

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting

December 28, 2023

A meeting, having been duly posted, was held this date at the Stone Hearing Room, Dennis Town Hall, 685 Route 134, South Dennis and called to order by Peter L. McDowell, Vice Chair, at approximately 10:02 AM. Water Commissioners Robert M. Perry and Paul F. Prue (participating remotely) were present. Also present were David Larkowski, Superintendent and Sheryl A McMahan, Treasurer.

The Pledge of Allegiance was recited.

Public Information:

Mr. McDowell shared that he had been in the hospital seriously ill. He extended his apology for any shortcomings he may have during this particular period of time.

Mr. McDowell noted that a document entitled “Excerpt of Minutes Pertaining to the History of the Development and Adoption of the Board’s Policy on Uniform Flow of Communications. He said it apparently related to something he requested November 16, 2023. He expressed issues with the content, and he respectfully requested that the document be destroyed and never brought back again. Mr. Perry noted that this topic was not on the agenda. He thought this matter might be brought back on a future agenda. Ms. McMahan, District Clerk, noted that this information had been requested and they are excerpt of minutes that have already been voted on by the Board. They are a public record, and the minutes are available on the District website. No action was taken by the Board.

Consider Issuing Request for Proposal for Auditing Services

Ms. McMahan noted that because the Board had rescheduled this meeting from December 21, the auditor was not able to reschedule to attend today. He will attend the January meeting to review the FY 2023 audit.

Ms. McMahan explained the need for the Board to authorize the release of a Request for Proposal for Auditing Services (RFP) for three fiscal years beginning with FY 2024. She said that with the completion of the FY 2023 audit the previous three-year contract with Roselli, Clark & Associates was finished. She noted that auditing services are exempt from the procurement laws. Ms. McMahan had provided the Board with a draft RFP which was nearly the exact same as the one used previously. The RFP requires the submission of the scope of work and the price proposals be in two separately sealed envelopes. She asked that the Board consider sending it to five or six firms that were included on a list of Certified Public Accountant’s that have submitted municipal audits to the Division of Local Services. Mr. Perry noted that having only received one proposal the last time had been a sticking point for the Board. Mr. McDowell asked Ms. McMahan to take a look at a recent article in the Wall Street Journal that was negative about auditing firms. A motion was made by Robert M. Perry to allow the Clerk/Treasurer, using her judgement to choose six to nine firms that were most likely to provide proposals to the District. At this time, Chair Prue (participating remotely) could not be heard over the remote connection. There was no second to the motion. Vice Chair McDowell called for the next agenda item.

(29:11) Town of Dennis Wastewater Implementation

Update on Review of Town of Dennis’ Site 2 Hydrogeologic Evaluation Report

Broader Discussion about Discharge Sites

Mr. Larkowski advised the Board that the additional scenarios the District had requested from the Town regarding Site 2 (Bob Crowell Rd) has been put on hold. He further advised that the Town's application for Sites 1 and 2 are still pending and it appears that the Town is learning informally that other towns that have applied for their wastewater discharge permits, which are similar to Dennis' sites, are going to be very limited. The apparent implications are that Site 1 will be very restricted and they will have to rely more on Site 2 as well as move forward with Sites 3, 4 and 5 much sooner. The Town is hearing from DEP (Department of Environmental Protection) that Cape towns are going to have to look at discharge sites within the Zones IIs. Mr. Larkowski said he has redirected Ms. Callahan's efforts, the District's consultants, who was originally going to review the updated scenarios on Site 2, to determine if this change in direction for discharge permitting is accurate. He noted that Mr. Perry has been sitting in on these meetings with the Town and their consultant. Mr. Larkowski said that CDMSmith is already looking at the sites in the Zone IIs. Mr. McDowell noted that the District is being threatened with PFAS. He has been encouraging the Town not to discharge any treated wastewater underground but rather out into the ocean. Mr. Larkowski noted that there are ocean sanctuary acts that prohibit such discharge. There is a higher level of wastewater treatment for lowering some things like dissolved oxygen, nitrogen, etc. It may also include treatment with biologics to remove viruses and things like that. It is not currently removing contaminants of emerging concern, like PFAS. As soon as there is enough information gathered, the Board will be updated by the consultant. Mr. Larkowski did advise that he, if not already, will run out of money for the consultant soon.

Mr. Larkowski advised the Board that they have had informal discussions with Town representatives regarding the sharing of water data and sewer billing and collections. He wanted the Board to be aware of some issues. Mr. McDowell noted that the Town Meetings are now being held in Yarmouth and the on-going discussions regarding the repurposing of the Wixon School.

Clerk's Note: At about this point in the meeting, there was no longer a remote connection with Chair Prue via Zoom.

(44:59) Continued Discuss PFAS Action Plan

The Superintendent reminded the Board that funds had been approved to work on a PFAS Action Plan with Kristen Berger (District's consultant). He noted the large spreadsheets of PFAS sampling data from all of the wells that had been given to the Board. He was hopeful a draft might be available next month. Other towns have had to take a number of wells offline because of PFAS contamination and treatment requirements. He said they have been discussing the process with these towns as there are so many different well configuration scenarios. There was another brief discussion regarding the Wixon school and property and wastewater discharge. Mr. Peter went to the podium and said that the Town is exploring all options regarding wastewater discharge.

Reserve Fund Request – First Interest Payment Due on 6-Year Bond – March 1, 2024, at \$29,6014.16 – Not previously anticipated or budgeted. Request to Rescind Reserve Fund Request of 11/16/2023 for PFAS Action Plan - \$19,000.

Ms. McMahon explained that when she was updating the debt schedule for the new Six-Year Bond issue that was this past September, she became aware of the first interest payment is due March 1, 2024. Since it was not none at the time the FY 2024 budget was being developed and voted that this bond issue would be done, the interest payment coming due was not known or anticipated. Under Item (B) Ms. McMahon was requesting that the Board rescind a previous Reserve Fund transfer to pay for the PFAS Action Plan. If the \$19,000 remained as a transfer from the Reserve, it would only leave a balance of about \$2,000 for the remainder of the Fiscal Year. She advised that this could be absorbed in the Operating and Maintenance Budget item for Technical and Engineering Services. On a motion

made by Robert M. Perry and duly seconded, the Board **VOTED: 2-0-0 (PFP absent) that \$29,604.16 be moved from the Reserve Fund to make the interest payment.** Mr. Perry asked for clarification as to the PFAS Action Plan if this vote to rescind is passed. Ms. McMahon advised that such a motion would be addressing the funding of the expenditure and not rescind the authorization to proceed with development of the Plan. Mr. Perry requested a copy of the scope of work for the Plan. On a motion made by Robert M. Perry and duly seconded, the Board **VOTED: 2-0-0 (PFP absent) to rescind the Reserve Fund transfer of November 16, 2023, for the PFAS Action Plan of \$19,000.**

Preliminary FY 2025 Budget Discussion

Mr. Larkowski advised that normally in December the Board discusses the salaries and wages. He noted the issue with understaffing, difficulties in recruiting and hiring over the past year. He suggested that the Board address a need to change on how it hires and find a way to hire competent people. He asked the Board to consider going into Executive Session for purposes of strategizing wages for the ensuing fiscal year. There was a consensus to add this topic to the Executive Session already identified in the agenda at the end of the meeting.

(1:04:15) Superintendent's Report

Treatment Plant Filter Rehabilitation Project – Mr. Larkowski said he is working with the consultant to develop the bid specifications for this project to be done in the fall/winter of 2025. He advised that this project is expected to cost \$2.1 million. They have talked to Robert Filter and a few other towns that have done filter replacements. There have not been fourteen replacements in one bid that they were able to identify. The plan is to issue and have bid opening just before the April Annual Meeting so the actual cost can be accommodated in the budget. Because the plants have to be online for water production, the project will be done in phases. Approximately \$500,000 has been set aside for this project over the years.

Treasurer's Report

Ms. McMahon advised that her initial work with Waterworth is nearly complete, and the Superintendent was expected to meet with her for a demonstration next week.

The Treasurer advised that they are in the process of meter reading. Unfortunately, there have been some issues with the meter reading equipment. She was letting the Board know this because she is anticipating a budget request to replace the equipment and updating the software.

Minutes: November 16, 2023

Mr. Perry said he had read the minutes and had provided a few edits to the Clerk for incorporation. Mr. Perry moved that the minutes of November 16, 2023, with minor typos. Mr. McDowell said he did not feel comfortable with adoption of the minutes at this time. With no second made, the minutes were deferred to the next meeting.

Consider conducting an EXECUTIVE SESSION in accordance with M.G.L. Chapter 39, Section 23B; Item 6) to consider the purchase, exchange, taking, lease, or value of two parcels of real property as the Chair has declared that an open meeting may have a detrimental effect on the District's bargaining position.

(1:15:02) A motion was made by Robert M. Perry **to conduct and Executive Session in accordance with M.G.L. Chapter 39, Section 23B; Item 6) to consider the purchase, exchange, taking, lease, or value of two parcels of real property and further Item 2) to conduct strategy in preparation for**

negotiations with non-union personnel as the Chair has declared that an open meeting may have a detrimental effect on the District's bargaining position for both items and not to return to open session. The motion was seconded by Peter L. McDowell. The Vice Chair then called for the vote which was found to be as follows:

Robert M. Perry "aye"

Peter L. McDowell "aye"

Respectfully submitted,

Sheryl A McMahan, *Clerk*