

BOARD OF COMMISSIONERS MEETING

MINUTES OF

July 14, 2020

Buzzards Bay Water District 15 Wallace Ave. Buzzards Bay, MA 02532

MINUTES

Present:

Wendy Chapman, Chairperson
Robert Ethier, Vice- Chairperson
Joe Carrara, Commissioner
Judith Flynn, Commissioner
Galon "Skip" Barlow - Commissioner
Jennifer Kelson- Treasurer
Steven Souza – Superintendent
Barry Woods, Admin. Support
Louise Warren- Billing Clerk
Glenn Cannon – Asst. Town Admin. Bourne
Tony Schiavi- Town Admin, Bourne
Ryan Correia, Developer Kendall Rae Pl
James Potter - Selectman
Jared McDonald- Selectman
Mary Fernandes
Steve Fernandes
Gary Maloney
Barry Johnson
Jim Chapman

Meeting was held outdoors at the office at 15 Wallace Ave and recorded by Jennifer Kelson, Treasurer.

Minutes

The meeting was called to order by Wendy Chapman, Chairperson, at 4:01 pm.

Wendy Chapman called meeting to order at 4:01pm

Wendy Chapman requested that the meeting be taken out of order and address the Town of Bourne and Ryan Correia first. Wendy asked for a motion to take the agenda out of order. Joe Carrara made a MOTION to take the agenda out of order. Skip Barlow seconded that motion and all in favor.

Appointment- Town of Bourne, Discussion regarding water permitting

Tony Schiavi, Town Administrator, addressed the meeting in response to Buzzards Bay Water Districts notification/memo regarding the availability of water for new development. Tony stated the revitalization of Buzzards Bay is a priority and wants to make sure that public infrastructure is available for that development. Tony emphasized that he is new to the town position and was

not involved in the past communication issues between the Town and Buzzards Bay Water District (BBWD). He said his goal is to make sure that the lack of infrastructure does not become an impediment to development in the downtown area. Downtown is undergoing a 10M investment. We have new hotel and Calmar under construction.

Tony stated that the water capacity issue needs to be addressed immediately. Tony stated that we (the Town) are ready to go to work on that and help to make that happen. We need to include other forces that can help make the process go faster. Tony stated that BBWD needs to be put in the loop when projects come up. Tony asked how best to go forward and what does BBWD need from the Town. He said that he does not want BBWD to feel like we are on the outside. We need to work together and collaborate to solve the problem.

Wendy stated that we have been trying for years to get information from the Town. She said we have an email from Tom Guarino stating that BBWD is on the routing slip as of September 2019. We are not on the routing slip, she stated. All this building has gone forward, but we are not getting the numbers from the town that we need for DEP. It is a confusing process, and we get pushback from the town. Tony said he wants to look forward and not at the past. Tony said that we have his commitment.

Skip said the problem goes way back 2003/2004 when Barry Woods was not given any consideration from the planning board. The issue has been going on for years. We are limited on the amount of water we can produce. Tony said that people need to understand that water is just as important as sewer, electricity, etc. He said he is here to help solve the problem. Skip said that if the Town is going to have development, we have to have water, and we need the help of the Town in working with DEP.

Barry Woods explained the process of applying for an increase in water permitting. Building permits are not supposed to be available until public water or a well is available. The cooperation from the Town has not been easy. Barry said he appreciated the fact that Tony came to this meeting. Tony asked what we need from the Town. Barry said that we need any information that supports the growth of the Town. Barry said we need figures, information on growth the last 4 or 5 years. Numbers are important. Barry also said that the Town will probably need to invest in water conservation.

Tony said that time is of the essence. He said that the Town is ready to go to work with us. Barry explained the timing of the process. Wendy asked if we should ask for a 5- or 10-year projection from the Town. Barry said that would be nice to know.

Jim Potter said we (the Town) are more than happy to work with us on what we need. There are still businesses that want to come to town. We have to take the opportunity when we can. He said he understands the limitations.

Jared said that they need to know what info BBWD needs. Jared mentioned workforce housing and how that will require water.

Bob Ethier spoke and shared some past history with new board members. He said that the Town was not cooperative in the past. He said he appreciated the town admin and selectman for showing up at the night's meeting.

Wendy stated that N. Sagamore is also out of water. Tony said he will be visiting all the Districts.

Joe Carrara asked if Tony would be the point man on this situation. Tony said yes that they are there every day and will be the contact.

Wendy asked when the deadline is to apply for an increase in water. Steve said we should have the package together and submit it by the fall. The application won't be reviewed until 2021, but we should get it in by fall. Steve said DCR said 9-12 months from date of submittal. It will not be reviewed until next year even if we submit it early.

Tony emphasized that we are all part of the team. Wendy thanked him for coming.

Appointment, Ryan Correia, CMP Development. Discussion on Kendall Rae Place and water needs

Ryan Correia spoke next regarding his development. He handed out copies of the plans for Kendal Rae Place. Wendy asked when he is projecting to start this project. He answered hopefully in the fall when they get the permits to start. Wendy asked if he has applied for any permitting yet. He said that he is going to sewer commission at the end of the month. After that, he will go to planning board and conservation. Wendy asked Ryan, "you do realize that until we get a higher allocation, there is no water?" Ryan wanted to know if there is a way to work on that. Ryan asked what would happen if the water park put in a well to alleviate that water usage. Would that help? Steve said that it could help a little. Joe asked if Ryan is a permit guy or a developer. Ryan said he is a developer. He buys the land, permits it, and turns it over to the actual owners. He deals with build and own companies not build and flip.

Steve said that we could see if there is any window where we could be given a special allocation increase while our application is in review. He said that he has not received an answer, nothing is definite. Ryan asked what the time frame is for review. Steve again explained that they will not even look at our application until 2021.

Skip suggested that Ryan get a package together and give it to Town hall. The Town can use that information to include with their examples of why we need to increase our pumping. Ryan asked again about the park. If the park put in a well, would that water go back to other properties to use? Tony Schiavi spoke about the Town, and he said he feels confident in bringing this information forward to DEP and DCR. Tony said if there are ways to free up water, they should consider it.

Gary Malone, resident asked, "if we don't have water for this project, do we have water for any other projects? When did we run out?" Wendy answered that anything that has been permitted has a water allocation. Anything that has not been permitted, does not have a water allocation.

Jim Potter, selectman, asked what number are we up against? If Ryan's project is too much, what project isn't too much? Wendy said we are out of water. Steve said we can permit residential with reason, but when it is a multi-story commercial housing, you are going from for example 200 gallons of water a day to 52,000 gallons a day. That is a big difference. Tony asked what our safety threshold is? Steve said we try to stay at 5% of our total cap. Barry stated that we are permitted for 193 million gallons a year. Over a 10 yr period, our highest average was 191 million. Weather has a play on it, new growth, fires, etc.

Jim Potter said that there is a lot going on here. He suggested we notify the public that there is a water crisis. He said they will work with us for whatever we need. Barry said it is a fine balance and it is hard to deny someone. We have tried voluntary conservation measures. He said it is hard to put in residential restrictions when the Town still waters the park. Hard to tell someone that they can't water their lawn at home while down the street the Town is watering.

Bob Ethier spoke. He stated the last time Ryan Correia met before the board; we had the press here. The information was put in the newspaper and the paper wrote it up very well that BBWD was at their capacity. The public was informed thru the article. Bob said we are in a good position to move forward, and with the help of the Town, this will be dealt with pretty quickly with DEP.

Glenn Cannon asked, how much water would be freed up if there were a ban in place? Steve answered that he isn't sure how much we could save. There are neighborhoods that irrigate 300k (gallons) a year for a private home. It's hard to say.

Skip said we are the tail end of that Plymouth Carver water supply. Anything that goes by us goes into the ocean.

Ryan said his next step is to talk to us and the town about an irrigation well. He has a 1-2 yr build out on his project.

The selectman, town administrator and Ryan Correia exited the meeting.

Approval of the Meeting Minutes dated June 9, 2020.

Skip Barlow Made a MOTION to approve the minutes. It was seconded by Joe Carrara, and all in favor.

Approval of the Annual Meeting Minutes dated June 16, 2020

Judy Flynn Made a MOTION to approve the minutes. It was seconded by Joe Carrara, and all in favor. Bob Ethier said he was abstaining since he was not present.

Approval of the June billing commitment.

Judy made a MOTION to approve the billing commitment. It was seconded by Skip, and all in favor.

Reorganization of the Board

Judy asked what is the reorganization of the Board? Wendy said it was to reorganize the chair and vice chair. Judy asked what are we voting on? Who is going to be chair and vice chair? Bob Ethier made a MOTION that the board remains the same with Wendy Chapman as Chairperson and Bob Ethier as Vice Chair because we are in the middle of Covid and working on some big projects. In his opinion, he said we should not change the board. Joe agreed with his statement. Joe said we have a lot to deal with right now. Joe seconded the motion of Wendy and Bob as Chair and vice chair. All in favor.

Discussion on PFAS Water Testing

Judy voiced her opinion that we should go forward with the testing.

Judy made a MOTION that BBWD go forward with the PFAS testing. All in favor.

Wendy asked Jenn to send an email to DEP to let them know. Jenn stated that the official decision has to come from the Board. Wendy said that she would send an email to Jenn to forward.

Recall Provision and Act of Legislature discussion

It was on the warrant for annual meeting, but Bob try said that it needs to be an act of the legislature. Wendy said that it will need to be addressed at the next annual meeting or a special district meeting. Wendy explained that we have to petition the state in order for it to be approved. It's how we went from 3 to 5 commissioners. All those types of things have to go thru an act of legislature. Jenn explained that it isn't a quick process.

Treasurer's Report – presented by Jennifer Kelson, Treasurer

Year End Close

Audit will be starting next week. Will be handled remotely.

Financial Statements

Billing numbers July 2020 was \$446,543. July 2019 billing \$433,133

Wendy asked if treasurer has had any expenses related to Covid? Judy said only expense is that we are paying people to stay home. Wendy said employees are working from home when possible. Judy asked how the guys working from home? Wendy answered that they are on-call. Jenn explained that we had to buy tents, hand sanitizer, outdoor tables. Bob Ethier explained that Wareham employees worked from home, whether they took one call or a hundred calls, you were working from home. Wendy agreed that Town hall does the same thing, working alternating. Judy asked if we could collect that money from the state? Wendy and Bob both said No. That isn't reimbursable. Wendy asked Jenn to keep a list of all the Covid related expenses in order to seek reimbursement in the future. Jenn agreed.

Jenn reviewed the answers to some questions that were forward to her from Wendy had during the month. Wendy stated that these were not her questions, but rather questions that were asked of her.

- What services does the actuary provide? Segal is our actuary. They calculate the OPEB liability for the financial statements. It is a requirement for the audit.
- Can we consolidate the AR accounts on the balance sheet for Personal Property and Real Estate Tax with the Town of Bourne and Town of Plymouth? No. The District has to reconcile with the Town on a yearly basis, and the Town separates Personal Property and Real Estate by Levy year. It is a DOR requirement.
- Can I attach all correspondence that the District had with Bob Troy to his monthly invoices? No, for multiple reasons. That would make all communications with him public record and it would go against client/attorney confidentiality.

There was discussion regarding Bob Troy's invoices for accounting services. Judy felt that printouts of all correspondence with Bob Troy should be attached to his invoices. Wendy stated then that correspondence would be public record. Jenn explained that she does not receive copies of everyone's (chair/vice chair or Steve's) correspondence and would need to ask that this info be forwarded to her. Wendy explained that there are categories of reaching out to Town council. Not all correspondence is public. Bob Troy would need to give the okay to make it public. Wendy explained that personnel issues are not public record. Judy said, we are the commissioner so we should be able to see it. Wendy said that there is an attorney file. Jenn said that she does not have a file of other people's correspondence. Wendy asked if all commissioners should be able to see something if it was confidential. Judy replied, sure, why not? Bob Ethier said we have Town Council in Wareham and each dept head has their own file with Bob Troy. They are not public records. Judy said that they are not the public, they are the commissioners.

Jim Chapman spoke to the board. Jim stated that a personnel problem is treated differently. If it is a personal matter, the commissioners are not all privy to that information. You have to go thru town council. Jim mentioned that council was contacted when one of the board members wanted to come into work when the office was closed due to Covid. Town council had made a legal opinion on that and the board was privy to that info. You have to separate personal matters when it comes to Bob Troy. Personal matters are not to be shared. They are part of the privacy act. That is not the business of the water commission. Jim said that attaching the information is not part of an audit. Jim said that there may be a lot of expenses that are unnecessary. Wendy told Judy that we made sure to get an opinion to make sure she was not authorized to work in the office. Judy said, I know that. Judy said that there should be a file. Jenn again stated that she does not have everyone's personal correspondence. Wendy stated that Bob Troy provides a summary of what we are being charged for on invoice. Jenn stated that he bills monthly.

Skip asked if it is a policy of the board that anyone can call Bob Troy to ask for a legal opinion. Everyone replied, No. Jenn stated that we try not to call. Joe said he has been around for awhile and he has never felt that he hasn't been informed with what was going on. He told Skip that we have always been informed.

Bob Ethier asked Judy, what are you looking for? What do you want? She answered that there have been a lot of bills from him the last couple months. Bob answered that a lot of them were because of her legal questions. He stated that her questions needed to go to Town council because they didn't know how to answer her. Bob Ethier said that in the future if individuals have a question for council, then they should be responsible for paying for it.

Skip said it is better for the board to submit the question to the attorney. He said that the board or even just the chair and vice chair should discuss whether it goes to council. There was a question from the floor regarding whether the board meets only once a month, and someone has a legal question, do they need to wait til the next board meeting to discuss before getting an answer. Skip said we should leave it with the chair and vice chair when we should approach council. If the rest of the board has a question, they should go to Wendy and then Wendy and Bob can decide.

Wendy made a comment that sending emails from a commissioner to all commissioners isn't appropriate and is a violation of open meeting law. Judy said that you have to call a meeting. Wendy said that blanket emails to all commissioners is not appropriate.

It was decided that we continue doing what we have been doing.

Superintendent's Report presented by Steven Souza, Superintendent

- Working with Town and Beta Group Old Bridge
- Working with Tata & Howard on Asset Management
- Work with contractor on 227 Main St
- Worked with contractors to replace 4 service lines
- Leak detection started

There was discussion regarding Cherry St. Steve said that Cherry St project is delayed to after Labor Day. The police department said that the project can't happen until then because there are not enough police details. Judy asked if the delay would increase our cost. Steve said he does not know yet.

Any business not reasonably anticipated within 48 hours

Gary Maloney wanted to know how the customers would be informed about being at our water level. When we get to an emergency level how is that shared with people. Wendy said that we would have to post a declaration. Declaration then needs to be approved by DEP. Bob Ethier said that we are not at that point yet.

There was a question from the floor whether there has been any headway made with Mass Maritime and their water usage. Wendy asked Judy if she has made any headway. Judy said the only headway is that they would help us with grant writing. Barry said that grant writing is very specific. The grant writers may miss a lot of things. They sometimes use students to write grants. He said he would be leery. They don't have the background with DEP.

Commissioners comments/select next meeting date

The next meeting date was not decided at this time.

Adjourn

Skip made a **MOTION** to adjourn at 5:55pm. Wendy seconded that motion, and all in favor.