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WATER DEPARTMENT
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Water Commission Minutes
Thursday, December 27, 2018

Approved: 1/10/19

Chairman Karl Huber called the meeting to order at 6:00 pm

Members present: John O'Brien, Scott Wilkins

Meeting held: At the Dunstable Town Hall, 511 Main Street, lower level

In attendance: Harold Simmons, Advisory Board; Leah D. Basbanes, Ronald J. Mikol, Board of Selectmen; Brian Rich, Fire Chief

Reviewed & Signed:

- Monthly bills
- Monthly payroll

Joint Meeting with Board of Selectmen

The Commission invited the Board of Selectmen to hold a joint session with the Commission, which the Board agreed to and posted in order to allow for discussion relating the state of the water system and any reasonable next steps including possible discussions with Tyngsborough. Mr. Huber than started off by explaining Tyngsborough's interest. They would only be interested in doing business with Dunstable if they owned the water system. This would mean they would control the system. If the town was interested in doing this, that would mean not pursuing a long-term contract with SWSS and would mean a change in the infrastructure project's scope. That could be a positive as it might mean lowering the overall cost of the water infrastructure project. Ms. Basbanes asked if a lease option could be proposed. Mr. O'Brien responded that if that was done, it would be so long term, like 100 years, that would be functionally no different then essentially selling them the system. They would then take whatever actions are necessary to build out the system and get it up to their standards. Now taking over the system could help them as well as they are also currently looking at an infrastructure project which would include drilling more wells. But they have been running into issues with their new well site. There is nothing from a DEP perspective that is preventing that but there are other considerations for them. They've committed enough that they might have to still drill. But the landowner has his own concerns and that could provide an opening for Dunstable. Mr. O'Brien noted that Dunstable's water is good and having the wells here in town would be useful to them. Mr. Wilkins agreed suggesting that if voters are not willing to support the infrastructure project, this may be the only option. He felt that the frustration is that this is a utility and it currently is failing. Mr. Mikol noted that DEP intends to have someone at the Annual Town Meeting to make it clear that this project must proceed.

Ms. Basbanes then expressed reservations about the concept of Tyngsborough Water District owning town water. Mr. O'Brien responded that we have to consider all options and what it does to the taxpayers. Mr. Wilkins agreed, but stated he would see them upgrading the wells and with a tank, it would improve the towns water pressure for fire coverage. Chief Rich agreed and noted that if they did connect the systems, which they would if they acquired Dunstable's, then it would be about a \$1 million investment. Mr. Huber interjected to say that if this is even to be an option than the Board of Selectmen will need to meet with them. Ms. Basbanes noted that it could be helpful to

alleviate the headache, but there are also concerns. Mr. Huber responded that the Commission would remain and would be a voice to Tyngsborough. This prompted a question about what might happen if they fail. Mr. Wilkins responded that it appears that they have a healthy water district that is generating funds. Ms. Basbanes reiterated her hope for some kind of lease over a sale of the system entirely. Mr. Wilkins noted that doing a deal with Tyngsborough would probably be the only way to see the system expand, which it desperately needs to if it is to ever be sustainable. This prompted a question as to how eager Tyngsborough is. Mr. Simmons tendered that discussion would have to be had and it would take time. So, things should still move forward with contracting with SWSS. Chief Rich suggested that this could come up on the floor of town meeting, so it should be proposed as a possible contingency. Ms. Basbanes stated that this poses a question about how to proceed since it appears that the town would need to go one direction or another.

Chief Rich agreed suggesting that DEP might not be willing to wait for a deal between the two towns. Mr. O'Brien tended to agree saying a decision must be made. Either way the town will have to vote. Ms. Basbanes asked what DEP would do if all fails. Mr. O'Brien responded that DEP will simply hire a contractor to execute a plan to fix the system and would bill the town along with fines. They could very well use the engineering the town has done. Mr. Mikol felt that a lot of things are subject to negotiations and the town doesn't have a lot of time. Things need to proceed as planned for now. Mr. Huber responded that the engineering is done and DEP has approved it. Mr. Mikol felt that with hard numbers things should continue to town meeting. Mr. O'Brien countered that it might not take as long as thought if things are started immediately. Ms. Basbanes responded that such a deal would require a significant investment by Tyngsborough and they might not want to do that. Mr. Huber outlined that so far, all the infrastructure project will do is fix the wells, add water storage, and address the chemical feed issues. Mr. Wilkins reminded that the system would hopefully see 40 more rate payers added by the affordable housing project that should follow the project. Discussion shifted back to what Tyngsborough would have to do if they were to connect in. Chief Rich felt that there are a lot of upgrades that would have to be done to make it possible. Mr. O'Brien agreed, but noted that some of it would be on them. Mr. Huber proposed that a sit down still happen with Tyngsborough to explore things.

It was then confirmed that there is an out for both sides in the SWSS contract. Ms. Basbanes then asked if a Special Town Meeting should be considered for water. Mr. Mikol explained that the conceptual plan was to have that meeting in say March. But this would require a lot of ducks being in a row. The Town Moderator has suggested this as a better option than putting everything on the Annual Town Meeting in May. Mr. Huber thought it could be a good idea. But the numbers will have to be ready. Mr. Huber said that Wright Pierce could potentially manage that. He suggested talking to Wright Pierce to see if everything could be ready for March. Mr. Simmons stated that a March date could be helpful for any budgetary concerns for the department. So that should be part of this. Mr. Mikol stressed that any meeting would need to be contingent on firm numbers and drawings being done. Anything in addition to the project, such as department budget issues, should be worked out with the Town Accountant to have certainty. As for whether a Special Town Meeting should be scheduled, there are other considerations that will need to be addressed with the Town Clerk as to timeline. Mr. Huber then turned discussion to where things stand with SRF funding for the infrastructure project. That information should be available from Wright Pierce. They are managing the process. Mr. Wilkins turned discussion back to Tyngsborough. Obviously, the town should move forward with its plans, but he felt that the town should kick the tires with Tyngsborough to see what options are there. It was agreed that all avenues should continue to be pursued. If the matter isn't addressed the town faces dire consequences.

Immediate Priorities Requiring Attention & Resolution

Mr. Huber reported that there might be a leak issue. SWSS has noted looking through the logs that there could be a leak. Mr. Mikol clarified as to how they've tracked this down. Mr. Huber outlined

how they determine the delta. It usually involves what we know rate payers have used thanks to metering and how much has come out of the wells. Mr. Mikol suggested that the fire tankers log should be checked as it could be due to filling the tanker for the Fire Department. This could help narrow the delta for SWSS. Mr. Simmons agreed noting that the log may not be 100 percent accurate but it could help. Regardless, any leak that might exist will have to be found. Mr. Voelker turned discussion to Roads Commission which has some concern about the replacement of pipe below the section of Rt. 113 that is being paid for as part of the Rt. 113 Project approved by MassDOT. They are currently working diligently to try and get that piping replaced as part of the overall project. Mr. Huber responded that any funding they are able to obtain is welcome. Replacement of that pipe there would be positive.

Infrastructure Project Updates and DEP Concerns

Mr. Huber started off by updating on where things stand with DEP. They are not currently happy and their patience is running very thin. SWSS has stepped in to provide critical support to reassure DEP. Right now, with the state of the wells, DEP is displeased as currently only Well No. 2 is running with Well No.1 off line since July. DEP is extremely concerned about this and is ordering the department to get Well No. 1 operational. As a result, the department is forced to act on this despite fiscal constraints. Mr. Huber then reported on the items that SWSS got done for December 14th including the Emergency Plan. The original plan was done by White Water and DEP felt that it was incomplete. DEP is happier with SWSS's work. The major concern now is budgetary. Things keep coming up, including the costs for Well No. 1. As it stands it appears the budget will come in under the amount budgeted for. Mr. Mikol noted that the town is under an Administrative Consent Order with Penalty (ACOP) and DEP will clearly not hear any pleas concerning financial crisis. Advisory Board appears willing to touch the Stabilization Fund so as to avoid using Free Cash. Mr. Mikol urged judiciousness in the spending, but stated that with that said the department must continue to comply with DEP and the ACOP. Mr. Huber responded by outlining where things stand in that regard and the actions the department continues to take. This included elaborating on what SWSS is doing. To date we appear to be satisfying the ACOP, including the engineering by Wright Pierce. So, despite all of the set backs things are moving in the right direction. Mr. Mikol stated that DEP has been very clear on the action part. Ms. Basbanes asked about where things stand on the list of repairs. Mr. Huber responded that SWSS is prioritizing what needs to be fixed most immediately. Obviously, the KOH needs to be dealt with, but some of that has to be solved through the water infrastructure project itself which the work won't start on until later in 2019 assuming a town meeting approves the project. So far DEP is okay with this prioritization.

RACO Alarm System Issues

Mr. Huber reported on the RACO panel and the installation of the new one. SWSS was able to work with the necessary entities to get the new panel installed. The process was documented so that in the future should the panel fail again the department knows what to do. In the meantime, the old panel was still under warranty and was fixed by RACO so now the department has a spare panel.

Outstanding Customer Bill Discussion

Mr. Huber stated that a reply will need to be sent out regarding the major outstanding bill. The department has been asked by the homeowners to forgive a portion of or all of the bill. The department simply cannot afford to do so. Some means of addressing this should be found.

RFP Proposal Opening & Review of Technical Proposal & Price Proposal

Mr. Huber outlined the process for the bid opening. First the Commission opens the Technical Proposal to determine that it meets the requirements of the RFP and the department. Once satisfied

they will then open the Price Proposal part of the RFP. Mr. Voelker advised that SWSS was the only submitter. The Commission then opened the Technical Proposal and formally reviewed it. There was some ensuing discussion of the different parts of the proposal and how it demonstrates the capabilities of the water operator. Including primary and secondary operators, company resources, and resume type items. Mr. Huber noted that this is above and beyond anything else the department is doing as there are stringent requirements from DEP for the operation and maintenance of the system. He further noted that SWSS has been the operator for a while now having initially participating in the 90-day contract allowed under the emergency declaration by Interim Town Administrator Mark Haddad. The Commission felt that the Technical Proposal met the requirements of the department. It was noted that originally three entities requested the RFP, but only one returned a proposal. Mr. Mikol had some thoughts about the proposal noting that the letters of recommendation are rather old. He wouldn't give a lot of grief over it but would like to see perhaps new ones. Mr. O'Brien responded that most of those are ones that are from clients that they still work for. Chief Rich inquired about what they do for Dracut.

Mr. O'Brien elaborated on the multiple districts that cover Dracut and Tyngsborough. Ms. Basbanes then noted that over the past few months the relationship with SWSS has been nothing but positive. The Commission approved the Technical Proposal then opened the Price Proposal and determined that the numbers are consistent with SWSS's price structure for the 90-day contract. They would cover all of the documentation and reporting requirements while lawn mowing and snow removal are not part of the contract. Mr. Mikol asked about the cost, which is structured at \$69,000 annually for the base price. Mr. Huber responded that there really aren't many alternatives. Unless the town is able to find a licensed operator willing to work in house, most of the other options are either too big, too small or simply not interested. Ms. Basbanes asked about the cost of White Water. Mr. O'Brien responded that they were costlier and they had recently lost an operator so they were not able to serve the town. Mr. Simmons noted the Price Proposal had a fee for backflow testing and had a few questions about whether that can be charged to the rate payers. Mr. Huber responded that the department has been paying and to date there are four such devices in town. There was a question of whether the Fire Department has any. Chief Rich was pretty certain that it did not. Mr. Simmons noted that in another town he had an employer who was charged for them. Obviously, the devices in town buildings probably shouldn't be charged, but if any of them are not town that is something that should be considered. Mr. Wilkins asked what the determination on why a rate payer would have such a device or not. Mr. Simmons elaborated that it would be mostly commercial entities, not residential, that would have them for a variety of reasons. Mr. Huber agreed and suggested it should be looked into. The Commission then determined that the Price Proposal meets the criteria of the RFP and the appears manageable within the departments budget. It was determined to proceed with approval and to consider having some kind of process to review regularly.

A motion was made by Mr. O'Brien to accept and approve the Technical Proposal as meeting the requirements of the departments RFP. The motion was seconded by Mr. Wilkins and passed without objection.

A motion was made by Mr. Wilkins to accept and approve the Price Proposal as meeting the requirements of the departments RFP. The motion was seconded by Mr. O'Brien and passed without objection.

Authorization of Accounts Payable & Payroll

Mr. Huber then went over the bills noting those of particular interest such as the National Grid bill, the postage bill for latest mailings, the latest SWSS bill, a Wright Pierce bill, and the final White Water bill. The Commission finished up the topic by authorizing the signing of payroll.

Minutes

The Commission considered the minutes from December 6th, 2018. Seeing no reason not to approve them the Commission proceeded with doing so.

A motion was made by Mr. O'Brien to approve the minutes of December 6th, 2018 as written. The motion was seconded by Mr. Wilkins and passed without objection.

Next Meeting/Regular Meetings

The next meeting will be the rate hearing scheduled for January 2nd, 2019.

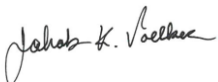
Additional Topics Discussed Not Noted on the Agenda

Hydrants

Chief Rich asked about hydrants noting that the town needs to address the hydrants that aren't functioning. If in an emergency a department tapped into one, it could cause entire streets go dry. He suggested painting nonfunctional hydrants black. Red ones should indicate that they are functional. Mr. Mikol asked why bags aren't being used. Mr. O'Brien noted they tend to disappear since residents don't like them. There are 26 hydrants, with a few hydrants being functional. Most are not for functional for fire use. Mr. Huber explained that even though they work, once you start using them the system goes dry. It was agreed that Chief Rich should investigate further. The cost would likely only be around \$600 or so. This could be a significant liability so it should be done.

A motion to adjourn was made by Mr. O'Brien at 7:40 pm. The motion was seconded by Mr. Wilkins and passed without objection.

Respectfully submitted by



Jakob K. Voelker
Administrative Assistant
Dunstable Water Department