

**NORTH SAGAMORE WATER DISTRICT**  
**MEETING MINUTES FEBRUARY 10, 2021**

The North Sagamore Water District Board of Water Commissioners held their monthly meeting on Wednesday, February 10, 2021 at 4:15 pm via tele-conference per Governor Baker's order suspending certain provisions of the open meeting law dated March 10, 2020 due to the Coronavirus (Covid-19). Chairperson Mark Bergeron called the meeting to order at 4:15 pm.

Those who dialed in at the start of the meeting were Chairperson Mark Bergeron, Commissioner Mark Melchionda, Commissioner George Sala, Superintendent Matt Sawicki, Treasurer Maureen Fruci, District's attorney Bob Troy, Sagamore Beach residents Stephen Mealy, Peter Marinos, Dominick Fucito, Dan Enos and Chris Powers.

**APPROVAL OF MEETING MINUTES DATED 1/20/21**

Commissioner Sala made a motion to approve the meeting minutes dated 1/20/21 as written. Commissioner Melchionda seconded the motion. All Board members were in favor. Roll call vote: Commissioner Melchionda – yes, Commissioner Sala – yes, Commissioner Bergeron – yes.

**DISCUSSION & POSSIBLE VOTE – PROPERTY OWNER'S USE OF THE NORTH SAGAMORE WATER DISTRICT'S EXISTING 20' EASEMENT FROM NORRIS ROAD TO STARFISH LANE**

Superintendent Sawicki explained that Peter Marinos and Dominick Fucito are the owners of the property in question. They are building a home on the Norris Road lot and want to install a gravel turn around area near the garage that is adjacent to the District's easement. Several neighbors in the area have voiced concerns about this property encroaching on the easement. The Superintendent said he spoke with Attorney Bob Troy and he explained the District's easement applies to the pipe underground. As long as nothing blocks access to the pipe above ground it is not a problem. The Superintendent said currently there is just grass on the easement and it does not obstruct access to the pipe.

Sagamore Beach resident Chris Powers addressed the Board stating he and his wife have lived at 5 Brady Road for 20 years. Their understanding was when the pipe was installed it was on their property line, close to their house. They were under the impression that a house couldn't be on or close to the easement. He said he would like to get some clarity on the situation. He said he's concerned that there would not be enough room to get equipment in the area if repairs were necessary. The Superintendent said the owners of the Norris Road property have not encroached on the easement. He said there is at least 10' between the garage slab and the easement. Commissioner Melchionda said as long as the owners meet the setbacks from the town guidelines they are in compliance. Mr. Powers said perhaps they were given some misinformation years ago.

District resident William O'Doherty spoke to the Board regarding his property at 80 Norris Road. He explained there is a slope in his back yard and he is concerned if the water line were to break who would be liable if their land were to wash out? The District's attorney Bob Troy explained liability would be determined by the court. He said if the entity does work on the easement and the work is performed negligently then the District would be considered liable for the damages.

Commissioner Bergeron asked if a vote should be taken. Superintendent Sawicki said a vote was not necessary. He just wants to be sure everybody is on the same page and has the same information. Chairperson Bergeron thanked all residents for coming to the meeting. All residents signed off at 4:26 pm.

## **DISCUSSION & POSSIBLE VOTE – AFFORDABLE HOUSING PROJECT – CAPE VIEW DRIVE**

Superintendent Sawicki said he asked Attorney Bob Troy to attend the meeting to provide the District with information regarding the proposed 40B housing project on Cape View Drive. The Superintendent asked what the District's rights are to collect fees with a 40B housing project. Attorney Troy explained that certain housing is eligible to be categorized as 40B housing if 20-25% of the units have long term affordability restrictions. He said the Board of Appeals has the authority to grant the permits and has the burden to apply the standards.

He went on to say the District needs to present to the local Board of Appeals what it requires and it will be looked at through the prism of local needs. He said it can be an uphill battle to impose fees and get mitigation. The District should ask for what they believe to be correct and leave it to the Board to determine. He stated the housing appeals committee is not governmental friendly. The law is weighted in favor of the proposed development. Commissioner Melchionda said this project is a change of use from the previously proposed project in 1987. Attorney Troy said he is not sure that change of use is material. He continued by saying the District can make recommendations and the developer can make recommendations and the Board of Appeals will make the decision. Commissioner Bergeron asked if the District can charge the developer the typical fees that are charged for new services. Attorney Troy said the District can present the charges, however, the applicant can ask to have the fees waived. Commissioner Bergeron said they have already done that. Commissioner Melchionda asked if the District can waive fees for the 40B portion of the project only? Attorney Troy said he would have to look into that. Attorney Troy said the District should make a good faith determination about the fees, where it goes from there is out of the District's control. He said this statute has been enacted for the public good.

Commissioner Melchionda asked if the District can ask the developer to reduce the size of the project because it will be a burden on the District? Attorney Troy said it's your right and responsibility to present the District's position before the Board of Appeals and if necessary, let them know you are opposed to the project and relay your concerns. He said the case would go to the Housing Appeals Committee. He mentioned the town of Bourne utilized special counsel Jon Witten on a 40B case. He explained Attorney Witten is a professor at Boston College school of law and is an expert in the field. Attorney Troy said he would be happy to call Mr. Witten and explain the situation and have him contact the District. Attorney Troy said he will continue to monitor the situation as District counsel. Attorney Troy recommended the District prepare its recommendations and concerns for the Board of Appeals in order to be ready when the application is submitted by the developers.

The discussion continued with the Board voicing concerns about the water main ending at the Hoxie school and fire flows. District resident Stephen Mealy asked if the District would be able to meet its needs in a max day water usage situation. Superintendent Sawicki said at this time, yes.

There was a discussion regarding legal fees. Attorney Troy said if the District opposes the project there could be a lot of back and forth and fees could mount. He said the District would have to balance the fees with protecting the public interest. Commissioner Sala suggested the Board discuss raising the legal line item for the FY22 budget.

Attorney Troy asked to have all of the information regarding the project forwarded to him and he will call Attorney Witten. He suggested the District prepare its presentation and marshal all the facts that support it.

Attorney Troy signed off from the meeting.

The Board agreed the size of the proposed development is too big for the District. They also discussed system upgrades that will be needed if the project goes forward. Commissioner Melchionda asked about fire flows. Superintendent Sawicki said he will contact the District's engineer for those reports.

**DISCUSSION & POSSIBLE VOTE - PHILLIPS ROAD WATER MAIN (PHASE 1&2) AND NORRIS ROAD TANK TRANSMISSION LINE**

Superintendent Sawicki said that he and Commissioners Sala and Bergeron met with the Phillips Road-North Sandwich association regarding the Phillips Road water main replacement project. He said the meeting was very amicable and he feels they will be able to work with the association. The association said they feel it is important for District representatives to attend their association meeting in the fall.

The Superintendent said at this point the District is still undecided on which route to take for the project. He said for the FY22 budget he would like District voters to approve the engineering for phase 1 of the project. After the meeting with the association in the fall, a decision can be made about moving forward with the approval for engineering for phase 2. Commissioner Melchionda recommended also getting the funds for the engineering for the transmission line approved at the Annual District Meeting as well.

Commissioner Bergeron mentioned that perhaps the association could split the cost of paving the private portion of Phillips Road in Sandwich. Commissioner Sala said if the service lines cross the road, the trenches could act as speed bumps to slow traffic down. However, he still likes the idea of installing the new water main as close to the edge of the road as possible and only paving that side of the road. Commissioner Melchionda asked about the condition of the road. Commissioner Sala said the association had Clover Paving do a paving analysis last year. He said there are a lot of overlays on the road and a core check should be done.

Superintendent Sawicki said he also wanted to discuss the 2" main that runs through the dunes at the end of Phillips Road. He asked the Board if the District would cover the cost of those services or if it would be at the homeowners' expense. He said he's not sure because its private property. In addition, he said the easement would no longer exist and homeowners will be able to build without concerns.

The Board decided to postpone the vote for this agenda item until it is discussed in the FY22 budget and capital articles agenda item.

District Stephen Mealy signed off at 5:19 pm.

**DISCUSSION & POSSIBLE VOTE ON COVID-19 OPERATIONS**

Superintendent Sawicki said Commissioner Sala had asked how the District was going to handle employee's COVID-19 related time off. Commissioner Sala said he understands that if an employee has taken time off for COVID-related quarantine the District would have to cover the time off rather than have employees use their earned time. The Board suggested reaching out to auditor Bob Bliss, consultant Teresa Johnson or the Board of Health for information and follow those recommendations.

Commissioner Bergeron said he received an email from the state recently regarding water utility employees qualifying for the Covid-19 vaccination as front line workers. He then received a 2<sup>nd</sup> email from the state that said Board members are not eligible to piggyback on water employees to get the vaccination. The Superintendent said he has contacted the other water district superintendents and they will contact the Board of Health and find out if the districts can coordinate with the town for vaccinations.

## **DISCUSSION & POSSIBLE VOTE ON FY22 OPERATING BUDGET & CAPITAL ARTICLES**

Superintendent Sawicki said there were a few small changes in the proposed FY22 budget: moved funds from the gas/electric line item to protective clothing, small increase in water analysis, slight decrease in engineering and health insurance. There was a discussion regarding the legal line item. Ultimately the Board decided to increase the legal line item to \$20,000 for FY22.

After some discussion regarding the salary line item, the Board agreed a 2% cost of living increase should be given to all employees. The Superintendent said Alex Couturier's license will have full status next year so another increase should be given at that time. Commissioner Bergeron suggested the Treasurer should get an increase based on other treasurer salaries. After some discussion the Board decided the Treasurer will receive an increase when she attains certification.

The Board discussed the positions of Assistant Superintendent, Plant Operator and Field Supervisor. The Board decided to eliminate the Assistant Superintendent position and have the positions of Plant Operator and Field Supervisor share the responsibilities when the Superintendent takes time off.

Superintendent Sawicki reviewed the FY22 capital articles: replace 2011 utility body truck \$65,000, engineering for Phillips Road water main and transmission line \$50,000, OPEB deposit \$,3000 and new source engineering and test wells \$220,000. He presented the Board with a proposal from engineer Kristen Berger to perform the test well work. The proposal has a not to exceed amount of \$220,000. He said there are 4 test well sites at Weldon Park, Black Pond well test site and existing test wells at Church Lane. The Board discussed all of the test well locations. Water quality and how much water can be pumped out of the ground will be determining factors.

## **SUPERINTENDENT'S REPORT**

Superintendent Sawicki told the Board he may have to shut down the Norris Road booster station because one of the pumps is making noise. They will put signs out in the District to notify residents before they run tests on the pump.

Geoff Ray has continued working at Weldon Park booster station to upgrade the SCADA system. The base SCADA system is up and running and the District will invest an additional \$5,000 in electrical upgrades for the pumps to run through SCADA.

Three PFAS samples were taken last week. The results should be available by the next monthly meeting.

Alex Couturier passed his D2 exam. He will apply for the license next week.

The Superintendent said he wanted to start the conversation about upgrading the billing software program. He said he is concerned when Chey's computer is upgraded to Windows 10 there could be a problem with the current billing software. It would be better to be proactive than wait until something goes wrong. He said there is still some money in the meter line item because they haven't been changing out meters during the COVID-19 pandemic.

Superintendent Sawicki informed the Board that DEP and the watershed associations are now going after the water systems with registered allotments as well as water management permits this year. The district's water management act permit currently allows withdrawals of 530,000 gallons per day. Of that permit, 180,000 gallons per day is registered. They are trying to tie restrictions to the amount of water allowed in the permit.

If this goes through, we may have more frequent mandatory restrictions. Commissioner Melchionda suggested putting a moratorium on all new irrigation including single family homes. Superintendent Sawicki said perhaps the plumbing inspector could give him some information regarding permits that have been filed for irrigation. The Superintendent said he will need to get more information from DEP about enforcement and restrictions.

The Church Lane well was pulled out for cleaning. It should be back on line in just a few days.

The Superintendent said he will be taking Tuesday off.

### **TREASURER'S REPORT**

Treasurer Fruci told the Board there are currently 709 accounts with outstanding balances from the January water bills totaling \$151,998.85.

Free cash was certified by DOR on 1/29/21 for a total of \$287,797. Commissioner Melchionda asked why there are so many email recipients from the towns of Bourne and Sandwich on the free cash notification letter. The treasurer said she will check with DOR to determine who receives the emails.

The Treasurer informed the Board the FY22 health insurance rates were approved at the health group meeting last week. Rates have remained the same since FY19 and despite this, the CCMHG's fund balance has grown beyond the range set by the group's fund balance policy due in part to investment earnings and better than projected claims. However, in order to avoid a large spike in rates in the next couple of years, the Board voted on a slight increase of 2.8% overall (HPHC – 2%, BCBS – 3%, Delta Dental – no increase) and will offer a one-month premium holiday in October or November. Medex is not included in these rates because they are by calendar year.

Treasurer Fruci explained that due to Covid-19 there are a couple of guidelines and suggestions for obtaining signatures for nomination papers: multiple pages can be used – one for each signature or for a family, papers can be mailed, a table can be set up in a public place (with permission), electronic signatures are not allowed and there is no reduction in the number of signatures required (30). The Board said the ad for nomination papers should be run at the end of March in the Bourne Enterprise.

The Treasurer reminded the Board to return the acknowledgement of the summary of the conflict of interest, complete the conflict of interest training and return the completion certificate.

The Board finalized the date for the Annual District Meeting – Wednesday, May 26, 2021. Commissioner Melchionda made a motion to hold the Annual District Meeting on Wednesday, May 26, 2021 providing the District can do so per COVID regulations. Commissioner Sala seconded the motion. All Board members were in favor. Roll call vote – Commissioner Sala – yes, Commissioner Melchionda - yes, Commissioner Bergeron - yes. Commissioner Bergeron will contact the Colony Club to see if it's available for that date. He said there is a \$100 fee for the use of the room.

### **NEW BUSINESS**

Commissioner Melchionda thanked everybody for their thoughtfulness during the loss of his mother in law.

**OLD BUSINESS**

None

**COMMISSIONERS COMMENTS/SELECT NEXT MEETING DATE**

The next monthly meeting is scheduled for Wednesday, March 18, 2021 at 4:15 pm.

**ADJOURN**

Commissioner Melchionda made a motion to adjourn the meeting at 6:57 pm. Commissioner Sala seconded the motion. All Board members were in favor. Roll call vote: Commissioner Sala – yes, Commissioner Melchionda – yes, Commissioner Bergeron – yes.

Respectfully submitted,

Maureen Fruci,  
District Clerk