

**CHERRY VALLEY SEWER DISTRICT
BOARD OF SEWER COMMISSIONERS' MEETING**

VIRTUAL MEETING MINUTES

August 13, 2020

7:00 P.M.

- I. CALL TO ORDER Chairman Manseau called the meeting to order at 7:00 P.M. with the following present:

Donald Manseau, Chairman	4 - Subscribers
Robert H. Lemieux, Sr. Commissioner	1- Non-Subscriber
Michael DellaCava, Commissioner	
Benjamin J. Morris, Superintendent	
Jennifer Wood, Treasurer	
Cheryl Balkus, Recording Secretary	

II. APPROVAL OF MINUTES

- A. **July 9, 2020** – Commissioner Lemieux motioned to approve the minutes of July 9, 2020. Seconded by Commissioner DellaCava. All in favor. Approved.

III. FINANCE

- A. Approve the Warrant of July 23, 2020** – Commissioner Lemieux motioned to approve the warrant of July 23, 2020. Seconded by Commissioner DellaCava. All in favor. Approved.
- B. Approve the Warrant of August 6, 2020** - Commissioner DellaCava motioned to approve the warrant of August 6, 2020. Seconded by Commissioner Lemieux. All in favor. Approved.
- C. Approve the Warrant of August 13, 2020** - Commissioner Lemieux motioned to approve the warrant of August 13, 2020. Seconded by Commissioner DellaCava. All in favor. Approved.

IV. ADMINISTRATION

- A. USDA Discussion** – Per Superintendent Morris in April we wrote a letter to USDA to see if it would be possible of deferrals with COVID. They were responsive and placed us in contact with someone at USDA to potentially defer that came with stipulations. That it could be till the pandemic is over, we would owe all missed payment in that time frame. If we had a monthly payment on this loan it would be more advantageous to go after, but we pay 3 payments in the year one on each loan. To defer all we would be paying is all the interest and not savings the Subscribers any money. Treasurer Wood and Superintendent Morris have been in contact with Congressman McGovern's office and would be in support of deferring, the conversation with our USDA contact is the concern that it does not save money in the long run. It is transpired into looking further into. For it to be beneficial we would need to defer at least 3 years and add it to the end of the loan. There are still a lot of moving parts with this.
- Chairman Manseau asked if they defer the interest as well? Per Superintendent Morris these are questions we have. Per Treasurer Wood if they do not make special arrangements, they will add interest and not waive it.

We have presented information to John who is McGovern's council. We would like to see a multiyear deferral with no interest, tack it to the end and put in some immediate relief to the rate payers.

Chairman Manseau asked will this add to the debt? Per Superintendent Morris yes it would push it out 3 years.

Non-Subscriber Greg Buteau asked if there a discussion with McGovern's office in getting a change in interest rate. The USDA rate might be less, maybe let's defer and going to pay it back but need more time to do it because McGovern has the power to put this in the Article.

Per Superintendent Morris McGovern's office is actively working on this and hopes to pressure USDA to do something.

Per Chairman Manseau we will have to pay for sooner or later but if they will work with us to refinance the loan and extending the loan.

Commissioner DellaCava said per a previous meeting they said that they would not rewrite the loan.

Per the Superintendent they are going another avenue and going to the top head of the USDA.

Per Commissioner DellaCava the Sewer District will end up paying at the back end.

Per Chairman Manseau if we can get payments down it will assist the Subscribers.

Per Superintendent Morris they are also trying to get Senator Markey and Elizabeth Warren involved to take it to the head of USDA and hope that there will be a response soon to inform at another meeting.

Commissioner Lemieux asked Treasurer Wood and the Superintendent how much of the current rate is by percentage allocated paid for USDA loan. Per Superintendent Morris debt service is 35% of the Sewer Budget. We would be able to reduce the budget by 35% and recalculate the rate to reduce the savings.

Treasurer Wood suggests reducing by half to save the money to go towards the back end. She can work with the numbers to see what the savings would be and does not have an exact number at this time.

Per Commissioner Lemieux appreciates the initiative, to keep pushing and would like to know at what the rate might be at the 35% or the half before the next meeting.

If it does not lead to a significant reduction, it may not be worth chasing. Advises to go strong or suggests relieving a chunk of it. We are all in a difficult situation. Per Superintendent Morris he will email to McGovern's office to add the additional thoughts from meeting that was held with the Board. Per Chairman Manseau to be tabled for further discussion at another meeting.

V. OPERATIONS –

A. Superintendent Report – Per Superintendent Morris we have spent two weeks working on Route 9 blockages in the manholes. Helgerson was brought in and we opened all manholes and cleared all inverts. There were issues with consistent alarms in the wee hours of the morning, no flows to the City of Worcester. We started from the meter and worked way up thru Route 9 to get them cleaned out. Since completion, no alarms and flows back to previous months. In the Fall we will jet the side roads on our own.

There is a list of manholes to work on and coordination being made with contractor. We are to target a couple on Redfield Rd, three left on Sargent and a few on Boyd St. These will be the starting line for sewer manhole repairs in the Fall and will be done with what is it in the budget.

July flow average 44,000 gallons per day to the City of Worcester. This is substantially low as seen in the past and equals approximately \$7,000.00.

Compared to last year low flow, work being done is helping.

Per Chairman Manseau commented doing a good job. Commissioner Lemieux asked what was the cause of blockages? Per Superintendent Morris some debris from Route 9 manhole repairs and other items toilet paper or other debris hung up that grabs the walls and causes blockage. The project cost \$2,400.00 for the day plus the 7 hours of police detail.

VI. COMMUNICATIONS

A. Cusolito follow up – Per Superintendent Morris he received a letter from Attorney Wingfield the bankruptcy attorney we met with 2 years ago. The cost to meet and file (refer to letter). He is asking for a \$20,000.00 retainer and \$300.00 per hour. To come in and speak or virtually is \$300.00 per hour.

Filing Chapter 11 would cost approximately \$20,000.00. in his last sentence of the letter he stated that it is not a viable option to file for the District.

Per Commissioner DellaCava said this amount would be just to get it started and would seek payments thru Chapter 11 and It is going to cost the Sewer District more. Even if \$20,000.00 paid now will still have to pay the fees. Per Subscriber Peter Cusolito the filing fees is approximately \$1,500.00 and asked why did the attorney focus on chapter 11 or and why is not a viable option?

Per Superintendent Morris he does not explain this. Per Subscriber Peter Cusolito if he does not explain then should look at another attorney.

Per the Superintendent in past it was discussed chapter 9 legislature did not authorize the use of it.

Per Subscriber Cusolito before we continue, we need a clarification what is the District. That this can be done with the bankruptcy court and if we approach the Attorney General Office in writing and find out what this District is. From his findings that the District is not a Municipality and that this needs to be clarified or chasing our tails forever.

Per Non-Subscriber Greg Buteau all those who attended the meeting in February 2019, no one raised the question or contested that it was a municipally. He suggested that our District Council could give an opinion or right to legislature to get the clarification.

Per Subscriber Cusolito as an example Massachusetts Port Authority is not a government agency but has to follow Open Meeting Law. No such thing in the law as a quasi-agency. They were all created by the legislature because they provide a service but does not make them a Municipality. Bottom line needs the clarification from the Attorney General Office first and should not engage his services until we get clarification as to what the District is.

Per Superintendent Morris he can have legal counsel to provide legal clarification or write a letter to the Attorney General. Subscriber Cusolito volunteers his time to assist with this. Chairman Manseau grateful for whatever help can be provided. He will write a letter to the Attorney General as a Subscriber.

B. Town of Leicester – The town is hosting a kickoff meeting for the Feasibility Study for all Water Sewer next Thursday and are to set up a schedule as to when they will be coming to each District with their questions. Information will be gathered and will then be presented.

Monday at 4pm Senator Moore and Representative Leboeuf are hosting a virtual meeting with the Town Administrator regarding the CVSD & CVRWD Districts.

Superintendent Morris was given a heads up from Representative Leboeuf. It is an invite to discuss what they are doing to try to help and role is in the financial situation

they are in. Any one can listen in to hear what is happening with the RFP. If more than one Commissioner signs in it could be in violation of open meeting law.

VII. PERSONNEL - Nothing to Report

VIII. DATE OF NEXT MEETING

A. Approval of Next Meeting Date – Commissioner Lemieux motioned to hold the next Virtual meeting September 10, 2020 at 7:00 P.M. Seconded by Commissioner DellaCava. All in favor. Approved.

IX. ADJOURNMENT – Commissioner Lemieux motioned to adjourn the meeting. Seconded by Commissioner DellaCava. All in favor. Approved. Meeting adjourned at 8:04 P.M.

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