

**BOARD OF COMMISSIONERS MEETING
MINUTES OF
April 12, 2022
Buzzards Bay Water District. 15 Wallace Ave. Buzzards Bay, MA 02532**

DRAFT MINUTES

Present:

Wendy Chapman, Chairperson
Jim Chapman, Resident
Bob Ethier, Vice Chairperson
Joe Carrara, Commissioner
Mark McMahon - Commissioner
TK Menesale, District Treasurer, Clerk
Steven Souza – Superintendent
Louise Warren, Account Manager
Barry Woods, Admin. Support
Peter Meier, Moderator

Meeting was held in person at Community Center, and recorded by TK Menesale, District Treasurer, Clerk. The meeting was called to order by Wendy Chapman, Chairperson, at 4:02 pm.

Approval of the Meeting Minutes dated 2.17.22 & 3.8.22 and Approval of the January, February & March 2022 Commitments

Joe Carrara made a **MOTION** to approve the minutes & commitments. Mark McMahon seconded that motion, and all in favor. The motion passed unanimously.

Discussion of Annual Meeting

Wendy Chapman, Chairman asks if there is any discussion regarding the upcoming Annual Meeting. There is none so she continues by stating that right now we have a budget but that she believes they need to reevaluate Steve. He's not being compensated for what he really should be. She wants to make an adjustment by moving free cash into the budget line item if needed. This is based on his certifications for equipment that only he can run. He's also not being paid as high as the Treasurer and he's been with the district a long time. We should see if we can compensate him for what he's actually doing for us. That will be after we vote the budget, after the annual meeting. It will take a while for us to go over what he is certified in and to really evaluate what he gives to the district and how he should be compensated for that.

TK Menesale, Treasurer has presented everybody with a copy of the warrant and explains that their readings are labeled at the top. She says that if anybody wants her to change them, let her know.

Wendy asks if there is any discussion, seeing none asks for a motion to move forward.

Robert Ethier makes a motion to move forward.

Mark McMahon seconds the motion. Unanimous vote.

Discussion of Clean Water and Drinking Water State Revolving Fund Provisions of the Bipartisan Infrastructure Law Memo from Town

Wendy points to sheets from the discussion of the Clean Water and Drinking Water State Revolving Fund Provisions of the bipartisan infrastructure log memo. She asks Steve for insight.

Steve Souza states there are some projects that may qualify and we can start looking to see if they fall into the categories. Some of the projects that were applied for had probably 200 applicants and they only approve 30 of them for projects that could be a pilot etc. We could apply but we may not receive any money at all. Mostly they're looking at service replacements, PFAS treatment plants for top tier funding. We do have some lead services but not the amount that the city of Boston has.

Bob says he thinks we should apply for anything we can get. We're a small district and maybe some of that money is available to us. Bob asks Steve if it is difficult to apply.

Steve says it is not difficult to apply. We would need Kristen's help with the engineering. For small systems like us, it sounds like there's a 15% forgiveness on the loan. We won't know until we apply.

Wendy asks if it is something that we will be able to use at a later date for another project.

Steve doesn't believe so. He believes it would just be the paperwork side of engineering to apply.

Joe asks what the engineering would cost.

Steve answers it depends on how involved it is on the application side for engineering. He says probably less than \$5000.

Wendy asks Steve, based on his evaluation, what does he think our chances are. She asks if we have a good chance especially when we have so much infrastructure that needs to be replaced.

Barry explains that having the engineer clearly puts you closer to the top of the pile where there is funding available because they feel they have all the accurate information. Usually having the engineer stamp it really means a lot. We've seen how the government is working at the federal level. You really don't know yet how much is coming to each state and how flexible they are going to be and what the priorities are. There are two contaminants which we're very fortunate we don't have but many other water systems do have them so they'll come to the top of the list. The next was lead and copper. We do have a lot of old services. One bad thing about our district is it's going to take him some time and expense and working with the engineer because some of our records aren't that great. We still have many lead goosenecks that are part of the service line, and the rest of it is probably old steel. In the past, communities have been able to call that lead goose line, a lead service so therefore you could take all those out if you could get the proper inventory and do a good job with the tough information that we have. There may be a chance that one of these services may develop a leak. If we get a grant, we'd be able to not only replace old water mains but replace a lot of the old services. It's good if the Board decides that they just wants to support the initial plan, the engineering. In his estimation engineering never really goes away because you can always use it as fodder for future years if other grants come

up, or even just for the Board to go before the public and ask for funds to do certain projects. The system goes back to 1938 and we've fixed probably a couple dozen services a year. You probably have 1000 plus services that could be considered for being renewed.

Joe says that the engineering work would be an investment.

Steve says he has started trying to decipher the cut off year for the lead service lines and the copper and plastic and trying to compile that internally and it's a lot of so it's going to take some time to get them all out of the system.

Barry adds he's sure everyone saw the news regarding the new congressional acts, bipartisan parts of it all that it's going to be a five year program. He does think that it's an investment that you're not going to lose. It's like putting money in the bank that you're just not going to see right away. It shows to the public the fact that we are considering environmental hazards or getting rid of lead, which is a major topic. That's why they come up with three top tiers in the funding.

Bob agrees with Joe that we should pursue this and at least get the ball rolling.

Joe makes a motion that we should move forward with the application.

Mark seconds the motion. It's a unanimous vote.

Approval of the change office hours from 8am to 4pm.

Wendy asks for discussion from the commissioners. Her feeling is that the hours should remain the way they are, 7:30am to 4:00pm. It was changed a few years ago. Barry can give us a brief discussion.

Barry continues that the Chair asked him to look back historically through 2003 to 2009. That's when the majority of the changes were made to different aspects within the district. Back in the 90s, the maintenance and operation was always 40 hours, 7:30am to 4:00pm with an unpaid lunch. The office personnel hours were specified by the job description, not necessarily by the hours of the office. The staff hours were, through the years, from 8:00am to 4:30pm. The office had staff working between 24 hours and 37 and a half hours. There were changes to the office hours November 2005 in the personnel bylaws which are outdated and need to be revamped. The office hours stated in the current employee handbook are 8:00am to 4:00pm and then that was assumed you'd still have full time staff. We restructured the office and it was operating until 4:30. It was determined that it was better to have the staff in at 7:30am for customers that wanted to pay their bills. That was 2009. We were consistent with the operations so we could better serve the public with standard hours. All staff are full time employees and worked 40 hours and did have an unpaid lunch period. As far as the personnel bylaws, due to numerous political issues with the Board we had some unexpected deaths, we had an increase in three to five Board members there were staffing changes between 2007, 2016 and 2020. The Chair asked us to work on the personnel policies. We did work on it quite a bit but now considering what we're faced with today in 2022 it just doesn't match our operation.

Joe relates that in the past we tried everything we could to stem the outflowing of employees. We were losing people. Some of them we let go. We tried to do everything we could to make the Buzzards Bay

Water District competitive. I've looked into this. Sometimes we compare apples to oranges. We're seeing that the Town of Bourne has 20,000 people and we have 2500 subscribers. How do you compare the two? I mean, you try to be fair, but by the same token, you've got to compare like quantities and if you take the Bourne Water District, I think seasonally they've got around 600 accounts but other than that they've got around 6000. Again, kind of out of out of whack from what we're dealing with here. There's no way we're going to expand that I can see with all the constraints on building etc. There's no way that we're going to get a lot of new subscribers. So I have the feeling that this is a damn good place to work for the people that are here. I think we've been fair. I think we've tried to do everything we could to keep the people here, and I think we've accomplished that. I think it's a great place and I think we have realized that we have some things that we have to keep in place in order to accommodate the consumer because that's what we work for.

Jim Chapman says according to Mass Law 100 you have to have a half hour break after six hours. That's a mandatory thing. Are people willing to take less pay because they're on an hourly rate and cut their hours down to 37 and a half hours? Looking at all the handbooks and everything else, it's obvious that the handbooks haven't been updated forever. But it is also obvious that the hours that are standing here have been here for a very long time. I think that the Commissioners have shown an astronomical amount of fairness and generosity. For instance, alternate days off during COVID kept the water district going and also protected families and kept people employed. The amount of compassion that the Commissioners have shown has been incredible. I think that that you need to take a look at it somewhere along the line that the balls been dropped probably because of all the turnover with updating procedures, like Steve and his compensation. Things have not been updated because if you look at the last sheet of one of the handbooks, you can see some things point to the job description some point to operational changes and were changed three or four times and position descriptions were upgraded at the same time. But the bottom line is you cannot go eight to four. You have to have after six hours a lunch break according to Mass state law and the Fair Labor Standards Act.

Wendy adds that she has advisory 942 from the Attorney General Massachusetts General law chapter 149. Section 100 provides that no person shall be required to work for more than six hours during a calendar day with an interval of at least 30 minutes for a meal. It's very explicit. It also says in the back that a violation of Section 100 occurs each time that the employee is required to work in excess of six hours without at least a 30 minute meal break. There is actually a fine. My suggestion is for one staff to take a lunch hour from 12 to 12:30; go for a walk, sit down whatever and then the other staff can go at 1:00pm. The law is specific anyone that is hired after you. We can't say you're hired without a lunch break. Anyone that comes into the office, we can't say yes, you've been hired. But however the people before you didn't have a lunch break. So you can't have a lunch break. That's a violation of the law. So we're tied that in the future. If you're not taking a lunch break, anyone that is hired after you won't be allowed to take a lunch break and that's against the law.

Jim says let's say TK was on vacation and let's say Louise filled in for her. There is a mutual agreement that during that week, or during that timeframe, or if somebody got sick that you can mutually agree to work through your lunch period. With compensation, there is that.

Wendy asks for any other questions or discussions. She asks for a motion.

Joe makes a motion that we keep the office hours as they are.

Mark seconds and it's a unanimous vote.

Discussion of bi-weekly payroll & warrants

Wendy asks TK what the benefits would be of bi-weekly payroll and warrants.

TK states cost savings to the district would be over \$1,000 in payroll processing fees, checks, stamps.

Wendy asks how the employees that are be affected by this feel about it.

TK says she knows two employees that would not enjoy going to a biweekly pay. It's our process to pay in advance so nobody would be without pay for a week. I would like to just preface this to say that it's not a big deal. It's something that is a cost savings that I can present to the District and that's one of my primary objectives is to provide cost savings. It also does take a little relief off me on occasion if I have an emergency or I'm dealing with a vacation. I can do these things in advance. It is something that would present a cost savings and it may or may not benefit other people.

Wendy says she believes Steve is able to cover on payroll. Bottom line is it's \$1,000 a year to change everyone's payroll.

TK explains it would be the warrant also. Warrants wouldn't be every week. You'd save stamps and envelopes, the Commissioners coming in, the processing fees. It's probably more than \$1,000 savings when you think about checks and stamps.

Joe says if it's going to affect some of the employees then I think in fairness to them, we should give them what we stipulated to begin with, and that's paid every week and I just don't see the benefit if it's only \$1,000 to change the system

Jim asks if that would also change amount of taxes being taken out of the employee every two weeks versus every week?

TK says it should be comparable.

Jim says that if the savings were more substantial, I would be more inclined to change but where they're really not I wouldn't change. Going back to being compassionate, you're trying to keep the employees happy. A lot of people live off that weekly salary and they budget their homes and everything else off of that. I know that I had for 40 odd years every two weeks and sometimes I wish I had a week instead of 2 weeks. But if that's what the employees want, and there's not a substantial savings, then I would agree with the Commissioners and the people.

Wendy asks for a motion.

Joe makes a motion that we leave it as it is because he thinks for the minimal savings it's not a change that the majority of the employees want.

Mark seconds the motion. Motion passes with a unanimous vote.

Discussion of approval of vacation time

TK explains a couple of employees asked her about the rollover of the vacation time because we were still in COVID. Workers who were working alternating weeks didn't take their vacation again. She reviewed the employee handbook and it says that you can't bring over more than 30 days. Our current practice is that we're not supposed to carry over more than a week. She wants to know if we're sticking with the week or we're allowing the rollover due to COVID.

Wendy says we will roll all vacation hours due to COVID circumstances. She believes other Commissioners will agree. We need a timeframe that states they need to move their roll over time that should be used before they go into their other vacation time. Do I have anyone else's opinion on that?

TK reports that Steve has the most hours at 180 hours but he has plans for a week off. So if we're going with the 30 hours, nobody will be over the limit of 30 hours.

Jim asks if it's only Steve that's affected by this.

TK answers that Steve has the highest amount and Louise has the next highest at 166.25. If you're talking only able to roll over one week, then that's 40 hours. Wayne's at 110 and Corey is 107. We get awarded on our anniversary date so it's not quite the anniversary calculation. It would take a bit to calculate.

Jim says he would like suggestion staff use vacation time between now and the end of June, when your period ends. Number two, I would give a 90 day timeframe from that point to use that excessive vacation. Depending on the commissioners, you may want to increase it to four months or five months, but you don't want it to carry over so that the next year you run into a problem again.

Mark says you're going to end up with a debt liability.

Jim says the motion is if they don't use it within that time you lose it. Unless there's extraordinary circumstances.

Barry says that when Steve was doing the alternating weeks he would often call about issues. Occasionally the staff was at a point where they couldn't handle things alone. He came in during those times and just stayed out in the field to get the things resolved. That's why he couldn't take his vacation anytime he really wanted.

Wendy says she knows from discussions she's had with Steve that he is the only one that can run the backhoe. Sometimes it's necessary for him to be there.

Mark says you have to train somebody else to operate it.

There is discussion regarding the fact that the new machine requires a different grade of operator license and the training is only available on weekends.

Wendy gives examples of compensating staff for attending training on the weekend. They can be off Monday and Tuesday if they have to go Saturday and Sunday, or if there could be a stipend for them to go. There are various ways the Commissioners can decide to reward the employees that are taking the initiative to move forward with training.

TK says there used to be a stipend in the employee manual for getting licenses. It was retracted but maybe that would be something that would be worthwhile to get the licenses.

Joe states that we've got to know that essential staff are going to be able to be there in an emergency situation.

Mark says that if Steve is in Florida he can't be there. If Wayne is the same grade then he should be able to operate the machine.

Jim asks if the DPW could train people for the equipment that we're talking about.

Mark says he would have to look at the machine.

TK says she is sure licensure would be required to be covered by insurance.

There is further discussion about weekend trainings and staff showing initiative to get the training.

Barry says he thinks the board has done a good job of keeping the majority of the staff stable since 2006-2008. He says that there has been a problem with policies changing too much and that could be why there were so many people that didn't stay with the district in the past.

Mark asks if we have anybody that has a Class A license.

Steve says he has class B.

Mark asks how he gets the excavator to the jobs.

Steve says a trailer on the dump truck.

Mark says somebody should have a class A license. Just for your own or the district's protection.

Wendy says we will revisit the vacation topic after the district meeting. Steve should research what incentives would help the workers, like Wayne, obtain the other licenses. What would help to move everything forward so that we actually have a way for you to take a vacation and for someone else to be able to run the equipment.

Joe says Steve is a pretty good planner. He thinks he's demonstrated that, and he thinks what he does is what's got to be done this month. You're formulating your repairs on timing, Emergencies come up. There's nothing that you can do in that case, but generally speaking, probably 80 to 90% with an aggressive program for maintenance and repair a lot of this is not going to be as overwhelming as it would seem for Steve.

TK suggests that we go with what's in the employee manual. 30 days and everybody's covered because has a plan for his week.

Further discussion regarding vacation hours and liability.

Wendy says we should roll it over at this point but then the Board has to figure out how to be sure this doesn't continue to happen.

Wendy asks for a motion to roll it over and we'll address the issue at a later time and more in depth.

Mark makes a motion to roll it over and to discuss it at a future meeting.

Bob seconds it. It is a unanimous vote.

Superintendents report

In the past month, we've had two leaks on Academy Dr. They were copper service lines that were installed in the 80s and have multiple pinholes forming. Steve thinks that's a sign of what we're in for on Academy Dr. All the copper lines were supposed to last 20-30 years but are already reaching their replacement date.

Wendy asks if this is from Mass Maritime putting more of a demand on the system going out there.

Steve says probably not. The leaks are on the service line that goes into the customer's house. More than likely it's the soil doing a number on the service lines. When we dug down we were in groundwater so he's sure that's not helping the material.

Steve has attended two wastewater committee meetings. The first one was at the Community Building and the second one was at the high school. It's interesting discussion. They are mostly talking about septic systems and new research, or septic system plans and designs.

We did some leak detection in Plymouth. We did find an active leak. We have plans on digging it tomorrow. Hopefully it's something easy. We were going to dig today but it was raining this morning. All the field staff attended training last week in Worcester. Two guys went Wednesday two guys went Thursday and received some of the required training for the year.

Mark asks if paving companies are up and running yet.

Steve says they are out paving but they couldn't give me a date of when the jobs would be completed.

Mark says if they can't give you a date find the contractor that can do it quicker. People are complaining about Academy Dr.

There is discussion regarding slowing traffic on Academy Dr.

Joe asks if the increase in construction, truck traffic, compression have anything to do with the breaks.

Steve doesn't believe so because most of the breaks have been out of the roads. The issues that were found have been right after the shut off on the property line. They've been for the most part out of travel area.

Jim asks if Steve has been able to look at the inflation costs of parts, gasoline and everything else, and how much impact that's going to have on this small district.

Steve says it shouldn't have too much impact because we budget and there's money in the budget to take that into consideration. The maintenance budget has done been pretty good so far, even with all the higher prices on fuel and maintenance materials.

Wendy asks if station 5 is still down and Steve replies that it is. Still waiting for the parts.

Steve says we haven't ordered hydrants in a while. The hydrant manufacturer is notifying us in the warehouse that there have been five price increases since November. They're up to almost 15-18% higher on materials.

Mark asks how many hydrants do you have in stock.

Steve says we have about 6 or 7 in stock.

Barry says the budgets are separated into categories. We have good breakdown on different actual line items. You have categories and have budgeted for a certain dollar amount, so Steve has flexibility. He takes a hit on some things. He knows his limits as to what the district can really afford to do.

TK says the gas bill did double. It's normally between \$400 and \$600. It was over \$900 this month.

Wendy says to keep the Board apprised in case we have to move items from the free cash or vote to move it into whatever we need to do.

TK says we have a reserve fund of \$25,000 that has never been used, and it's part of our budget.

Wendy says she believes that would have to go before the District.

TK says that would be stabilization that would have to be a District vote.

Wendy says she thinks there are certain things you can't move between budgets. She'll research it. She believes that the reserve fund has to go before a regular district meeting and that we're not allowed to move it. The only thing we can move is free cash.

Treasurer's Report.

TK reports the District received \$1,700 reimbursement from COVID for sick time for the week she was out and the week that Wayne was out.

The ban renewal is coming up and is scheduled for May 4. It's a new process this year where it's all online. Previously it was a certificate submitted to the state on paper and now it's all online.

Our fiscal 2021 audit is still under review. She's been inquiring with them almost weekly. They're just way over their heads but they did already schedule a fiscal 2022 audit. They're going to be in the office on May 17 to do testing of accounts payable and I uploaded all of our backup and all of our bank statements through the most current month so they were happy with that for a start.

Annual Meeting preparations. You all have a packet for your parts to read. I did reach out to the Eagles today. Unfortunately Tuesday is the only day they are closed so I haven't been able to look at it yet but I did leave a message. Mark told me that we're covered that we don't really need to move things around. There are financials here in case somebody wants to look at them. I put them on the table in the office last week.

Employee handbook updates. I've gathered the employee handbooks from the two water districts and from the town. I suggest that we have a working group to work on the edits to pick up where Barry and Joe left off and start working towards something that we can put forward for a vote. I would suggest that we maybe appoint who would be part of the working group.

Wendy suggests two commissioners, Steve or someone from his part of the district, and either TK or Louise, and Barry who has the institutional knowledge if he's interested.

Jim says he would not appoint the committee until after the district meeting because you may have a new chairman at that time as well. You don't want to formulate something now that you can't follow through on after the district meeting. Set your goals for the first meeting in May. People will have time to think whether they want to be on that or not. Steve can get with his people to see if they want to get on it, and whatever Commissioner wants to be part of it.

Bob says Joe has been working on that for a long time. If he wants to he would like to have him on there. He knows the history of it all and how we should move forward.

Joe says he would want Barry to be a part of this as he is a valuable asset with his knowledge of this and other Districts..

Wendy asks how is the cross training going in the office. She would like reports on how it's going and that TK is learning the Vadar system.

TK answers that she is very familiar with Vadar because of her time in Chatham and that she and Louise did cross training on the billing on the April 1, 2022 billing.

Wendy says that when you become proficient let us know so that we'll know we're covered there. Just like Steve was preparing to have his backup and Wayne get more licenses. We do need to have backup in all sections just to keep the district moving.

Wendy asks if anyone has any other information that needs to come before the Board.

Any business not reasonably anticipated within 48 hours – No Discussion

ADJOURNMENT

Joe Carrara made a MOTION to adjourn the meeting at 5:07 pm. Mark McMahon seconded that motion, and all in favor. The motion passed unanimously.

Prepared by: TK Menesale, District Treasurer, Clerk and Louise Warren, Account Manager
Buzzards Bay Water District