

approved 7/10/23



Town of Carver

North Carver Water District Commission

Posted in accordance with the Provisions of M.G.L. Chapter 30A, Section 20B

Meeting minutes for June 1, 2023, The North Carver Water District Commissioners met, today, at the Carver Town Hall, Meeting Room #3, 108 Main Street, Carver, Massachusetts.

This meeting is also being videotaped and rebroadcast by Area 58 TV.

Attendees: Mike Palimeri, Chairman, Eric Mueller, Vice Chairman (5:17); Phil Shannon, Commissioner

Absent:

Also present: Stephen Bachand, SWSS, via phone

Meeting called to order at 5:00 PM, by Mr. Palimeri

Agenda was taken out of order at Chairman's discretion

Update from Small Water Systems Services:

Mr. Bachand, SWSS -

- Water Operator's Report – We were able to start up the plant, flush the Middleboro water out of the system and energized with NCWD water. Mr. Palimeri – I am not aware of any issues. Water looked good at my house with no interruption. Did you get any phone calls? Mr. Bachand – No call at all; everything went very smooth. I read the meters first thing this morning. While we were there this morning, we set up the Any Test so that we can dial in and check it remotely. We will let you know if we get any calls.
- Repair/replace various water meters – Mr. Palimeri – This is on going

Mr. Bachand left the meeting at 5:05 PM.

Discussion:

- Rules and Regulations -
Mr. Palimeri – I've had a couple of issues recently with Rules and Regulations that aren't being followed and never were. I have been asked questions by Customers, the Town of Middleboro and by SWSS. If they were followed, I would be able to answer questions that come in. I am speaking specifically about materials used for water service connections over the last 20 years. The DEP sent us a letter regarding lead free materials. We cannot answer those questions. We are supposed to have as-builts, but we don't. Without those, we can't answer their questions. There are upcoming regulations regarding potable drinking water systems throughout the country.
- Water Service Application –
Mr. Palimeri – We will wait for an update from Eric. With the updates to that form, we would be able to provide some of this information.

Minutes: May 8, 2023:

*Motion to approve the minutes of May 8, 2023, as written: Mr. Shannon
Second: Mr. Palimeri*

Discussion:

Approved: Unanimous (2-0)

Bills Payable:

*Motion to pay the bills in Batch #1, in the amount of \$2161.05: Mr. Shannon
Second: Mr. Palimeri*

Discussion: There was only one batch of bills this evening. This batch included SWSS (lab fees, etc.), Verizon, Recording Secretary and KP Law, legal services.

Approved: Unanimous (2-0)

Discussion:

- Change over from Middleboro Water to NCWD – June 1

Mr. Palimeri – Mr. Bachand started flushing the system at midnight last night. Things went well. I am a customer of the NCWD and the water was good this morning, with no water discoloration and just a little less water pressure. We may still experience some minor issues for a few days. Everything went well. SWSS kept me posted throughout the day.

- Meeting between Town of Carver and Town of Middleborough

Mr. Palimeri – A meeting took place on May 23, 2023 at the Town Administrators office in Middleboro. I was not notified of the meeting until the day before. In attendance we had the Carver Town Administrator, the Carver DPW Director, myself, the Middleboro Town Administrator, Middleboro Public Works Director, the Water Commissioner, Mike Bumpus and legal counsel from KP Law who represents both Carver and Middleboro. He did get a ruling from the state to allow him to represent both Towns. This meeting was to discuss payment to Middleboro, covering from 6/24/2022 - 6/1/2023. The Town of Middleboro has agreed to modify that to 7/1/2022 to 6/1/2023 to make it a clean monthly sweep.

- Letter from Attorney Greg Corbo –
Mr. Palimeri read a letter From Greg Corbo of KP Law that was sent to Mike Bumpus, Robert Fennessey and James McGrail. This letter will be attached to these minutes. In that letter, they referenced three issues to be addressed in the agreement.
 1. Payment for water provided from 6/2022 to present
 2. Installation of payment of the cost for the installation of a meter pit to monitor water supply to the North Carver Water District from Middleboro.
 3. Ongoing agreement to address operations maintenance and payment for the connection and water supply going forward.

The NCWD was not part of any of these discussions/agreements that generated this letter up until I attended the May meeting. I don't understand why an agreement was negotiated without us being there.

Between 6/24/2022 and 12/31/2022, Middleboro provided the North Carver Water District with approximately 9.7 million gallons of water. The calculation and rate were agreed upon without anyone from this District present. The Town of Middleboro has no desire to bankrupt the NCWD. We will be having a follow up meeting on 6/13/23 at 2PM at the Middleboro Townhall. Carver needs to bring with them to this meeting, the following items:

1. What we billed for water usage from 7/1/22 – 6/1/23.
 2. We also need to bring an average for those meters that did not have a radio device installed or the meter was not running properly.
 3. Reading from 6/1/23 (SWSS did that today).
 4. What we have for funds available.
- Installation of meter pit –
Currently we have to look at each meter; it would be more efficient to have the meter pit, which is not installed yet. A meter at the line is more beneficial to both parties. Middleboro will design, engineer and install a meter pit at a location in Middleboro, near the Town line and Carver will reimburse cost, which I estimate to come in at about \$200K (originally estimated at \$80K). As of now, we will try to use ARPA funds that will not need to be paid back by the district, they are funds provided to the District/Town to pay Middleboro for the job. We did not discuss operations and maintenance but will be discussed further down the road.

Mr. Shannon – Will the meter work both ways? Mr. Palimeri – It is being installed for just one way but I will ask that question.

Mr. Palimeri – I know I expressed my frustration over not being informed of these discussions. That being said, I don't believe this was done with malice but it is frustrating to have others negotiate things for us without our knowledge. It's frustrating when I can't answer questions due to lack of communications. For example, I have been asked about the water ban; I cannot confirm if the water ban is still in effect.

Correspondence:

Mr. Palimeri – I received the letter from DEP re: materials, as discussed earlier.

Board Members Comments:

- Mr. Mueller – New fiscal year is arriving, any payments outstanding will need to be done before 7/1/23. The payment to Middleboro will be challenging. Mr. Palimeri – That bill won't be issued until 7/1/23.
- Mr. Palimeri – 5:44 PM Documents for Middleboro water rate – add to next meeting
- Mr. Shannon - I came across a document on the Mass DOR – "NCWD Financial Analysis" from 4/2014. Can we add a discussion on this to the agenda for our next meeting? Mr. Palimeri – Yes. Reach out to Jill and have her add it to the July meeting agenda.

Next Meeting:

- Our next meeting will be held on June 29, 2023 at 5:30 PM.

This meeting would be a brief meeting just to pay the final fiscal years bills.

- Our next regular business meeting will be held on July 10, 2023 at 5:30 PM.

Topics not reasonably anticipated by the Chairman, 48-hours in advance of the posting of this agenda:

Nothing tonight

Adjournment:

*Motion to adjourn was made at 5:45 PM: Mr. Shannon
Second: Mr. Mueller
Approved: Unanimous (3-0)*

Exhibit A: Letter from Greg Corbo, KP Law

James McGrail

From: Gregg J. Corbo <GCorbo@k-plaw.com>
Sent: Wednesday, April 5, 2023 11:05 AM
To: Mike Bumpus; James McGrail
Subject: FW: Middleborough - NCWD - IMA
Attachments: Fw__Previous_IMA_Agreements_-_PDFs.zip; Carver IMA 2005.pdf

[**NOTICE:** This message originated outside of the Town of Middleborough mail system -- **PLEASE DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Second try. Please confirm if you receive this. Thanks.

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From: Gregg J. Corbo
Sent: Wednesday, April 5, 2023 9:05 AM
To: mbumpus@middleboroughma.gov; Robert Fennessy <Robert.Fennessy@carverma.gov>
Cc: James McGrail <jmcgrail@middleboroughma.gov>
Subject: Middleborough - NCWD - IMA

Hi Mike:

I am copying the Carver Town Administrator Bob Fennessy to make him aware of the business terms we discussed yesterday. I suggest that we set up a meeting in the next few weeks with officials from both Towns and the NCWD to review these terms and make sure everyone is on the same page.

There are three issues that must be addressed in the agreement: (1) payment for water provided from June 2022 to the present; (2) installation and payment of costs for installation of a meter pit to monitor water supplied to the NCWD from Middleborough; (3) an ongoing agreement to address operation, maintenance and payment for the connection and water supplied going forward. I address each of these issues below:

Payment for Water Provided in FY23

It is my understanding that Middleborough has been supplying water to the NCWD since on or around June 24, 2022 through the present due to problems with the filtration system on NCWD's wells. It is expected that the issue will be resolved within the next few months and the supply from Middleborough will be terminated at that time.

Between June 24, 2022 and December 31, 2022, Middleborough supplied the NCWD with approximately 9.7 million gallons of water. NCWD has not paid Middleborough for any portion of this supply. The parties have agreed that NCWD

will pay Middleborough for the water used at a rate of 1.5 times the rate charged to Middleborough customers for comparable use.

Carver will provide Middle with meter reading data for each user during the applicable time period and Middleborough will calculate the amount owed using the formula above and bill the NCWD.

One question is timing – does the NCWD have sufficient funds to pay this bill out of its FY23? If not, Carver may need to have a STM before the end of the Fiscal Year to appropriate the funds.

Installation of a Meter Pit

Currently, water sent from Middleborough to NCWD is not metered at the Town line so that the only way water usage can be determined is by looking at each individual user meter. A meter at the line is more efficient and beneficial to both parties.

Middleborough will design, engineer and install a meter pit at a location in Middleborough near the Town line and Carver will reimburse Middleborough for the cost. The cost is expected to be \$80,000.

Operation and Maintenance

The new agreement will address each Town's responsibilities for operation and maintenance of the system, payment for water used by NCWD, the circumstances in which the connection will be activated, the rate to be paid and other issues associated with the water system. I will look at prior agreements as guidelines for these issues.

Gregg J. Corbo, Esq.

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