



## BOARD OF WATER COMMISSIONERS

# Cotuit Fire District

## Water Department

4300 FALMOUTH ROAD, P. O. BOX 451

COTUIT, MASS. 02635

03/15/2017

The monthly meeting of the Board of Water Commissioners (BOWC) was held at Freedom Hall at 6:00 p.m. Chairman Ted Barnicle, Commissioner Don Campbell and Commissioner Vic Mastro were present as was Superintendent, Chris Wiseman and the district's attorney, Mark Boudreau.

Also in attendance was Russ Kleekamp from GHD Engineering and Zak Farkes, Andrew Reed, Jared Connell and Dave Albrecht from Borrego Solar.

The meeting was called to order at 6:02 p.m. Also recording at the meeting is Amy Kates of 4782 Falmouth Road, Jason Saunders from Cape Cod Broadcast Media and Adam Lucente from the Cape Cod Times.

The 02/15/2017 meeting minutes were approved and the warrants were signed.

Superintendent Wiseman reported that all Water Quality testing results were within normal limits. The VOC tests were taken and results are pending.

Monthly Pumpage Results are as follows:

	<u>2017</u>	<u>2016</u>	<u>+/-</u>
February	8,219,000	8,742,000*	-523,000*

Due to the leap year in 2016 there was one less day in February 2017 for comparison purposes. There were 0 replacement services and 0 new services completed in February.

Superintendent Wiseman reviewed the required chemical safety and treatment code upgrades that are required by the MassDEP and the financial requirement to support the upgrades for the purpose of the commissioners upcoming FY18 Budget and Special Appropriation discussion later in the meeting. Including engineering costs, the project will require up to \$450,000 to complete.

Russ Kleekamp gave an update on the open GHD Projects. US Wireless has executed a mutual release with the district and the commissioners made a motion to accept the bid from the second RFP respondent, Centerline/Tower North. The lease will be sent to legal counsel for review. All three cell carriers have signed a letter of commitment to work with Centerline. The new tank construction is complete and the tank is online. The demolition of the Main St. Tank has been delayed for about 6 weeks due to several factors including weather and the relocation of cell antennas.

Commissioner Barnicle then turned the floor over to Zak Farkes from Borrego Solar who introduced the staff that was in attendance and gave an update and overview of the proposed Solar Project, the work that has been completed to date, and discussed the apology letter that was sent to both the district and the abutting residents for the test pits that were dug in the area outside of the project plan. Borrego Solar has committed to repairing the damage by hiring a Replication Specialist and a Restorative

Landscaping team. They will submit a plan to the district for review and work will take place as weather permits to restore the areas that were damaged.

The meeting was then opened to public comment and took the form of question and answer for the Borrego team.

- Mike Ferrill, 209 Mariner Circle expressed concern for the change in the layout of the project in relation to the wet lands and setback from the property lines on Mariner Circle. He questioned how the GPS error could happen, asked about erosion issues and the type of ground cover that would be used for the project as a natural filtration bed and the cutting of trees was a concern for him.
  - Borrego Solar Response: Aside from 2 10x20 equipment pads that will be poured concrete the ground cover will all be natural plantings and grass seed and all topsoil will remain onsite. No stone cover will be used. There will be zero impact from storm water discharge and the impact study will be reviewed by the DEP for approval. There is no risk of contamination to the drinking water. The transformers operate on ~99.9% vegetable oil.
- Jessica Rapp-Grasseti, Precinct 7 Town Councilor - spoke about a 2011 request from CVEC for a solar array in Cotuit that was turned down and that when the planning board inquired if other Water Superintendents from other Barnstable Districts were interested in a similar project in their district they indicated that they were not in favor of clear-cutting trees to accommodate it. She noted that there would be a vote before the Town Council for the amendment to the Solar PV Overlay Map on Thursday, March 23<sup>rd</sup> at 7pm and without approval from the Council the project could not move forward. She strongly stated that although the amendment was unanimously approved by the Planning Board that that had little relevance on how the council would vote and that she would not vote in favor of it and would ensure that it did not pass.
- Scott Horsley - 65 Little River Road addressed the CC208 plan, nitrogen loading in the water and the preservation of natural vegetative land. His primary concern was protecting the water quality.
- Cindy Gardner - 94 School Street - was grateful to see the attendance and participation at the BOWC meeting and encouraged the same participation at the Annual District meeting where the Budget is reviewed and approved for over \$6M. She noted that the district needs to have the ability to generate additional revenue or reduce spending in order positively impact the district tax rate. She spoke to the proposal being on District land vs. Town Land. For it to generate revenue for the district it needed to be on district land.
- Lisa Haven - 29 Buckingham Way - inquired as to the height of panels and if there was a 3D model for review. She asked if it could be viewed from the roadways and what the impact to property values and real estate taxes would be (assuming reduced property values and less tax revenue for the district and town).
  - Commission Campbell noted that there was no evidence suggesting that there would be a reduction in property value and that it was purely an assumption. And again, noted that the project would be a minimum of 300' from any property line.
  - Borrego responded that the panels were at a 25-degree angle with the lowest edge being ~3ft from the ground and the highest edge being 8.5 to 9 feet high - relating it to the approximate height of a basketball hoop. Mr. Farkes then

showed the planned area on the map with relations to the nearby roadways and developments and emphatically stated that it would not be seen or heard from any of the roadway. The only road that it could be seen from is Sampson's Mill Road, which is an ancient way and is only accessible on private watershed property.

- o Commissioner Barnicle stated that although trespassing on Water District Land has been tolerated at best, it is not allowed and that the district has taken many steps to ensure the security of the water supply. The upcoming SCADA/Security project will include the installation of security cameras on watershed property.
- Tristen O'Toole - currently residing on Route 149 in Marstons Mills, but formerly a Cotuit Resident - questioned the transparency of the project and expressed his concerns about the location and cutting of trees.
  - o Commissioner Barnicle assured the residents that the proceedings have been completely transparent with over 20 open BOWC meetings, 3 Civic Association Meetings and 1 Prudential Committee Meeting where the solar project was discussed. He also noted that the designated use of the property was for the betterment of the Water District and that it would be irresponsible for them NOT to consider this proposal.
  - o Commissioner Campbell stated that the preservation of the land was foremost in their minds when making decisions regarding the proposed project and that the project had been scaled back significantly to be both fiscally and environmentally responsible. He assured Mr. O'Toole that the commissioners had carefully considered the impact to the district for the next 20-40 years when recommending the current scale of the proposed project.
- Jay Spence - 46 Pine Ridge Road - expressed his concern that clear cutting 30+ acres for \$85,000 annual revenue was a big trade off.
- Robert Daniels - 107 Anchor Lane - inquired if there were any known health risks to both humans and wildlife.
  - o Borrego assured Mr. Daniels that although tree cutting would occur that it was not a 100% net loss for wildlife habitats. There are no health risks to residents, and they have done several environmental studies with third party consultants who have walked the proposed area and identified two rare or protected species in the surrounding area (Long Eared Bat and Red Knot) with no habitats for these species in the planned area of construction. He also noted that there is a 6 inch gap in the surrounding structure for forestry wildlife to reenter the field making it a prime and somewhat protected area especially for turtles.
- Mike Ferrill - 209 Mariner Circle - reentered the discussion, but the Commissioners asked him to hold his comments until everyone had had a chance to speak.
- Amy Kates - 4782 Falmouth Road - attested to the transparency of the commissioners and acknowledged all of the discussions that have taken place over the past two years. She commended the commissioners for their work and their diligence in reducing the scope of the project even though they were under pressure from the district administration to generate additional revenue to cover operations and maintenance expenses.
- Gerry Branca - 104 Tracey Road - expressed concern for the ground water and stated that the residents first interaction with Borrego Solar was the erroneous clearing/drilling for the test pits and

that there was a general lack of credibility as a result. She asked if any herbicides or pesticides would be used. She also asked what would happen if one of the panels cracked and what level of noise the array would make.

- o Borrego Solar response: There is no use of herbicides or pesticides. The top soil remains onsite. There is no risk of radiation or interference with radio waves. The panels are certified by Underwriters Lab and are monitored by their data monitoring staff for underperforming panels. Any damaged panels would be replaced and it is in the best interest of both the district and Borrego Solar to replace them immediately for optimum energy generation. Mr. Farkes then addressed the visual and noise impact questions and stated that the panels themselves do not make noise - the inverters and transformers do. Per the inverse square law, the operating inverters and transformers will be approximately 10 db at the lot lines of nearby residents. This is well below ambient noise and will not be heard. A previous comparison was to that of an air-conditioning unit at 100 feet and that it could not be heard outside of the 100-foot radius - especially adding in trees, cars and background noise. The inverters only run during the day and would not impact those neighbors who state they can hear the ball game on summer nights. He offered to share the noise study reports which evaluates known decibel levels over known distances for the residents to review. There will only be 1 light at each equipment pad that is 9 feet tall, shielded, and motion activated. It will not be visible from the surrounding neighborhoods or roadways. Again, he addressed the ground water impact report that will be submitted to the DEP for final review and stated that there will be no negative impact to the ground water supply.
- James Kinney - 1820 Santuit-Newtown Road - New homeowner whose reason for choosing this property was because it abutted "conservation land". Clear-cutting is a concern. The aquifer is the sole source of drinking water for the Cape and he is concerned with the soil permeability, nitrates, CO2 impacts to ground water. He feels that the Solar Project is a good project - just in the wrong place.
- Mimi McConnell - 592 Santuit Road, Former Water Commissioner - feels that it is Borrego's responsibility to clean up their mess, that their apology letter was weak in language and was concerned about the cost to mitigate the damages and the building expense for the district.
  - o Borrego & Commissioner Response: Borrego IS responsible for the replication and restoration of the land and other than some legal and engineering fees for the RFP there is no expense to the district. This is a revenue generating project.
- Sue Flannigan - 474 Main Street - asked which part of the property would be part of the overlay amendment.
  - o Borrego Response: The whole parcel is zoned together and has been submitted for the amendment.
  - o Commissioner Barnicle acknowledged that it was a good thought to consider just submitting the approximate 30 acres for the proposed project.
- Mark Robinson - 25 Todd Way - acknowledged that he and many other residents of Cotuit worked hard to conserve the open space surrounding Lowell Park and that they include Zone 2 land to protect the supply of clean drinking water. He feels that it is counter to

their mission to support clear-cutting 30 acres of forested "conservation" land and encouraged residents to attend the Town Council meeting on March 23<sup>rd</sup> and voice their concerns.

- Richard Aliberti - 126 Trout Brook Road - Drinking water is most important and is concerned about the likelihood that the Cape will require sewers. He noted that the MWRA mandated this in Medfield and that the water bill for his house there was over \$1,400. He hopes that if this project goes through that the district would put aside some of the revenue to offset any mandated sewer expenses.
- Keith Rapp - 108 School Street - expressed his concern about the clear-cutting as he enjoys the property recreationally and hopes that the commissioners will recommend withdrawing the proposal at the upcoming Town Council meeting.
- Diana Parker - 595 Mariner Circle - is concerned that the environmental report on wildlife that she read on the Precinct 7 blog was not complete.
- Mary Mutti Comeau - 113 Crocker's Neck Road - asked what happens in 20 years when the lease has expired. Is the equipment removed and the land restored?
  - o Borrego Response: The lease contains a Decommissioning Obligation, the 10X20 concrete pads will be removed and the meadow will eventually grow back to its natural state. There will be a decommissioning bond filed with the town to cover any expense to ensure its completion regardless of the existence of Borrego Solar or the Water Department/Commissioners.
- Lee Connolly Weill - 21 Dewey Lane - asked how the growth was maintained.
  - o Borrego Response: The construction package contains an operations and maintenance plan with include preventative maintenance of the equipment and landscaping. Grass will be mowed.
- Ed Gargiulo - 80 Ocean View Avenue - given the attendance and views expressed at the meeting not in support of the project, Mr. Gargiulo inquired what the boards intentions were going forward.
  - o Commissioner Barnicle said that the board would take all of the feedback and considerations under advisement.
- Steve Lebran - 125 Cap'n Samadrus Road - stated that he was in support of the project. He has solar panels on his home and attested to the savings and functionality as well as the monitoring capabilities for efficient use of the equipment. He noted that even though we were the smallest of the districts he applauded that we were leading the way with this initiative and was in favor of solar panels.
- Ken Ridley - 1034 Old Post Road - asked about the "bottom line" - what the revenue and expense was for the district.
  - o Borrego/Commissioner Response: As discussed, the revenue is approximately \$85,000 per year plus up to \$65,000 in taxes which is in the format of a "make whole" policy where the extra funding will go to the district. There is no cost to the district other than the initial engineering and legal fees for issuing the RFP and the legal review of the lease agreement.
- Terry Snee - 12 Roosevelt Road - was concerned about any spraying too close to the Zone 1 and what would happen to the displaced wildlife.
  - o Borrego Response: Both of these questions were previously answered. Mr. Farkes reiterated the environmental impact and wildlife study results and restated that no herbicides or



pesticides would be sprayed. He also noted the environmental benefits of replacing brown energy with green energy.

- John Buckley - address unknown - expressed that he didn't feel that this project was fitting with the work of the Barnstable Land Trust, that he did not agree with cutting 30 acres of land and recommended that the district should raise the water rates to generate additional revenue in place of this project.
- Catherine Wilson - 400 Mariner Circle - recognized that there seemed to be a "not in my back yard" mentality by some of the views expressed at the meeting. As someone that comes from a family that is focused on environmental preservation she encouraged the commissioners and the residents to examine the long-term benefits of the project for sustainable green energy. She acknowledged that this was not an easy decision and that no one had taken their responsibilities lightly. She demonstrated the length of Freedom Hall in relation to the 300' buffer between the proposed array and the property lines on Mariner Circle.
- Rene Arnaud - 109 Pine Ridge Road - raised the topic of trees as natural filtration for our drinking water, and if the value of the \$85,000 was adjusted for inflation over the term of the lease. He also asked how many metered accounts were in the district (the commissioners answered approximately 2,300) and he asked that they divide that \$85,000 in revenue by the 2,300 account holders and assess that to the rate payers and use the land only for water preservation.
- Fran Parks - 20 Eaglestone Way - Prudential Committee Chair - gave the BOWC 2 letters submitted to her by district residents not present at the meeting and noted that she feels the land is not just district land that it is everybody's land.
- Theresa Carter - 45 Main Street - Asked approximately how many trees are in 32 acres of land and if the project developers had considered moving or transplanting any of them rather than cutting them. She believes that some of them could be salvageable and donated or sold to a tree farm.
- Commissioner Don Campbell addressed the attendees noting his tenure and experience as a member of the BOWC and that efficiently and effectively providing good quality water was their primary goal. He feels that it would be irresponsible not to have explored this option, that the commissioners have operated with transparency and that until this point there had been no negative feedback on the project. He acknowledged that Borrego made an error with the test pits but had taken responsibility for it and that it would be restored to its previous state. They have followed each step of this proposal with no exceptions or exclusions and he hopes that the residents and leadership representatives could come to an agreement on the direction of this project. It was important for him to note that we are all residents of the district, that we all work and talk and see each other in the village and should be able to discuss these topics without anger or fear. He also noted that in the district that he works in they have 4 Solar projects that are fully visible from streets and properties. There have been no issues with the projects, they do not make any noise and clear-cutting did occur to install them.
- (Inaudible comment from the audience regarding the posting of minutes on the website and audio from the meetings). The commissioners noted that all approved written minutes from the BOWC meetings are posted to the district website and are available to the public.

- Jay Spence - 46 Pine Ridge Road - again acknowledged that there were clearly some frustrations on the part of both the residents and the commissioners and that everyone was working in the best interest of the district. He also noted that the \$85,000 approximate annual revenue for this project could be assessed to the metered account at a rate of an additional \$40/year. He noted that he was indeed looking to the future of the village for our children and generations to come and does not feel that clear cutting 30 acres of land is in that best interest. As to Borrego Solar, based on this one experience he has a lack of confidence based solely on this negative experience and asked what the payback for Borrego was if the project moved forward.
  - o Borrego Response: When addressing Borrego's reputation, Mr. Farkes noted that they have successful projects nationwide and although this may be the public's first interaction with Borrego, they have developed a level of trust with the BOWC and the district employees. He again apologized for the mistake that was made, the wording of the letter and assured the public that the property would be restored, and hopefully their trust in him and Borrego as well. Zak then responded to the revenue production portion of the question noting that the answer is hard to say definitively. There are several variables to the development, costs and production, and that Borrego is a for-profit company, and as such it was not a fair question.
- Jessica Rapp-Grassetti - Town Councilor Precinct 7 - again addressed the BOWC recognizing the position of "this sample" of the community. She voiced her concern that the meeting minutes were inadequate as she was not able to find a vote to issue and RFP for the Solar Array project. She questioned the engineering firm involved as they have been involved in other construction projects for the district and also spoke about the impact that Hyannis Water is experiencing from a contaminated well. Her concern is that the district with be encumbering pristine land that would be taken out of the inventory should the Water Department need to dig another well or construct a treatment facility.
- Cindy Gardner - 94 School Street - noted that, with regard to the Hyannis contamination issue, that the cape is a one aquifer water supply and if one district contaminates the supply it affects other districts as well. She noted that in 2017 we should be looking to other sources of energy such as solar and wind and that sometimes mistakes happen with projects - such as when the sidewalks were installed for safety on School Street and cutting happened on her property that should not have. She noted that the district has grown substantially with building homes over the years and that the district deserves a green energy source to help support them. She asked that the residents keep an open mind about the project beyond the cutting of trees.
- Carol Kanavos - 440 Main Street - Asked about the clearing at the Main St. Water Tank and if there was information about the cell tower project on our website.
  - o Superintendent Wiseman noted that the clearing was for access to the tank with a crane and the equipment needed to decommission and demolish the Main St. Tank as planned.
  - o The BOWC advised that there is information about the project in the meeting minutes available online, but directed Mrs. Kanavos to contact the office with any questions or requests for specific information on the proposed tower.
- Carol Zais - 86 Putnam Avenue - volunteered the services of the Civic Association to help distribute information about the proposed

projects and hopes that the commissioners have heard the concerns of the district residents. She noted from the discussions that the residents represented at the meeting would be open to a rate increase in place of this project.

- Jennifer Leger - 164 Laurie's Lane - raised awareness for the percentage of the district residents that were lifelong year-round residents living on a fixed income who may not have the ability to absorb a substantial rate increase and hopes that the commissioners will consider the needs of all of their residents when proceeding with any rate increase proposal.

The Solar Project discussion ended at 8:20 pm. Most of the residents and the Borrego Solar associates left the meeting. The commissioners proceeded with the remaining agenda items.

Commissioner Barnicle, with the assistance of the Water Department Office Manager, updated the commissioners on the rate survey discussion with the Prudential Committee. It was recommended by the district treasurer that the Prudential Committee ask for funding at the annual meeting to conduct a Scope of Services survey to assess the revenue needs of the district to support the water department operations, debt service and capital expenditures for future years and determine what portion of that revenue should come from the district tax assessment and what portion should come from water usage rates.

The superintendent reviewed the proposed FY18 budget with the board and noted four changes over the prior year. The changes are as follows:

- There are additional funds requested to clean the Santuit Water Tank - \$9,000
- There is a reduction in expense for Water Testing as the lead and copper testing does not need to be done for another three years.
- There is an increase to Dues & Licenses to accommodate the two newer field operators and the Plymouth County Bid membership - \$1,150
- There is an increase in training and education to accommodate further training for the licensing of the two newer field operators - \$2,000

The board will also need to request a special appropriation for the sanitary and chemical upgrade requirements to become compliant with DEP regulations for the permanent treatment of the district's drinking water.

After some discussion, the board made a motion to recommend a 3% salary increase for the Water Department employees, noting that health care costs could rise as much as 11% in the coming year. This motion passed unanimously. Commission Mastro discussed setting the rate for increase at 2.5% and conducting an overall reclassification for the positions including updating position descriptions, evaluating total worth and grading the jobs appropriately. Commissioner Campbell agreed that this should happen so that adjustments could be made to keep good employees in the district rather than repeating a pattern of training them, paying for their licenses and then having them leave to work for a district that pays a higher rate. Given that the district will likely be conducting an overall scope of services for the rate survey it will need to consider salary increases in sustaining the operating budget for the district and this would be a good time to conduct this project.

It was noted that the draft of the budget was due for the Prudential Committee meeting by March 27, 2017.

The next meeting was set for Wednesday, April 19<sup>th</sup> at 6:00pm at Freedom Hall.



The meeting adjourned at 8:45 p.m.

Respectfully submitted,

  
Theodore Barnicle, Chairman

Cc: Prudential Committee