

Minutes of the Board of Water/Sewer Commission
Wednesday, March 22, 2023 at 3:30 pm
16C Perry Way, Newburyport, MA 01950

Present Commissioners: Roger Jones, William Creelman, Daniel Simon, Kimberly Emmons, Paul Suozzo

Staff:

Acting Director, Jon-Eric White

Business Manager, Julie Spurr Knight

1. Welcome New Members

Commissioner Jones welcomed two new members: Kimberly Emmons and Paul Suozzo. He requested that a Vice Chairman be selected. Commissioner Creelman nominated Daniel Simon.

Commissioner Jones made a motion to accept the nomination of Daniel Simon as Vice Chairman. Commissioner Suozzo seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes

2. Appointments/Customer Inquires

- Kevin Milhomme and Katie Giglio, 6 Artichoke Terrace. Ms. Knight submitted new information in the form of a memo to the Commissioners and the resident from the Water Distribution Superintendent for review. Mr. Milhomme summarized the letter that he submitted to the Commission. He said that someone from the Water Department came sometime late 2020 during COVID and checked the meter, said he had to come back and left. No one came back for a long time. The next time someone came back we were not living at the house at the time. I happened to be there checking on something. He looked at the meter because he said it might not be working properly. He came in and left. After that we were away in Australia for 21 days and when we got back the family had COVID and we had to change the appointment multiple times. The day that the memo is referencing we were home and I was topping off the ice rink which is filled by a water truck. The reference that I was notified prior about filing the rink is a lie. In summary we didn't know the meter wasn't working. Someone came in twice to look at it and never replaced it. We paid all bills that we received. We did have to change appointments due to COVID. We removed the hose from the rink when told. For 10 months of the estimated bill we were not living at the house we were living in Westford close to my wife's office. We don't feel we should pay this whole bill and that there should be some accountability from the Water Department since they knew the meter wasn't working but did not replace it. Ms. Knight said she looked back at the service records and we do not have record of service orders in 2020. During that time the staff was working from home so if someone did come to your home because of a missed read it wasn't intentional that it wasn't documented. Secondly, I read over the Water Distribution Superintendent's memo. We don't call people liars. My issue with this is we don't have a history of consumption. Ms. Knight said the meter has been replaced and the meter fee has been waived because I was able to get Badger Meter to warranty the meter because it is not that old. I waived the interest during that time and put a special condition on their account. They should be held accountable for some costs and what that is I would look to the Commission to determine. Ms. Knight said there is consumption from filling the pool. Mr. Milhomme said they filled it with the truck. Ms. Knight said we observed the rink empty two days before the hose was in the rink turned on. Commissioner Jones asked if the meter was replaced before or after the filling of the rink and Ms. Knight responded after. Commissioner Creelman questioned filling a rink with a

water truck. Mr. Milhomme said it is 75' long by 35' wide and said it is a friend of the family who does it for free. When asked if he could substantiate it he said he could try. Commissioner Simon said if they weren't living in the property for 10 months they should not have to pay for that time but beyond that time they should pay for the usage. The residents agreed that they should pay for what they used while they were living there. Ms. Knight said there is only a short history where there is consumption recorded and typically the billing system would estimate it so I am not sure how to estimate it. Ms. Giglio said isn't a year's worth of consumption adequate and Ms. Knight said that is how she based their current bill. Mr. Milhomme confirmed the dates they were away: 9/1/20-7/1/21. He said they did the math based on the spreadsheets that Ms. Knight sent and said to double check it because we could be off. Commissioner Simon said we don't know how much water was used for topping off the rink. Ms. Knight said the Water Department went out and calculated the entire rink, what that usage would be if you filled the entire rink and said it would be 900 cubic feet. Mr. Milhomme said the day they came out the hose was in there for a maybe 2 hours. Commissioner Simon said we could calculate what a normal flow would be for a hose. Mr. White said a hose is about 8 gallons a minute, about 960 gallons of water.

Commissioner Simon made a motion for the customer to pay \$1,541.30 or whatever number is calculated after the math has been done plus the hose usage. Commissioner Creelman seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes

- Carl Peter Erickson, 48 Northern Blvd, Newbury appeared and stated that he has paid his previous payment. He is disputing the \$475 charge. He stated there was a faulty circuit breaker and he called his electrician who couldn't get out there. He was not aware that this circuit was connected to the area where the meter was. After the freeze he went down to check and he saw the meter dripping. He called the Water Department in the middle of the day and it was a Saturday. He stated that the technician changed it in 15 minutes. He was shocked to get the bill for \$475 for 15 minutes and wants to know why he is being charged that much. Commission Jones said there is a fee structure for emergency calls and that fee is \$400. Ms. Knight said the freeze plate costs is \$75. He said the office said the cost covered a truck which had to be dispatched, 2 technicians and the parts are expensive. There was only one technician, the truck was in the neighborhood and it is not a \$75 part. Ms. Knight said the fees are calculated by direct and indirect costs such as fuel, etc. The part you are referring to is proprietary. We have to purchase direct through Badger Meter and we pass that cost directly on to the customer. Mr. Erickson said he called to get the price for a seasonal water on. The cost was \$75. Ms. Knight said that cost is during regular business hours. The union sets the over time call at a minimum of 4 hours. Commissioner Simon said we have a schedule of fees and we don't want to start adjusting those fees. Those fees were recently updated last year.

Commissioner Simon made a motion to charge Mr. Erickson the fixed fee according to our schedule for emergency service. Commissioner Suozzo seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes

- Charles Vorosmarty, 66 Purchase Street, Newburyport. Mr. Vorosmarty reported that he shut the system off when he found there was an irrigation leak based on his high bill. It took a while to get the professional out there to fix the problem. Commissioner Jones said a portion of his sewer bill could be reduced.

Commissioner Simon made a motion to abate the sewer bill according to the calculation. Commissioner Suozzo seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes

- Michael and Patricia Garrity, 207 Storey Ave, Newburyport hardship request. Ms. Knight said they are asking for a structured payment plan. They are supposed to make the structured payment plan and their regular quarterly payments on time. The process is the customer comes in, I proposed the repayment plan, it gets approved by the Commission and I send it back to them. Ms. Knight said she typically tries to get these outstanding amounts paid off before lien season.

Commissioner Emmons made a motion to approve this payment plan of 12 months for \$255.54 per month in addition to their quarterly payment. Commissioner Creelman seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes

Commissioner Jones stated for the record there are five Commissioners here tonight. Owen Smith is not so Paul Suozzo is an alternate standing in.

- Mark Bailey, 18 Pheasant Run Drive, Newburyport was not present. Ms. Bush said the issue with this abatement appeal was they were late in submitting. They were asking for relief on a September 15th bill and we did not receive the abatement until January 6th. They did not provide documentation that the leak was repaired. Commissioner Jones said the new policy is pretty clear. Ms. Bush said you have to show supporting documents and Commissioner Jones said you have to submit within 30 days.

Commissioner Simon made a motion to deny this abatement based on our policy. Commissioner Creelman seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons yes, Suozzo yes

3. Approval of Minutes

Commissioner Simon made a motion to approve the minutes from the last meeting. Commissioner Creelman seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons, abstained, Suozzo, abstained

4. Business Managers Report

- Ms. Knight informed the Commission that she will be leaving the Department on April 21, 2023.
- Ms. Knight showed a slide showing the water/sewer budget as of March 22, 2023. Water is 80% collected and we are 72% through the year. We have had a 15% increase in consumption and the 9% increase in the water rates. We are 74% expended in the entire budget. Total revenue is \$4.9 million. Without the budget reserve we would have a positive cash flow balance of \$315,000 and with the \$100,000 buffer we put in it would be \$415,000. Sewer is 83% collected and 71% expended. I want to call out the capital outlay line. I just put in \$40,000 in invoices in that line.
- Ms. Knight shared a slide of water and sewer revenue and expense.

5. Old Business

- Ms. Knight shared a slide showing water and sewer chemical spending by month. Ms. Knight said we have seen an unprecedented increase in chemical costs. We have a collaborative bid with both the sewer and water department working together to get those costs down. For water our monthly average is \$18,923. We are in the negative \$25,000. Over the next three months we will spend about \$57,000. We will need a potential transfer of \$140,000 for that category. The Department of Revenue allows us to overspend a particular line but not the entire category. We can transfer from another category if we absolutely have to but we have to wait for the entire end of the year and if there is enough money at the end in that category we can transfer. If not, we need a transfer. Or, we can transfer the money now from retained earnings. Water has almost a \$1 million in retained earnings. Commissioner Simon asked what her recommendation is. Ms. Knight said she would hate to leave her position with these enterprise funds underfunded. My recommendation would be to approve the transfers. Anything left over from the operating budget that we don't spend and we don't encumber it carries over the next year to September 30th and it goes into retained earnings. We can't transfer in the middle of the year from one category to the next. Sewer monthly average was \$53,381. We currently have \$37,933 in that line. We anticipate spending \$160,000 minus the \$37,933 would be \$120,000. If we were to pull what we need it would be \$140,000 for water and \$120,000 for sewer.

Commissioner Simon made a motion to transfer to the chemical expense line \$140,000 water and \$120,000 for sewer from retained earnings. Commissioner Creelman seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons, yes, Suozzo, yes

Commissioner Simon made a motion to amend the chemical transfer amount for water to \$86,000.

Commissioner Suozzo seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons, yes, Suozzo, yes

Commissioner Creelman made a motion to approve the Business Manager's report. Commissioner Simon seconded.

Vote: Creelman yes, Jones yes, Simon yes, Emmons, yes, Suozzo, yes

6. New Business

- Jon-Eric White introduced himself to the new Commissioners. He informed them he is the City Engineer and currently the Acting Director. He told the Commission he could give an update on projects. Indian Hill Raw Water Line is under design by AECOM. AECOM is getting mixed messages and are now looking at the East side and the spec is to look at the West side. Mr. White is concerned about the fees because the East side is out of the scope. Mr. White said there is some push back from homeowners on the West side that their view will be blocked by the pump station. They are looking to submerge the pipe in the water. The Lower Artichoke water is very shallow. It's average 4.7 feet and it is a 2-foot pipe.
- Lower Artichoke Dam. The spillway is very vulnerable. It needs to be raised. Mr. White is pushing to raise the dam 10 feet and the water level 6 feet. I'm pushing for more water because it is so shallow. It is 85 degrees in the summer. Cooler water is better and more water is better for droughts. Shallow water evaporates in no time. Commissioner Jones asked how much spread would there need to be. Mr. White said the shoreline would move in 20-30 feet. Tighe & Bond is the engineer for this. Commissioner Jones asked if the new Commissioners could get copies of the Tighe & Bond report.

- Woodard & Curran. Watershed protection to help with how to keep the watershed clean and where the hot spots are. We are working with West Newbury to help us with this. If we can get the Indian Hill pipeline in we can dredge the upper and lower. We are putting a proposal in the budget for another watershed engineer—similar to an MS4 which we currently have Nick Federico in that position. I highly recommend the Commission approve that. Mr. White said the hot spots are tributaries mostly on the West Newbury side.
- Commissioner Jones wants information on water levels and PFAS from Tom Cusick. Mr. White said the City's legal counsel recommended the City join a class action lawsuit. Mr. White does not feel we should be paying for removal when EPA allows companies to discharge. EPA is proposing thresholds that we have to meet. The City is fine because we are in compliance.
- Waste Water Treatment Plant flood protection project. The design plan is on hold because they are having a staffing issue.
- CIP. Commissioner Jones proposed meeting March 29th at 1:00 pm and have questions prepared.

7. Confirm Next Meeting: April 26, 2023 at 3:30 pm

8. Warrant and Contract Signing

- Commissioner Simon asked what Stiles is and Ms. Knight said it was for the purchase of meters. He asked what Northeast Control was and Ms. Knight said that was for Scada control upgrades to the plant. He asked what Slack and Ms. Knight responded chemicals.

Commissioner Creelman made a motion to approve water and sewer bills. Commissioner Simon seconded.

Vote: Creelman yes, Jones yes, Simon yes, Smith, yes

Creelman yes, Jones yes, Simon yes, Emmons, yes, Suozzo, yes

9. Adjournment

- Adjourned 5:45 pm.

Respectfully Submitted By: Karen Bush