

**Dighton Water District  
192 Williams St.  
No. Dighton, Ma 02764**

***Paul Pacheco  
Edward Swartz  
Sue Medeiros***

***Commissioners***

***Carol A. Stevens  
Treasurer/Clerk***

July 14, 2009

A meeting of the Dighton Water District Commissioners was held at the District office at 6:00 PM. Chairman of the Board, Paul Pacheco, called the meeting to order.

Commissioner Ed Swartz made a "motion to go into executive session with Attorney Gay for possible litigation issues". Commissioner Sue Medeiros second. Paul Pacheco called for a roll call vote, all three commissioners said yes.

At 6:45 PM Ed Swartz made a motion to rejoin, Paul Pacheco seconded the motion, Ed Swartz all in favor, ayes have it. Ed Swartz "in regards to the Water District boundaries I would ask and make a motion that the Board of Commissioners continue forward in accordance with the vote of November 13, 2007 and instruct Attorney Gay to continue with the process voted on in November of 2007". Sue Medeiros seconded, Paul Pacheco stepped down to second also. All in favor, ayes have it.

Ed Swartz stated that copies of the minutes are available and explained that "we were just continuing with the process of the District boundaries that we had started a year and half ago that needs some home rule petition". Ed Swartz continued "Attorney Gay will be responding to the letter that was submitted by the attorney in reference to the questions that were asked regarding the boundaries".

Attorney Gay explained "in 2007 the Water District voted to expand the boundaries and to seek the special act of the legislature to confirm their vote which for some reason was never done, so we are going to pursue that and I will explain that in the letter I am sending out to Attorney Cramer and anyone else who wants one. Ed Swartz explained we are going to clean up the boundaries that have been done over the years because if you read the

original district there are a lot of people outside the district that actual have water running by their house that are not in the District. Attorney Gay explained that the district presently has customers that receive water outside the District boundaries which they should have gotten a special act of the legislature to approve. They have the votes on record and they have the authority to obtain water outside the boundaries but they don't have authority to distribute water outside the boundaries. So they need to do that and then that's going to expand the boundaries if the legislature is approved to include everything except the North Dighton Fire District which is a separate entity. As far as paying a tax while you're not getting the water, that's a different issue. They voted that anyone within 2000 feet of a hydrant gets a benefit and therefore should be paying the tax. That applies both inside the District and outside the District. David refers to the District map hanging on the wall and points out where the original District boundaries were in 1950. In that particular District you might not have water in front of your house but if you're within 2000 feet it's my opinion that the boards decision is valid in that they don't need to get special act of the legislature for that. David Gay continued the board in 2007 made the correct motions to expand the Water District, they didn't however follow through on them. They delineated the boundaries and John Delano prepared that plan which is very accurate. And then a year later they published in the newspaper a legal description of the proposed District area. It should have covered the whole thing. They have a problem because the legislature needs to approve what they have done. Attorney Gay explained even though they expand to that whole area doesn't mean they have to distribute water to that whole area. People up on Maple Swamp Road who have petitioned to make sure they don't get taxed because they don't have water have a different issue that I will address in my letter to their Attorney. This issue that we discussed this evening was simply what do we do to correct what's been done for a number of years without proper authority. Attorney Gay stated the Water District can get water anywhere in the District. They have every right to get water from where they get it now which is outside the District. They can lay pipes and everything by eminent domain. But distributing the water there is only two ways they can do that and that is by petition of the people that want to join. The only other way they can actually expand the boundary to distribute is by special act of legislature. They have the votes on record to do that they just didn't follow through. They were suppose to contact Pat Haddad and for some reason that just didn't happen. Ed Swartz added "and that goes back to when a lot of developments started back in the 70's, 80's and 90's". Ed Swartz explained the District needs to file with legislature. Bob Adams wanted to know if the letter to Attorney Cramer will be part of public record. David Gay replied "once I send it, it will, so if you want one let me know and I will send you a copy". Ed Swartz and Paul Pacheco called a two minute recess.

At 6:57 meeting resumed. Paul Pacheco "next order of business is paying the Amstar invoice for the tanks and the divers reports, seem to be okay." Chuck recommends that we hold back a retainage of \$30,000.00 because of

some bolts that we need to get them back on". Ed Swartz moved to authorize a payment of \$309,082.00. Paul Pacheco stepped down to second. All three commissioners signed.

Next order of business was the lagoons. Paul Pacheco explained that Steve DeFrancesco, the Districts engineer, recommends for the chemicals to breakdown they need to be frozen. So his recommendation to us is to let the pond freeze for winter, in the spring time then scoop it out. And between now and then we can make a decision of whether we are going to make a facility here to stock pile it to let it dry out further or truck it away. Right now if we truck it away we are paying mostly for water. Some of the things that are in there that might be high like the aluminum, once that breaks down and it drains, that will go out with the water. Ed Swartz asked "what is the process we have to go through to get approval to stock pile it here and let it dry out"? Charles Cestodio answered "you can't, you can't put it on the premises to dry it. The only way you can is you actually have to set up a containing area and anything that drained off it would have to leach back into the lagoon bed. This is the way DEP told me it could be done." Ed Swartz asked "do we have room by the lagoons that we can do that"? Donnie Jefferson said "we have plenty of room, you would have to make a channel or a pipe to channel it back to the lagoon". Ed Swartz said "Since we're going to wait for it to freeze what I think we should do is look at both options, which is going to be more cost beneficial to us".

Paul Pacheco went on to old business which was a sign at the street. "We want to get prices on having stone columns built to hold it." Paul Pacheco continued "last meeting Ed suggested that we fill cement columns and have a sign put so we can have replaceable letters on one section and a regular sign on top so meeting and information can be posted". Ed Swartz said "We need to get quotes. I don't think we have money in the budget for it so we'd have to put it on the special in October after free cash is certified". Paul Pacheco suggested we ask the finance committee. Paul Pacheco questioned "We need to get masons in do we want to wait that long to start"? Ed Swartz continued "By the time we get quotes in and we make a decision we are in September as is. And I believe it's probably going to have to go on a special anyway it's not something we're going to be able to fund". Sue Medeiros asked "Do we want to make a motion to start getting quotes and then we will put it on the special meeting in October, November". Paul Pacheco "All in favor"? Ayes have it.

Paul Pacheco "Next on agenda, payroll service". Ed Swartz asked if there were any updates. Tina Bragga replied that Carol hadn't heard back from ADP. Ed Swartz said "Make a motion that we put this on next month's meeting and that Carol invite a representative of ADP to make a presentation of payroll services to the Board of Commissioners, so we can make a decision". Sue Medeiros seconds. Paul Pacheco "All in favor". Ayes have it.

Paul Pacheco stepped down "I'd like to make a motion that we have Chuck

hand out to all employees request to come up with a to do list of anything they can possibly think of this department needs, this District. Things that need to be done, give them a month to write it down so we can review things that they think need to be done. We'll decide if they need to be done or not". Sue Medeiros second the motion. Paul Pacheco "All in favor". Ayes have it.

Paul Pacheco "Next is Jason Jefferson to update District website". Ed Swartz explained that the District would like to post the minutes of the meetings, post the agenda for the upcoming meeting, meeting dates and times, annual and special meetings. Ed Swartz asked can someone here post and cancel meetings on the website? Jason Jefferson said he would work with Carol and Tina so they can cancel meetings and post agendas on the site. Jason Jefferson requested anything we wanted put on the site to send it to him in electronic form, word document would probably be the best. He will clean it up to make it look consistent throughout the website. Jason Jefferson said he charges \$75.00 per hour. All 3 commissioners agreed.

Paul Pacheco continued "Next on the agenda is a question about the water meter that is not working at the Aggie School." Chuck Cestodio explained that there are other issues he could not discuss but he would send the Aggie School a letter to have the meter fixed. Chuck Cestodio explained that the Water District fixed residential meters but commercial meters are to be fixed by the customer. Chuck Cestodio further explained that the Aggie school has a compound meter. It's a large size and a small, the small isn't picking up any flow and has been receiving an estimated bill. Ed Swartz stated if they refuse to fix the meter we can have access to go in there and repair that meter. That's the right of the District.

Paul Pacheco "Next on the agenda is the accountant". Ed Swartz had asked Carol last month to do some research into how other water departments handle their accounting services. It was more explain to me how they do it so we can follow something similar. Tina explained that most Districts do the same as we are doing. The treasurer does in house. Ed Swartz "You don't necessarily have to have an accountant. The treasurer can do some accounting functions but you have an auditor in place. We don't have an auditor. If you have the treasurer doing accounting functions then you have an auditor. If you have an accountant doing the auditing functions and the treasurer they work separately on it. Because the accountant has to check the work of the treasurer to make sure the free cash is correct, that's how they certify it." Paul Pacheco asked "Even though these other department don't have their in house accountants doesn't mean we can't have a part time accountant". Sue Medeiros "Maybe we'll have to talk to Carol, maybe they do have an accountant on the outside." Ed Swartz "I just wanted to see how other Districts do it, is it similar to having someone that comes in once a month and closes the books at the end of the month. Or is it someone who only does something at the end of the year? More of an auditing functions." Paul Pacheco "So we're going to get more information". Ed Swartz "I think

what we need to do right now is have Carol continue with the process of using Donellon to help to close the books this year so we can get our submissions in. We can't wait to do this next month, but we can make changes as we go forward. I make a motion that we continue to use Donellon, Orcutt, Patch to close our books so we can have the state filings in on time in September." Sue Medeiros "I second that". Paul Pacheco asked "All in favor"? Sue "Aye".

Paul Pacheco "Now the approval of the warrants". Ed Swartz asked "We are officially closed of last year's bills, everything is closed out"? Tina answered yes. Ed Swartz "I make a motion to accept the minutes of June the 22nd". Paul Pacheco stepped down "Second". Ed Swartz "All in favor"? Ayes have it.

Paul Pacheco continued "Next I'd like to take 15 minutes for public input." Dan Carpenter stated he would like "The chairman of the committee to be whichever commissioner is in their second term." Ed Swartz stated "To do that it would actually have to be a bylaw change to make it officially that way. It has never been a rotating position, it's always been an elected position by the members of the Board of Commissioners." Bob Adams said "You mentioned something about in the bylaw of the charter, does it in fact say that the chairman should be the senior member"? Ed Swartz replied "No, what it says is if the chairman is not there the senior member becomes the acting chairman of the committee." Bob Adams said "It should be the commissioner with the most experience should be the chairman." Ed Swartz "But in a lot of cases you run into people who don't want to be the chairman of the board they're on."

Tony Roderick asked next "The beginning of the meeting I missed and I noticed you had an Attorney here. Why did he refrain from answering the question about taxing people by this Water District?" Sue Medeiros answered "I don't think he refrained, he's going to answer but he's going to answer it directly to the Attorney. Tony Roderick asked "Is this under litigation"? Ed Swartz answered "Yes there are a group of residents who have hired an Attorney and sent a letter to our Attorney". Sue Medeiros stated "Attorney Gay said that anyone is entitled to a copy of his response letter once he has sent it to us". Ed Swartz "No law suit has been filed but legal representation has been retained." Tony Roderick asked "Is it public record". Ed Swartz said "Their letter no, the response letter from David will be public record and provided." Paul Pacheco said "He hasn't given us the answer yet". Ed Swartz said to Tony "I don't know if you were here when we talked about it. What we talked about is, a lot of what's gone on the 500 feet, 1000 feet, the 2000 is technical outside the District. And legislature over the years needed to be filed to expand it that way from a legal stand point in home rule petition. There are people outside the District that have been getting water that are outside the District." Donnie Jefferson stated "There are people that petitioned for water". Tony Roderick asked "So what is he petitioning legislature for"? Sue Medeiros "To accept the rest". Ed

Swartz continued "Which should have been done over the years". Tony Roderick asked "Is he trying to incorporate the entire town"? Ed Swartz answered "Yes he is trying to clean up the boundaries". Tony "The boundaries are going to be the way you people wanted it"? Ed Swartz "That's what the proposal is, if it's passed by the legislation the proposal will be that the District will be what you see highlighted in yellow and green on the map." Tony Roderick asked "What about past performance"? Tony Roderick added "I don't agree with the Attorney not answering the question. He should have answered the question while the public was here." Ed Swartz said "He will address it." It was questioned "If we were never part of the Water District how does this affect all the votes that went on over the years"? Bob Adams states "These guys are going to correct that". Paul Pacheco "We're going to try and correct some of this". Bob Adams suggested "Maybe research how they did it in the beginning". Ed Swartz explained "It was a home rule petition filed by the Water District to create the Water District in 1950". Bob Adams said "I'm sure there were people in that District that didn't want the water, they had their own wells". Ed Swartz stated "The acts of 1950 established the Dighton Water District and by establishing the Dighton Water District now the board of commissioners has the right to establish and propose home rule petition. Under the original one the Dighton Water District has the right to go out anywhere in town and get water and bring it back to this plant. But under the original 1950 they don't have the right to distribute it outside the District. But over the years it has grown and grown and grown so it is definitely outside the District."

Paul Pacheco "I make a motion to go into executive session".

At 8:23 the meeting continued. Sue Medeiros made the following motion "I Move to authorize David Gay to petition that the position of Superintendent be removed from the union contract". Ed Swartz "Second". Paul Pacheco "Second", all in favor, ayes have it."

Ed Swartz asked "Chuck do you want to go through your report?" Chuck Cestodio answered "I'll need to get prices but I'd like to get the garage doors done." Chuck also mentioned he is having a problem with someone trespassing behind the lagoons. The commissioners discussed how to stop this. Chuck asked if he could have Arnold Construction block the entrance with some boulders. The commissioners okayed this. Ed Swartz told Chuck to put a list together of what needs to be done and to have it done. Utilize Gary, Bob and even Donnie to go work with Barry and knock something off the list

Ed Swartz asked "For the next meeting can you get us an update on Kevin's condition".

Chuck Cestodio gave each of the commissioners a copy of a proposal for antennas at the tank to review for the next meeting.

The commissioners discussed dates and times for the next meeting.

Scheduled meetings are as follows: August 25th at 6:00 PM, September 14th and October 13th .

Ed Swartz questioned "The altitude valve"? Paul Pacheco asked "Is that really necessary"? Chuck explained that you would gain 50,000 gallons of storage. Donnie Jefferson said it would increase the pressure in town. Paul Pacheco asked if the valve could be fixed for \$500.00? Donnie Jefferson's concern was how bad the valve was on the inside. Ed Swartz "For \$600.00 I'm going to make a motion that we attempt to fix it with the spare parts that you need to purchase to do it. So I make a motion that we authorize Chuck just go ahead and do that." Paul Pacheco "I second that, all in favor"? Ayes have it.

Next on Chuck Cestodio's report was the reconditioning of Cedar well #1. Donnie Jefferson suggested moving this well. Chuck Cestodio explained that you can't move the well very far without getting new permitting. The small amount that we could move the well without the permitting would not make much of a difference. Paul Pacheco asked "Is it consistently dropping still"? Donnie Jefferson answered "No right now it's holding, I can't go more than 107 gallons, 115 tops". Ed Swartz asked "What did we get out right after we redeveloped it last year"? Donnie "You might get 150". Donnie Jefferson said it is best to recondition while the water table is high. Ed Swartz said "I think that's a good idea. How quickly can this be done, because we know how high the water table is right now?" Chuck continued "They were booked into this month. I'd have to call them and check." Ed Swartz said "I'll make a motion that we move forward to do this one as soon as possible while the water table is high". Ed Swartz "So you need a motion from us to approve to do this one as well as the add on." Paul Pacheco "Second, all in favor". Ayes have it.

Paul Pacheco continued "Somerset samples increased from \$6.00 to \$10.00 per test."

Paul Pacheco asked Chuck to send the work orders for the following week to the commissioners on the Friday before each week. Paul Pacheco also discussed that starting Monday Barry and Gary will report to and leave from the treatment plant.

Chuck Cestodio explained that he has 5 service installations on the books. Chuck Cestodio asked the commissioners if he is short handed if you could use Arnie's men on the installations? Ed Swartz said to use our workers first then if we have to use Arnie. Chuck explained that one of the installations is next to Stonegate access road. The contractor said that Stonegate provided him with a water tap and sewer tap to his property. I told him the only way I would sign his permit was he would have to install off the highway. I don't want the line coming across private property. I told him, he filed the application and I approved it with the tap being out on the highway. Ed Swartz "I make a motion that we reaffirm Chuck's recommendation and that

is the vote of the board on the permit." Sue Medeiros "Second". Paul Pacheco "All in favor, Ayes have it".

Sue Medeiros "I make a motion to adjourn". Ed Swartz "I second it".

Meeting was adjourned at 8:52 PM.

Respectfully submitted,  
Tina Bragga

Those in attendance:

Paul Pacheco	Ed Swartz
Sue Medeiros	Charles Cestodio
Tina Bragga	Donnie Jefferson
David Gay	Jason Jefferson
Dan Carpenter	Carolyn Carpenter
Bob Adams	Linda Cestodio
Tony Roderick Sr	Delores Nunes

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