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WATER DEPARTMENT  
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**Water Commission Minutes**  
**Wednesday, January 2, 2019**

**Approved: 1/29/19**

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: Lorraine Leonard, Town Accountant; Harold Simmons, Advisory Board; Joe Dean, Veterans Services Officer; Alan Chaney, Conservation Commission; Roberta Dean; Jake Lewon

**Reviewed & Signed:**

- Monthly Payroll

**Water Rate Hearing**

Mr. Huber started off by explaining this hearing is to make some changes on the schedule of rates. He then proceeded to explain that the department is faced with a large infrastructure project on the way, and is managing a budget of approximately \$128,000. The infrastructure project is occurring as a requirement of DEP. That project will not solve every issue, but will help considerably. Mostly through modernization and storage. The project will also help facilitate the affordable housing project intended for the MUD. Helping that project proceed would add 40 rate payers to the system. Mr. Huber then spoke briefly about the DEP requirements and departments record on that front. The department is under a lot of pressure from DEP and as a result has had to hire a licensed water operator. There was a question regarding David Tully who was the former water superintendent. Mr. Tully was not licensed formally as a water operator, but worked under David Hardman's license. This was considered inadequate by DEP. Mr. O'Brien went over some of the licensing requirements that DEP has. Mr. Huber followed by explaining how the department explored various options including working with Pepperell's water department as well as Groton's water department. Mr. Dean asked about the cost of the water operator contract is. Mr. Huber responded that it is about \$69,000 per year. There was then a question regarding hydrant flushing. Mr. Huber responded that it hasn't yet been scheduled. It should have been done last fall, but with all the changes that have occurred it didn't happen. Mr. Dean then asked a question about the well pumps and why one of them is not operating. Mr. Huber responded by explaining the Variable Feed Drive or VFD. This was operating too much and that was what forced the department to shut the well off. DEP is requiring that well be operational again, and the department is working with SWSS, the water operator, to get this done.

Mr. Huber then spoke about the expected revenue generation and the RFP process that was followed. There was a question about how long the problems have been running with DEP. Mr. Huber responded that DEP's regulations have been in place for years. The regulations that DEP is enforcing have been in place for years, but DEP has been lenient in compliance. However, in the face of the Flint, Michigan crisis, DEP has refocused on compliance. Mr. Dean then asked about the cost of the water operator and the number of hours a week the town pays for. Mr. Huber explained that they do 14 hours a week with additional coverage. There was a question regarding how long the department has been contracted with its current operator. The department is under a 90-day emergency declaration contract as permitted by MGL Chapter 30B, and is now under contract

negotiations for a multiyear contract following the RFP process required by MGL Chapter 30B. There was then a question regarding the costs to date. Mr. Huber responded that the town has been forced to pay for a licensed water operator since January of 2018. Mr. Huber then went over the number of repairs which need to occur and the updates to the system. Ms. Dean had some questions regarding the work that needs to be done and what kind of plan is in place. She noted that for years she hasn't heard a plan, but each time some kind of crisis occurs the rates go up considerably. Mr. O'Brien responded that the project is underway and is required by DEP. Mr. Huber responded that the plan for the near future is to get the current infrastructure project done and affordable housing in place. There was a question about upgrading the system. Mr. Wilkins explained that the hydropneumatic tanks are beyond their life expectancy and must be replaced.

Ms. Dean asked why this has been going on for years. Mr. Huber responded that the department has repeatedly asked for funds to fix the system. Including a project that voters disapproved nearly four years ago. There was a question regarding how department funding works. Ms. Dean, as a former Town Accountant, gave a brief explanation of the department as an enterprise fund and elaborated on the challenges that creates at town meeting. Mr. Huber then responded by outlining the work that's been done in the past including requests at town meetings. Mr. O'Brien explained that this project has to be done and if the voters do not approve it, DEP will force the project and will also fine the town. DEP is losing patience and the necessary corrective action cannot be avoided. The Commission realizes that the rate payers cannot shoulder all of the costs. This ultimately will require town wide support and solution. Ms. Dean asked about whether this has been made a capital project. Mr. Huber responded that the departments needs are on the radar of multiple town bodies including the Board of Selectmen, the Advisory Board, and Capital Planning. It is clear to everyone that this has to be solved. Mr. Huber explained some of the challenges, including the difficulty of obtaining funding both from the town as a whole and from the Commonwealth. One of the challenges being the town having to pay for engineering before being able to apply as well as numerous disqualifiers. Mr. O'Brien elaborated further by outlining how even Pepperell and Groton's departments once looking at the system concluded that the town needs to spend money even beyond the infrastructure project to resolve ongoing problems.

Mr. Huber then went over the various options the department has gone through as well as some of the concerns DEP has expressed and required resolution of. Mr. Dean then asked what the percentage of increase is being required for going forward. Mr. Huber responded by elaborating on the increases that are being proposed and the issues with the last rate hearing which occurred in April. Ms. Leonard elaborated on how the rates would be adjusted. She explained that the April rate increase was supposed to double rates, but failed to do so only returning an increase of 15 percent. At the current rate the department will drain all its resources and may require some assistance at the Annual Town Meeting. So, what she has done is go back to the original rates and double them in order to sustain the budget. The mistake was made by the former Town Administrator whose math was not what it should be. She then elaborated on how the structure was changed and how she is assisting the department in resolving the issue. So, the service charge would go to \$60, the minimum charge up to 10,000 gallons would go to \$126, from 10,001 to 20,000 gallons would be 0.0146 per gallon. Over 20,000 gallons would be 0.0160 per gallon, then the bulk water rate would be 0.0350 with a supervision charge of \$42.50 an hour. Ms. Dean then renewed her questions about a capital project. Ms. Leonard responded that an enterprise fund cannot be such a project, which is why the infrastructure project is a separate project that will need to be approved by town meeting. Mr. Huber than gave an update on where things stand with the infrastructure project to date and what the department expects to accomplish.

Currently the town has applied for SRF funding through DEP. The engineering is complete and has been approved by DEP. Assuming town meeting approval is obtained and any necessary ballot approval occurs, the project should be able to start in late 2019 or early 2020. Ms. Dean than asked about any plans to expand the system. Mr. Huber responded that there are some areas of town that

would like to have the water brought in. But right now, things are too fragmented. The department would love to expand, but there are challenges to that. Including various pipe sizes that need to be standardized and modernized. But all of that cost's money. Laying pipe is expensive. Ms. Dean asked whether betterments could be utilized. Mr. Huber responded that the priority right now is addressing DEP's concerns and getting the system fixed and capable of handling the 40 new rate payers that could come online with the affordable housing project. Ms. Dean expressed the feeling that the department has been in crisis mode for years and she would like to see that change. In her opinion there need to be multiyear plans to fix the problems. Mr. Huber responded by outlining the steps the department has taken, including participating in the latest update of the Master Plan. He then stated that the water quality is pristine, the issue is the distribution system. There was then a question about the maintenance costs. Mr. O'Brien explained that the rate increases and the rates themselves pay for the maintenance. The infrastructure project will have to be paid for by all tax payers including those not on the system as well as those on. There was a general feeling that rate payers are double hit that way. Mr. O'Brien responded that it is unfortunate but that is how it works. Mr. Huber agreed noting that the past proposals have passed at town meeting only to fail at the ballot box. Many tax payers who are not on the system are reluctant to approve a project.

Mr. O'Brien stated that the other issue is the potential for DEP having to step in. If they do, it will be expensive. There was then a question about the towns budget. Ms. Leonard responded that the only errors that have occurred budgetarily were made by the former Town Administrator when putting together the budget. Not by her office. Ms. Leonard then explained that the spending noted at the last Annual Town Meeting was Free Cash and that the town had an unusually large amount of Free Cash for the last two fiscal years. Ms. Dean asked if voters have been made aware of the town wide responsibility, including the ramifications for Swallow Union. Mr. Wilkins responded that the voters have been made aware. But a lot of people feel that they shouldn't pay for rate payers' water and they are somewhat unconcerned about the school. It is tough to get everyone to understand, voters raise their hand in support at town meeting and then vote against it at the ballot box. The town has been fortunate for how long it has gone without DEPs scrutiny. But that has changed. It was noted that additional rate payers would be a very good thing, so there has to be some attempt to expand the system. Mr. Huber responded by outlining the work done with the Affordable Housing Committee to ensure that the affordable housing project brings in rate payers. The 40 units won't be a huge impact on the system, but what the infrastructure project will do is make that manageable as well as address other concerns. He noted that the Commission has also been involved in discussions by the town for a possible public safety building for Police and Fire, which would also provide an opportunity to increase the system. Mr. Huber then went over a lot of the issues and the concerns about any possible failure. This includes numerous things, from removal of beavers to chemical treatment. The department is doing the best it can. And DEP is holding the department accountable. There are a lot of frustrations. Steps forward and steps backward. The department remains committed to transparency and providing information to the public.

There was then a question about town meeting and what will be presented. Mr. O'Brien explained that the department is working on multiple avenues including asking DEP to send an agent to the next town meeting to explain DEP's position and the dire need for the project. Ms. Dean than asked about what steps have been taken to try and get new developments to use town water. Mr. Huber elaborated on what steps the Water Department has taken to work with the Planning Board. Unfortunately, there hasn't always been an appetite by the town as a whole to see the system grow. This prompted some discussion of the towns desire to not see significant increase in development. Mr. Wilkins noted that there have been no new connections for decades. Sadly, he is unaware of many people with wells wanting to switch over. He elaborated on the costs and stated that people usually like having wells that they control. Mr. Huber noted that one selling point is that the system has a backup generator, so if power is lost in town, rate payers don't lose their water. Unlike people on wells. But those kind of selling points aren't always enough. Mr. Dean suggested a few courses of action for how to advertise the need to voters. It was proposed that the town consider scheduling a

Special Town Meeting to address water issues. Mr. Huber thanked those present by saying that the Commission appreciates the voices of rate payers and asked those in attendance to share what they have heard. The department needs help in convincing the town as a whole to get things done. Ms. Leonard then explained how the rate increase will be handled including going over some of the figures and how they would change. This included the specific figures which she promised would be published following approval. This is strictly to cover the costs of operations. Mr. Huber noted that the town would have preferred to keep an inhouse operator, but there is a shortage of licensed operators. The Water Department even approached an agency to possibly find an operator. But the biggest issue was finding someone local. The operator has to be able to respond within a certain amount of time. He noted that a lot of things will be covered by the contract with SWSS including all the DEP testing for things like lead and copper, the meter readings, and so forth. Mr. Huber gave a few examples of issues that have arisen in the last year and the work that was done to fix them.

The current operator is locally based in Littleton and is highly responsive to the departments needs. In the past the department was only able to respond to crisis. Once the infrastructure project is done and some of the backlog in maintenance and repairs is completed the department will be able to get beyond crisis management. There was a question regarding hydrant flushing as well as other related work. Mr. Huber responded that the town is working on the subject. There are 26 hydrants in town. But a number of them have issues and are out of service. One step the department has taken is to pursue ways of preventing those hydrants from being used and mark them for future repair. Mr. Simmons spoke briefly about how firetrucks would pump from the system and the challenges with the hydrants. Mr. Huber then spoke about efforts made with MassDOT regarding the Rt. 113 Project to potentially see pipe running under Main Street replaced. This is something the Roads Commission has been helping the Water Commission on. Mr. Simmons made a few comments. He noted that at this time last year the Water Department had to face the need for a water operator. A number of solutions have been approached and some have failed despite best efforts. Expanding the system is challenging given the costs entailed. Including ledge issues in town. He stated that he is not personally on the system, but supports the water system for the fact that it is a town wide issue. He is present as a representative of the Advisory Board and reports back on this. The town recognizes that this is a big issue and will cost a lot of money. But it has to happen. Mr. Lewon asked a question about possibly creating fees by Planning Board that could be charged to developers for things like water, sidewalks, and road improvements. Mr. Voelker explained that Massachusetts currently views such fees as a form of extortion. Ms. Leonard agreed noting that she's worked in a town in the past that tried, but DOR stopped it cold on that very basis. The Commission finished up discussion by again urging rate payers to attend meetings, to talk to neighbors, and to help spread awareness of the need. The Commission then closed the hearing.

A motion was made by Mr. O'Brien to close the hearing and proceed with the vote on the rates. The motion was seconded by Mr. Wilkins and passed unanimously.

A motion was made by Mr. Wilkins to approve the new rates. The motion was seconded by Mr. O'Brien and passed unanimously.

### **Next Meeting/Regular Meetings**

The next meeting will be on Tuesday, January 10<sup>th</sup>, 2019.

### **Additional Topics Discussed Not Noted on the Agenda**

#### **Water Enterprise Status**

Mr. Wilkins asked Ms. Leonard if it would be wise to possibly cease being an Enterprise Fund. Ms. Leonard responded that it would not be advisable. She then elaborated on how the Enterprise Fund

should work and why it is advantageous. Any extraordinary projects would be funded as capital projects by the town as a whole.

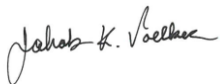
### **Budget & Related Questions**

Mr. Huber asked Ms. Leonard a few questions relating to the departments budget. She explained that there are a few outstanding issues with the budget given the way that it was approved at the Annual Town Meeting. What was approved was a line budget and the department have to then develop a more detailed budget around that. Which it is allowed to do per DOR given the way Annual Town Meeting. She then presented a budget to the Commission for approval. There was also discussion of possible support from the town's Stabilization Fund.

A motion was made by Mr. Huber to approve the budget provided by the Town Accountant. The motion was seconded by Mr. Wilkins and passed unanimously.

A motion to adjourn was made by Mr. Wilkins at 7:35 pm. The motion was seconded by Mr. O'Brien and passed without objection.

Respectfully submitted by



Jakob K. Voelker  
Administrative Assistant  
Dunstable Water Department