

DISTRICT COUNSEL’S REPORT (Cont’d):

Road Impact Fee

Negotiation ongoing

SDF Fees – 35 Phineas Street:

Attorney Milliard will inform Attorney Malonis, as Attorney Malonis had not gotten back to him in time, March 28th is no longer an available date for deposition. Attorney Milliard will report back regarding 35 Phineas Street at the next meeting.

Letter to Makos Street Residents:

Attorney Milliard stated he has to edit correspondence for signatures from the three property owners who agreed to sign off, and will then send the remaining three property owners notice they will be billed beginning July 1, 2024 for the cost of maintaining the Makos Street Pump Station divided by three, as stated on their deed.

Treasurer Lynn Newhouse suggested the District let the Town of Tyngsborough know about the Makos Pump Station matter in case they are not aware and offered to draft correspondence, adding that if someone from the Town of Tyngsborough explains the situation to the property owners, the property owners may be more trusting than that same information coming from the DWSD. All agreed it would be worth a try, but also that the District simply cannot allow three property owners to hold this up any longer.

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:

Ongoing

Lease Agreement extension with T-Mobile:

Discussed under Superintendent’s Report.

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 & Distribution:

Superintendent Michael Sheu stated there are no new updates under Treatment or Distribution, and that operations have gone very smoothly while he has been away.

SUPERINTENDENT’S REPORT (Cont’d):

Other:

Proposed stand-alone cell pole from Structure Consulting Group (Verizon):

Verizon has been told they need to get a permit from the Town of Dracut. District Counsel reported they are in the process of reviewing the RFP with the Treasurer. In the meantime, Verizon has informed the District they will need a signed lease agreement in order to file for a permit with the Town of Dracut, Zoning Board of Appeals.

The Commissioners asked why the District would go out for an RFP for a stand-alone pole when that would likely be denied; why wouldn’t they keep the existing RFP as is? If Verizon doesn’t get their permit, the 2nd bidder, T-Mobile, who *has* their permit, would step in; OR Verizon could stay on the tank as is, and *then* try to get a permit for a stand-alone cell pole. Commissioner Natsios suggested District Counsel let Verizon know the District will not be able to comply with their request for a lease agreement for a stand-alone cell pole. Treasurer Lynn Newhouse asked if Verizon had a lease agreement prior to going to the Town to get their original permit. Kelley Chasse will research minutes. District Counsel will report back to the Board at their next meeting.

PFAS Litigation – Settlement Update:

Mr. Sheu reported Dupont Claims Action fund deadline is May 24, 2024, and he will be providing more information to Attorney Sansone to perhaps increase the amount of money the District will receive from this settlement.

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:

Louis Soracco, PE, Tighe & Bond Engineering reported there is power to the water treatment plant, but the electrical meter has not yet been installed. The 2” domestic water line has been turned on, and the water treatment plant is very close to start-up. When Mr. Sheu returns, the District will test each control, begin to run water through filters, and the water treatment plant should be ready to go online by April.

Commissioner Natsios stated he took the opportunity to visit the Town of Tyngsborough Building Inspector and was informed he has the construction control engineering permits but has not received other required reports from Tighe & Bond.

OLD BUSINESS (Cont'd):

Tighe & Bond – Master Plan:

Water Treatment Plant/Updates (cont'd):

Mr. Soracco stated Tyngsborough does have the required documentation, however, there was a problem with Tyngsborough being able to open the documents from the Procore site. Tighe & Bond provided the documents on a thumb drive. Mr. Soracco further stated Tighe & Bond will deliver a new thumb drive with updated documentation.

Undersized Water Main Repair/Replacement at Forest Park Ave:

No new updates

State Revolving Fund/Revised Lead & Copper Rules

No new updates

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

Addressed earlier this evening under Superintendent's Report.

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

No new updates

Other SRF Projects:

No new updates

Tyngsborough Middle School – Water Connection Request:

Addressed earlier this evening under District Counsel's Report.

NEW BUSINESS:

2024 Annual Meeting Warrant Articles:

Treasurer Lynn Newhouse provided the Board with Draft Copy #2, 2024 Annual Meeting Warrant for review and recommendations (attached).

Treasurer's Review:

Commissioner Natsios reported he scored the Treasurer's review as outstanding on all accounts adding she has demonstrated accounting qualifications of bookkeeping preparation including knowledge of municipal accounting. Commissioner Natsios stated in his opinion it is in the best interest of the DWSD to have a long-term relationship with Lynn and her review should reflect that.

Commissioner Zielinski reported he also scored the Treasurer's review as outstanding adding that she is very professional and has been an asset to the DWSD. Commissioner Zielinski commended Lynn's willingness to take the courses necessary to become Chief Procurement Officer for the District, and stated he hopes she will remain with the DWSD for a long time to come.

NEW BUSINESS (Cont'd)

Treasurer's Review (cont'd):

Commissioner Natsios stated, and all Commissioners agreed, that when the Treasurer completes Procurement Officer courses and earns the credentials of Procurement Officer for the DWSD the Board will revisit her review based upon those credentials.

Commissioner Gay Corey agreed on all accounts and made a motion to give Treasurer Lynn Newhouse a minimum 4% increase. Seconded for discussion by Commissioner Natsios. Under discussion, Commissioner Natsios suggested the Treasurer be given a 5% increase retroactive to her anniversary date. All agreed and Commissioner Gay Corey withdrew her motion. Commissioner Natsios made a motion to give Treasurer Lynn Newhouse a 5% increase effective immediately and retroactive to her anniversary date. Seconded by Commissioner Gay Corey. Motion passed unanimously.

Superintendent's Review:

All agreed to table the Superintendent's review until he returns from vacation.

Board Secretary Review:

Tabled

Meeting Schedule

Chairman Zielinski announced the next meetings are scheduled as follows:

Thursday, March 21, 2024


Review of Warrant Articles
Executive Session Meeting
5:30 PM /DWSD
59 Hopkins Street, Dracut
Conference Room


Chairman Zielinski polled the Board to enter into executive session at 7:05 PM for the purpose of discussing potential litigation with the Town of Tyngsborough and the legal strategy thereto.

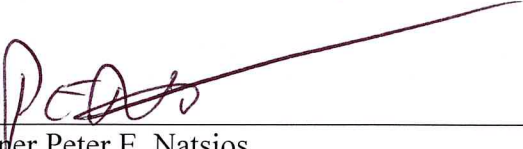
Commissioner Gay Corey	-	Yes
Commissioner Natsios	-	Yes
Commissioner Zielinski	-	Yes

The meeting reconvened at 7:12 PM. Chairman Zielinski announced no votes were taken in executive session.

Commissioner Gay Corey made a motion to adjourn at 7:13 PM. Seconded by Commissioner Natsios. Motion passed unanimously.


Commissioner William "Zee" Zielinski, Chairman


Commissioner Leslie Gay Corey, Vice-Chairman


Commissioner Peter E. Natsios