



COMMONWEALTH OF MASSACHUSETTS

Town of Southwick

454 COLLEGE HIGHWAY SOUTHWICK, MA 01077

Department of Public Works- Water Division

Telephone (413) 569-6772 Fax (413) 569-5001

Water Commissioners Meeting Minutes

Southwick Town Hall- Conference Room 2 – Hybrid Meeting

Thursday June 16th, 2022 at 6:00 pm

Members in Attendance: Edward Johnson, Chairman
Dave Meczywor, Commissioner

Others Present:

Randy Brown, DPW Director

Christie Myette, DPW Office Manager

Carol Boedicker, 15 Lauren Lane

Michael Foint, Lauren Lane

Matthew Brown, 34 Lexington Circle

Kurt Saunders, 109 Congamond Road

Zoom Attendees:

Eric Scammond, Address not given

Heidi, Address not given

Absent:

John Cain, Commissioner

The meeting was recorded.

The meeting of the Board of Water Commissioners was called to order at 6:00pm.

PUBLIC COMMENT

Carol Boedicker: Asked the following questions in regards to the Water Withdrawal Permit:

How is it possible that the permit is still valid as it has lapsed for 6 years... How is it enforceable to town residents for 6 years?

Southwick in 2014 was put on a revised permit by the MassDEP. After 8 years we are the only town in entire Hampden region to be in these highly restricted permit. If you look at the language on the website- Question: Why do some communities not have water restrictions or water restrictions that are not as stringent? Answer from the website: The Southwick water permit was recently renewed through the Mass DEP and the one day limitation is the standard requirement. Recently renewed that was 8 years ago but your website refers to that as recently renewed. The Mass DEP is continually reviewing Water Withdrawal Permits. No other town has been added to those restrictions or even similar restrictions at all in the past 8 years and now our current permit has expired 6 years ago and your still enforcing it. The website also says in time that all communities with permitted water withdrawals will be required to have similar restrictions as Southwick. It has been 8 years no one else has been added to that permit. We are the only town in the region that is under the restrictions. No town has been added in 8 years but the website says in time all communities. It's absolutely unacceptable that we as the town of Southwick are held to a standard, the only town in Hampden held to a standard that no other town is held to.

When you look at the fact that we are held to a different standard than everyone else in Hampden County that immediately says to me that we are being targeted, discriminated against, we are being held accountable to a different standard than anyone else. Is there no legal action that can be taken against the Mass DEP? And has that happened in this Commission? Has there been any action taken to push the DEP to make this equitable across the board because it's not.

I also want further information about comments that other towns outside of Southwick have access to our water supply. Randy you and I had a conversation an hour's worth last year in that conversation we talked about West Springfield residents have access to our water supply correct?

Randy Brown: This is public comment where we do not interact we can after the fact but that is not exactly true. Somewhat true but not exactly.

Carol Boedicker: Similar to information on the website that is very misleading if I was a new resident looking at information on the restriction reading on the website. I would never know that 8 years have gone by and we are the only town on this permit. I would never know that 6 years has gone by since our current permit has elapsed/expired. In time other towns are going to be put on this. I would never know because there is no reference to that on the website. So when we are talking about West Springfield based on our conversation last year it was my understanding that West Springfield has the ability when their supply is low to utilize part of our water supply. If that is the case, if West Springfield benefits at all from a water supply that our residents are being told we don't have access to. We are the tax payers in this community we are being put on severe restrictions and we are being told there is no enough water but if any town outside of Southwick is benefiting from our water supply when we are being told that we cannot benefit from it as the tax payers in the town of Southwick. That are spending thousands of dollars every year to repair their lawns at properties that we purchased in this community because we wanted to live here. It is unacceptable. And the fact that nothing has been done in 6 years, 8 years. Who is accountable? You guys put water meters on our homes so you can make us accountable for adhering to the restrictions. Who is holding you guys accountable for doing things in the best interest of the residents? It is absolutely unacceptable, inappropriate and at some point there has to be some legal recourse. If it's not you guys taking legal recourse against the MassDEP to force change then it's going to be the Town or the Town residents taking legal recourse against you because somehow some way I believe, I believe there is legal recourse here one way or the another. We should not be under these restrictions. We should not be the only town under these restrictions.

Matthew Brown: Those are all great points that's everything that I wanted to say. The only other thing I would like to comment on is that now what you are forcing residents to do is put in their own wells so that they can water their lawns at the expense of 20-25 thousand dollars each and we are pulling from the same aquifer that the town uses. So what's the point of that? I am here to hear the answers to everything that she just asked.

Michael Foint: I think everything she said was is right on. I am here for moral support. Just don't understand. I am all about conserving water Randy. And I think everyone should be doing that I just don't want to lose my lawn. I mean if there was something we could do maybe the towns

going to try to conserve water, water two or three times a week. I just don't want to go on vacation and come back and have a lawn just gone. It has already happened I don't know how many times in the past three, four, five years. Finally I have a lawn established after having a house on the newer side the lawns established. It's going to be really hot next week and what's going to happen. There has got to be something, I know this whole permit thing. I don't really understand it, it just doesn't make any sense to me how we are in a water ban two years in a row and there is no one else in Hampden County in a water ban. It just doesn't make any sense to me. Like okay there is a water ban and then the next day or that same day these fancy signs are up. Like how does this happen, like why? What's going on here? How are we in a water ban? I mean I know you can't just make up your own rules and say you can water two or three times a week it's going to be this. I understand the rules are the rules and regulations are the regulations. I am following the rules but I think there has to be some kind of middle ground, something sensible for everybody if you want to conserve water. Conserving water is great I understand that's what we should be doing. Nobody wants to lose their lawn and the other fact is we are talking about this permit how come we are set to a different standard than someone else. And the other thing about West Springfield using our water how does that work. Is that something that happened 60 years ago where there was a contract? I don't know how that works does the contract ever expire? I just don't understand how we are giving water to West Springfield when there is plenty of water right here in Southwick for the Town of Southwick. That's pretty much why I am here as a supporter.

Matthew Brown: Can I add one more comment? My other question is just why does the expired permit based on a river that is dam controlled by the US Army Corp of Engineers? So I just want an explanation on that as well because that's what the permit is based on is the flow rate. That's why we are in the predicament we are on a dam controlled river. So just an explanation of that as well.

Randy Brown: Mister Chairman if I may chime in. I don't mind having some discussion on these questions but I think there is a lot of misinformation being presented by these three today. I would be happy to clarify. When you would like that to happen it's up to you. We can go through our agenda then address it at the end or we can address it now. I would be happy to answer whatever we can to clarify. I will say that the Town of Southwick Water Department has done nothing wrong. We are following the rules. We have done everything property to the book whether you like it or not. We are doing the right thing. I cannot speak for other departments or the DEP they are their own department I cannot control them. I think a lot of your issues are with them not with us. That's all I will say. We have done nothing wrong.

Review of the May 19th, 2022 Water Commissioners Meeting Minutes. Commissioner Edward Johnson listened to the recording of this meeting.

*A **MOTION** was made by Dave Meczywor to accept the May 19th 2022 Water Commissioners Meeting Minutes. This was seconded by Edward Johnson. MOTION PASSED*

Roll Call Vote:

Edward Johnson: Yes

Dave Meczywor: Yes

The Chairman had to briefly stop the meeting to address members of the public who were present who were talking while regular business was being attended to. They were upset that they came down to the meeting to get answers to their questions and they haven't been answered. The Chairman explained that they will be addressed under new business because they were under public comment and not part of the meeting agenda.

Three Elderly Rate Applications were presented to the Water Commissioners. These applicants met all the necessary requirements.

*A **MOTION** was made by Dave Meczywor to accept the four Elderly Rate Applications. This was seconded by Edward Johnson. MOTION PASSED*

Roll Call Vote:

Edward Johnson: Yes

Dave Meczywor: Yes

DIRECTOR'S REPORT

1. Another round of public notifications were sent to all water users on 6/10 regarding the haloacetic acids (HAA5) sample results taken on 5/10 at Wells 1/2 and Jarry Drive Pump Station. It is likely that future rounds of public notification will be required quarterly for the HAA5 violation that continues from the last several rounds of samples.
2. Water use restrictions were put into effect on 5/31 due to low flow levels in the Westfield River per the conditions in the Water Withdrawal Permit. In addition, the Executive Office of Energy and Environmental Affairs (EOEEA) Secretary declared a Level 1 – Mild Drought for the Connecticut River Valley Region on 6/15 which is another trigger to implement water use restrictions per the conditions in the Water Withdrawal Permit.
3. The new chlorination system for Well 1 is complete. MassDEP will conduct an inspection on 6/21. Assuming everything is good, the system will be put into service after the inspection.
4. The 2021 Consumer Confidence Report was finalized and advertised in the Westfield News and posted at various locations around Town.
5. Calabrese Farms partially addressed the water leak that was discussed at the 5/19/22 meeting. Initially it was leaking ~300 gallons/hour, but they made some repairs and a leak of ~30 gallons/hour remains. Their abatement request was tabled to the July Water Commissioners meeting.
6. Randy spoke with MassDEP regarding the Water Withdrawal Permit update on 6/9. The Boston office of MassDEP will start the permit renewal process for Southwick and West Springfield. This was initially tasked for MassDEP Western Region office but their staffing does not have the experience or resources to take on these permit renewals at this time. MassDEP Boston did not provide any timeframes.
7. The owner of 55 Sam West Road has not yet performed the remedies necessary to re-establish the water service which included 1) replace the water service from the curb stop, 2) remove the pipe where the meter should be located and provide a proper setup for a new meter, 3) install a backflow device on the threaded hose bib, and 4) pay for a new meter. After these items are complete, the new meter will be installed by the Water Department.
8. Emil Pustea of Sigma Water Systems continues to perform inspections at backflow devices.

A Work Order Summary was presented to the Commissioners

APPOINTMENT

6:15pm- 6:20pm 109 Congamond Road Traveltown LLC Abatement

Kurt Saunders presented his abatement request of \$73.00 on the water portion of his bill due to a frozen outdoor faucet this past winter. Mr. Saunders received a water leak notification card in the mail and found the frozen outdoor faucet as the source of the leak and had it repaired. A few weeks later the faucet then froze again triggering another water leak notification card to be sent. At this time Mr. Saunders had a plumber remove the outside faucet all together to avoid any further issues.

*A **MOTION** was made by Dave Meczywor to grant the requested abatement of \$73.00 on the water portion of the bill. This was seconded by Edward Johnson. MOTION PASSED*

Roll Call Vote:

Edward Johnson: Yes

Dave Meczywor: Yes

OLD BUSINESS

WATER RATES

At the last couple meeting Randy Brown had presented some scenarios for rate adjustments going forward. Some additional rate scenarios were requested and were presented to the Board for review. These scenarios vary with some options having a higher percentage increase at the higher tiers and others change the tier consumption to be more than the current tiers for example tier 1 0-30,000 gallons, tier 2 30,000-45,000 and tier 3 45,000 gallons plus but that was not a recommendation. Tier 1 0-15,000 gallons is in line with DEPs recommendation for 65 gallons per person per day for a single family home. The Commissioners discussed all the presented rate adjustment scenarios and decided on scenario 7 and made the following motion.

*A **MOTION** was made by Dave Meczywor to increase the water rates as follows:*

10% Tier 1: 0-15,000 gallons \$7.50 per 1,000 gallons

20% Tier 2: 15,001-30,000 gallons \$8.10 per 1,000 gallons

30% Tier 3: 30,001 + \$8.75 per 1,000 gallons

MOTION PASSED

Roll Call Vote:

Edward Johnson: Yes

Dave Meczywor: Yes

NEW BUSINESS

WATER USE RESTRICTION DISCUSSION

The Water Commissioners and Randy Brown discussed the questions and comments brought up during public comment earlier in the meeting.

Randy Brown started to address the public comments by saying that the drinking water program is run by the Mass DEP and controls the permit regulations. The Southwick Water Department is not in control of these regulations or what they do for other communities. Randy has had many discussions and emails with DEP expressing his displeasure with DEP on why we are the only communities under these type of restrictions. Many questions were asked in regards to the legality of the permit that has been expired for 6 years and how the Water Department can be sending letters out to those who violate the ban. The permit even if it's expired the regulations

stand until a new permit is put into place. It was said that the Town should be taking legal action against the DEP because enough was not being done. The Board explained that this permit is the “law” and has to be followed. The Board was asked when the permit goes up for review if they have any input or say in regards to the restrictions. For example Hampden County is currently in a level 1 drought and those to the east are currently in a level 2 drought but can still water up to three times a week. Can the Board recommend this to the DEP to increase the frequency of watering? Randy Brown addressed that our permit has the ability for us to allow users to water twice a week but we as whole need to follow the DEPs guidance of using less than 65 gallons per person per day. If we are above that threshold then we have to restrict to watering once a week. If we were below that 65 gallons per person per day then we can allow for up to two days per week to water. We currently are well over 65 gallons. It was asked if it would be possible to split up instead of being able to water in the morning and evening possibly allowing people to water two days a week but only in the mornings. Randy Brown said that in the past this has been brought up by other water users and would be brought up as a request to the DEP in the permit renewal process that has yet to happen. But based on other recently updated permits the standard is being brought to one day per week before 9am and after 5pm. We had throughout the years reached out to our local legislators to try to move this process along and DEP gives the same response that they will renew it next year. Randy Brown has spoken with Duane Levangie head of the Water Management Program at MassDEP out of Boston that every year we are getting inundated with phone calls, email and complaints about this and this is DEPs policy and we should not have to defend. He has offered to speak with any residents who have questions as to these restrictions. It was asked if there is anything in place which says that the permit has to be renewed by a certain time, could this go on for another 5 years? There are some deadlines but there have been a lot of extensions most recently due to Covid.

It was then asked if Randy could explain the West Springfield component. Southwick, West Springfield and Russell draw water out of the Westfield River Basin. Southwick does not sell water to any community. West Springfield owns land with a treatment facility here in Southwick but there is no interconnection we just share an aquifer. Our permits were to be updated concurrently and are usually done regionally. It was asked if the Town was looking into other ways to provide additional water to the Town. Randy Brown explained that we have two water sources our own wells which are based upon the permit that caps us to 1 million per day and we also have an interconnection with Springfield Water and we have no limits as to how much we can pump just mechanical limitations on how much we can pump into the system. Our permit doesn't factor in the water purchased from Springfield Water it just factors in the water pumped from our own source. It was asked why do we have a 1 million gallon cap and West Springfield doesn't have a cap? Randy clarified that West Springfield does have a cap of 7 million gallons. This is because back in the 1980's the Water Management Act was put into effect which said that communities were guaranteed the same amount of water they use then they would continue to be able to use. At that time Southwick was much smaller so our usage was at about 1 million gallons per day. West Springfield usage was much higher due to the factories that lined the river which have since been closed and decrease in usage but the number still holds. At this point whether the cap was higher or not the triggers are still in place in the permit which regulate non-essential outdoor use. Water Management is a hot button issue in Boston and it is being looked at to regulate private wells. Those in attendance requested Duane Levangie contact information

which was provided. The Chairman concluded the discussion with stating that Randy Brown would be discussing their suggestions with MassDEP again as well as speaking with legal counsel.

*Dave Meczywor made a **MOTION TO ADJOURN** this was seconded by Edward Johnson the meeting was adjourned at 7:00 pm.*

Roll Call Vote:

Edward Johnson: Yes

Dave Meczywor: Yes

MEETING ADJOURNED

Respectfully Submitted By,

Christie Myette
DPW Office Manager

Ed Johnson, Chairman

David Meczywor

John Cain