

BFD BOARD OF WATER COMMISSIONERS MEETING MINUTES

JULY 10, 2018 AT THE WATER DEPARTMENT OFFICE.

PRESENT WERE: Board of Water Commissioners: Chairman David Jones and Commissioner Bassett, and Commissioner Whitmore. Also present: Superintendent Thomas Rooney.

- Meeting called to order at 2:45 P.M.
- Warrants and payrolls signed.
- Collectors End of Month Report reviewed and signed
- Superintendent's Projects Report reviewed

Chairman Jones began the meeting by recognizing Ms. Caryn Samuell who attended the Meeting to address the Board. Ms. Samuell requested that the Board credit her Water Department account for the Two User Fee that she has paid going back to the year 2000. Ms. Samuell believes that she was charged in error. Superintendent Rooney asked Ms. Samuell if he could summarize the circumstances. Ms. Samuell agreed to have Mr. Rooney sum up her situation for the Board Members. Mr. Rooney explained that Department records show that Ms. Samuell purchased the property at #4039 Main Street in Barnstable June of 1995. The records further show that in July of 1995 a Water Department Assistant Superintendent was called to the property to mark the location of the existing water service in advance of an excavation to provide water, natural gas, and to connect the residence's septic system to a separate building on the property. Superintendent Rooney provided a copy of the original work order showing that the Serviceperson noted on the work order that the customer's account should be assessed a Two User Fee. He went on to say that the Department's policy at that time was to assess a second quarterly charge for a property that supplied water to a separate building on the same property. Mr. Rooney explained that the Two User Fee was meant to be an accommodation for a homeowner because it would remove the expense of installing a complete water service connection. He informed the Board that Ms. Samuell came into the Water Department Office, and the Department's Collector mentioned that Ms. Samuell's Account was a "Two User." Ms. Samuell told the Collector that she was not aware that she was paying a Two User Fee, and she asked for an explanation of what the fee was. Superintendent Rooney and Senior Operator Tivey explained the policy. Mr. Rooney presented Ms. Samuell with a copy of **Article XVIII Multi-Users on one Service** from Barnstable Fire District Water Department rules and regulations adopted July 6, 1999. For the benefit of those present Mr. Rooney read aloud the policy, "*A multi-user account is a residence divided into distinct separate self-sustaining living areas with one water service/meter and one owner...*" Superintendent Rooney informed those present that he could not find a written policy prior to the Rules adopted in 1999. He also stated that it could have been a reasonable conclusion at the time that water and gas was added to the building that it was going to be a living area. Ms. Samuell informed the Board that the building in question was never intended to be a living area, that it has never been a living area, and that it could never legally be a living area. She explained that the building was her art studio. Chairman Jones asked Ms. Samuell if the building was used for business purposes? Ms. Samuell responded that the building was used as an at home business.

Ms. Samuell informed the Board that there is a rudimentary toilet which required heat to be used in the winter. She went on to say that that the toilet was a convenience and that she was never told about the additional fee. Ms. Samuell told the Board that she was shocked when she discovered that she had been paying the fee.

Superintendent Rooney informed the Board that he could not find any documentation in the file for #4039 Main Street that Ms. Samuell was ever notified of the additional charges. He also informed the Board that a Department Serviceperson had inspected Ms. Samuell's out building, and confirmed that it is not being used as a living area.

Chairman Jones informed Ms. Samuell that the policy at the time that the Two User Fee was assessed was applied properly. Ms. Samuell responded that the rule enacted in 1999 does not apply to her property. Chairman Jones stated the Water Department has distributed information about the water rates to the customers periodically. Ms. Samuell replied that she was charged in error based upon the revised policy because her building is not a separate living area.

Commissioner Whitmore stated that he has two questions. First does the Board have the legal authority to grant Ms. Samuell's request. Second, was it the customers' responsibility to contact the Water Department if there is a question on a bill. Ms. Samuell responded that she did not know that there was a problem because her bill did not say that she was paying a Two User Fee. Mr. Whitmore asked if Ms. Samuell ever paid a bill without the Two User Fee? Ms. Samuell responded that she had not because the first quarterly bill was after the fee was applied. Commissioner Whitmore expressed his opinion that mistakes were made by both sides.

Superintendent Rooney stated that the Board did previously authorize the Collector to credit Ms. Samuell's account for Fiscal Year 2018, and to change her account to a single user.

Chairman Jones informed Ms. Samuell that the Board would consult with the District Treasurer and the District's legal counsel. Mr. Jones told Ms. Samuell that he would advise her.

Chairman Jones asked for a motion to accept the previous Meeting Minutes.

Commissioner Whitmore **motioned** to accept the Meeting Minutes from June 19, 2018, **seconded** by Commissioner Bassett. The **motion passed unanimously.**

Capital Improvement Projects

Superintendent Rooney informed the Board that the contractor for the Office Building Improvements had scheduled the hazardous materials consultants for the window removal. Mr. Rooney informed the Board that he had retained the District's hazardous removal consultant to arrange for asbestos air monitoring in the office.

Superintendent Rooney informed the Board the Stantech Engineers had issued the Certificate of Substantial Completion for the rehabilitation of Tank #2. Mr. Rooney informed the Board that the next step would be the installation of additional piping, and site improvements. He stated that the Tank #3 rehabilitation would begin September 15, 2018 and the project could be completed in four weeks. Mr. Rooney informed the Board that a new ladder would be fabricated for Tank #3 rather than reconstructing the existing ladder system. A new ladder will be more cost effective.

Chairman Jones asked Superintendent Rooney for the progress of the Gate Valve Replacement Project. Mr. Rooney replied that the project engineer had been selected, and that he expected to have the Agreement with the Engineer for the Board to sign in the near future.

The Board discussed the road improvement project for Barnstable Village. Commissioner Whitmore stated his opinion that Town's contractor should be accountable for damage to the District's water system.

Chairman Jones asked when the new Water Department Vehicle would be delivered. Superintendent Rooney informed the Board that the vehicle had been delivered to the dealership, and he expected to receive delivery the following week.

FY-18 Fiscal Year Budget Review

Superintendent Rooney informed the Board that the Water Department's Operation Budget was projected to be under budget due in part to the Solar Panel Offtaker Revenues. Commissioner Bassett asked how much the District received? Mr. Rooney replied that in Fiscal Year 2018 the Department received \$23,750.00.

Water Quality

Superintendent Rooney informed the Board the Maximum Containment Levels for PFOS in drinking water were reduced by MassDEP. Mr. Rooney informed the board that the combined levels have been increased to a total of five chemicals from the previous total of two chemicals. He went on to say the District's PFOS levels are 50% below the current levels, and that the Department would continue to monitor the levels of PFOS.

Department Staff Reviews

The Board discussed the performance of the Water Department's Staff. The Board discussed potential changes to the Department's Personnel Policies. Chairman Jones suggested that the discussion be tabled to the August Meeting. The Board agreed, and the discussion was tabled.

Matters not reasonably anticipated by the Chair

There being no further business, Chairman Jones asked for a motion to adjourn the meeting. Commissioner Bassett **motioned** to adjourn the meeting, **seconded** by Chairman Jones. The **motion passed unanimously**. The meeting adjourned at 3:50 p.m.

Respectfully Submitted,
Thomas Rooney