



LYNNFIELD CENTER WATER DISTRICT WARRANT
The Commonwealth of Massachusetts
Regular Board Meeting
7:00 pm September 14, 2020

Date, time, place: The regular meeting of the Board was held on Monday September 14, 2020 at 7:00 PM via Virtual Zoom Meeting.

Present via Virtual: Commissioners Anders Youngren, Joseph Maney, Jack Adelson, Superintendent John Scenna, Treasurer James Alexander, and Clerk of the Board Christine Smallenberger

Absent: none

Also attending virtual: Mike Nelson, Marlene Dias from 299 Edgemere, Stefan Taschner, Sally Hamblen, Richard Kosian, Kate Flaws, and John Whyman from Middleton, contractor for 299 Edgemere

Additional attachments: Agenda, incorporated into the minutes hereto.

Next Regular Meeting: September 28, 2020 at 7:00 PM - Virtual

Adjourn: 9:00 PM

Chairman Maney read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the LCWD Board of Commissioners will be conducted via remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found within this posting below. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so,

despite best efforts, we will post minutes of proceedings as soon as possible after the meeting.

The meeting is being recorded for the purpose of producing minutes.

The meeting was called to order at 7:02 pm

1. Review of Appeals

- a. Meter Tampering Appeal - 299 Edgemere: Superintendent Scenna explained the situation to the board. Ms. Dias is building a new home and called to set up a new meter installation. We were originally unable to install the meter due to COVID restrictions on operations. Upon resuming appointments, the operators went to the home for inspection and found the water was on, that there was water in the service pipe and a gate valve wrench on the curb stop. The operators spoke to the contractors who confirmed the water was on at the time. Turning on the water without a meter is not the policy of the District. While the unbilled water is a concern, the greater concern of a health issue from a connection without a backflow could present. The homeowner stated they received their water from a neighbor and provided affidavits from the contractor, plumber and neighbor. The operators confirmed the water was on with the wrench during construction. The District had implemented the meter tamper policy which is why we elected to issue this fine to the homeowner's account. Ms. Dias disagrees with the superintendent's position. The superintendent has no reason to not believe the operators and we don't know who the key belongs to. Based on this information, the board believes someone turned on the water for her benefit and is not inclined to give Ms. Dias any relief. Commissioner Youngren asked the contractor, Mr. John Whyman how the water was turned on. Mr. Whyman explained his employees did a pressure test, which is common, and that is the extent of what he knows. Chairman Maney asked if there is any will of the board to take this appeal under consideration. Commissioner Youngren offered a compromise to meet halfway at \$500 as this is an extremely serious issue and we need to emphasize the importance that only our operators can turn the water on and off. However, this was their first offence that the Board was aware of and this a compromise was merited. Ms. Dias was willing to offer only \$200. Superintendent Scenna reminded Ms. Dias of their conversation, he did not want to issue the fine but was left with no choice due to what the operators found and that the homeowner was acting as the general contractor thus assuming all responsibility. The District has a responsibility to protect the policies and procedures we operate under. This is not personal. The district conducted

their due diligence and found evidence all along the water was being used. Ms. Dias said she will accept the offer for \$500.

Motion: a motion was made to accept \$500 for the meter tampering fine as a compromise to Marlene Dias of 299 Edgemere Road.

Seconded: the motion was seconded, and the motion was passed with all saying aye by a unanimous vote.

The office will revise and reissue the bill. Chairman Maney asked how we prevent contractors from doing this in the future to which the superintendent responded, we now have a permit in place to prevent this from happening. John Whyman just did a new service on 2 Ivanhoe and it went through beautifully. With the permit process in place, we can resolve the issues and not bring it to this point in the future. He recommended the possibility of installing a temporary meter set up at the time a service was installed and that will remain in place throughout construction. The Superintendent will work with the operators on this.

2. Treasurer's Report

Treasurer Alexander does not have the cash balance for the end of August yet but had provided the board with the numbers for the end of July. Conversations with the auditor will begin in October regarding the tax levy; they will review expenses, revenue and the budget to anticipate where we may end up. When the treasurer and auditor have final numbers, they will contact the board for next steps and options. The tax levy setting process will be wrapped up the first week of December and submitted to the DOR for approvals. We cannot start without the LA5 from the town assessor. We should have the numbers in late November/early December for the board to review.

3. Superintendent's Update

- a. Superintendent Scenna asked the board to allow for a group of residents heavily interested in the Richardson land proposal on Main Street to speak before the board. Since the last time this group was before us, they organized a working group looking to champion the cause to the board of selectman for the right to purchase the property to block development under Chapter 61 of the state laws. Ms. Kate Flaws, a member of the planning board, appreciates the opportunity to speak to the board. The proposed senior development that was denied last year will be coming back this year as single-family homes. The land in question is in a well field protection zone. Superintendent Scenna had provided a letter to the

planning board with district concerns. These homes will be 5 bedrooms and served by private wells for the entire 24 acres, clear cut and graded. It is the position of a number of residents in town that this development is a threat to both open space and forestry and our drinking water. They have been partnering with a few non-profits who informed them that grants are available at the municipal level and at the water district level. The hope is to apply for all grants that could cover some of the purchase price of the land. The Conservation Commission may have money to cover the town piece to fund this project. The group is asking if LCWD supports the preparations and submission of a grant. The Ipswich River Watershed charges \$50 per hour for grant writing and is willing to do the leg work. The purchase price for the land is \$2.7 million and the town has the 1st right of refusal. The concern is the wells will be unregulated and cutting down the trees would impact the watershed. The elder housing was rejected at town meeting. The group is working on an open space warrant and if it passes it could protect some of the land. The group is asking if the district has funds available to do grant writing, is the district willing to apply for a water supply grant, and will the district support their project to the board of selectman. Superintendent Scenna wrote a letter expressing concern for the development and expressed a lack of information in order to better understand impacts of what was being proposed. LCWD does have a letter on record with the planning board and the town administrator's office. At this time, the wells and septic systems are still assumptions as the district never received any response or additional information. The district does have some funds allocated for conservation purposes, of which applying funds for grant purposes in this case is clearly within the purpose of the account use. The intent would be to protect the area around Glen Drive and Main Street where we get 30-40% of our water, at times over 50%. We also own lot(s) of property that abuts this parcel. Ms. Flaws said we won't know where the private wells from the development will be until it is a done deal and therefore a gamble. The land is enrolled in the forestry program where the owner paid low property tax and is required by law to first offer the town to purchase. Either the town purchases the land or by right they can build on it. If they stay within zoning regulations it won't go before the ZBA. Greenbelt and the Ipswich River Watershed will devote resources to write the grant and the quote is \$50/hr. The Board's plan of action will include Superintendent Scenna sending the board of selectman a letter similar to the one he sent the planning board with our concern and that we committed to hiring a grant writer to pursue grants to assist this volunteer group with purchasing the land. Ms. Flaws has a letter of opposition from the former LCWD Superintendent, Ken Burnham in which he opposed the prior project. In terms of grant writing, there are ample funds to cover 40

hours for grant writing. Commissioner Youngren and Adelson are both supportive of this initiative. In the letter, Superintendent Scenna will state to the board of selectman the district is in support for writing a grant. The board is in agreement. Ms. Flaws thanked the board for their time.

- b. Water Consumption, Restrictions, Demands and Emergency Plans: The district has been operating throughout the summer within the DEP emergency plan. The DEP has been a great partner through the summer helping us discuss ways for this to not happen again. We are hoping to return station 1 to a permanent seasonal use for next summer 2021. The DEP continues to communicate with CDM and LCWD in this regard. Consumption has decreased. This is a consistent trend Superintendent Scenna has noticed. Currently, the Lynnfield community is home and with school being fully remote, there is a possibility for we could end up in a similar situation like we had in June. Superintendent Scenna wants to wait and see what the next week will bring prior to decreasing the restrictions. He believes that the data to date supports this but still wants to wait through the middle of next week for additional daily average statistics prior to recommending that decrease in outdoor restrictions.
- c. Update on Leases : T-Mobile and Sprint have merged. It is very possible that T-Mobile may be assuming Sprint's lease at Wing Road leaving the T-Mobile space on the tank for other vendors. They also may just retain their own equipment and forfeit the Sprint lease. This will be finalized soon on their end and we will be notified. In either case, there is still language in the access agreement portion that needs to be finalized with T-Mobile. AT&T is close to signing the access agreement and has a deadline for signing issued by KP Law. The Verizon lease has been signed, construction documents were reviewed by the building commissioner and Zoning Board and it appears they have received their building permit. CDM Structural group have also reviewed the plans and looked at the structural analysis and connections and overall details proposed for the work. Verizon had reached out today with options for pre-construction meetings for us to attend. We have to be sensitive to the school and the homes that abut the tank with work access and CORIs. When the dust settles, the recommendation will be to put out an RFP for the Wing Road open space. These are the only 4 carriers that responded previously and we may not get any bidders but it is worth trying.
- d. Update on p/t administrative assistant position: Today we conducted final interviews. We have to consider who best suits the needs of our district and help us with the direction we want to go both short term and long term.

We hope to have an offer out the end of this week with our new employee beginning in October. We will be requesting references and checking in on them prior to issuing the offer.

4. Supplemental Water Program Study Presentation with CDM Project Engineer Mike Nelson, P.E.

- a. Analyzing Wakefield and Andover (through North Reading) Supplemental Sources: We received a report from Wakefield that will allow us to finalize our comparison over the next week and keep us on track for making a decision to whom we want to partner with for supplemental water. Wakefield provided preliminary model results and they are encouraging. We received a memo outlining system pressures, flows, and deficiencies that need to be improved in Wakefield to supply water to LCWD. They ran a model with 3 sections of water mains that need upgrades to provide 250 gallons per minute (gpm) to the district: one is Vernon St./Main St., the second is Bay State at town line, and the third is East Main St. that goes under I-95. It adds up to 3,000 ft and costs \$3.7 million for the pipeline upgrades. The cost estimate for Lynnfield Water District (LWD) is not exactly apples to apples as LWD added in engineering costs and escalations and the estimate from Wakefield was just construction costs. Wakefield is encouraging as the piping is 6 to 8 inch pipeline and not extraordinary. The most daunting task is fixing the pipeline under I-95. We can connect to them and create a feed to LCWD. The Wakefield model shows their pressure exceeded the LWD pressures. Mike Nelson reached out to Environmental Partners today for next steps with Wakefield. From an engineering and hydraulic standpoint, the results are encouraging. The 3 options will give us enough to bring to the board fairly quickly. Estimated costs are \$4.4 million with LWD and \$3.7 million for Wakefield, though we don't know Wakefield's engineering costs at this time. Wakefield is 90% MWRA and they own and operate a treatment plant as a seasonal supplement. The MWRA connection fee and permit process will be the same regardless if we choose LWD or Wakefield. MWRA allows you to amortize over years. The same permitting and initiation fees apply as well. The MWRA fees are \$4.4 million for 1 mgd. We are looking for 250 gpm; Mike Nelson will follow up with Superintendent Scenna with numbers. There will be minimal impact to our sampling testing since we already operate on a more stringent testing. Design engineering should be 10-12% of costs and resident engineering 15%; therefore, 25% of total construction cost. Costs for both options are similar but LWD has no mention of easement costs which would be above the ground and off the road and we would have to purchase land. This would be to build and above ground building to store the connection. The pressures

from Wakefield might not be high enough during the high demand time so we may need a booster station. With the Wakefield option, the connection and possible booster could be building in the public way near Bay State Road. CDM wants to present the district with a cost comparison of apples to apples from soup to nuts. Currently, Glen Drive provides 500 gpm and the supplemental water would give us 250 gpm. The flow rate would likely eliminate water restrictions for the majority of the year with summer restriction possibly only getting to a level 3 due to the Ipswich River Basin withdrawal permit conditions for a small window. We could live with significantly less restrictions if we are successful in supplementing our system with a non-groundwater source. We do not want to commit to no restrictions at this time, as the water management act is always in place and MWRA also require some water conservation. 250 gpm helps with our restrictions and 575 gpm gives us the ability to shut down some of our system if we so choose. The more water we ask for the more improvements may be required. 3 areas in Wakefield have hydraulic issues. A loop needs to be created between Main St. and Baystate Road and back to Wakefield to give them pressure and fire flow; they are interested in partnering with us for the fire flow they need. We need to determine if Wakefield is willing to shoulder some of the cost. The possibility for North Andover is less likely and we already know the options with LWD. This is a good process we are going through. We aim to bring all options to the table by the end of the month with an apples to apples comparison so that the Board can decide which way to proceed.

5. New Business

- a. Policy on Late Fees, Liens and Demands: We need a policy in writing on late fees. We are proposing an 18% total annual fee equal to 1.5% per month on past due bills. The bills will have a past due amount and current bill amount included on each invoice. Only the past due amount will be charged against the 1.5% monthly late fee. Past due accounts through September 1st will only be considered for liens. Liens are reported in November. We go through a process of sending letters with past due amounts to give customers the entire month of October to pay their past due bills. We wanted to be in line with what the town charges and this proposal does this. We have always charged 18% annually. The threshold for the lien should be slightly higher since the rates have increased. Any balance as of September 1st from the June bill and any bill prior to that will be the amount considered to be liened in November. Any balance owed from the September bill will not be liened until the following November.

Motion: a motion was made to formalize our late fee policy to 1.5% per month based on past due balance and to increase the threshold lien amount to \$500 on balance effective September 1 on a given calendar year.

Seconded: the motion was seconded, and the motion was passed with all saying aye by a unanimous vote.

When there is a policy update voted by the board we will date and post the policy to the website.

6. Continued Business

- a. CARES Act...funding options for reimbursement of COVID related expenditures: Superintendent Scenna has discussed with the town's consultant, Dan Sullivan, our COVID expenses. Superintendent Scenna will review all the district's COVID costs with Dan Sullivan and determine whether we will submit these costs under our own entity or with the town. We will include overtime, PPE, office supplies, safety supplies and the cost for the interconnection for supplementing our water in June. We will argue the point that the pandemic created a stay-at-home unexpected above average daily flow.
- b. Lock Upgrades & Access Agreements: The project is complete and there are additional cameras at our facilities and Glen Drive, and FOB access to the main building. We submitted the invoice to MIIA to pay their portion of \$5,000. There is 1 additional item to complete; the knox boxes will be put in every building. We will need a the locksmith to return to install the boxes. We are working with our IT department to improve internet in the rear garage building and the treatment plant so the fobs can record who comes in for security improvements. Superintendent Scenna is targeting the treatment plant for the fob system installation next. We have a record of keys distributed and shared the agreement with the board. Any additional keys will be discussed between the superintendent and the chair of the board. The employees are the only ones who currently have keys. We have a standard key to open the padlocks and 1 to open the buildings.
- c. Update on WaterSmart customer service portal project: we will have contract documents for all 4 entities involved in the customer service portal. The Ti Sales contract is a multi-year deal and covers the contract for WaterSmart. WaterSmart is using paymentus through the billing piece and the last contract is with JUS to implement Watersmart into our billing system. JUS took a long time to understand what we are trying to do and we made a commitment to stay with them. We worked out the kinks at a meeting last week and we finally have the scope and contracts ready to go. We will be including in this week's bill a flyer of what's coming with the

WaterSmart portal with some of its features, payments, etc. If we proceed with and hold a district meeting in November, whether in-person or zoom, WaterSmart is willing to do a 5-8 minute presentation for our district customers on what they can do within WaterSmart and how to access their account. We are making a lot of progress and figuring out how to launch it.

7. Other Board Items:

- a. Approve Prior Meeting Minutes
- b. Approve A/P and Payroll
- c. Any other unanticipated items by the Board

Rather than taking up a lot of time with appeals at our monthly meetings, Chairman Maney recommended to create a subcommittee to handle the appeals to include the treasurer, superintendent, and clerk of the district, but not a commissioner as it may compromise the integrity. The sub-committee will review appeals and bring a recommendation to the board of water commissioners. They will also speak with customers as needed outside. This will help the meetings move along. The commissioners will be presented with a summary of the appeals to review and approve or send back to the subcommittee for more review. This was approved by the Board and Superintendent Scenna will notify The District Clerk and treasurer as needed.

Chairman Maney wants the board to consider providing relief to Mr. and Mrs. Popkin of 867 Summer Street for the temporary connection between the LWD and LCWD placed across their driveway this summer. 867 Summer Street is not a high-end user and have graciously allowed this inconvenience all summer long for the sake of all district customers. Chairman Maney would like to see the board credit their bill as a one-time waiver for their inconvenience.

Motion: a motion was made to credit Mr. and Mrs. Popkin of 867 Summer Street, on a one-time basis, for their September 2020 bill in the amount of \$83.05.

Seconded: the motion was seconded, and the motion was passed with all saying aye by a unanimous vote. Superintendent Scenna will attach a letter to the customer's water bill stating thank you and explaining the reason for the credit.

Motion a motion was made to go into executive session at 9:00 pm for the purpose of a potential legal action.

Seconded: the motion was seconded, and the motion was passed with all saying aye by a unanimous vote.

The Regular meeting adjourned at 9:00 pm.

Respectfully submitted,