

BOURNE WATER DISTRICT COMMISSIONER'S MEETING, JUNE 10, 2025

The meeting was duly posted.

The meeting was called to order at 8:30 a.m. by Commissioner Brian Handy. Present: Commissioners Brian Handy, Peter Way, and Michael Lyons. Also present: Superintendent Robert (Bob) Prophett, Attorney Randy Collette, and Treasurer/Clerk Kristen Noel. The meeting was held at the District office at 211 Barlow's Landing Road, Pocasset.

Michael Lyons made motion to accept meeting minutes from the May 13, 2025 meeting. Brian Handy seconded and all in favor.

NEW BUSINESS

VERIZON UPDATE

Bob Prophett summarized for Board that again, Verizon is asking for a letter from Bourne Water District and the Commonwealth of Massachusetts granting permission to put their cell tower in South Sagamore because they believe the land is leased from the Commonwealth of Massachusetts and Bourne Water doesn't have the right to just lease the land without permission from the Commonwealth. Randy Collette stated that he sent a note to Division of Capital Asset Management to inquire about proof of this lease, and they replied they didn't do this type of work and referred Randy to the Department of Conservation and Recreation Public Records. Randy is now waiting for a response from them.

SOLAR UPDATE

Bob Prophett updated the Board that per the last Commissioner's meeting, Randy Collette reached out to Chris Vaccaro of Dalton & Finegold LLP related to generating a final termination notice to NextGrid. Chris works on commercial leases and Randy sent him the three letters previously sent to NextGrid from the District for review. Because the District would be terminating the lease under the state request for proposal, Randy wants to make sure there are no missed steps that would open the district up to liability. Chris provided a workup of costs for the Board to review. Bob asked if Randy had any idea of how long it would take to do the work. Randy replied the termination letter itself wouldn't take too much time, but it would be going through what the District has already sent to make sure everything is accurate. He would also handle any responses from NextGrid. Brian Handy stated that the proposal's wording of anticipating monthly statements was frightening. Bob also had concerns as he didn't want this being worked on for months at a time. Peter Way stated that you had to assume this was boilerplate. Randy agreed that this was a standard engagement letter. Mike Lyons then asked what if the District didn't do anything? Peter Way was wondering the same. Randy stated that the land would be locked up and the District wouldn't be able to resolicit another RFP to use the land. Presently NextGrid has the right to use the land for solar purposes for the next 20 years with the proper permitting. Randy continued that the Board needs to determine if they are willing to allow the land to sit there idle, or if there is another use for the land. Randy also stated that the underlying issue is the land is not zoned for solar and would require a special permit.

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NextGrid should have known that before bidding. They are obligated to get these permits to move forward and the District has an obligation to support this. According to Randy, this has been done with the good cause exemption letter as well as building permit. If the Board wants to terminate, it is Randy's recommendation to have the law firm generate the termination letter and review what has been done. Mike Lyons' concern was the exact cost of using this service isn't defined. Randy stated he could organize a termination letter, but his concern would be if it wasn't done properly, they could file suit against the District. Mike stated he thinks the documentation should be reviewed and mentioned capping the budget. Brian stated we would get billed monthly and could terminate that agreement at any time. There is a clause in the solar contract for NextGrid to end the lease themselves if they can't get permits, but the issue is they never applied. Brian thought we sent a termination letter previously, but it was a 30 day notice to cure in which no action was taken. Peter Way then expressed concern that the district would spend this money to terminate, and Next Grid may push back and prolong the fight. He continued that it would feel good to be done with this but there is no urgency on our part to terminate. Brian stated the District has been dealing with this for five years and it's time to take a definitive step. Doing nothing is not a definitive step. The District should take this land back. Mike and Peter agreed but the unknown expense of moving forward with termination is a concern. Mike suggested continuing to send emails monthly to check in and not rush into anything but Brian was not in agreement. Bob asked what the content of these emails should be. Randy stated the District should be direct, have permits been applied for? Bob also questioned ownership. Does lease start upon signature of paperwork or when they start paying when they get permission? They have the right to the land but can't do anything until permits received. Brian made a motion to have Chris Vaccaro of Dalton & Finegold LLP review the lease and correspondence sent from the District and get recommendation on what next steps should be. Peter Way seconded the motion and all in favor.

MERIT RAISES / LICENSES

Bob Prophett informed the Board that Patrick Brown just passed his T-1 license test. Pat Brown, Pat Roach, and Pat Dobbins also took the OSHA 40 certification and passed.

Bob proposed a \$1.50 increase for Pat Brown and a .50 increase for both Pat Roach and Pat Dobbins. He explained that we want to keep good employees and make sure they feel appreciated and hoped that the Board would agree. Brian made a motion to grant Pat Brown a \$1.50 / hour increase and both Pat Dobbins and Pat Roach a .50 / hour increase based upon obtaining certifications. Motion seconded and all in favor.

Kristen Noel then requested the Board consider a \$1.00 increase for Sr. Billing Clerk Bree Yenulavich. Kristen explained that Bree is an extremely hard worker and is always willing to take on additional responsibilities. She has also trained Jessica for the past 5 months. Her positive attitude is apparent to everyone in the office as well as the crew. Her professionalism and customer service skills are top notch. Brian made motion to grant Bree a \$1.00 / hour increase based upon performance. Motion seconded and all in favor.

GENERATOR DISCUSSION

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Bob informed the Board he has three quotes for generators, but one most likely Commercial Electric is out date as it was obtained in 2024. Tilton and South Shore pricing should still be good. Bob Cena also quoted but price was based on him buying the generator and ATS switch and passing those costs onto the District. The District would have to do the digging and pad work as well. He stated that at the last Board meeting, the question came out, why don't we buy the generator ourselves and do what we can before hiring an electrician to do the wiring? Bob continued that he went back to Haley & Ward for guidance and was advised to stay away from Genrac. One suggestion was put bid out on central register and go full RFP. Everyone would need to come back out and re-bid. Alternate suggestion would be use the state bid contract through Sourcewell where no procurement would be needed. Mike Lyons asked if this process was the same as purchasing a district truck? Bob said exactly the same. Sourcewell priced out a Kohler 125 kW with ATS switch for \$56,493.00. Mike then asked how we came up with 125 kW? Bob explained we had 4 companies come out. South Shore Generator came in, looked at the site and buildings, and would not quote less than 150 kW. Commercial Electric came in, didn't take any measurements or readings, and wouldn't quote less than 150 kW. Tilton Construction also quoted 150 kW. Bob Cena actually put a meter on the line coming in and had pumps started. Highest draw was 84 amp / volts and he was comfortable quoting 100 kW or 125 kW. Mike Lyons asked what was in the budget. Bob replied \$135,000.00. Lead time is 15 to 17 weeks out. Brian was hoping the District would go with a more mobile option that you could put at different stations. Brian continued that if Bob was worried about the SCADA system, we could purchase a much smaller generator for that. He asked if we had two stations with power? Bob replied that both six and eight are both available to generate power. Mike Lyons asked if we had gas already coming into the building? Bob stated that the meter is already stumped for the two-inch line to go to the generator. Mike Lyons stated he would buy the generator and get pricing from the electricians. Peter Way wanted to first clarify the size needed. Only one person stated 100 Kw would do and all others came on at 150 kW. Bob replied that when Bob Cena came and put his meter and got a draw number, he was as right on as it should be. Peter then stated we wouldn't kick yourself because it's a little bigger than you need, versus too small. Mike Lyons stated there is a downside of being too big, not running to capacity and burning too much oil, which is what is happening out at the Base. Bob also reminded Board that Dennis has 23 stations and bought 100kW generators to run each station. Mike Lyons asked if we could go back to Haley & Ward to ask their opinion to make sure 125 kW would be large enough. The electric service only covers the front two buildings as there are three separate services, and you can't tie different voltages into the same generator. The design of the generator is to run SCADA, Station # 1, and run the line station in the front. Mike Lyons made a motion to buy the 125 kW generator and transfer switch and obtain pricing for the electrician and plumber. Peter Way seconded the motion and all in favor.

ABATEMENT REQUEST – 90 ROUTE 28A

Bob stated that an abatement request was received for 90 Route 28A for Richard Fernandez. The home has a meter pit. Halfway between the house and cottage on his property, he installed a valve in the meter pit so that he could turn the house on separately from the cottage. One of the valves was leaking during the winter but homeowner wanted to wait until spring to fix. Spring reading showed usage of 1.33 million gallons for a six-month period. It was found that there was a leak from the meter pit to the cottage. He had since shut off the valve to stop the leak and was going to

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repair it. The crew went to investigate and saw meter spinning and went to inform homeowner although no contact was made until Richard went to shop after receiving high usage letter. His argument was that it would have been caught sooner but we only read twice a year. Brian made motion to abate half of the bill (minus customer service fee) in the amount of \$1831.50. Motion seconded and all in favor.

ABATEMENT REQUEST – 552 MacArthur Blvd

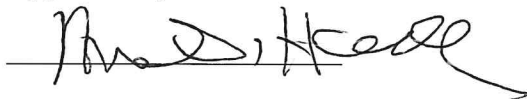
Bob stated that an abatement request was received for 552 MacArthur Blvd. Sign on building says it's a construction company and is vacant. The District had never been asked to shut water off but it was shut off in building. When the readings were done, Dave T went to building to investigate high usage and he heard water running in the building after the meter. Dave shut off at street. If meter was actually shut off, it never would have gone through meter. This happened in winter. There was a normal reading in fall, no water usage detected. This building will be demolished and rebuilt. Mike Lyons questioned getting into the property to figure out what did happen. Property owner would be amenable. Brian made motion to abate half of the bill (minus customer service fee) in the amount of \$2077.63. Motion seconded and all in favor.

MOTION was made to adjourn at 9:56 am. Motion seconded and all in favor.

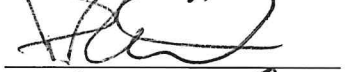
Respectfully submitted,

Kristen Noel, Clerk

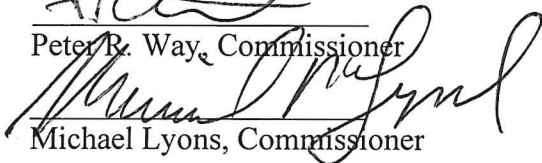
Approved by: Board of Water Commissioners



Brian S. Handy, Chairman



Peter R. Way, Commissioner



Michael Lyons, Commissioner