

**Minutes of the Board of Water/Sewer Commission**  
**Wednesday, April 26, 2023 at 3:30 pm**  
**16C Perry Way, Newburyport, MA 01950**

**Present Commissioners:** Roger Jones, William Creelman, Daniel Simon, Kimberly Emmons, Paul Suozzo, Thomas O'Brien  
**Staff:**

Acting Director, Jon-Eric White

Water Superintendent, Tom Cusick

**1. Appointments/Customer Inquires**

- Mark Bailey, 18 Pheasant Run Drive, NBPT. This appeal was brought before the Board again because they were on the Agenda for the March meeting but were never notified of the meeting date. The Office Manager, Karen Bush reached out to Mr. Bailey by email to give him the new meeting date of today and asked him to confirm his attendance. He did not respond to the email. Commissioner Jones stated the policy is clear. The abatement must be filed within 30 days which he did not do and there needs to be documentation showing the repair has been made which he did not provide.

*Commissioner Suozzo made a motion to deny this appeal. Commissioner Creelman seconded.*

*Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes, O'Brien, yes*

**2. Approval of Minutes**

Commissioner Simon had a comment about the minutes from March 2, 2023. He stated that Andrew Levine was going to get back to the Commission with a final document with the changes that we made. Ms. Bush explained that during that meeting Ms. Knight revised the document with changes as requested by the Commission. Those changes are reflected in the "Whereas" section that was voted on by the Commission and included in the minutes. Commissioner Jones asked if there is a formal document stating Minco will be paying the updated fees and not last year's fees. Commissioner Jones explained for the benefit of those that weren't at the meeting that it was a delay in receiving the fees for the new project at 166 Route 1. That is good for us because the new fee structure will be in force at that time.

*Commissioner Simon made a motion to accept the minutes as written from March 2, 2023. Commissioner Creelman seconded.*

*Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes, O'Brien abstained*

*Commissioner Creelman made a motion to accept the minutes as written from March 22, 2023. Commissioner Simon seconded.*

*Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes, O'Brien abstained*

**3. Business Managers Report**

Ms. Bush reported that Ms. Knight had told the Commission last meeting she would provide a business report for this meeting because she was working until April 21<sup>st</sup> but she left without providing one. She informed the Commission the Business Manager's position was posted earlier in the week. Commissioner Simon asked where we stood with the Budget. Mr. White reported that the Mayor has the budget and he has set up meetings for the end of May. Mr. White suggested the Commission contact the Mayor to see how they can provide

comments. Mr. White informed the Commission that Wayne Amaral, the new DPS Director will be starting on Monday, May 1, 2023.

#### 4. New Business

- 19 Marlboro Street. Ms. Bush told the Commission to ignore the letters that were sent out in their packet. Those letters were supposed to go out after the Board approved the reconciliation of these accounts. Ms. Knight sent them out prematurely and we had a call from one of the owners who stated that Julie was going to send backup with the letter and she did not. We in the office do not know where the backup is and how she arrived at her numbers. Adrienne Linnell, who does the billing and I went through the numbers that were included in Unit 2's letter enclosed in your packet. The owner did not get this letter. They received another letter stating they had a credit. I did not include it in your packet because the calculations were wrong. The issue was there was a transfer of ownership and the owner questions the high usage and felt that they were paying someone else's usage. The Water Department sent out a technician to trouble shoot and it was discovered the meters were mixed up. The meters were put in back in 2008 so it had been going on for quite some time and the bills were being paid by a condo association. The first page you are looking at has the unit with the incorrect usage paid. The second page has the correct usage each unit should have been paying. Now we have backup to send with the letters to the owners. We are replacing all of the meters and starting them at zero. All three units were removed from the April billing so they have received three months of free water which I will state in the letter.

*Commissioner Simon made a motion to accept the new analysis and the installation of new meters for each unit. Commissioner O'Brien seconded.*

*Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes, O'Brien yes*

#### 5. Old Business

- Mr. Cusick reported all three reservoirs are 100 percent. They are monitoring flow over the dams. Commissioner Jones asked if there were any developments with the PFAS project. Just so there is no confusion the PFAS pilot program that is happening at the Bartlett Pond site is focused on new technology approved for the vendor, Cyclopure. We are a test site allowing them to test their product for one year. They are wrapping up and their results will be sent to DEP and it will be in their hands. It may not apply to any PFAS mitigation that might need to happen in the City but if they do get their new technology approval it will benefit us and other communities. There is a lot of regulation change that is happening. PFAS was found in Bartlett Pond, Well #1 and Well #2. Mr. White said Tom is working with AECOM and sent him a technical memo from AECOM on what they recommend on how to handle PFAS. PFAS won't need to be implemented for many, many years. Tom is trying to get the City set up to treat it and get all the infrastructure set up so by the time it's needed to treat we are ready and we are going through treatment improvements now. The new director will continue to push this. There will be new technology developing. The question is how much improvements do we make to the plant now before true technology takes into account and removes more PFAS. We don't want the public to get too scared because it is not a problem, Tom's ahead of it and there is a ton of work that needs to be done to figure out what to do. Commissioner Jones said if someone calls we tell them the City is in full compliance with the regulations right now. Commissioner Simon said we should add to that statement; the water is safe. Mr. Cusick said he is bound by law to let you know the water is not safe. Mr. White said he does recommend the Commission formally submit a public comment to EPA. The comment should be what are you doing to remove PFAS from the environment instead of forcing us to do another unfunded mandate.

The other would be to work with Tom and AECOM to determine what other comments you can give them. The consultants usually have language for this sort of thing. Mr. White instructed Tom to ask Doug (AECOM) to put together some comments, recommendations so you don't have to do wordsmithing. Commissioner Jones said one of the things they would like to be able to do is have more communication with the public. Mr. White said the letter would come from you on your letterhead with all your signatures. Commissioner Suozzo said he is ready to draft a letter on his own over the weekend. He said the government is allowing this to happen and we are left footing the bill to try and mitigate it.

- Commissioner Simon mentioned how he felt the Commission should communicate with the public better. He asked Mr. White who he felt they should get in touch with as a communications vehicle. He suggested meeting with Andrew Levine as the representative of the Mayor's office. You would have to have Tom attend for the understanding of the sensitivity of what not to say. Also bring Wayne in.
- Mr. White gave an update of the Lower Artichoke Reservoir Dam Spillway Protection. We received approval of the permits and Chapter 91 from the State. I asked Tighe & Bond for a contract proposal to put that foundation out to bid. Commissioner O'Brien asked about this project. Mr. White explained the spillway is 3 feet below the 100-year storm. We are going to lay stone behind the concrete spillway and do a foundation of stone 10 feet wide and lay sandbags on that. This contract for Tighe and Bond is to get the design out to bid.

*Commissioner O'Brien made a motion to Tighe & Bond contract for Bid Document Preparation in the amount of \$11,800. Commissioner Emmons seconded.*

*Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes, O'Brien yes*

- Review of FY24-28 CIP. Commissioner Simon felt there should be an order of priority of the CIP projects. He feels it would be good communication for the public. Mr. White said the Indian Hill Raw Water Line is a priority. Mr. White said we have prioritized internally, just not with the Commission. Mr. White said we owe you that from the water side. When you go back to the Mayor for your CIP comments you'll have a better handle on it. When we meet with the City Council that is when we scream what absolutely needs to be done. Mr. White said we would get back to you with a list and having your attendance at the City Council meeting is important too. Commissioner Jones said he feels the Dam project is a priority and longer term the raw water supply. Commissioner Emmons asked if there were any grants for Indian Hill. Mr. White said whatever funding source we can get but Mr. Cusick said that project was put in for ARPA funding and denied. All the ARPA funding is going to PFAS mitigation and lead pipe service line inventory. Mr. White said when we give you the list the lead pipe inventory will be at the top because it is federally mandate by October 16, 2024.
- Mr. White said on the Sewer CIP the Clarifier Upgrade is number one priority. Mr. White said he thinks he needs at least \$400,000 for design but we will get back to you with the correct number.
- Commissioner Jones stressed to the Commission the need to be a part of the CIP planning.
- Mr. White highly recommended to the Commission to review what their roles are. KP Law sent an evaluation of what they feel the Commission's legal role is and what the DPS legal role is. Commissioner Jones said he is not aware of that document. Mr. White said it was his understanding a meeting took place which he did not attend. Commissioner Simon said he attended the meeting and can summarize in one sentence the meeting. Everyone should know their role and stay in their lane. We shouldn't be trying to do operational work and the operational team shouldn't be telling us how to do the budget. Commissioner Jones said with a lot of new members we need to get that clarified. Mr. White stressed to find out what your role is. The new director, Wayne needs to figure out a balance of how information is given and see what works.

**6. Confirm Next Meeting:** May 24, 2023 at 3:30 pm

**7. Abatement Review**

- 56 Low St – It was determined to deny their request because it did not qualify. A letter will be sent offering other resources that may be able to help with payment of the large bill.
- 7 Hunter St – The Commission questioned where the water went and was determined to give relief on the sewer portion of the bill.
- 7 Broad St – Ms. Bush explained at the time the office receives the work orders each address has a different account number so we bill according to account number. Three out of the four customers at that address received the emergency charge and a charge for a broken freeze plate. Commissioner Emmons said the person who called should get charged and he will have to fight with his neighbors. Ms. Bush said the call came into the treatment plant it is not clear which owner made the call. Commissioner Emmons asked if the property was billed to a condo association. Ms. Bush said no. Commissioner Emmons felt the emergency charge should not be divided by three. This individual called, he goes back to the condo association because that is common property. Much discussion took place as to whether to split three ways or not. Mr. White said he agrees with splitting and understands Commissioner Emmons point. He said he knows this individual Mr. Mullen because he is on the resiliency committee. He called Mr. White the night he returned from vacation saying he did not have water. Mr. White went to Mr. Mullen's house after hours and while there called Jon Carey to turn the water on. Jon Carey said that would be an after hours charge and Mr. Mullen said he would wait until the morning. Mr. White felt based on Mr. Mullen's letter he is speaking for everyone in the building. He thinks splitting amongst everyone is what the homeowners are expecting. Mr. White recommends splitting the \$400 between the three homeowners.
- 135 Water St – Approve it.

**8. Warrant and Contract Signing**

Commissioner Simon left before the vote.

*Commissioner O'Brien made a motion to approve water and sewer bills. Commissioner Suozzo seconded.*

*Vote: Creelman yes, Jones yes, Emmons yes, Suozzo yes, O'Brien yes*

**9. Adjournment**

- Adjourned 5:30 pm.

Respectfully Submitted By: Karen Bush