



Office of the
BOARD OF SELECTMEN
272 Main Street
Townsend, Massachusetts 01469

Sue Lisio, *Chairman*

Robert Plamondon, *Vice-Chairman*

Colin McNabb, *Clerk*

Andrew J. Sheehan,
Town Administrator

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SELECTMEN'S MEETING AGENDA
MAY 20, 2014, 7:00 P.M.
SELECTMEN'S MEETING CHAMBERS

I PRELIMINARIES

- 1.1 Call the meeting to order and roll call
- 1.2 Announce that the meeting is being tape recorded
- 1.3 Chairman's Additions or Deletions:
- 1.4 Approval of meeting minutes:

II APPOINTMENTS AND HEARINGS

- 2.1 7:05 Meeting with the Board of Water Commissioners and Superintendent Paul Rafuse to discuss the following. Votes may be taken.
 - A. Water Department collections: discuss recommendations of the independent auditors and the Dept. of Revenue (DOR) financial management review to transfer collections to the Town Collector.
 - B. Sustainable Water Management Initiative (SWMI): discuss proposed amendments to the Water Management Act and the potential impacts in Townsend.
- 2.2 7:15 Conservation Agent Leslie Gabrijska to provide a brief update on Kinder Morgan/Tennessee Gas Pipeline project. Votes may be taken.

III MEETING BUSINESS

- 3.1 Review chapter 90 Project Requests submitted by Ed Kukkula, Highway Superintendent. Votes may be taken.
 - A. Mill and resurface a portion of Mason Road in the amount of \$52,880;
 - B. Mill and resurface a portion of Mason Road in the amount of \$63,853;
 - C. Mill and resurface a portion of Shirley Road in the amount of \$28,061;
- 3.2 Review request from Ed Kukkula, Highway Superintendent, to extend material bids contracts. Votes may be taken.
- 3.3 Review request from Ed Kukkula, Highway Superintendent, for a transfer of appropriations in the amount of \$30,000 from wages to expenses. Votes may be taken.
- 3.4 Review request of Unitil Fitchburg Gas & Electric to Cross, Alter and/or Construct Within a Town Way for installation of gas services at 70 Proctor Road and 19 Elm Circle. Votes may be taken.
- 3.5 Review correspondence and proclamation for 2014 Motorcycle and Scooter Annual Ride to Work Day. Votes may be taken.
- 3.6 Discuss future of the Hart Library at 274 Main Street. Votes may be taken.
- 3.7 Discuss FY15 capital budget appropriation. Votes may be taken.
- 3.8 Council on Aging/Senior Center Director: discussion of next steps in recruiting a successor. Votes may be taken.
- 3.9 Review and approve Maria Lane Scholarship. Votes may be taken.

- 3.10 Town Moderator: notice of resignation. Votes may be taken.
- 3.11 Update on road work and detours in Lunenburg affecting Townsend drivers. Votes may be taken.
- 3.12 Discuss request of Timberlee Park residents to volunteer to maintain the Ash Street ball fields. Votes may be taken.
- 3.13 Reminder of Memorial Day parade and activities. Votes may be taken.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

None

V WORK SESSION

- 5.1 Board of Selectmen updates and reports. Votes may be taken.
- 5.2 Town Administrator updates and reports. Votes may be taken.
- 5.3 Review and sign payroll and bills payable warrants. Votes may be taken.

VI EXECUTIVE SESSION Pursuant to G.L. c. 30A, s. 21(a)(1) regarding employee discipline. Votes may be taken.



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A


Sue Lisio, *Chairman*
Andrew J. Sheehan,
Town Administrator

Colin McNabb, *Vice-Chairman*

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Office (978) 597-1701
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MEMORANDUM

TO: Board of Water Commissioners

FROM: Andrew J. Sheehan, Town Administrator 

DATE: May 12, 2014

SUBJ.: Invitation to Board of Selectmen Meeting

At its meeting of April 22, 2014, the Board of Selectmen heard an update from the Town's independent auditor, Eric Demas of Melanson & Heath Co. Mr. Demas provided a summary of the FY2013 audit, the progress made to date, and areas in which there remains room for improvement. Water Department billing collections was again identified as a material weakness in the FY13 audit.

The Board of Selectmen respectfully requests the presence of the Board of Water Commissioners at 7:15PM on May 20, 2014 in order to explore ways of addressing the material weakness in Water collections.

Please feel free to contact me if you have any questions in this regard.

Recommendation 7: Move Water Department Billing to Collector's Office

We recommend the town shift the responsibility for collecting water fees to the collector's office. Currently the office clerks in the Water Department are responsible for assigning charges to 1,940 water users. They print, mail and collect water bills. Then they receive and post payments to the computer system, and turn over collections to the treasurer. As a result, an important check and balance is missing when the same department both commits charges and collects payments.

Instead, the water bills should be committed by the water department to the collector who would receive and post payments. Bills can still be issued by the water department, including printing, stuffing and mailing. Shifting the collection functions into the collector/treasurer's office will restore an important check and balance.

Adoption of this recommendation will increase the workload of the collector's office and decrease the workload of the water department so some reallocation of staff may be required especially in July 2011 when the town intends to move from semi-annual to quarterly billing of water accounts. One way to address this issue is to consider the use of a lockbox.

Recommendation 8: Clarify the Reporting Responsibility of the Administrative Assistant

We recommend that the administrative assistant report solely to the town administrator. The administrative assistant in Townsend currently reports to the board of selectmen and the town administrator. Her primary responsibilities include clerical and administrative support for the board as well as responsibility for personnel administration and procurement. Moving forward, we recommend that the administrative assistant work at the direction of the town administrator. Under this arrangement, she would still be expected to complete board related responsibilities, such as the agenda, minutes and correspondence, but would ultimately report to the town administrator who is in a better position to direct her day-to-day activities. The administrative assistant would also benefit by having a single set of priorities. As is common in most towns, the board of selectmen's primary access to municipal government would be through the town administrator. In this way, a management hierarchy is clear. The town administrator will be aware of selectmen's concerns and questions and can determine how to be most responsive.

FY13 DRAFT AUDIT MANAGEMENT LETTER

- The Town consider establishing a tailings account by adding the total stale checks back to the general ledger cash and creating an offsetting tailings liability account. At the same time, the outstanding checks would be removed from the bank account reconciliation.
- The summarized cash summary report be formally reviewed, approved, and signed by the Town Accountant and Treasurer within thirty days of month end.
- The Town improve internal controls over receipts to ensure all bank activity is reported and accounted for in the general ledger.

This will help ensure total cash balances reconcile to the Town Accountant's general ledger, and will help detect errors and irregularities. This will also simplify the bank reconciliation process and improve the timeliness of reconciling cash with the cash book and general ledger.

Town's Response:

DRAFT

2. Improve Controls over Water Activity (Material Weakness)

Prior Year Issue:

In the prior year, we recommended that individuals involved with abatements and postings to customer accounts be restricted from the handling of collections.

Current Year Status:

This issue remains unresolved. The Water Department remains responsible for all phases of the Water activity including, but not limited to:

- Billing
- Collection and posting of revenue
- Abatement approval and posting
- Billing adjustments and posting

When one individual or department is responsible for all functions of a transaction cycle, this results in a lack of segregation of duties. This increases the risk that errors or irregularities could occur and go undetected.

Further Action Needed:

We continue to recommend that individuals involved with abatements and postings to customer accounts be restricted from the handling of collections. Establishing and documenting an adequate segregation of duties will protect the Town's assets and reduce the risk of errors or irregularities occurring and going undetected.

Town's Response:

3. Develop a More Formal Risk Assessment Process

Prior Year Issue:

In the prior year, we recommended that the Town develop a more formal risk assessment process.

Current Year Status:

This issue remains unresolved. Although the Town informally performs risk assessment for possible fraud or material misstatement through various policies and procedures and regular reviews of trends in the financial statements, it is not performed in a formal and documented methodology. Risk assessment is a management function designed to identify where an organization may be vulnerable to errors and/or irregularities. A complete risk assessment process involves a written description of risk areas identified by those charged with governance (management and elected officials) and a description of how the organization intends on responding to the risks, including potential related party transactions.

Further Action Needed:

We continue to recommend that the Town implement a more formal risk assessment process that includes written identification of areas where potential fraud or material misstatements to the basic financial statements may occur. Regular department head meetings could be used as a starting point for such risk assessment discussion.

Key Messages

Proposed Water Management Act Regulations

New draft regulations governing public water suppliers have been released for public comment by the Massachusetts Department of Environmental Protection. The proposed regulations basically require a public water supplier to agree to pay for expensive, unrelated capital projects in exchange for state permission to increase the amount of water used by residents and businesses.

The Massachusetts Water Works Association, representing public water suppliers across the state, has the following concerns:

- 1. IT'S AN UNFUNDED MANDATE.** A state agency is mandating expensive capital projects be completed in order to receive a permit that increases how much water a public water supplier may use. As a result, the regulations will almost certainly increase rates and operating costs. They will also restrict residential and business water use, potentially impacting economic development and burdening families.
- 2. NO ONE KNOWS THE REAL COST.** The true cost of the draft regulations on a water supplier are nearly impossible to calculate because of the complexity of factors involved. However, we do know the types of mitigation projects expected in exchange for increased water usage are very expensive. For example, the DEP suggests mitigation could include construction of fish ladders, removal of dams and stream-bank restoration projects. These are capital-intensive projects that could run into the millions of dollars.
- 3. THERE IS NO WAY TO MEASURE SUCCESS.** Water suppliers could be expected to spend millions of dollars on mitigation projects unrelated to water delivery, and there is no way to tell if the mitigation projects have the intended outcome. The "intended outcome" is apparently to improve the stream and river flow during dry periods, but there is no plan to measure success. These expensive mitigation projects, paid for by increased rates on homeowners and businesses, certainly will not improve the public water supply systems.
- 4. REGS UNFAIRLY TARGET WATER SYSTEMS.** The regulations unfairly target public water systems and fail to recognize them as good stewards of the public health and the environment. They have been unjustly targeted as the cause of low water flow in a small number of rivers and streams. The residents and businesses who are water users are being targeted as a source of revenue to fund unrelated environmental projects – fish ladders, dam removal, etc.

5. **LACK OF COMPELLING SCIENCE:** The science underpinning these regulations is not compelling enough to merit the regulatory controls being imposed on public water systems. The regulations are based on the assumption that public water supplies are a leading cause of statewide flow depletion in rivers and streams, a claim lacking in credible, supporting evidence.
6. **A SIMPLISTIC APPROACH TO WATER MANAGEMENT:** The science shows development and impervious surfaces have a far greater impact on river and stream health than groundwater withdrawals by public water suppliers. State policies should consider how communities invest in water management, including storm water and wastewater systems. By focusing solely on drinking water, the proposed regulations miss an opportunity to develop an integrated policy that considers all competing water uses and a variety of factors impacting rivers and streams.
7. **THERE IS A BETTER WAY.** The Mass Water Works Association suggests there is a better approach for DEP to address water management issues:
 - a. In addition to encouraging a holistic look at water management in communities – drinking, wastewater and storm water – the regulations should encourage public water suppliers to invest in infrastructure improvements that tighten their systems and make them more efficient. The investment by ratepayers should be in improving the water supply systems.
 - b. The requirement for mitigation is too high. There is not a one-to-one impact on groundwater withdrawal and stream flow. Public water suppliers should have the opportunity, when applying for a permit, to use the best science available to demonstrate the actual impact on the environment, rather than the state applying a one-size-fits-all approach.

Questions and Answers

Proposed Water Management Act Regulations

Q: Who do the new regulations apply to?

- *The new regulations affect public water suppliers that will need to use more water annually than they used in 2005. The DEP will determine your water-use baseline, which is basically the amount of water you used in 2005. If your future use exceeds the 2005 level, these regulations will impact you. Also, if there is a coldwater fishery in your sub-basin, they will impact you.*

Q: What is the potential cost of the regulations to public water suppliers and why do you consider this an unfunded mandate?

- *An increase in water use will require mitigation for every drop. In order to get a 20-year permit that increases water above 2005 usage levels, a water system will have to offset every additional gallon through mitigation projects.*
- *It is nearly impossible to calculate the actual cost per water system because we do not yet know how much more additional water they will need in the future and we do not know how much mitigation DEP will require in order to issue a permit.*
- *State regulators consider up to a 2% per year rate increase to fund mitigation projects to be acceptable and affordable for every permitted water system.*
- *The mitigation projects – dam removal, installation of fish ladders, etc. – are unrelated to improvements to system infrastructure. Rate increases for infrastructure improvements will be on top of those for mitigation, meaning annual rate increases will exceed 2% per year.*
- *The gap between existing funding for infrastructure improvement and the need over the next 20 years is \$10.2 billion (source: Water Infrastructure Commission).*

Q: What do you mean there are no measurable outcomes?

- *Ratepayers will be asked to pay for mitigation projects, such as fish ladders and dam removals. These are very expensive projects, but it remains unclear how DEP expects to show that the projects were successful in meeting the stated goal of improving stream and rivers.*

Q: What do you mean it is based on uncertain science?

- *Statewide, water use is down. From 2004-2007, total water withdrawals by all Massachusetts community public water systems averaged 715 million gallons per day; a decrease of 82 mgd, or 10% compared to the baseline use (1981-1985).*

- *The regulations are based on the assumption that drinking water withdrawals are a significant cause of stream degradation. However, a U.S. Geological Survey study points to impervious surfaces – paved surfaces, developed areas – as a much larger threat to stream health.*

The U.S. Geological Survey found that stream flow depletions were a problem in only about 10% of the streams and rivers in Massachusetts, and yet the regulations take a one-size-fits-all approach.

- *The DEP plans to measure the health of rivers and streams based on the number of fish. However, actual fish counts in many watersheds have differed considerably from the assumptions the state plans to use.*
- *MWWA commissioned an independent assessment of the model used in the development of the regulatory framework and actual fish counts did not support modeled results.*

Q: Why does this unfairly target water suppliers?

- *The public water supplies deliver clean, reliable drinking water to consumers in Massachusetts at a statewide average of \$1.36 per day, or about the cost of a bottle of water. They meet a critical public health and safety need.*
- *Public water suppliers, as stewards of countless acres of protected wilderness and watersheds, rank among the state's oldest and largest conservation organizations.*
- *Many water systems already undertake effective conservation measures, including restrictions on outdoor watering, leak detection and public education.*
- *The regulations target public water suppliers when the science of their impact is unconvincing, and it requires them to conduct mitigation projects, such as fish ladders and dam removals, unrelated to improving public water supply systems.*

Q: Why is this approach simplistic?

- *State regulators should encourage integrated water resource management planning, reward water infrastructure capital improvements. The holistic approach should be cost-effective and beneficial with measurable results.*
- *Moving forward, it is essential that integrated planning be encouraged and communities given the opportunity to reduce their collective cost burdens for compliance with drinking water, storm water and wastewater regulations, rather than dealing with each separately.*

Q: Why do you say the regulations are a one-size-fits-all solution and the DEP does not have the resources to properly implement the new regulations?

- *The regulations are a one-size-fits-all approach to try to solve stream flow problems in a small number of rivers and streams. The U.S. Geological Survey found that stream flow depletions were a problem in only about 10% of the streams and rivers in Massachusetts.*

- *The regulations could prove to be too onerous for public water systems, who may be unable to fund mitigation and therefore not have adequate water under their permit to meet the demands of economic development.*
- *The staff at the Executive Office of Environmental Affairs and Department of Environmental Protection are professionals who are working hard to do a difficult job while under pressure from outside, special interest groups. The implementation of the new regulations will drain the resources of water suppliers and the regulators.*

Overview of the Draft Regulations

On April 4th, the Massachusetts Department of Environmental Protection (DEP) released **draft Water Management Act (WMA) regulations** (310 CMR 36.00) and a companion **Guidance Document** for public comment. The changes proposed to these regulations are a result of the Sustainable Water Management Initiative (SWMI) which was convened by the Executive Office of Energy and Environmental Affairs (EEA) in December of 2009 in an attempt to bring the environmental agencies, water suppliers and river advocates together to develop a water allocation scheme protective of human uses and the environment. MWWA participated in SWMI and made every effort to minimize negative impacts to water suppliers during the process; however, the resulting draft regulations are hopelessly complex and fundamentally change the way permits will be issued in the future. The draft regulations contain many components which will be very new to water suppliers. A summary of the regulations are below:

Safe Yield: DEP developed a new safe yield methodology based on the amount of water that can be safely withdrawn from a basin. This is essentially 55% of the Drought Basin Yield (this is a modeled drought calculated on a monthly basis which they add up into an annual value), plus reservoir storage volumes and an environmental protection factor of 45%. This means that 45% of the flow in the river would remain as environmental protection against a drought condition on an annual basis. Under this methodology, authorized withdrawals in two basins (Ipswich and the Ten Mile) will exceed safe yield. Permits in these two basins will be issued which will have conditions to ensure that use does not exceed safe yield through the life of the permit.

Biological Categorization: By using studies done by the United State Geological Survey (USGS), EEA agencies developed a categorization of existing conditions of certain fish communities as a surrogate for aquatic habitat health. They determined the range of biological alteration that would cause impacts to the abundance of these species of fluvial fish (fish needing flowing water to reproduce). They categorized biological conditions on a gradient of 1-5, where 1 represents a low impacted habitat and 5 represents a highly impacted habitat.

Streamflow Criteria: EEA then developed Streamflow Criteria which are based upon the amount of flow alteration allowed in the stream before biology is affected. The streamflow categories correspond to the boundaries between biological categories. EEA made the assumption that median August streamflow levels were altered due to groundwater withdrawals and therefore tied the August flow level to the range of percent alteration due to groundwater withdrawal. Flow level 1 is the most natural flow with ranges of alteration between 0-3%, while flow level 5 indicates a 55% or greater range of alteration of August median flow. They also developed seasonal streamflow criteria, meaning that depending on what flow level you are in, there is only a certain percentage of allowable alteration during certain months. There are numeric criteria to meet in flow levels 1, 2 and 3 and in flow levels 4 and 5 you need to have feasible mitigation and

improvement so as not to further reduce the flow and perhaps to return some flow to the stream.

Water Management Act Permitting: When water withdrawal permits are renewed in the next cycle, new withdrawal limits will be incorporated into the permits. These limits will be based on water needs forecasts done by the Department of Conservation of Recreation, historical withdrawals and will likely be lower than your current volumes. Also included will be a “**baseline**” which will be a new threshold likely LOWER than your permitted volume. This baseline will trigger the level of review that you will be subject to and will require you to offset or mitigate use above that volume. DEP developed a Tiers table to evaluate the conditions that will be placed upon a permittee depending on the amount of water they are requesting above their baseline. Any permittee requesting an increase above baseline will be required to undertake mitigation. All permittees will have water conservation requirements (65 residential gallon per capita per day; 10% unaccounted for water; leak detection; water use restrictions; etc.). Permittees in flow depleted areas will be required to minimize existing impact to streamflow levels to the greatest extent feasible. If water suppliers have sources in subbasins with cold water fisheries resources they will be required to do a desktop pumping evaluation to be sure their withdrawal will not have an adverse impact on streamflow and fisheries and they may have to optimize their sources if they can.

Offsets/Mitigation: Since the agencies are expecting water suppliers to mitigate impacts of withdrawals above baseline, they have developed a table of acceptable offset/mitigation measures that a supplier can consider. Offsets are divided into categories of measures such as: Demand Management (i.e. water banking, install radio-read meters, increase billing frequency); Instream Flow (i.e. downstream releases from surface water reservoirs); Wastewater Improvement (i.e. inflow/infiltration removal, wastewater recharge); Stormwater/Impervious Cover Improvement (i.e. recharge stormwater, adopt a stormwater utility, adopt or implement MS4 requirements); Water Supply Improvement (i.e. adopt an enterprise account); Habitat Improvement (i.e. install and maintain a fish ladder, remove a dam). Water suppliers can also develop a plan in consultation with the agencies. Credit will be based on the quantification of gallons restored to the basin and the location of the mitigation.

Low Flow Statistic for Water Use Restrictions: Permits that have been renewed over the last 5 or so years have contained conditions restricting non-essential outdoor water use based on a calendar or streamflow trigger. Those conditions will be making their way into all permits under this scheme and will now include more restrictive conditions when streamflow hits a low-flow condition (7-day low flow). Water suppliers who are below 65 RGPCD have less restrictive conditions than those who are above 65 RGPCD. Water suppliers will still be able to choose whether or not to implement restrictions based on streamflow or calendar, but when the low flow trigger is tripped water suppliers will only be allowed to have one day per week of outside watering.

Analyzing the Impact to your Water System Proposed Water Management Act Regulations

The draft regulations affect water systems with Water Management Act permits. As you review the draft regulations and formulate your written comments to DEP, you want to be thinking about the impact these regulations could have on your water system. The following questions will help you begin to analyze the impact. You will need to access the DEP Permitting Tool to answer some of these questions. Please note, the Tool runs off of Microsoft Access; if you do not have Microsoft Access you will not be able to use the Tool. <http://www.mass.gov/eea/agencies/massdep/water/watersheds/sustainable-water-management-initiative-swmi.html>

You may also want to look at the Interactive Map:
http://209.80.128.252/flexviewers/SWMI_Viewer/index.html

1. Do you have, or will you need, a Water Management Act Permit? (A permit is needed to use 100,000 gpd or more above your registered volume or if you install a new source)
2. When is your permit up for renewal? (See basin renewal schedule in draft regulations, page 14)
3. What is your baseline? (Baseline is a relatively new concept. Baseline is NOT your permitted volume, it could be your use in 2005, plus a 5% buffer, your average use from 2003-05, plus a 5% buffer, or your registered volume, whichever is greater)
4. Do you presently or do you expect to need (within the next 20-years) more than your baseline allowance?
5. Are there cold water fisheries resources in the subbasin where ANY of your sources are located?
6. What is the biological category of the subbasin where your sources are located?
7. What is the groundwater withdrawal category of the subbasin where your sources are located?
8. What permitting tier do you fall under?
 - a. Tier 1, not requesting more than your baseline at any time during 20 year permit;
 - b. Tier 2, requesting more than your baseline at some time during 20 year permit;
 - c. Tier 3, requesting more than your baseline and causing a change to a biological or flow category at some time during 20 year permit
9. Have you done stormwater, wastewater recharge or inflow/infiltration removal projects in your community since 2005? (It will be important to track projects for mitigation credit)
10. Can you quantify the volume retained in the basin or saved through these projects?
11. How much of the water used by the community discharges to septic systems or to systems with groundwater discharge permits versus sanitary sewers and wastewater treatment plant discharges to rivers?
12. Are your water sources located within the same major river basin as your city, town or district?

Summary Statement on the Science, March 28, 2012, Douglas DeNatale, Technical Committee Member, Sustainable Water Management Initiative (SWMI)

Let me say, first, that I was very optimistic about SWMI when our meetings began in late 2009. I reassured many of my colleagues that I believed science would dictate policy, not bias, not ideology, not emotional arguments. However, sadly, it seems that the SWMI process has been marching toward a predetermined outcome – to limit public water-supply withdrawals. This comes in spite of the scientific evidence, which is ambiguous at best, deeply flawed at worst.

Here are a few examples of the flawed science presented by the Commonwealth:

- In its analysis of the impact to aquatic habitat, USGS/DFW counted fish species that are native to the western part of the state, but are not native in the eastern part of the state, and used this data as an indicator of stress in eastern rivers and streams.
- Site-specific research performed recently for MWWA show that measured fluvial-fish populations do not uniformly decline when stream flow decreases, which is in direct rebuttal to Fish and Flow model predictions. In fact, in three of the five sites, using data from the Commonwealth, measured fish populations actually increased with decreasing flows, one was neutral and only one showed a decline in fish population with decreasing flow.
- The USGS/DFW reports a statistical association between groundwater withdrawals and declining fish populations. We must point out that an association does not imply causation. In other words, the association does not necessarily mean that groundwater withdrawals *cause* fish populations to decline. Further, the concept of groundwater withdrawals represents a hypothetical condition that does not exist in Massachusetts river basins, except perhaps in the rare case, because it excludes wastewater and septic return flows. Any analysis of stream depletion that leaves out the return flows is incomplete and artificially accentuates the impact of wells. So, what could the association between groundwater withdrawals and declining fish populations mean? A more plausible explanation could simply be: more wells, more people; more people, more pollution; more pollution, less fish.
- In its modeling, USGS/DFW treated groundwater withdrawals identical to a pipe withdrawing water directly from a stream. This oversimplification ignores the delayed effect of groundwater withdrawals on stream flows. This approach artificially accentuates low-flow conditions in August, making these conditions appear worse than they are in many cases.
- The USGS/DFW modeling predicts numerous basins with significant flow alteration, where there are no public water-supply withdrawals.
- Finally, the USGS/DFW analysis indicates that the primary factor associated with damage to aquatic habitat is impervious cover, presumed to be an indicator of water-quality impairment from urbanization. This should be no surprise. Much of the residue of human society washes into our rivers and streams. In fact, the analysis concludes that impervious cover is almost five times more deleterious than stream flow depletion. I ask you, if a hurricane blew over a giant

oak tree, one limb crashed through the roof of the house and another limb fell on the flower bed, which problem would a wise homeowner attend to, first? I would fix the roof!!

In conclusion, the SWMI process has failed to demonstrate that PWS withdrawals are responsible for widespread damage to aquatic habitat in Massachusetts. The Commonwealth is rushing headlong toward creating policy that – instead of protecting aquatic habitat – will hinder public water suppliers, curtail economic development and reflect poorly on government. It would be irresponsible for the Commonwealth to use SWMI as guidance in adopting new water management regulations until the USGS/DFW modeling is validated and the SWMI framework is pilot-tested.

April 5, 2012

Kathleen Baskin, P.E.
Director of Water Policy
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, 9th floor
Boston, MA 02114

RE: Comments on Draft SWMI Framework released by EEA on February 3, 2012

Dear Ms. Baskin:

Massachusetts is fortunate to have a large number of conscientious, technically trained, ethical, environmentally conscious and civic minded water professionals who take great pride in their deep knowledge of the geology and environmental conditions across the Commonwealth. These professionals have either been actively involved in the SWMI process or following it closely for the duration. A substantial number of these professionals are concerned that the science reviewed during the SWMI process does not support the regulatory direction proposed by EEA.

A careful review of the science and the underlying data has led many of us to conclude that the proposed changes to the regulatory framework under the Water Management Act (WMA) does not put the focus on water quality where it belongs and thus cannot: 1) significantly improve or even maintain the current quality of aquatic ecosystems of our state's streams or 2) improve stream flows in the small number of streams that are known to be impacted by water withdrawals. In addition, the implementation of these WMA changes will contribute to the continued degradation of the Commonwealth's existing water supply infrastructure and make meaningful planning for future water resources management nearly impossible.

For the nearly 25 years preceding the SWMI process, the prevailing assumption among the environmental advocate groups and EEA staff was that the growth of public water supplies in the Commonwealth (which essentially ended 15 years ago) was contributing to serious and widespread decreases in stream flows and that those reductions were endangering other uses of the streams such as navigation, fishing, recreation and fish habitat. This unsubstantiated but highly promoted assumption has been the basis for water management regulations in Massachusetts for over 20 years, despite a complete lack of documented scientific basis for these assertions. Over the last two years, new scientific analysis that contradicts this preconception has been routinely ignored or misinterpreted during the SWMI process. Below are some significant examples.

In 2010, as part of the SWMI process, the USGS presented the results of a state-wide analysis of stream flows that showed that flow alterations in Massachusetts streams are far more limited than assumed by EEA staff and watershed associations (Weiskel and others, 2009). Stream flow alterations were predicted by the USGS in a relatively small percentage of streams and only during the lowest flow periods – August flows. Of the 1,400 sub-basins examined, only 13%

showed flow decreases greater than 10%, a degree of alteration that in most streams cannot be reliably measured. Roughly the same number of streams showed increases in flow.

This demonstration of the limited and localized nature of stream flow declines undermines the primary impetus for SWMI and should have completely altered the focus of the process. But it did not. In spite of the new data, the SWMI focus remained on using the WMA to limit and reduce public water supply use statewide.

If there is any scientific data to support the assumption that the types of water supply reductions proposed by the framework will be effective as a means of improving stream flow, none have been presented. But there are two studies paid for by the Commonwealth and conducted by the USGS (Zimmerman and others, 2010) (Zarriello, 2001) that unequivocally demonstrate that the types of water conservation and water supply reduction methods proposed by EEA would be completely ineffective as a way to increase stream flows. Both studies evaluated potential stream flow improvements of drastic reductions in water use. The results were not just disappointing, they indicate that the water use reductions had an insignificant impact on stream flows. There has been no demonstration of an environmental benefit (let alone a cost/benefit) to EEA's Proposal. Nor has anyone at EEA or USGS conducted any analysis demonstrating the effectiveness of the proposed changes.

At some point in the discussion of water management the focus turned from balancing water use (as required by the WMA) to evaluating impacts on a single environmental factor – administratively (not scientifically) designated fluvial fish. The impacts of selected anthropogenic parameters on species richness and relative abundance of designated fluvial fish were evaluated in a USGS study (Armstrong and others, 2010 and 2012). The study reported that fish counts were associated with two of the selected factors – alterations in August stream flows and percent impervious surface in the watershed. However, no evaluation was done that demonstrates a “cause and effect” relationship and there has been no validation of the statistical associations.

Nevertheless, significant findings in the USGS study include: 1) increases in August low flows appear to be almost as detrimental to fluvial fish as decreases and 2) the potential impacts of percent impervious surface appear to be approximately five times greater than stream flow alterations. The potential impacts of public water withdrawals were never evaluated directly.

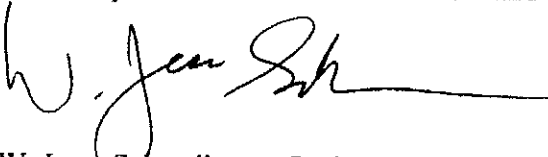
The implications of this study are startling when compared to the proposed water management solutions proposed by EEA. It appears that the water quality impacts associated with urbanization are the primary anthropogenic factor reducing the abundance of fluvial species. This likely accounts for the fact that increased stream low flows are detrimental to fluvial fish – within the range of frequently recurring variations in flow, the quality of the water is far more important than the quantity of flow.

It is difficult to see how the proposed changes to the WMA could possibly be based on the results of these recent scientific studies. What is certain is that there is no scientific basis for the assumption that EEA's proposed changes to the Water Management Act regulatory framework will result in a meaningful or measurable increase in August stream flows at any stream. There

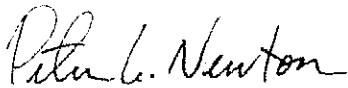
is also no scientific basis for the assumption that EEA's proposed changes to the Water Management Act regulatory framework will result in improving or even maintaining fluvial fish populations. The proposed framework will be costly burden to water suppliers and will make truly effective water management alternatives, water supply planning and development for a water supply future nearly impossible. As conscientious environmental scientists, we cannot allow this to occur without expressing our objections.

EEA has never conducted a quantitative analysis demonstrating that the severe water restrictions embodied in the existing and proposed WMA regulations will be effective with respect to improving or even maintaining stream flows and aquatic ecosystems. We urge the Secretary to require the EEA to conduct such an analysis. This could be done for a tiny fraction of the cost of any of the studies that have already been conducted and would provide a realistic assessment of the effectiveness of the proposed regulations. EEA has all the tools it needs to make this analysis.

With deep concern for our environment and water supply future,



W. Jesse Schwalbaum, Senior Hydrogeologist,
Former SWMI Technical Committee Member



Peter Newton, Senior Hydrogeologist,
SWMI Technical Committee Member



Douglas DeNatale, Senior Hydrogeologist,
SWMI Technical Committee Member

MASS HIGHWAY

Chapter 90 Project Request

3.1
A

Classification: _____
Primary Road XX
Local Road _____

C
II
S00 51002
\$52,880.00

City/Town Townsend
Location(s) Mason Shirley Road
Length: 2,112 Feet Width: 26 Feet

Project Type: Construction xx Resurfacing xx Engineering _____
Equipment _____ Other: _____

TYPICAL SECTION DETAILS: State depths, special treatments, etc., and include sketch for Construction/Improvement Projects.

Surface:
Base Course:
Foundation:
Shoulders/Sidewalks:

SCOPE OF WORK:
Mill approximaely 1-1/2" and resurface with 1-1/2" of top coat roughly 2,112 feet of Mason Road. From pole # to pole #

Work to be done: Force Account _____ Advertised Contract XX Other: _____

Estimated Cost (Attach estimate and list funding sources) \$ \$52,880.00

*These funds will pay 100% of Local Road Project costs to the limit of this assignment.

CERTIFICATION

The design, engineering, construction and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering practices and construction methods. I/We certify to the following: that the project is on a public way, and any necessary land takings have been made; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by the Massachusetts Highway Department or the advertised low bid; that all documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

Prepared and reviewed by: Signed _____ _____ State Aid Engineer - Date _____ Road Classification Verified _____ Approved for \$ @ 100 % District Highway Director Date

Signed _____

duly authorized
Date: _____

Mason Road

Cost Estimate Milling and Resurfacing

$2112' \times 26'/9 = 6,101 \text{ SY}$

Milling: $6,101 \text{ SY} \times \$3.00/\text{SY} =$ \$18,303.00

Resurfacing: $6,101 \text{ SY} \times 0.084 = 512 \text{ TNS}$
 $512 \text{ TNS} \times \$67.47 =$ \$34,577.00

TOTAL COST \$52,880.00

MASS HIGHWAY

WRRRP Project Request

3.1
B

Classification:
Primary Road XX
Local Road _____

WRRRP
Request
\$63,853.00

City/Town Townsend
Location(s) Shirley Road
Length: 3,168 Feet Width: 30 Feet

Project Type: Construction xx Resurfacing xx Engineering _____
Equipment _____ Other: _____

TYPICAL SECTION DETAILS: State depths, special treatments, etc., and include sketch for Construction/Improvement Projects.

Surface:
Base Course:
Foundation:
Shoulders/Sidewalks:

SCOPE OF WORK:

Mill approximaely 1-1/2" and resurface with 1-1/2" of top coat roughly 3,168 feet of Shirley Road.

Work to be done: Force Account _____ Advertised Contract _____ Other: WRRRP

Estimated Cost (Attach estimate and list funding sources) \$ \$63,853

*These funds will pay 100% of Local Road Project costs to the limit of this assignment.

CERTIFICATION

The design, engineering, construction and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering practices and construction methods. I/We certify to the following: that the project is on a public way, and any necessary land takings have been made; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by the Massachusetts Highway Department or the advertised low bid; that all documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

Prepared and reviewed by:	
Signed _____	
_____	State Aid Engineer - Date
Road Classification Verified _____	
Approved for \$ _____	@ 100 %
District Highway Director _____	Date _____

Signed _____

duly authorized

Date: _____

Shirley Road

Cost Estimate for Milling and Resurfacing

WRRRP and Chapter 90 Project Requests will be used to cover costs of this work

$$3168' \times 30' / 9 = 10,560 \text{ SY}$$

$$\text{Milling: } 10,560 \text{ SY} \times \$3.00/\text{SY} = \$31,680.00$$

$$\begin{aligned} \text{Resurfacing: } 10,560 \text{ SY} \times 0.084 &= 887.04 \text{ TNS} \\ 888 \text{ TNS} \times \$67.47 &= \underline{\$59,914.00} \end{aligned}$$

$$\text{TOTAL COST} \qquad \qquad \qquad \$91,594.00$$

$$\text{WRRRP Portion} \qquad \qquad \$63,853.00$$

$$\text{Chapter 90 Portion} \qquad \qquad \$28,061.00$$



Chapter 90 Project Request

3.1
c

Classification:
Primary Road XX
Local Road _____

Chapter 90
INTF0000
S00 51002
\$28,061.00

City/Town Townsend
Location(s) Shirley Road
Length: 3,168 Feet Width: 30 Feet

Project Type: Construction xx Resurfacing xx Engineering _____
Equipment _____ Other: _____

TYPICAL SECTION DETAILS: State depths, special treatments, etc., and include sketch for Construction/Improvement Projects.

Surface:
Base Course:
Foundation:
Shoulders/Sidewalks:

SCOPE OF WORK:

Mill approximaely 1-1/2" and resurface with 1-1/2" of top coat roughly 3,168 feet of Shirley Road.

Work to be done: Force Account _____ Advertised Contract X Other: _____

Estimated Cost (Attach estimate and list funding sources) \$ \$28,061.00

*These funds will pay 100% of Local Road Project costs to the limit of this assignment.

CERTIFICATION

The design, engineering, construction and future performance of the project, including maintenance, is the responsibility of the Municipality. The proposed work will conform to recognized engineering practices and construction methods. I/We certify to the following: that the project is on a public way, and any necessary land takings have been made; that all materials will comply with approved established specifications; that all weights and quantities will be accurate; that equipment rental rates are those established by the Massachusetts Highway Department or the advertised low bid; that all documentation will be checked for accuracy, and will be endorsed in accordance with municipal procedures for accountability.

Prepared and reviewed by:
Signed _____

State Aid Engineer - Date

Road Classification Verified _____
Approved for \$ _____ @ 100 %
District Highway Director Date _____

Signed _____

duly authorized
Date: _____

Shirley Road

Cost Estimate for Milling and Resurfacing

WRRRP and Chapter 90 Project Requests will be used to cover costs of this work

$$3168' \times 30' / 9 = 10,560 \text{ SY}$$

Milling:	$10,560 \text{ SY} \times \$3.00/\text{SY} =$	\$31,680.00
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Resurfacing:	$10,560 \text{ SY} \times 0.084 = 887.04 \text{ TNS}$	
	$888 \text{ TNS} \times \$67.47 =$	<u>\$59,914.00</u>

TOTAL COST		\$91,594.00
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WRRRP Portion	\$63,853.00
---------------	--------------------


Chapter 90 Portion	\$28,061.00
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TOWN OF TOWNSEND
Highway Department
177 Main Street
Townsend, Massachusetts 01469
(978) 597-1712
FAX: (978) 597-0726

3.2

MEMORANDUM

Date: May 12, 2014
To: Board of Selectmen
From: Ed Kukkula, Highway Superintendent 
Subject: **FY15 Material Bid Contract Extension Recommendations**

Below are the FY15 Material Bid Contract Extension recommendations. FY15 is an option year as specified in the FY13 Material Bid, Terms and Conditions, provided the Board of Selectmen approves to exercise these options.

		<u>FY15</u>
1. Washed Sand	Pitcherville Sand & Gravel (Delivered per Cubic Yard)	\$10.25
2. Reclamation	All States Asphalt, Inc. (In-place per square yard)	\$ 2.04
3. Bituminous Asphalt	Sunshine Paving (In-place per ton)	\$67.47
4. Crack Sealing	Superior Sealcoat (per linear foot)	\$ 0.30

Please contact me if you have any further questions or concerns regarding this matter.



REQUEST FOR TRANSFER OF APPROPRIATIONS

In accordance with the Chapter 77 of the Acts of 2006

3.3

TO: BOARD OF SELECTMEN
FINANCE COMMITTEE

DATE: May 12, 2014

FROM: Highway

OFFICER/DEPT HEAD: Ed Kukkula

Request is hereby made for the following transfer in accordance with Chapter 77 of the Acts of 2006 which amended MGL Chapter 44, Section 33B, provides a new mechanism for year-end transfers between departmental appropriations in towns without the necessity of a town meeting vote.

In reviewing your request, the Board of Selectmen, with the concurrence of the Finance Committee will consider the following:

- Last 2 months of fiscal year or first 15 days of the new fiscal year to apply to the previous fiscal year.
- Not a municipal light department or a school department
- Amount not to exceed 3% of annual budget for the department from or within which the transfer is made or \$5,000.00, whichever is greater,

Amount requested: \$ 30,000.00

To be transferred to: Other Services 001.04.422.5380 Equipment Repair 001.04.422.5245
Public Works Supplies 001.04.422.5530
(name & account number of appropriation)

To be transferred from: Wages-Oper. Staff. 001.04.421.5110
(name & account number of appropriation)

Balance of Appropriation to be transferred: \$ 118,570.80

The amount requested to be used for the following reasons: contracted street sweeping \$9,000.00
Public Works repairs to roads \$11,000. Pay for repairs to truck #8
and to maintain vehicles for remainder of fiscal year. - \$10,000.00

Action by Board of Selectmen	Action by Finance Committee
_____	_____
Date of Meeting	Date of Meeting
Vote: YES [] NO []	Vote: YES [] NO []
Transfer voted in the sum: \$ _____	Transfer voted in the sum: \$ _____
_____	_____
Chairman, Board of Selectmen	Chairman, Finance Committee

Original to Town Accountant
Copy to Finance Committee, Board of Selectmen, Department/Board or Commission

3.4

Town of Townsend
Highway Department
PO Box 621
177 Main St
Townsend, MA 01469
(978) 597-1712

Application for Permit
To Cross, Alter and/or Construct Within a Town Way
Townsend General Bylaws Article II, Section 13

Date: 5-9-14

Town of Townsend
Highway Superintendent
PO Box 621
Townsend, MA 01469

To Whom it May Concern:

The Undersigned, Unitil Fitchburg Gas & Electric hereby applies for permission to: GAS SERVICE
installation at 70 Proctor Rd and 19 Elm Circle

A \$100.00 permitting fee is now required with all applications.

Start Date: _____

Further, we agree that if the town has been disturbed, i.e., roadway, sidewalk, it will be returned to its original condition. When backfilling operations are required, it shall be constructed of successive layers not more than 1 foot in depth, uniformly distributed and each layer thoroughly compacted. The undersigned will notify the Highway Department when backfilling operations proceed. The Highway Superintendent or his/her Designee will be present during this operation.

Kelli Moore
(Company Representative)
285 John Fitch Hwy
(Street Address)
Fitchburg, MA 01420
(City, State, Zip)

(Telephone)

Approved/Disapproved: Highway Superintendent
Approved/Disapproved: Board of Selectmen:

E. Kelly

Date: 5.9.14
Date: _____

3.5

PROCLAMATION

Whereas scooters and motorcycles use comparatively less fuel, cause less pollution, and have less harmful impact on our infrastructure; and

Whereas scooters and motorcycles require only a fraction of the space taken by other vehicles; and

Whereas the price of fossil fuels is growing and supply is diminishing; and

Whereas the use of fossil fuels continues to damage our health by adding to pollution and risking our future through global warming; and

Whereas our infrastructure repairs fail to keep pace with its degradation; and

Whereas for these reasons, scooters and motorcycles offer a form of daily transportation to be encouraged; and

Whereas June 16, 2014 has been designated as "Ride To Work Day" to highlight the positive daily use of scooters and motorcycles; and

NOW THEREFORE: We, the Selectmen of the Town of Townsend, Middlesex County, in the Commonwealth of Massachusetts, do hereby proclaim June 16, 2014 as:

"RIDE TO WORK DAY"

Given this *20th day of May*, in the year *Two Thousand and Fourteen*.

Sue Lisio, Chairman

Colin McNabb, Vice Chairman

Carolyn Smart, Clerk

Andy Sheehan

From: Cindy King <ckingmsw@gmail.com>
Sent: Tuesday, April 29, 2014 4:27 PM
To: Colin McNabb; smlisio@comcast.net; Carolyn Smart; Andy Sheehan
Subject: Fwd: 2014 Ride To Work Day City Support

I forward this to you as a private citizen -

I am a motorcyclist. I think this would be a great thing to do. Cities and towns have been doing this for years. This would acknowledge the importance Townsend and motorcyclists share. Townsend is a favorite destination and pass-thru for hundreds of rides every year as Rte 119 is a great ride from end to end. This proclamation would be publicized and could be a help to tourism and encourage motorcyclists to stop and shop as they pass by.

Thanks for considering it.....

Cindy King



----- Forwarded message -----

From: **Ride To Work** <mailings@ridetowork.org>
Date: Tue, Apr 29, 2014 at 3:30 PM
Subject: 2014 Ride To Work Day City Support
To: ckingmsw@gmail.com

Email not displaying correctly? View it in your browser.



To: All City Mayors, administrators and All Motorcycle and Scooter Riders

From: Ride to Work

Date: 04/29/14

Subject: 2014 Motorcycle and Scooter Annual 'Ride To Work Day'

The 23rd annual Motorcycle and Scooter Ride to Work Day is Monday, June 16th. Every year more than a million two wheeled moto-commuters demonstrate the benefits of riding, including: reduced road congestion, shorter commute times, more parking spaces and less fuel consumption.

Your city can support this event by proclamation, and also encourage riding by providing free motorcycle and scooter parking at municipal ramps and metered spaces on this day. Join hundreds of other communities as well as many motorcycle and



TOWN PROPERTIES COMMITTEE

Karen Chapman, Chairman
Laura Shifrin, Vice-Chairman
Andrea Wood, Clerk
Alice Struthers, Member
Kevin Smith, Member

3.6

May 14, 2014

TO: Board of Selectmen
FROM: Town Properties Committee
SUBJECT: Hart Library

At a meeting held on May 8, 2014, the Town Properties Committee discussed plans for the Hart Library, abandoned since 2009. The Committee voted unanimously to recommend three options to the Board of Selectmen (BOS): 1) Sell the property; 2) Tear down the property; or 3) Hope for a benefactor to repair the building. Should the BOS choose to sell the property, the Committee recommends using a commercial real estate agent or an agent who works with municipal properties. In addition, the Committee thought an auction may be a beneficial way to sell the property. The Committee also discussed whether there would be any deed restrictions limiting the façade of the building even though it is not in the Historical District.

Also at this meeting, the Committee voted unanimously to recommend that the BOS sell the Annex (Bank) Building. This property is in Historic District I, so may be more difficult to sell and may need more defined deed restrictions.

The Committee discussed other town properties and will be making a recommendation to the BOS sometime in June.

The Committee will be attending the May 20th BOS meeting to participate in the Hart Library discussion.

Andy Sheehan

3.7

From: Andy Sheehan <asheehan@townsend.ma.us>
Sent: Thursday, May 08, 2014 3:33 PM
To: 'Carolyn Smart'
Cc: briley@k-plaw.com; kspofford@townsend.ma.us; kfales@townse
gene.rauhala@verizon.net
Subject: RE: Capital Plan

Hi Carolyn,

This is a discussion for the full Board. I will add it to the May 20 Selectmen's agenda.

Andy

-----Original Message-----

From: Carolyn Smart [<mailto:csmart@townsend.ma.us>]
Sent: Wednesday, May 07, 2014 3:04 PM
To: asheehan@townsend.ma.us
Cc: briley@k-plaw.com; kspofford@townsend.ma.us; kfales@townsend.ma.us; gene.rauhala@verizon.net
Subject: Capital Plan

Hi Andy,

I am writing to better understand how the capital planning article that was approved last night is a legal appropriation. Your statement that it is irrelevant is concerning to me. According to our bylaw: "No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report or determined by the Board of Selectmen, upon recommendation of the Town Administrator, to be of an emergency nature".

Several of the items on your recommended Capital Plan were not included in the Capital Planning's report. There is a detailed description of each item recommended, along with a capital plan for FY15 that was submitted and accepted by the Board of Selectmen on March 5, 2014. (see attached)

For the statement to be made at last night's town meeting that Capital Planning has "vetted" all the requests is at a minimum, an inaccurate statement. As further explained, the five-year plan is subject to change annually based on the department need and requests that are submitted each year by December 1st, in accordance with our bylaw and on the forms as attached in the Committee's polices & procedure booklet. Many of the capital items on the warrant article that were approved last night are not in our Capital Report as the detailed project list outlines.

Thank you for your time and I look forward to your answer.

Carolyn Smart



3.8

Office of the
BOARD OF SELECTMEN
272 Main Street
Townsend, Massachusetts 01469

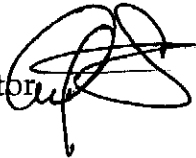
Sue Lisio, *Chairman*
Andrew J. Sheehan,
Town Administrator

Colin McNabb, *Vice-Chairman*

Carolyn Smart, *Clerk*
Office (978) 597-1701
Fax (978) 597-1719

MEMORANDUM

TO: Board of Selectmen

FROM: Andrew J. Sheehan, Town Administrator 

DATE: May 16, 2014

SUBJ.: Council on Aging Director – Recruitment of Successor

At its meeting of April 22, 2014, the Board asked me to prepare a recommendation for recruiting a new Council on Aging Director to succeed retiring Director Chris Clish.

Over the past month or so I have had several conversations with the Council on Aging (COA) or its chairman, David Profit. These conversations have centered on the best approach for recruiting a successor.

I recommend that a screening committee be established to assist in this process. This is the process used to recruit a new Fire Chief. I recommend the Committee review resumes and conduct interviews with candidates. At the Board's preference, the Screening Committee can either provide a list of finalists for the Board's consideration or present a preferred candidate. The Board should provide direction to the Screening Committee in this regard, although a decision does not need to be made immediately.

I recommend that the Screening Committee be comprised of four representatives of the Council on Aging and/or Friends of the Townsend Seniors and the Library Director. I also recommend that a COA Director from another community be involved in a non-voting advisory capacity. I will also participate in a non-voting capacity.

Please feel free to contact me if you have any questions in this regard.