



LYNNFIELD CENTER WATER DISTRICT
The Commonwealth of Massachusetts

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Minutes of the Fiscal Years 2019 and 2020
Special District Meeting
June 24, 2019

Pursuant to the Warrant with return of service attached thereon, the legal voters of the Lynnfield Center Water District in the Town of Lynnfield, Massachusetts met in the Lynnfield Town Hall H. Joseph Maney Meeting Room located at 55 Summer Street in said town on Monday, June 24, 2019.

The meeting was called to order at 7:05 P.M. by District Clerk Stefan S. Taschner who announced that anyone who did not pick up a handout package when they were checked in should do so now and that the meeting was being recorded for the sole purpose of producing the written minutes of the meeting.

Clerk Taschner requested permission for the following nonmembers of The District to be admitted but would not be able to vote:

Nicholas Couris, Lynnfield Center Water District Foreman
Trudy Reid, Town Clerk, Town of Lynnfield, and
Annemarie Vendola, Town Election Worker.

There being no objection, the above-named individuals were admitted.

Commissioner Robert Almy, Chairman of the Board introduced the Board of Water Commissioners, Treasurer, and District employees. Clerk Taschner requested that Richard J. O'Neil, Jr. Esquire read so much of the Warrant as precedes the Articles set forth within and the return of service page.

Attorney O'Neil read so much of the Warrant as precedes the Articles set forth within and announced that unless there was an objection, he would dispense with reading of the Articles until they could be taken up individually. There being no objection, he then read the Return of Service page including the signatures of the Commissioners.

Clerk Taschner then read **Article 1** of the Warrant. On a motion made by Commissioner **Almy**, which was duly seconded, it was unanimously

VOTED by a voice vote: That **Richard J. O'Neil, Jr. Esquire** be chosen and sworn in as **Moderator** of the Special District Meeting.

Attorney O'Neil was duly administered the Oath of Office by Town Clerk Trudy Reid.

The Moderator then read **Article 2**. On a Motion made by Commissioner **Maney** which was duly seconded, it was unanimously

VOTED by a voice vote: To rescind the April 1, 2019 Annual District Meeting Article 11 transfer of \$75,000 from Surplus Funds (Free Cash) to the Reserve Fund Account 7030, to **have said \$75,000 remain available in Surplus Funds** (Free Cash), and that the sum of **\$75,000 be appropriated to the Fiscal Year 2020 Reserve Fund Account 7030**, and that this appropriation shall be met by raising the



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sum of \$75,000 in the **tax levy and from water rates and services** for the period July 1, 2019 through June 30, 2020.

DISCUSSION: A ratepayer requested a brief explanation of the purpose of this motion. Commissioner Almy explained that Additional FY19 funding is required due to unanticipated projects that were not funded through prior budget adjustments. This motion will free up surplus funds that had been ear marked for the FY20 budget to make them available to be used for the FY19 operating budget in a later Article.

The Moderator then read **Article 3**. On a Motion made by Commissioner **Youngren** which was duly seconded, it was unanimously

VOTED by a voice vote: To rescind the April 1, 2019 Annual District Meeting Article 15 appropriation of \$75,000 and transfer from Surplus Funds (Free Cash) to the Water Main Infrastructure Account 7040, to **have said \$75,000 remain available in Surplus Funds** (Free Cash), and that the sum of **\$75,000 be appropriated to the Water Main Infrastructure Account 7040** to cover costs such as; engineering services, construction, materials, permit fees, legal fees, testing and other related expenses for water main infrastructure repair and / or improvements, and that this appropriation shall be met by raising the sum of \$75,000 in the **tax levy and from water rates and services** for the period July 1, 2019 through June 30, 2020.

The Moderator then read **Article 4** of the Warrant. Treasurer **Alexander** made a motion which was duly seconded and it was unanimously

VOTED by a voice vote: To authorize the Treasurer with the approval of the Board of Water Commissioners to **retire and rescind the \$250,000 unused and no longer required** December 10, 2018 Special District Meeting Article 5 \$250,000 authorization to borrow funds through low interest state loans, by issuing bonds or notes of the District, or otherwise.

DISCUSSION: Commissioner Almy explained that the 2018 Article 5 had been submitted by a ratepayer who modeled it after another more expensive article which would have required a \$5M bond issue. The ratepayer copied the bond funding language although her article was for a \$250K engineering study and did not require debt to fund. The Board has commissioned the study and is funding with available funds so no debt was required.

The Moderator then read **Article 5** of the Warrant. Commissioner **Almy** made a motion which was duly seconded and it was unanimously

VOTED by a voice vote: To amend the existing **District by-law Number 5 Water Restrictions Adopted April 2, 1990** to further define the Water Restriction Policy of said District by changing the first sentence of **Section 5 Penalty** from "Any person or



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entity who violates this Bylaw shall be liable to the District in the amount of \$50.00 for the first violation **and \$100.00 for each subsequent violation** which shall inure to the District for such uses as the Board of Water Commissioners may direct.” to now read “Any person or entity who violates this Bylaw shall be liable to the District in the amount of \$50.00 for the first violation **and up to a maximum of \$250.00 for each additional subsequent violation in a given calendar year** which shall inure to the District for such uses as the Board of Water Commissioners may direct.”

DISCUSSION: A ratepayer inquired, who does this by-law applies to, and does it relate to private wells? He expressed a concern that private wells should be regulated as they also draw down water from the Ipswich River Basin. He would like this debate to continue. Commissioner Almy explained that this by-law only pertains to the use of District water by District ratepayers. When the District finds an irrigation system being used outside of the permitted hours the water is tested for the presence of chlorine to verify it is District water as private well water would not have any chlorine present. The District has no authority or ability to regulate the installation of or the use of private wells by homeowners on their own property. Therefore they would not be cited by the District under the provisions of this by-law. The Town of Lynnfield may regulate private wells through its local police powers. The Town would then be responsible for enforcement. The State Department of Environmental Protection regulates the use of wells but only if the daily pumping capacity is sufficient to meet the criteria of a Public Water Supply. The District does encourage the conservation of water through education and increasing block water rates. Mr. O’Neil inquired if there were an appeal process or dispute resolution procedure. Commissioner Almy replied that the homeowner may come before the Board with their dispute or appeal.

The Moderator then read **Article 6**. On a Motion made by Commissioner **Maney** which was duly seconded, it was unanimously

VOTED by a voice vote: To **appropriate the sum of \$200,000** to further supplement the April 2, 2018 Annual District Meeting Article 5 appropriation of \$1,677,593 for the **budget for the Fiscal Year 2019** period July 1, 2018 through June 30, 2019, as adopted by the Water Commissioners that was supplemented by the June 18, 2018 Special District Meeting Article 3 appropriation of an additional \$10,000 and again supplemented by the Commissioner’s vote to transfer an additional \$75,000 from the reserve fund, to **authorize an increased total budget of \$1,962,593** in order to cover increased maintenance and operating expenses, debts, interest charges and installations for Fiscal Year 2019, beginning July 1, 2018 to be expended substantially in accordance with the estimates of the Water Commissioners. Said additional \$200,000 appropriation shall be met by **transferring the sum of \$100,000 from Surplus Funds (Free Cash) to the FY2019 budget line item 6 Professional Fees Account 6109 and by transferring the sum of \$100,000 from Surplus Funds (Free Cash) to the FY2019 budget line item 21 Labor and Wages Account 6106.**



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Commissioner Almy announced "that the Regular meeting of the Board will resume at the conclusion of this meeting. This concludes the Special Meeting business. Thank you for coming and you are welcome to stay for the Board Meeting".

Commissioner Almy made a motion which was duly seconded and it was unanimously

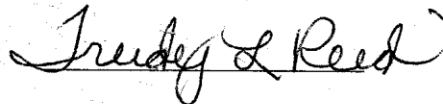
VOTED by a voice vote: To adjourn Sine Die.

The meeting adjourned accordingly at 7:28 P.M.

Respectfully submitted,


Stefan S. Tashner, Clerk
Lynnfield Center Water District

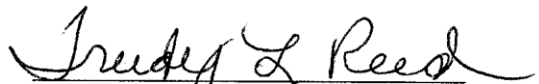
A true copy, Attest



Commonwealth of Massachusetts
Essex, ss:

June 24, 2019

Then personally appeared before me Richard J. O'Neil, Jr. Esquire and made oath that he would faithfully and impartially perform the duties of Moderator of the meeting of the Lynnfield Center Water District.


Trudy Reid, Town Clerk,
Town of Lynnfield
