

DIGHTON WATER DISTRICT
192 Williams Street
North Dighton, MA 02764
508-824-9390

DIGHTON WATER DISTRICT SPECIAL MEETING
NOVEMBER 17, 2020

The Special District Meeting of the Dighton Water District was held at the Dighton Middle School Cafeteria on Wednesday, November 17, 2020 at 6:00 P.M. The Warrant for the meeting was posted on November 9, 2020 at the Town Offices and the Post Offices in Dighton.

District Clerk, Tina Bragga, called the meeting to order at 6:00 P.M. and went as follows:

Article 1

On a motion made and seconded Scott Dingus was nominated moderator for the evening. On a motion made and seconded the District voted unanimously to consider adjournment at 8:00 PM. On a motion made and seconded the District voted unanimously to dispense with the reading of the warrant and the reading of the articles, reference to be made by number and content.

Article 2

On a motion made and seconded the District voted unanimously to raise and appropriate \$10,000.00 to be expended on the meter program.

Article 3

On a motion made and seconded the District voted unanimously to raise and appropriate \$10,000.00 to be transferred to the "Other Post-Employment Benefits Liability Trust Fund".

Article 4

On a motion made and seconded the District voted unanimously to raise and appropriate \$19,000.00 to additionally fund Fiscal 2021 Employee Compensation.

Article 5

On a motion made and seconded the District voted unanimously to transfer from available free cash \$120,000.00 to replace media in one treatment filter and perform any necessary repairs to filter.

Article 6

On a motion made and seconded the District voted unanimously to raise and appropriate \$54,500.00 for Well Exploration.

Article 7

On a motion made and seconded the District voted unanimously to raise and appropriate \$10,000.00 to perform a Municipal Vulnerability Preparedness Interconnection and Geographic Information System Mapping.

Article 8

On a motion made and seconded the District voted unanimously to raise and appropriate \$8,500.00 to perform a Water Rate Study.

Article 9

On a motion made and seconded the District voted unanimously to raise and appropriate by borrowing the sum of \$600,000 to pay costs of replacing District Well No. 1, located off of Cedar Street and sometimes known as "Cedar 1", said replacement to consist of all aspects of the engineering, design,

permitting, installation, testing, and connection of the new well and all appurtenances thereof to the District's water supply system as well as all work necessary to decommission and abandon the well that is being replaced, and that to meet this appropriation, the District Treasurer, with the approval of the District Commissioners, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(5), or any other enabling authority, and to issue bonds or notes of the District therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 10

On a motion made and seconded the District voted to amend "Article VIII - Water Management Program" of the District's General Bylaws in its entirety and to replace as follows:

WATER MANAGEMENT PROGRAM

Section 1: Authority

This By-law is adopted by the Dighton Water District pursuant to its authority to establish a public water supply and regulate the use of water within the District as provided for by Chapter 359 of the Acts of 1950, and all other laws of the Commonwealth of Massachusetts applicable to water districts thereto enabling. This by-law also implements the District's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

Section 2: Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Dighton Water District in accordance with this by-law and/or by the Department of Environmental Protection under its state law authorities.

Section 3: Applicability

All Dighton Water District residents that are customers of the public water supply system shall be subject to this by-law. This by-law shall be in effect year-round.

Section 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.¹

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;

¹ This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aquacultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.

2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system; and
- irrigation with harvested and stored storm water runoff.

The following outdoor water uses are subject to review and approval by the Dighton Water District, through its Board of Water Commissioners or their designee:

- newly planted lawns (seeded or sodded) may be granted a 14-day waiver by the Board of Commissioners or designee. The waiver must be recorded by the Superintendent with a start and end date.
- filling of privately owned outdoor pools.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Dighton Water District pursuant to Section 5 of this by-law.

Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for billing purposes for use of the water.

Section 5: Declaration of a State of Water Supply Conservation

The Dighton Water District, through its Board of Water Commissioners or their designee authorized to act as such:

- a) may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands; and

- b) shall declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water user shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Department Superintendent, to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 6: Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no water user shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. Public notice of a State of Water Supply Emergency shall be given under Section 8 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 7: Restricted Water Uses

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users²) as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 8.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation or a State of Water Supply Emergency and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act, or for a Town or Water District without a Water Management Act permit, to two days or fewer per week.
- b) Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation or State of Water Supply Emergency and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- c) Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is prohibited.

Section 8: Public Notification and Notification of DEP

- a) Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Dighton Water District as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general

circulation within the Town and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers.

- b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made as soon as possible, but not later than 48 hours after the public water system receives notice of the Department’s declaration of a State of Water Supply Emergency, by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. Notification may also include email, Web sites, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers of the State of Water Supply Emergency.
- c) Any restriction imposed pursuant to Section 5 or Section 6 or in the Department’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided.
- d) Notification of DEP: Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

Section 9: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8a for notice of its imposition.

Section 10: Termination of a State of Water Supply Emergency; Notice

Upon notification to the to the Dighton Water Commissioners or their designee or to the Water District] that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 8b for notice of its imposition.

Section 11: Penalties

The Dighton Water District through its Water Commissioners or their designee including the water superintendent, as well as any employee designated by the superintendent may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- 1) First violation: Warning
- 2) Second violation: \$100
- 3) Third violation: \$200
- 4) Fourth and subsequent violations: \$300 water service termination

Each day of violation shall constitute a separate offense. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

Section 12: Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

Section 13: Standard Outdoor Water Use Restrictions Phases

The District hereby adopts the following standard Phases of mandatory restrictions on nonessential water uses, as defined in section 4 of this Bylaw, to be implemented as directed by the Board of Water Commissioners during declared periods of Water Supply Conservation and/or Water Supply Emergency. The Board of Water Commissioners retains the authority to modify the Phases set forth herein at its discretion as it deems necessary during any period of Water Supply Conservation or Water Supply Emergency.

Based on historical water usage and present supplies, the Phased restrictions are anticipated to be in effect initially between **May 1st - October 30th** annually, but may be ordered at any time during the year as the Board deems necessary to protect the District's water supply.

During Phases, 1, 2 and 3, non-essential water uses will be allowed as follows:

Phase 1:

Odd numbered homes

- Monday and Thursday from 5am - 8am and 6 pm - 9 pm

Even numbered homes

- Tuesday and Friday from 5am - 8 am and 6pm - 9 pm

Phase 2:

Odd numbered homes

- Monday and Thursday from 5am - 8am

Even numbered homes

- Tuesday and Friday from 5am - 8am

Phase 3:

Odd Numbered homes

- Monday from 5am - 8am

even numbered homes

- Tuesday from 5am - 8am

Phase 4:

All users subject to a total non-essential outdoor water use ban: No waivers will be permitted

Unless otherwise ordered, during Phases 1 through 3 the mandatory restrictions on nonessential water use will not include: the irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose controlled by a nozzle or a drip-irrigation system pursuant to section 4 of this bylaw.

During Phases 1 through 3, newly seeded laws may apply to the water District for a 14-day waiver. All waiver recipients must adhere to the hours of irrigation use provided by the superintendent.

Section 14: Penalties

The Dighton Water District through its Water Commissioners or their designee including the water superintendent, as well as any employee designated by the superintendent may enforce this by-law. Any person violating this by-law shall be liable to the District in the amounts listed below:

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300 and termination of water service

Each day of violation shall constitute a separate offense. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop for any violation.

Section 15: Water Service termination and return to service procedure

When a water service has been shut off for non-compliance with this by-law or any rule, regulation, order, restriction or other directive issues pursuant to this By-law, in order to reinstate water service the property owner or occupant must allow the District to inspect the property's plumbing to verify that the irrigation system has been detached if the basis for the shut-off was the operation of an irrigation system in violation of this By-law. Additionally, a new meter must be installed if necessary and all fines must have been paid.

Article 11

No Motion was made.

Article 12


On a motion made and seconded the District voted to bestow deserved honors and recognition upon persons who have significantly contributed time, talent, and/or resources to the mission of the Dighton Water District.

Article 13



On a motion made and seconded the District voted to transact any other business that may lawfully come before said meeting. There was no other business.

On a motion made and seconded, the District voted to dissolve the Special District meeting of November 17, 2020 at 6:11 P.M.

Respectfully Submitted,


Tina Bragga
District Clerk

Board of Water Commissioners

Those in attendance:

Derek Lach
Jason Quinn