

**Board of Water Commissioners  
Meeting Agenda  
401 Central Street  
6:00 pm  
March 29, 2016**

**6:00 pm Call the meeting to order**

**6:05 pm to 6:20 pm Citizen Query**

**Announcement:**

1. The Town of Rowley Water Department 2015 Annual Water Quality Report is available online at [www.rowleywater.com](http://www.rowleywater.com). Go to the Water Quality Reports page for more information. If you would like a copy mailed to you contact customer service at 1-800-553-5191. Copies are also available at the Water Department Office at 401 Central Street and at Town Hall 139 Main Street.
2. There will be a Board of Health informational meeting on April 19, 2016 in the meeting room upstairs in Town Hall on the Cross Connection Control Bylaw. All are welcome to attend.
3. The Rowley Water Department will be flushing fire hydrants as part of our program to improve water quality. Flushing will begin on Tuesday, April 19, 2016 and continue until completion. Flushing will take place 7:00am – 3:00pm, Monday-Friday. To minimize delays, flushing will also take place in high traffic areas at night along Route one and Route 133 from 8pm – 2am. Customers may experience some discoloration in the water, although measures have been taken to minimize the interruption. Please plan accordingly, as we apologize for any inconvenience.

**Old Business:**

1. Discuss Exterior Lighting of 401 Central Street
2. Discuss OML 2016 18, 19, 20 and 21 response to the Attorney General's Office
3. Shut off for non-pay policy discuss and vote on revised policy
4. Vote to amend the Water Use Restriction Bylaw
5. Vote to approve the Cross Connection Control Bylaw
6. Discuss and vote on the revised 2016 Rowley Rules and Regulations
7. Discuss Water Main Extension Policy update from Commissioner Emery

**New Business:**

1. Letter to customers that have a private well and town water
2. Update of RFP for customer service and billing
3. Discuss Open Meeting Law complaints: OML 2016-28, OML 2016-29, and OML 2016-30
4. Discuss any items needed for May 16, 2016 Special Town Meeting warrant
5. Vote to have the Water Department donate a book related to Drinking Water to the Library. MaryBeth Wisser and Pam Jacobson will work together during National Drinking Water Week May 1, 2016 – May 7, 2016.
6. 2016 Flushing Schedule
7. 796 Haverhill Street ongoing leaking service

**General Business:**

1. Water Superintendent Operations Report
2. Suggestions from Board for future topics for discussion at future meetings

**Approval of the Minutes:**

1. Accept and approve the minutes March 8, 2016
2. Accept and approve the minutes September 29, 2015
3. Update missing executive session minutes from September 11, 2015 vote to approve
4. Approve the following Executive Session minutes out of necessity
  - October 28, 2003
  - April 6, 2015 Joint meeting with the Board of Selectmen
  - May 19, 2015 Joint meeting with the Board of Selectmen
  - December 10, 2010
  - April 12, 2000
  - July 16, 2013
  - February 12, 2013

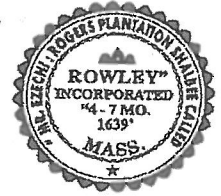
**Adjourn**

**Next meeting April 22, 2016**



Town of Rowley  
**Municipal Water Department**

401 Central St., PO Box 29, Rowley, MA  
Office: 978.948.2640 Fax: 978.948.8200



**March 29, 2016 Minutes**

Those present: Chairman John Manning, Commissioner Stuart Dalzell, Commissioner Mark Emery, Superintendent MaryBeth Wisser, and Administrative Assistant Katie Pelletier. (Public Audience: Bernard Cullen, Jami Snow, Lawrence White, and Henry Rolfe.)

**Call to Order**

6:00 pm: Chairman Manning opens the meeting and tells the audience the meeting is being recorded.

**Announcements:**

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**Citizen Query – 6:05 pm to 6:07 pm**

Bernard Cullen asked if the selectmen had reached out to the Water Department regarding the hydrant fees. Superintendent Wisser said it is later on in the agenda and will discuss it then.

**Old Business**

- **Discuss exterior lighting:** Superintendent Wisser advises the board the project is complete. The street lights were installed for added security. There were complaints about the previous lights. The new lights are on a light censor. Commissioner Emery noticed the lights were on all day and night. The lights are now off from dawn to dusk. Chairman Manning suggests for next year's budget to have the lights be motion activated so we are not adding to the light pollution. Superintendent Wisser will look into.
- **Discuss OML 2016-18, 19, 20, and 21 response to the Attorney General's Office:** Chairman Manning asked if the board needed to respond to the Attorney General's Office. Superintendent Wisser has prepared a response for the board to sign. Chairman Manning read the response into the record. Mr. Toomey failed to comply with the board's request. Given the circumstances, we will ask the Attorney General's Office to accept our response. Chairman Manning makes an adjustment on the response – "he" (Mr. Toomey) is no longer the water commissioner and has not produced the missing documents. Commissioner Dalzell and Commissioner Emery are ok with the response. At this time, Commissioner Dalzell abstains from signing the letter due to litigation. Chairman Manning agrees with his decision. Chairman Manning has been in touch with Kevin Manganaro from the Attorney General's Office, and he said Mr. Toomey is now a private citizen and get what you can. It relieves the board's action.
- **Shut off for non-pay policy discuss and vote on revised policy:** Chairman Manning asked the Superintendent what part of the policy was changed. Superintendent Wisser said after the policy is approved, it will be posted on the website. Chairman Manning read the shut off policy into the record (attached). Commissioner Emery said it is straightforward. Chairman Manning and Commissioner Dalzell agree. **Commissioner Emery motions to approve the revised policy. Commissioner Dalzell seconds. All in favor.**
- **Vote to amend the Water Use Restriction bylaw:** Chairman Manning said this is housekeeping at this point. Commissioner Dalzell agrees. **Commissioner Emery motions**

to amend the **Water Use Restriction Bylaw**. **Commissioner Dalzell seconds. All in favor.**

- Vote to approve the Cross Connection Bylaw: Superintendent Wisner asked for legal opinion on the bylaw that she drafted. Judy Pickett's legal opinion is attached. Superintendent Wisner asked the board if they want to incorporate as a bylaw or as a policy/procedure for the department. Chairman Manning said an advantage with having it as a regulation is that we can fix it faster if there is an issue. If it is a bylaw, we need to wait a year to make any necessary changes. Chairman Manning prefers to have it as a regulation. **Commissioner Dalzell motions to have the Cross Connection Control as a regulation. Commissioner Emery seconds. All in favor.** Chairman Manning tells Superintendent Wisner she did a nice job on this project. He also said it will help with the public health problem with possible cross connections. Superintendent Wisner said there will tentatively be an informational meeting on April 19, 2016 and she will be in touch with the Board of Health to update them with the board's decision. Chairman Manning said we should be there to answer any questions people may have.
- Discuss and vote on the revised 2016 Rowley Rules and Regulations: Commissioner Emery found conflicts. Superintendent Wisner will change the date on the standard plans and specifications. Commissioner Emery found some typographical errors in the water main extension policy. Superintendent Wisner said she did make the necessary changes to the document. Chairman Manning asked for a clean copy for the next meeting. Superintendent Wisner will email the revised copy to each of the board members. Commissioner Dalzell said he wanted to make an adjustment on the charges. Superintendent Wisner said the fee schedule is not attached. Chairman Manning asked if it is on the agenda. No, it will be on the April 5, 2016 agenda. Chairman Manning said the town administrator asked him to hold off on the Pennichuck contract. Superintendent Wisner said it will be on the April 5, 2016 agenda. Larry White mentioned there is a joint meeting at Pine Grove School at 7:00 that evening. Chairman Manning states he will keep our schedule to an hour that evening.
- Discuss Water Main Extension Policy update from Commissioner Emery: Discussed in paragraph above.

### New Business

- Letter to customers that have a private well and town water: Superintendent Wisner said the letter went out to the customers notifying them that there could be a potential for cross connection. Commissioner Dalzell asked how many we have. Superintendent Wisner does not have a number at this time. The surveys will be performed in May to make sure there are no cross connections. Customers are able to have a well to use for irrigation purposes only but it cannot cross with the town's water supply. Commissioner Dalzell asked about installing backflow devices and said customers should not be able to have both a well and access to town water. Jami Snow asked what the property owner's responsibility is when they go to sell their house. And if the person was selling their property, does the realtor have to acknowledge the fact. It would become the new home owner's responsibility. Chairman Manning said they would most likely need to put in a disclosure. Commissioner Dalzell mentioned his well is a couple of hundred years old.
- Update of RFP for customer service and billing: Chairman Manning said the RFP came in and there are some questions about the additional services. The Town Administrator is putting the RFP back out to bid. The extension will go until the end of April. Commissioner Dalzell stated at that point we can negotiate another three years. Superintendent Wisner was asked by the Town Administrator to revise the RFP, which she did. The Town Administrator sent out the second contract for some of the services. Superintendent Wisner said it is a bid alternate for monthly inserts for the educational program we are required to run. Pennichuck has been providing this service to us at no charge for the past year and a half. In January, we received a bill for \$100 for inserts that were mailed out to the customers. It is much cheaper to do this through Pennichuck instead of sending out separate mailings. Bernard Cullen asked how much Pennichuck was going to charge for their services. \$76,000 for the first year, \$79,000 for the second year, and \$81,000 for the third year. They are currently charging us \$58,000. Bernard Cullen then asked what additional services we added to the contract. Services, management support, and inserts.
- Discuss Open Meeting Law complaints: OML 2016-28, OML 2016-29, and OML 2016-30: These were discussed during Old Business #2.

- Discuss any items needed for May 16, 2016 Special Town Meeting warrant: The board had nothing further to add.
- Vote to have the Water Department donate a book related to Drinking Water to the library: Chairman Manning inquired about the cost of a book. Superintendent Wisner will be coming up with something to display at the library during Drinking Water Week. Pam Jacobson, of the Rowley library, will be displaying related books throughout the library. Superintendent Wisner will talk to Pam regarding vendors they use to purchase books and let the board know the results. **Commissioner Dalzell motions to approve to allow Superintendent Wisner to purchase a book. Commissioner Emery seconds and said she can use her best judgement. All in favor.** Bernard Cullen asked if media or DVD would be better to purchase rather than a book. Chairman Manning said it will be a book because it is going to the library. Superintendent Wisner will email the board when she gets a book.
- 2016 Flushing Schedule: The 2016 flushing schedule has been included in the packets so the board can have a copy.
- 796 Haverhill Street ongoing leaking service: The Water Department received a low pressure call. It has been determined there is a leak on the customer's side and the customer is aware of the leak. It is estimated that 5,000 gallons of water is leaking per day. As of Friday, March 25, 2016, 277,000 gallons of water has been wasted. Commissioner Dalzell asked how long this was going on for. Superintendent Wisner said six months. Commissioner Dalzell wants to send the letter to the customer and give them ten days to repair the leak. Superintendent Wisner suggests thirty days. Commissioner Dalzell said that is a lot of water that is being lost. Superintendent Wisner then suggests two weeks. The board agrees that if the leak is not fixed in two weeks, the customer's water will be shut off. Bernard Cullen asked if there was any way for the Water Department would be able to take steps to address it. Commissioner Emery said it is the home owner's responsibility. Bernard Cullen said the Water Department has the technical "know how". Commissioner Emery said it is not the Water Department's responsibility. Bernard Cullen asked what the home owner should do. The home owner needs to hire a plumber. Chairman Manning said the Water Department is not liable for any issues and cannot guarantee work. Commissioner Dalzell said the customer needs to call a contractor. Commissioner Emery said the fire department hired a contractor. Bernard Cullen asked if the town has a list of contractors. Commissioner Emery said no, because they need to be licensed.

### General Business

- Water Superintendent Operations Report: Superintendent Wisner said we may be able to apply for grant monies in July for a safety trailer. We will also be including money for shoring in the budget for next fiscal year. Superintendent Wisner read a memo from the Town Treasurer regarding restructuring our loan (attached). There was a memo from the Chief Operator regarding a problem with wiring due to premature corrosion that was discovered during a Hach quarterly maintenance. The Water Department is now in compliance with the enforcement order 63-557. The Conservation agent will be going over this with their board tonight. We will also be replacing some of the trees that were cut down. The storm water basin is done. There is an annual cost of \$33,000 to maintain the two basin trains. Commissioner Dalzell asked if they are concrete sumps out back. No, inside. Superintendent Wisner has included the audit that was done in January for the board to look at. The Superintendent and Administrative Assistant are working on updating the information on the webpage. There will be a section about Rowley water and the lead content. The lead and copper results are on the webpage. The Superintendent will be compiling a list over the next several months on replacing the old water mains that were put together with lead solder. The first page on the proposed FY17 budget, line 5 was level funded. The Town Administrator said it will increase because of workmen's compensation. Now it is listed as \$18,800 for post other employment benefits. **Commissioner Emery motions to approve the revision of the budget. Commissioner Dalzell seconds. All in favor.** Chairman Manning said there is some ongoing litigation and there is a deductible of \$7,500 which the Water Department will most likely have to pay. The timeline is unknown as of right now. Superintendent Wisner will leave that line as it is for now. Chairman Manning asked about the hydrant fee. Superintendent Wisner sent several memos to the Finance Committee and to the Board of Selectmen with the breakdowns. At \$182.25/hydrant that is giving the town a 46% discount. Superintendent Wisner suggests level funding for this year. Commissioner Emery agrees with level funding, and suggests the Superintendent and Town Administrator to compromise fees. Chairman Manning said we will level fund it this year. Superintendent Wisner will redo the

budget and run the numbers. Someone dropped of a hydrant fee issue document (attached). And there is also an email from a member of the finance committee. Superintendent Wisner showed the board the hydrant flag. The Water Department is responsible for the hydrants. It goes beyond greasing and replacing. 45% of storage in the water tank is there for fire protection. All the work the Water Department does, benefits the town. The Fire Department can get a better insurance rating. Commissioner Emery explains the flow test report. Chairman Manning said the Water Department is an enterprise fund, not for profit. Commissioner Dalzell would like to see it level funded for a year. Superintendent Wisner did what she was told to do by the Water Board. Next time, the board will look more in depth. Superintendent Wisner did a comparison on hydrant rental fees for other towns and the results are: Cambridge - \$500, Pepperell - \$200, Wilmington - \$619, Everett - \$200, Somerville - \$200, Newburyport - \$300, Salem, MA - \$250, and Topsfield - \$300. Commissioner Dalzell asked about Ipswich and Georgetown but they were not published. Bernard Cullen said if his water bill goes up \$100, he pays \$100, but if his tax bill goes up \$100, he doesn't pay \$100. He would rather pay a higher tax bill than a higher water bill. Commissioner Emery said they cannot raise your taxes. Bernard Cullen mentions the town should be picking up some of the cost. Commissioner Emery said someone's budget will have to be cut. Chairman Manning said we are an enterprise fund and are self-funding. We cannot have the town do billing for the hydrants. Superintendent Wisner found that some communities do a separate fee assessed to a tax bill, usually a flat rate. Commissioner Dalzell suggests we donate the old dump truck to the cemetery instead of trading it in. It would help the town out and the cemetery is looking for a new dump truck. Commissioner Emery asked what the condition of it was. Commissioner Dalzell said it goes down the road. Superintendent Wisner pointed out the previous truck that was donated to the cemetery sat in the yard unused for two years. Chairman Manning suggests putting it on the next agenda. Chairman Manning asked Superintendent to get the blue book value. Superintendent Wisner does not think she will have enough time to do so before the next meeting. Commissioner Emery will work on getting the blue book value before the next meeting.

#### **Approval of Minutes**

**March 8, 2016: Commissioner Dalzell motions to approve. Commissioner Emery seconds. All in favor.**

**September 29, 2015: Commissioner Emery abstains. Commissioner Dalzell motions to approve. Chairman Manning seconds. (2-1)**

**September 11, 2015: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**October 28, 2003: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**April 6, 2015: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**December 10, 2010: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**April 12, 2000: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**July 16, 2013: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**February 12, 2013: Commissioner Emery motions to approve the minutes out of necessity. Chairman Manning seconds. Commissioner Dalzell abstains. (2-1)**

**Next regular meeting is April 5, 2016 (from Agenda)**

#### **Adjourn**

**Commissioner Emery motions to adjourn at 7:50pm. Commissioner Dalzell seconds. All in favor.**

Minutes accepted at the April 5, 2016 meeting

Minutes prepared by Katie Pelletier

**Documents provided/discussed at this meeting and available in the Superintendent's office:**

Sign-In sheet  
Letter to Kevin Manganaro from Water Board  
OML Complaint 2016 – 18  
OML Complaint 2016 - 19  
OML Complaint 2016 – 20  
OML Complaint 2016 – 21  
Shut off policy for non-pay  
Water Use Restriction Bylaw Amendment  
Memo to Superintendent and Town Administrator from Judith Pickett  
Cross Connection Control Program Bylaw  
Standard Plans and Specifications for the Construction and Installation of Water Distribution Systems and Department Operations Bylaw  
Draft of Water Main Extension Policy, Procedures, and Requirements  
Letter to customers that have a private well and town water  
Memo to Board of Water Commissioners and Board of Selectmen from Town Administrator  
Price proposal form  
OML Complaint 2016 – 28  
OML Complaint 2016 – 29  
OML Complaint 2016 – 30  
Hydrant Flushing Notice  
2016 Flushing Schedule  
Inspection Report from Department of Labor Standards  
Water Department Hydrant Fee Issue for FY17  
Update on Department of Labor Standards Visit  
Email from Town Treasurer to Water Superintendent regarding debt  
Email from Town Administrator to Water Superintendent regarding Hydrant Cost Memo  
February 2016 Monthly Operations Report  
Itemized cost for Hydrant Maintenance Program  
Memo to Town Administrator from Water Board and Superintendent regarding explanation of Hydrant Rentals – FY17  
Hydrant Flow Test by Hydrant  
Memo to Board of Water Commissioners from Superintendent regarding Hydrant fees/Public fire Protection fee  
Comparison of what surrounding towns charge for hydrant rental fee  
Fire Flow test results  
Memo from Chief Operator to Water Superintendent regarding Turbidity Monitoring failure during HACH Service  
Enforcement Order 63-557  
Legal Notice posted in The Town Common  
Memo from Chief Operator to Water Superintendent regarding Residual Basin Cleanout plan  
Powers & Sullivan Management letter  
Powers & Sullivan Basic Financial Statements  
Lead and Drinking Water document  
Memo from Chief Operator to Water Superintendent regarding 796 Haverhill St. UAW  
FY 17 Budget Request Draft  
Email from Town Administrator from Water Superintendent regarding Water Board Meeting March 8, 2016 minutes

Pursuant to the 'Open Meeting Law,' G.L. 39, S.23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.