



LYNNFIELD CENTER WATER DISTRICT WARRANT
The Commonwealth of Massachusetts
Regular Board Meeting
7:00 pm November 9, 2020

Date, time, place: The regular meeting of the Board was held on Monday November 9, 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: Stefan Taschner, Giuseppe Marotta, Mark Reich from KP Law, Mike Nelson from CDM Smith

Additional attachments: Agenda, incorporated into the minutes hereto.

Next Regular Meeting: November 23, 2020 at 7:00 PM - Virtual

Adjourn: 8:36 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 was called to order at 7:00 pm and being recorded for keeping minutes.

1. Superintendent's Update

- a. General Update on ongoing Operations: Mark Reich from KP Law has been working with us on lease contracts with Verizon and all telecommunication vendors that submitted proposals in the summer of 2019; The Verizon contract was successfully executed and they are currently working on installing equipment at the Huckleberry Hill Tank. Attorney Reich provided an update regarding AT&T's contract as well as the merger of T-Mobile and Sprint. From a corporate perspective, T-Mobile and Sprint have merged. Attorney Reich has been persistent in chasing them down as we are not their highest priorities. T-Mobile is in the process of sending 5 contracts to us for execution. Sprint will not be forfeiting the lease and T-Mobile will keep both leases as they don't want to give up the space. From our perspective, they intend to re-execute the Sprint lease. Progress is being made with AT&T; their corporate group is now reviewing and this should be the last step prior to lease execution. The access agreement we drafted and presented after the bid in order to protect access rights and control delayed execution as the lessee's claimed to have not seen this before. Additionally, due to the industry, we are dealing with, several subcontractors are also involved. They claim they have no responsibility with subcontractors but have found a way in which to move ahead with the access agreement. They worked on putting together an access agreement they felt could work and meet our requests and they've now handed it off to T-Mobile corporate who recently approved it. The originals will be in the mail shortly. Sprint has a better location than T-Mobile and the T-Mobile location would be sacrificed since Sprint's location is better. T-Mobile and Sprint don't want to open up the space for a competitor and have since expressed interest in keeping both locations. The T-Mobile attorney will handle Sprint's lease agreement as well and accepted it in total. The only hold back is waiting for final information on their equipment which could take a couple of weeks for the equipment listing. On the AT&T side, we are dealing with leasing matters with respect to the access agreement, questions on how the site is managed and overseen and some confusion on AT&T part how the city managed the site. AT&T was reminded we aren't a city, we are a district and we since provided them with clarification on the other areas of confusion. They seem to be back on track and the lease is with AT&T corporate; we are

a step behind T-Mobile but moving along and now remain hopeful with this being executed soon as well. The Verizon site has been executed and they sent a back payment of a total of \$25,000 for the majority of the year (through October). Verizon is 30% through the project. The existing lessee's have continued to pay their leases and acting as existing holdovers on their leases. Until new agreements are in place, the old agreements are in affect. There is no need to worry, we are protected under their rights and obligations which is called a hold-over; this will protect the district. The good news is we will retain 4 leases and the revenue each of them provide LCWD. Right now, we are leveraging T-Mobile to execute the Sprint lease. Commissioner Youngren inquired if executing the 2 leases is a short-term or long-term strategy. It is conjecture but the feeling is to protect the 2 brands and at some point, they will bring them together. By signing the 2 leases, they will not shrink their lease payments. It is probably protecting their base. These 2 revenue streams are protected for a 5-year term. The goal is within the next month to have 1 contract and possibly 2 to complete.

Tomorrow will be working on the SCADA radio upgrade. We will have a climber to climb the tanks for the antenna work and have contracted with a tree company to provide a bucket truck to complete other aerial work, especially needed on our main administrative building. On Wednesday they will install the antennas at the main office and complete computer programming. Our crew will work alongside them to make this happen. Troubleshooting the system will likely continue for the balance of the week. Once worked out, we hope for more reliable communications from the SCADA system as well as day-to-day operations of our infrastructure. Chairman Maney asked if it makes sense to have Weston & Sampson on board during the work. Superintendent Scenna agreed it's a good idea but we want to let the vendor do their work with oversight from our operators and afterwards, it may be a good idea to have Weston & Sampson spend time with our operators and offer a 3rd opinion to make sure work was completed according to industry standard.

We are 45 days out from collecting our September bill and collected roughly 65% of our revenue with more checks coming in.

- b. Flushing Program Summary. We completed the flushing program for the fall. We are still flushing the dead ends in the system that do not cause disruption to the system. Those are flushed are low flows, enough to clear the dead-end water main pipe from stagnant water. It appears the program is working. Superintendent Scenna presented slides to show flushing from

2019 and flushing from this year. Superintendent Scenna directed the board to observe the pictures of the color of the water for 2019 and the next slides showing 2020 flushing. The first flush of this year is considerably lighter than 2019. Superintendent Scenna credits that to consistency in flushing last year and this spring. The water has cleared up in a timely manner and in accordance with the program created by CDM. The pictures for 2020 show significant lighter discoloration. Flushing in general is a great opportunity to test hydrants and get on the system and valves. Superintendent Scenna wants to depict this is a calculated and strategic approach to flushing and that crews are not just sporadically going out and opening hydrants. There is an engineering science to the order. The first draw is poor quality but flushing seems to be headed in the right direction. The first flush in 2020 is significantly lighter than 2019. During the DEP sanitary survey, we were told this is one of the good standard practices to exercise and check valves during flushing. Superintendent Scenna believes these pictures are worth 1,000 words.

CDM and staff have planned out the next flushing section to be the Glen Meadow area, Knoll Road, Trickett, and the streets off Summer Street. This area hasn't been flushed in decades. We have had some problem with water breaks as of recent in this area; there is a huge need and requirement. Next spring, we will flush this section. We will study the books in the winter and flush this section and the Apple Hill section as well. There will be a contract ready for the board to sign to expand our flushing program into a third area. The next section will be closer to the center of town that CDM's team will develop in the spring. One year from now we will flush that area along with Apple Hill. (Attached are slides from Superintendent Scenna's presentation which he shared. These will also be posted onto our website with a brief narrative from Guilfoil describing the work and the progress.)

2. Supplemental Water Program Study

Ongoing Discussion regarding CDM Recommendation on Supplemental Sources.

Superintendent Scenna reported that we received correspondence from Wakefield today. They are still onboard with the theory of interconnecting. The negotiation will surround how we create the loop from the two dead ends of Wakefield's system on Bay State Road and Vernon/Main Street through Lynnfield. LCWD wants to take the existing pipe, transfer it to Wakefield and create the loop; Wakefield wants us to replace the pipe prior to transferring. We are confident there is middle ground to be found. Wakefield wants to do their own design and construction. We would fund that through a payment. They are open to our engineer do a 3rd party review on their engineer. We are still on track and continuing to make progress.

3. New Business

- a. Set and Approve Schedule for 2020 Board Meetings: we planned out a series of meetings. On November 23rd we will have presentation from our auditor, Dick Hingston, with tax levy recommendation and on November 30th we will have a public hearing where the board will vote on the tax levy for the 2021 calendar year. On December 14th there will be a Zoom presentation to the district regarding the supplemental water capital project. No votes will be taken at this meeting so there is no special district meeting needed. It is an informational meeting. Superintendent Scenna's recommendation is to present our thoughts on a capital program to the district and see where the ball wants to land. We will plan those 4 meetings and will conclude board meetings for the 2020 calendar year. The board approved these dates.
- b. Treasurer Alexander and Superintendent Scenna spent time with our auditor Mr. Hingston on the tax levy. We are in line with everything we put in place with the volumetric rates. The board will be able to reduce the tax levy significantly and position us for the future. Before our next meeting you will have background where Mr. Hingston is coming from, his assumptions and some of the information he used to get to the tax levy. Dave Fox from Raftelis is on board and will vet out any options we request of them and will be available to discuss the tax levy with the board. We set up a meeting with town officials on Thursday to meet with the town manager and his team to get on the same page for this vote to happen as smooth and efficiently as possible.
- c. Procedures and Outline for Admission to MWRA Waterworks, CDM Smith: Superintendent Scenna asked Mike Nelson from CDM to speak about and update correspondence that was outlined from 2004, which is when the district started looking into possibly joining MWRA. Mike Nelson is here to speak to the board of what it entails to join the MWRA and explain the process to start MWRA water flowing through the district. Jeff Dierks had outlined the process to the previous regime in the 2004 correspondence which described the permit and studies involved. The MWRA has enabling legislation to add neighboring communities. It's enabling act, leaves out 6 criteria, all of which are easily met by LCWD: Can MWRA meet the safe yield, has the district abandoned a viable water source, is there is an emergency, is there an alternative water source of quality and quantity and is there is a a plan in place to interconnect.
We meet the criteria. The process is a 2-part process: the environmental permitting and the act of the legislature and MWRA providing access. The environmental permitting is a MEPA process and there is a 3-step permitting process: environmental notification form (ENF) explains the whole process

and why it is being undertaken. The next step is the environmental impact report (EIR), which is a major undertaking and exhaustive document. There is a draft and final, where the draft is circulated through multiple agencies for comment and based on input you file a final with all the comments. The takeaways are: ENF, draft EIR and a final EIR.

The next process is legislature. In order for the community to join the MWRA, there needs to be an act of legislature signed by the governor. That is a process but is not an overly taxing process. The MWRA is available to assist with the permitting process. The district, district's consultant and MWRA will work together. Ultimately, the staff makes a recommendation to the MWRA advisory board and has to make a recommendation to the board of directors to accept them into the MWRA community. These processes need to happen before you can take a drop of water from the MWRA. This will take about 2.5 years and around \$350,000 dollars which is the required fees under MEPA. This does not include lawyer fees or engineering design fees. Other communities have recently joined in the last 10 years and have said it is indeed a 2.5 year process. Commissioner Youngren asked if things have changed from a regulatory standpoint since the 2004 document.

MWRA has softened their stance and especially for onboarding communities and onboarding has gotten easier. MWRA has plenty of water and a lot of infrastructure to maintain and pay for so they are in support of new communities joining. For a while the process was too cumbersome and burdensome, and the entry fee was too high. The cost was just north of \$5 Million in 2004 and is now down to \$4.4 million.

MWRA has also softened their stance on allowing wheeling water rather than becoming a direct MWRA community. It gives them a little less control of the transmission of the water so the dynamic changes a bit. Will we have a different relationship with MWRA when wheeling than Wakefield getting their water directly from the MWRA. LCWD would have a member of our district on the advisory group. If you were one of the original communities, 100% of your needs need to be met before they can help the 2nd tier of communities. If an original community was having a peak issue or pressure issue, they would assist that community before they can spend money on us. Superintendent Scenna will share information regarding links to the advisory board and also fiscal year 20 rates and neighboring communities with average bills. The core function of the advisory board is a checks and balances in setting rates and to publish an annual report for recommendations of wholesale and individual community rates. This will become more prevalent in the upcoming months and important to look at the process.

Superintendent Scenna then concluded by updating the Board that by Thursday of this week, contracts will be ready to execute for tank work including the exterior painting at Knoll; and interior cleaning at Wing Road. The flushing contract will be ready to sign as well as the Risk and Resilience Study American Water Study that will begin after the holidays. The contract for tank work is for the design and bidding contracts with CDM. Design and construction has not been discussed. This will get us a document to get out to bid and will give us a real number to figure out how to fund it.

4. Continued Business

- a. Discussion on possible Summer Water Restriction Changes. We are talking with John Guilfoil, our PR firm, to create a survey through google regarding water restriction changes to get feedback from members of the district.
- b. The board has been talking about a meter replacement program. We will be looking at high users and identify accounts that need a meter upgrade that can provide valuable data on consumption. We made some head way on this and will continue to talk about this in the Continued Business section of our board meetings. This will likely be in January.
- c. CARES Act... funding options for reimbursement of COVID related expenditures. We are still awaiting the status on our reimbursement claim.
- d. Update on Leases. This had been discussed at the beginning of the meeting.

5. Other Board Items:

- a. Approve Water Filter Applications: The commissioners will need to approve the 8 filter rebate applications: 6 Perkins, 14 Townsend, 9 Tapley, 6 Charing Cross, 10 Candlewood, 8 Bridle P, 2 Mayberry, and 19 West Tapley. These are all approved and will be placed on a warrant for board signature. Out of these 8, 3 are in original area and the other 5 applications came from the amended Apple Hill flushing area. The balance on the account when these are approved will be \$8275.00. There is one application the superintendent denied; a denial letter will be sent to 449 Summer Street. They are not in the area nor the amended area and have no documented issues on file and installed a \$3,400 system.
- b. Approve Water Abatement Recommendations: The committee had their 1st meeting which went very well. Superintendent Scenna thanked the treasurer for attending and his review and comments concerning detailed data on the meters. Clerk of the District, Tim Doyle was also in attendance and participated with great independent insight. There were also 2 customers that attended via Zoom. We reviewed 4 abatements and the committee has recommendations for the board. 28 Olde Towne Road had 171,000 gallons of consumption from March through May: 66,000 in March, 67,000 in April and 38,000 in May. When they first called, we installed a meter to data log and

traced from May on and their high consumption was due to watering at 1,200 gallons each time. They were watering every night consistently. We looked at the time period between March and April where the house was under construction and they used 133,000 in those 2 months. We found it extremely high and was highly likely a result of the construction so we were able to come up with a proposal which has them paying an average use of 11,000 for March and April and everything else for the rest of the year at regular meter usage as they were clearly watering. The proposal was to reduce their bill to \$1,505. The original bill was \$2985. They probably had something left on or damaged during construction, but we can't determine what it is. They are paying the remainder for the water consumed at the cost of water rate. 60,000 gallons will be billed at the regular consumption tiers and everything over that is the cost of the water rate. Chairman Maney asked if we care if this abatement was beyond the 30 days as the policy is 30 days. We sent him the information and the data log and he never paid the bill within the allowable window. In his mind, the ball was in his court. He called because we sent the lien letter out. Commissioner Adelson wants him to pay this bill immediately.

Motion: a motion was made to accept the recommendations of the committee for 28 Olde Towne Road abatement proposal and that said bill had to be paid immediately or it would continue to be considered for lien.

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

1 Perkins had above normal summer usage, her water doubled from the past summer. She claimed they had a toilet leak which they fixed on October 4th. We met with her today and found they installed an irrigation system in the spring and was that this was the first summer they used their new irrigation system. Treasurer Alexander quickly pointed out they watered at night using 600 gallons each night. She also didn't have proof for parts for the repair. She sent a receipt after the meeting for a September invoice from Lowes although she claimed at the meeting they purchased the parts at Home Depot. She also claimed they did not water, although the meter history proved otherwise. Her story was inconsistent, and the committee voted to deny this request. The data from the meter supports it. We don't believe the toilet had anything to do with it and even if it did it was a couple of gallons an hour at most. The newer meters have the ability to detect an intermittent leak or continuous leak and the data doesn't show it either. This is a situation where the irrigation system caught them by surprise. The recommendation is to deny.

Motion: a motion was made to accept the recommendation of the committee to deny the abatement request for 1 Perkins Lane.

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

The next abatement is 1 Trickett; Mrs. Kozlauska did not join the abatement meeting due to technical issues. She is a senior, veteran and disabled. She feels charging her the \$100 flat fee per year (\$25/quarter) is not just. The committee voted to deny this abatement. The goal of the committee is not to vet out hardships and not to talk about the rate structure. The committee feels the district should have a program for seniors or veterans tied to income or low usage for seniors. We talked about this during the rate setting process. We do have people in this community that could benefit from this policy. When you look at municipal companies, there are typical programs for this type of a customer, but we don't have one of these policies. This is an opportunity to bring this up again. We were looking to piggy-back on the town's abatement program and give an abatement to these folks. We do not have the ability to grant this abatement at this time, but it is an opportunity to have a discussion on a bigger picture. Mr. Fox from Raftelis will be attending a future meeting to follow-up on our rates and we could have him investigate.

Motion: a motion was made to accept the recommendations of the committee to deny the abatement request for 1 Trickett Road.

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

The last abatement to discuss was for 21 Prospect Ave. Mr. Marotta was not at the earlier meeting yet is here tonight at this meeting. He has a larger family (7 people living in the home) and his abatement claim is that the consumption tiers are too low and a disadvantage to larger families. The abatement committee reviews problems and consumption issues, not the structure of the rates and for this reason, the claim was denied. We found his consumption is regular for a family of 7. Commissioner Adelson mentioned that utilities have criteria to construct their rates and is normal throughout the industry. Our basis is to assume a family of 4 within the Department of Environmental Protection (DEP) standards for water consumption. The DEP is the regulating agency in Massachusetts. If we use the DEP guideline of 65 gpd and project out for 90 days, a family of 4 and under will fall within tier 1. Anything above a

family of 4 will cost you more. We had to establish a baseline for tier 1. This can be an open discussion when we set the rates for the next year. The presentation we made at a previous board meeting regarding the September bills show that 85% of our bills fell under \$500. The thing with tiers is if you were to increase the consumption of tier 1, you have to make it up somewhere. The only alternative is to customize rates for every customer in the district. Chairman Maney remarked there are 4 quarters for billing, and we feel we collected 60% of our revenue for the year. 40% of our revenue comes from the summer and the other quarters are approximately 20%. Mr. Marotta mentioned the USGS recommends 80 gpd and his family is within line of that recommendation. Mr. Marotta also states it is difficult with a family of 7 to go from \$6 to \$16 for an increase. He is getting charged almost \$800 in 3 months and feels he is penalized because he has a larger family. Commissioner Youngren said you have been paying for water in your taxes in the past and there is a portion of the increase that is attributable to the taxes to your water bill. He said we are getting hit twice from the taxes and the rates. We are a small district and supply our own infrastructure and have a budget. Mr. Marotta thinks the numbers are ridiculous and is trying to make ends meet. Commissioner Youngren mentioned the district held a number of meetings, invited members of the district to these meetings and were as transparent as we could to let people know about these rates. Superintendent Scenna further explained the meetings and rate discussions were advertised in the newspaper, on our website and social media. There is a whole section on our website dedicated to the rate setting process. There was also a presentation and workshop on local cable television. Information was also on previous bills sent out in late 2019 and March of 2020 notifying district members of the new rates. Mr. Marotta moved to Lynnfield to raise his family here. Commissioner Youngren said it costs to pump, treat, and manage the system. We are trying to be responsible with controlling costs and trying to match cost with revenue to provide safe water to the community and this is the program we have come up with. Superintendent Scenna told Mr. Marotta, your comments have not gone unheard. We have engaged our rate advisor to come back and look at the existing rates. These rates are in place for the next 2 billing cycles and if adjustments need to be made, I am confident the board will do the right thing. Superintendent Scenna thanked him for coming forward and giving us their perspective. Mr. Marotta said he has a hardship as he is the only one working in his family. Superintendent Scenna said we have a payment plan policy and to please call the office tomorrow to further discuss.

Motion: a motion was made to accept the recommendations of the committee to deny the abatement request for 21 Prospect Ave.

Seconded: the motion was seconded, and the motion was passed but not by a unanimous vote. Commissioner Youngren and Commissioner Adelson voted aye with Chairman Maney voting no because he thinks Tier 2 is too small. Mr. Maney would like to explore the possibility of making Tier 2 cover additional consumption in upcoming years.

c. Approve Prior Meeting Minutes:

Motion: a motion was made to approve the meeting minutes for the October 26, 2020 meeting.

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

Motion: a motion was made to approve meeting minutes for the October 13, 2020 meeting.

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

- d. Approve A/P and Payroll: The warrants will be approved in person this week since the board needs to come in to sign other contracts/documents.
- e. Any other unanticipated items by the Board. none
- f. Executive Session for legal and personnel purposes if required:

Motion: A Motion was made to adjourn the regular meeting and move to executive session at 8:36 pm.

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

Respectfully submitted,