

## WATER SUPPLIER RESPONSE AND CERTIFICATION FORM

Within 30 days of receipt of this inspection report, you must complete and submit this form if your system has Table A – Violations and/or Table B – Deficiencies. Attach a copy of the completed table(s) listing the date that the corrective action was/or will be taken and all other applicable documentation (310 CMR 22.04(12)). Note that items with future dates require you to submit documentation of work at the time of completion. If a specific form of documentation is not identified, an updated Summary of Findings Table, letter, or email addressed to the inspector that the deficiency has been corrected may be used.

The following corrective actions listed in the Summary of Findings Table A and/or Table B have been taken by the Public Water System. (Please check all that apply).

- ☐ My system has taken ALL of the corrective actions listed within the timeframes specified in the Summary of Findings.
- I have listed the completion date for each item within the table(s).
  - I have attached copies of supporting documentation as required.
- ☒ My system has taken SOME BUT NOT ALL of the corrective actions listed within the timeframes specified in the Summary of Findings.
- I have listed the actual or anticipated compliance date for each item within the table(s).
  - I have attached copies of supporting documentation as required.
  - I have attached a revised corrective action schedule establishing timelines for my system to address outstanding items and I will submit a written progress report each quarter (every 3 months) until all items have been addressed. I understand that my system may be subject to further enforcement.
- ☐ My system is UNABLE to comply with some or all of the corrective actions within the timeframes specified in the Summary of Findings. I understand that my system may be subject to further enforcement.
- An explanation is attached.

I certify under penalties of law that I am the person authorized to fill out this form and the information contained herein is true, accurate and complete to the best extent of my knowledge  
Water Commissioner, Owner, Owner Representative or Other Responsible Party:

Signature: Paul Rafter

Date: 7/11/17

Print Name: Paul Rafter

Title: Superintendent

*Return this form, a copy the Summary of Findings and all attachments to:*

MassDEP  
BWR Drinking Water Program  
8 New Bond Street  
Worcester, MA 01606  
Attention: Emily Babbitt de Nicasio



## SUMMARY OF FINDINGS

### NOTICE OF NONCOMPLIANCE ENF# 00002447

#### TABLE A – VIOLATIONS

Please note that this document is also a Notice of Noncompliance (NON) pursuant to M.G.L. c.21A, §16 and 310 C.M.R. 5.00. Within 30 days of receipt of the NON and Summary of Sanitary Survey, you must fill-in the corrected date(s) and submit this form to MassDEP and the attached WATER SUPPLIER RESPONSE AND CERTIFICATION FORM, including all applicable attachments.

	Citation	TABLE A - CORRECTIVE ACTION	GWR Significant Deficiency†	Action Due Date*	Completion Date**
1.	310 CMR 22.22(2), 22.22(3), & 22.22(9)	Implement TWD's Cross-Connection Control Program (CCCP) and cross-connection policies as described in Section 19, <i>Cross Connection Control Program Rules &amp; Regulations</i> , of the Townsend Water Department Rules, Regulations and Rates to ensure that 18 Highland Street (Evan's on the Common) is surveyed for cross-connections. Submit documentation to MassDEP that the facility was surveyed and properly protected or that other appropriate measures were taken in accordance with TWD's CCCP. (XC-5)	N	30 SEP 2017	See Attached
2.	310 CMR 22.22(3)(d)	Develop a master cross-connection control device list that includes the facility name and address; facility type; degree of hazard; device type; make, model number, and size; and testing/repair history for all cross connection control devices within the PWS. Submit certification to MassDEP that TWD has developed its own master cross-connection control device list. (XC-10)	N	30 SEP 2017	See Attached
3.	310 CMR 22.22(2), 22.22(3)(h), & 22.22(13)(e)	Implement TWD's CCCP and cross-connection policies as described in Section 19, <i>Cross Connection Control Program Rules &amp; Regulations</i> , of the Townsend Water Department Rules, Regulations and Rates to ensure that all RPBPs, DCVAs, and PVBs that failed in 2016 are repaired and retested. Submit certification to MassDEP that all devices were repaired and retested or that other appropriate measures were taken in accordance with TWD's CCCP. (XC-11)	N	30 SEP 2017	See Attached
4.	310 CMR 22.22(3)(f)	Establish and maintain a cross connection education component for residential users that is distributed annually, e.g., through the annual Consumer Confidence Report (CCR). Submit a copy to MassDEP. (XC-14)	N	30 JUN 2017	See Attached
5.	310 CMR 22.04(14) & Guidelines Chapter 6	Develop a written alarm and interlock testing program and submit to MassDEP. (Attachment 1)	N	30 SEP 2017	See Attached



**TABLE B – DEFICIENCIES\*\*\***

MassDEP has made note of several items that do not reflect good water system practice; and, if left unresolved, could lead to problems that are more serious and may be elevated to violations in subsequent surveys. Due to the item's importance an action due date has been established.

	Citation	TABLE B - CORRECTIVE ACTION .	GWR Significant Deficiency	Action Due Date*	Completion Date**
1.	310 CMR 22.04(13) & Guidelines Chapter 12	Update the Emergency Response Plan (ERP) in accordance with 310 CMR 22.04(13) and Chapter 12 of the <i>Guidelines for Public Water Systems</i> . Submit a revised ERP checklist to MassDEP. (R-4)	N	30 SEP 2017	See Attached
2.	310 CMR 22.21(2)(a)8	Determine the discharge location and Underground Injection Control permit status for all PWS pump station floor drains. (S-4, S-5, and B-12)	N	30 SEP 2017	See Attached
3.	310 CMR 22.04(14) & Guidelines Chapter 6	Submit to MassDEP a schedule for installing/programming the required interlocks such that all chemical feed pumps are electrically locked out (de-energized) when the well pump is off, no flow is detected by the flow meter/flow switch, or the pH analyzer is in alarm. (T-10)	N	30 SEP 2017	See Attached
4.	310 CMR 22.04(7) & Guidelines Chapter 8	Begin documenting monthly tank inspections on the <i>PWS Monthly Storage Tank Inspection Log</i> . (AT-6)	N	30 SEP 2017	See Attached
5.	310 CMR 22.04(7) & Guidelines Chapter 8	Complete the remaining recommendations from the 2012 Highland Street Tank inspection report (i.e., blast/recoat the internal steel components of the overflow pipe), and have the tank cleaned and re-inspected. Submit the 2017 inspection report to MassDEP with a timeline for implementing any identified recommendations. (AT-7)	N	30 NOV 2017	See Attached
6.	310 CMR 22.04(7) & Guidelines Chapter 8	Complete the remaining recommendations from the 2014 Fitchburg Road Tank inspection report (i.e., seal the roof-shell joint), and have the tank cleaned and re-inspected. Also ensure that the new overflow is appropriately screened and discharges downward between 12 and 24 inches above grade. Submit the 2017 inspection report to MassDEP with a timeline for implementing any identified recommendations. (AT-7)	N	30 NOV 2017	See Attached
7.	310 CMR 22.19(6)	Submit to MassDEP a revised distribution map that reflects water main extensions and changes to RS 009, UR 9a, and DR 9b. In addition to coliform sampling locations, the plan must include all sources, pump stations, storage tanks, water lines (color-coded by size/material), pressure zones, and hydrants/valves. (D-3 & TC-6)	N	30 NOV 2017	See Attached
8.	310 CMR 22.19(1)	Submit a corrective action plan to MassDEP that addresses the potential for low/negative pressures in the West Elm/Jonathan Lane loop when the Main Street Pump Station is offline. (D-6)	N	30 SEP 2017	See Attached



	Citation	TABLE B - CORRECTIVE ACTION	GWR Significant Deficiency	Action Due Date*	Completion Date**
9.	310 CMR 22.04(7) & Guidelines Chapter 9	Begin implementing TWD's 2005 unidirectional flushing program, which provides for annual system-wide flushing. Submit certification to MassDEP that TWD is flushing the entire distribution system and exercising all gate valves each year. (D-8 & D-12)	N	31 DEC 2017	See Attached
10.	310 CMR 22.04(7) & Guidelines Chapter 9	Develop and implement a hydrant maintenance program in accordance with ANSI/AWWA G200-09. Submit certification to MassDEP that a program was developed and is being implemented. (D-16)	N	31 DEC 2017	See Attached
11.	310 CMR 22.22(3)	Submit to MassDEP a <i>Request for Public Water System Authorization to Delegate, Sub-delegate, Contract, or Sub-contract Cross Connection Surveyors Responsibilities</i> . (XC-4)	N	30 SEP 2017	See Attached
12.	310 CMR 22.16A(22)	Begin reporting sodium concentrations in the unregulated contaminants table of the annual CCR. (WQ-3)	N	30 JUN 2017	See Attached

\* If the time required to complete the action is greater than 3 months, submit quarterly progress reports and anticipated completion date.

\*\* If projected completion dates are included in the table, documentation must be submitted to the Department upon completion of all corrective actions.

\*\*\* MassDEP reserves the right to exercise its Order authority under M.G.L. Chapter 111, Section 160, or to take other appropriate action as permitted by law, in order to prevent the pollution and to secure the sanitary protection of the water supply and to ensure the delivery of a fit and pure water supply to all consumers, including without limitation if sufficient progress to meeting a recommended deadline is not achieved.

### TABLE C - RECOMMENDATIONS

MassDEP has included a list of recommendations you are encouraged to evaluate and follow in order to improve your system's ability to provide safe and pure drinking water. Failure to act on these recommendations may be elevated to deficiencies in subsequent surveys.

	Citation/Reference (if applicable)	TABLE C - RECOMMENDATIONS
1.	310 CMR 22.04(7) & Guidelines Chapter 7	MassDEP recommends that the Water Supplier install a hard wired back-up generator at the TWD main office (540 Main Street) where the principal SCADA equipment is located. MassDEP also recommends that hard-wired back-up generators or prepared electrical connections be installed at the Main Street Pump Station and the Cross Street Pump Station. (OM-7, OM-9)
2.		MassDEP recommends that the Water Supplier install carbon monoxide detectors in all pump houses that have an indoor emergency generator, auxiliary pump, or auxiliary pump motor. (OM-7)
3.	310 CMR 22.04(7) & Guidelines Chapter 7	MassDEP recommends that the Water Supplier test all back-up generators and auxiliary pumps/motors under load at least twice per year. (OM-8)
4.	310 CMR 22.04(7) & Guidelines Chapter 11	MassDEP recommends that the Water Supplier create an electronic system for logging customer complaints that captures the date, name, address, and nature of the complaint to readily identify trends and common issues. (R-8)



**TOWNSEND WATER DEPARTMENT**  
**540 Main Street West Townsend, Massachusetts 01474**

Nathan Mattila, Chairman

Lance Lewand, Vice Chairman

Michael MacEachern, Clerk

Paul L. Rafuse,  
Water Superintendent

(978) 597-2212

Fax (978) 597-5611

July 12, 2017

MassDEP  
BWR Drinking Water Program  
8 New Bond Street  
Worcester, MA 01606  
Attention: Emily Babbitt de Nicasio

Re: Sanitary Survey Water Supplier Response And Certification Form For Corrective Action

Dear Mrs. Babbitt de Nicasio,

The following is a list of corrective actions that we have taken or plan to take that correspond to Table A-Violations and Table B-Deficiencies of the Townsend Water Departments Sanitary Survey Report dated June 9, 2017.

**Table A - VIOLATIONS -**

1. We have contacted our Cross Connection Surveyor/Device testing contractor and the Water Department plans to have the property surveyed with a recommendation for the proper backflow device submitted by the action due date. However, due to the size of the fire sprinkler system and the need for possible retrofitting and, the availability of the backflow device the actual installation of the device may not be completed by the due date.
2. The Water Department is in the process of transferring the data provided by our contractor to create a master cross connection control device list with all the fields required in an excel spreadsheet format so, information can be more readily available electronically as well. Will be completed by the action due date.
3. The main responsibility to get failed backflow devices repaired and retested falls upon the customer within the required time frame. We realize that the ultimate responsibility to follow up to assure failed devices have been repaired and retested falls upon the Water Department. However, limited resources in man power have made it difficult to follow up on the repair and retesting on unpredicted number of failed devices. Additional help that was budgeted for and approved at Town Meeting for three years was not allowed by the Board of Selectmen and Town Administrator. We intend to make the necessary organizational changes that will allow us to acquire additional help to assist in resolving this issue and in addition we intend to be more aggressive in enforcing the timeline for repairs and retests. Due to our normal backflow device testing schedule the next round of testing doesn't occur until August or September. Therefore, to assure all failed devices are repaired and retested within the regulated timeline we cannot assure this corrective action can be attained by the action due date. Therefore, we request an extension of the action due date to December 31, 2017.

4. We have included educational information on Cross-Connections in our annual Consumer Confidence Report (CCR) (Water Quality Report (WQR)) as required since 2013. We did not however, include it in our 2015 CCR because we replaced it with water conservation/restriction information. Effective immediately cross-connection educational information will be included in our annual CCR. *Completed June 30, 2017*
5. Each station is equipped with an alarm checklist that is acknowledged by the operator/s when alarms and critical alarms are checked and tested through our Supervisory Control and Data Acquisition (SCADA) system. Standard Operating Procedures (SOP's) are being updated and a SOP will be created for testing alarms and interlocks by the action due date.

**Table B - DEFICIENCIES -**

1. Updates to our Emergency Response Plan (ERP) will be completed by the action due date.
2. Superintendent spoke with Joe Cerutti at MassDEP Boston on 7/5/2017 re: Underground Injection Control (UIC) permitting and forms are being emailed and upon receiving will be filled out and submitted. Mr. Cerutti indicated that due to the back log of new UIC applications, review and approval may not be by the action due date.
3. The Water Department's electrician has been notified and the interlocks have been installed. *Completed July 12, 2017*
4. We will begin documenting monthly Tank inspections using the DEP forms. *Completed as of August 1, 2017*
5. The Water Department will schedule a cleaning and inspection of the Highland St. tank by the action due date and will consult with concrete tank specialist regarding the blasting of internal steel components of the overflow pipe. The sand blasting of the internal steel components of the overflow pipe will be costly to drain the tank and cause an interruption in operation by having the tank offline. For this reason we cannot assure this part of this deficiency will be completed by the action due date.
6. The remaining improvements will be completed on the Fitchburg Rd. tank before the end of July 2017. The Water Department awarded a contract to Atlas Painting and Sheeting to perform a total rehabilitation of the Fitchburg Rd. storage tank. Work began on May 22, 2017 and as of July 12, 2017 the work is completed. The inside of the tank just needs to be sprayed with chlorine and filled then tested. Therefore please consider this deficiency *completed as of July 21, 2017*.
7. The Water Department has changed Engineering firms and as such has an updated distribution map. In addition the Water Department is currently looking into through a partial grant updating our distribution maps and incorporating GIS layering to show mains, gates, service ties, pump stations, hydrants, storage tanks, sampling locations etc.. The Water Department will submit an updated distribution map with all the information required by the *November 30, 2017* action due date.
8. The Townsend Water Department will work with our consultants to develop an action plan to address the potential for low/negative pressures in the West Elm/Jonathan Ln. loop in the event the Main St. Station in West Townsend is offline. The Water Department is currently planning to replace the existing outdated natural gas backup pump with a new generator in the event of a power outage, the Main St. station can still be utilized to maintain adequate pressure in this area. If this satisfies the DEP as our action plan please consider this deficiency



*completed as of 7/11/2017.* To implement the corrective action would be a capital expense. For this reason we cannot assure a corrective action would be completed by the September 30, 2017 action due date.

9. The Townsend Water Department has been and is currently implementing it's uni-directional flushing program. Lack of adequate staffing due to the Town's Board of Selectmen not allowing us to hire additional personnel despite having the funding and getting approval at Town meeting for three consecutive years, has prevented us from flushing the entire system annually and exercising all gates. Upon hiring an additional operator then, training and being over half way through the year we cannot assure that the Water Department will be able to flush the entire distribution system in accordance with our Uni-directional flushing plan in order to meet the action due date for this deficiency.
10. The Townsend Water Department has a hydrant maintenance plan to check for leaks, does the hydrant drain, check gaskets, etc.. Lack of adequate staffing due to the Town's Board of Selectmen not allowing us to hire additional personnel despite having the funding and getting approval at Town meeting for three consecutive years, has prevented us from properly checking ALL hydrants annually and, exercising all gates. Upon hiring an additional operator then, training and being over half way through the year we cannot assure that the Water Department will be able to check ALL hydrants within the distribution system in accordance with our hydrant maintenance program in order to meet the action due date for this deficiency.
11. The Request For Public Water System Authorization to Delegate, Sub-delegate, Contract, or Sub-contract Cross Connection Surveyor's Responsibilities is enclosed. *Completion Date: 7/11/2017*
12. The Townsend Water Department will begin reporting sodium concentrations in the unregulated contaminants table beginning with it's 2017 CCR. *Completion Date: 6/30/2018*

Sincerely,

A handwritten signature in blue ink that reads "Paul Rafuse". The signature is fluid and cursive, with the first name "Paul" and last name "Rafuse" clearly distinguishable.

Paul Rafuse, Superintendent  
Townsend Water Department

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). I request that I be provided with the following:

1. A copy of the DEP Survey of the Townsend Water Department
2. Any e-mails exchanged between the town administrator, water department, Board of Selectmen or any other town employee regarding this report
3. A copy of an public records requests received from any town resident to receive a copy of this report, including requests sent to the town administrator, town administrator assistant, town clerk, or the assistant town clerk.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. Electronic copies instead of paper would be acceptable. If you need me to supply a thumb-drive, let me know.

If you expect costs to exceed \$10.00 each, please provide a detailed fee estimate for EACH request before proceeding. The Public Records Law requires you to provide me with a written response within 10 business days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

Please respond to this email when you receive it in your office so I may have a record of your receipt for my records. Sincerely,

Kelly Kelly  
5 Taurus Lane  
Townsend, MA 01469



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Paul Rafuse

---

From: Paul Rafuse <prafuse@townsend.ma.us>  
Sent: Saturday, June 24, 2017 9:58 AM  
To: 'Kelly Merrill'  
Cc: James Kreidler; Nathan Mattila; Steven Doucette (steve@dandllaw.com)  
Subject: RE: Selectman's Meeting 6/27  
  
Categories: Red Category

Kelly/Jim,

Please thank the board for their invitation and we appreciate their concern. The Board of Water Commissioners will review the results of the survey and will discuss it at their next meeting. Therefore, I respectfully decline the Board's invitation at this time. However, please feel free for yourself and the board to attend the Board of Water Commissioners next meeting and we'll be happy to answer any of your questions.

Thank you

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From: Kelly Merrill [mailto:kmerrill@townsend.ma.us]  
Sent: Friday, June 23, 2017 12:34 PM  
To: Paul Rafuse <prafuse@townsend.ma.us>  
Subject: Selectman's Meeting 6/27

Per your conversation with Jim please invite yourself and the Board of Water Commissioners to the Selectman's Meeting Tuesday June 27 @ 6:05 Pm to Discuss the Water Sanitation Survey.

Best ,  
Kelly

*Kelly Merrill, Executive Assistant to the Town Administrator*  
*Email: [kmerrill@townsend.ma.us](mailto:kmerrill@townsend.ma.us)*  
*Town of Townsend*  
*272 Main Street*  
*Townsend, MA 01469-1519*  
*PH: 978-597-1701*  
*FAX: 978-277-6368*  
*Office Email: [selectman@townsend.ma.us](mailto:selectman@townsend.ma.us)*  
*Website: [www.townsend.ma.us](http://www.townsend.ma.us)*  
*Office Hours: Mon. - Fri. 9am - 4pm & Tues. evenings 6 - 8pm*

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*In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics, unless it falls under one of the statutory exemptions to the Public Records Law. G.L.c. 4, 7(26). Consequently, email is subject to the disclosure, retention, and maintenance provisions as required by law. G.L.c. 66*



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**Paul Rafuse**

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**From:** Paul Rafuse <prafuse@townsend.ma.us>  
**Sent:** Wednesday, June 14, 2017 2:24 PM  
**To:** 'Jim Kreidler'  
**Cc:** 'Lauri Plourde'  
**Subject:** RE: Payment Request #1 For Fitch burg Rd. Storage Tank Project

**Categories:** Red Category  
**Tracking:** Recipient

Read

'Jim Kreidler'

'Lauri Plourde'

Read: 6/14/2017 2:27 PM

Jim,

Yes, the payroll sheet reflects the difference. However, as you know the amount of the payment request will remain the same because as the detailed description of work indicates the payment request is reflective of the percentage of the work that's been completed up to this point.

Thanks

---

**From:** Jim Kreidler [mailto:jkreidler@townsend.ma.us]  
**Sent:** Wednesday, June 14, 2017 1:58 PM  
**To:** Paul Rafuse <prafuse@townsend.ma.us>  
**Cc:** Lauri Plourde <lplourde@townsend.ma.us>  
**Subject:** Re: Payment Request #1 For Fitch burg Rd. Storage Tank Project

Thanks Paul.

Did the revised invoice show a reduction in the amount being paid to reflect the knocking off of the work from the day prior to contract execution?

Sent from Jim's iPhone

On Jun 14, 2017, at 1:46 PM, Paul Rafuse <prafuse@townsend.ma.us> wrote:

Jim,

Lauri was reluctant to process the Payment Request due to the fact that the contractor's payroll sheet showed payroll beginning on 5/22 a day prior to the Board of Selectmen signing the contract. Considering the possibility the contractor was not going to get paid for that day I had my engineer contact the contractor to make them aware of the issue and if they wanted to get paid they would need to submit a revised payroll sheet to reflect a beginning date of 5/24 which they did.

---

**From:** Jim Kreidler [mailto:jkreidler@townsend.ma.us]  
**Sent:** Wednesday, June 14, 2017 1:00 PM  
**To:** Paul Rafuse <prafuse@townsend.ma.us>  
**Cc:** Lauri Plourde <lplourde@townsend.ma.us>  
**Subject:** Re: Payment Request #1 For Fitch burg Rd. Storage Tank Project

Paul

What's a "revised payroll sheet?"

Jim

Sent from Jim's iPhone



On Jun 14, 2017, at 10:21 AM, Paul Rafuse <[prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)> wrote:

Lauri,

I didn't know you were leaving early yesterday. I emailed you a revised payroll sheet as quick as possible in order to process payment. Were you able to do that? As you know the contractor was expecting to have FedEx pick up a check tomorrow or Friday. Could you let me know as soon as possible?

Thank you

*Paul Rafuse*

Paul Rafuse  
Superintendent  
Townsend Water Department  
540 Main St.  
West Townsend, MA 01474  
Tel: 978-597-2212  
Fax: 978-597-5611  
E-mail: [prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)

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**Paul Rafuse**

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**From:** Paul Rafuse <prafuse@townsend.ma.us>  
**Sent:** Wednesday, June 14, 2017 10:13 AM  
**To:** James Kreidler  
**Cc:** Brenda Boudreau; Nathan Mattila  
**Subject:** Joint Meeting Between Boards  
**Categories:** Red Category

Jim,

I attended the Selectmen's meeting last night and appreciated your recommendation to the Board to have a joint meeting between the board of Selectmen, the Board of Water Commissioners and both representing Attorney's. I know the board asked you to facilitate this meeting as soon as possible. I contacted our Attorney, Stephen Doucette to make him aware of the pending meeting and what his schedule was. He made me aware that he has commitments on Tuesday nights and will be away visiting family from June 16<sup>th</sup>- June 21<sup>st</sup>. He does also have a scheduled appointment with a client in the afternoon of the 28<sup>th</sup> but, if need be can reschedule.

If you have any questions please call or email me.

Thank you

*Paul Rafuse*

Paul Rafuse  
Superintendent  
Townsend Water Department  
540 Main St.  
West Townsend, MA 01474  
Tel: 978-597-2212  
Fax: 978-597-5611  
E-mail: [prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)

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**Paul Rafuse**

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**From:** Jim Kreidler <jkreibler@townsend.ma.us>  
**Sent:** Tuesday, June 13, 2017 11:12 AM  
**To:** Paul Rafuse  
**Subject:** Re: Notice  
  
**Categories:** Red Category

Thanks

Sent from Jim's iPhone

On Jun 13, 2017, at 11:01 AM, Paul Rafuse <[prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)> wrote:

Jim,

In case you receive any calls. I've posted this on several Facebook pages. I provided you notification by email of this shutdown on 6/6/2017.

Water service has been restored to all residents West of the Main St. pump station on Main St. between 513-551, 3 & 5 Wheeler Rd. and, on West Meadow Rd. from 22 up to and including West Meadow Estates.

We appreciate your patience and cooperation. You may experience some air or rusty water this should be a temporary condition however if it persists please call our office at 978-597-2212.

Thank you

TWD

*Paul Rafuse*

Paul Rafuse  
Superintendent  
Townsend Water Department  
540 Main St.  
West Townsend, MA 01474  
Tel: 978-597-2212  
Fax: 978-597-5611  
E-mail: [prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)

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Paul Rafuse

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**From:** Jim Kreidler <jkreidler@townsend.ma.us>  
**Sent:** Monday, June 12, 2017 7:42 PM  
**To:** Brenda Boudreau  
**Cc:** Barbara Tierney; Paul Rafuse  
**Subject:** Re: Change of Status  
**Categories:** Red Category

Barb,

The Supervisors contract does not allow for the 2.5% raise for Mr Rafuse.

Jim

Sent from Jim's iPhone

On Jun 12, 2017, at 6:28 PM, Brenda Boudreau <[bboudreau@townsend.ma.us](mailto:bboudreau@townsend.ma.us)> wrote:

Hi Barbara,

Attached please find the change of status forms that you had requested by June 13, 2017.

Best,

Brenda

***Brenda Boudreau***  
*Office Administrator*  
*Town of Townsend*  
*Water Department*  
*540 Main Street*  
*West Townsend, MA 01474*  
**NEW BILLING ADDRESS**  
**TOWNSEND WATER DEPARTMENT**  
**PO BOX 321, MEDFORD, MA 02155-0004**  
**Please be sure to included acct# on the check**  
**Phone: (978) 597-2212**  
**Fax:(978) 597-5611**

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**Paul Rafuse**

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**From:** James Kreidler <jkreidler@townsend.ma.us>  
**Sent:** Thursday, June 08, 2017 8:38 AM  
**To:** 'Paul Rafuse'  
**Cc:** 'Kelly Merrill'; 'Brenda Boudreau'  
**Subject:** RE: Notice  
  
**Categories:** Red Category

Paul,

I hope you are okay.

My point is simple. You had time to post on facebook in several pages during the past couple of days. It's quite easy to just copy and paste the same info into an email.

Jim

-----Original Message-----

**From:** Paul Rafuse [mailto:prafuse@townsend.ma.us]  
**Sent:** Thursday, June 08, 2017 8:11 AM  
**To:** 'Jim Kreidler'  
**Cc:** 'Kelly Merrill'; 'Brenda Boudreau'  
**Subject:** RE: Notice

Jim,

I was out of the office yesterday having a medical procedure done. I have posted an updated notice regarding this issue on the Town's main page of the website.

Thank you

-----Original Message-----

**From:** Jim Kreidler [mailto:jkreidler@townsend.ma.us]  
**Sent:** Wednesday, June 07, 2017 3:39 PM  
**To:** Paul Rafuse <prafuse@townsend.ma.us>  
**Cc:** Kelly Merrill <kmerrill@townsend.ma.us>; Brenda Boudreau <bboudreau@townsend.ma.us>  
**Subject:** Re: Notice

Paul

You said, "will do" yet you didn't.

Once again I'm getting calls and being told you've posted notice on Facebook about the likelihood of this issue carrying on until next Tuesday.

Please advise.

Jim

Sent from Jim's iPhone

> On Jun 6, 2017, at 1:45 PM, Paul Rafuse <prafuse@townsend.ma.us> wrote:

>

> Will do. It was my intent to notify you or at least put a notice on  
> the website. We have been right out straight with calls regarding  
> cloudy

"milky"

> appearance to the water. I have posted on our own Facebook page as  
> well as other Facebook pages as well as answering emails and sending

> emails informing customers. Below is a copy of what I posted on the Facebook pages.

>

>

> We have received many calls from customers in various areas of Town  
> relating to cloudy "milky" looking water. Initially we attributed it  
> to maintenance work we had done yesterday. However, we found a small  
> vacuum line that had broke due to age. We've made the necessary  
> repairs and the cloudy appearance should begin to dissipate shortly  
> with normal use. The water quality is safe, there is no health  
> concern. If after 2-3 hours the water has not cleared up or you do not  
> notice a significant improvement please call our office at  
> 978-597-2212

and we'll be happy to assist you.

> We apologize for any inconvenience this may have caused you

>

> Also, while we're on the subject, here is a notice regarding an  
> interruption of service next Tuesday the 13th to perform a replacement  
> of a main valve inside our Main St. Pumping Station that we've hand  
> delivered to selected customers that will be affected. The following  
> is  
the notice.

>

> Dear Customer,

>

> This is to inform you that on TUESDAY, JUNE 13, 2017 we will be  
> shutting off water service to all residents east of our Main St.  
> Pumping Station to replace a main valve at the Pump Station. Residents  
> that will be effected will be between 513 - 551 Main St., 3 & 5  
> Wheeler Rd., and from 22 West Meadow Rd up to and including all of  
> West Meadow Estates. We will shut the water off at 8:00 AM and will be  
> off for several hours. Our intent is to have service restored by noon  
> however, unforeseen circumstances can sometimes arise that can affect  
> the time in which service is restored. We will work to have your water  
service restored as soon as possible.

>

> Please be aware, once water service is restored you may experience air  
> in the lines and/or "rusty" discolored water. These conditions are  
> only temporary and typically clear up within 24-48 hrs. If these  
> conditions persist beyond this time without significantly improving,  
> please call the office of the Townsend Water Department at 978-597-2212.  
> To reduce the amount of "rusty" discolored water and air that you may  
> get, attach a hose to an outside spigot and run the water for a period  
> of 15 - 20 minutes once water is restored. This will help in releasing  
> trapped air within your internal plumbing. We also recommend avoiding  
> if possible washing of light colored or white clothing for 24-48 hrs.  
> when water is restored. However, if washing of light colored clothing  
> can not be avoided, please call the office and we will provide you  
> with an additive to include with your wash to prevent staining. Again,  
> please wash light colored clothing only if necessary as we have a  
> limited

supply of the additive.

>

> We apologize for any inconvenience this may cause you. We appreciate  
> your patience and understanding as we work to make these necessary  
repairs.

>

> If you have any questions or concerns regarding this notice, please  
> call the Water Department office at the above number.  
>  
> Sincerely,  
> Townsend Water Department  
>  
> -----Original Message-----  
> From: Jim Kreidler [mailto:jkreidler@townsend.ma.us]  
> Sent: Tuesday, June 06, 2017 1:19 PM  
> To: Paul Rafuse <prafuse@townsend.ma.us>  
> Subject: Notice  
>  
> Paul,  
>  
> Please notify the Selectman's office when you either anticipate or  
> come to realize water issues.  
>  
> Folks call here and when we are not informed it makes it harder on the  
> citizen/water taker as they've then got to call another place.  
>  
> Thanks,  
>  
> Jim  
>  
> Sent from Jim's iPhone  
>  
>  
>  
> ---  
> This email has been checked for viruses by AVG.  
> <http://www.avg.com>  
>  
>

Paul Rafuse

---

From: Cindy King <[selectmancindyking@gmail.com](mailto:selectmancindyking@gmail.com)>  
Sent: Thursday, May 25, 2017 12:55 PM  
To: Paul Rafuse; Jim Kreidler  
Subject: Fwd: FW: MCPPO Tuition-Free Seminar  
  
Categories: Red Category

This is the info about the course I mentioned at the BOS meeting. The Town Clerk sent this out to you a few weeks ago.

## May is Mental Health Month Mental Health Month Information

Cindy King  
Selectman  
Town of Townsend, MA 01469

978-503-7456  
FAX: 888-418-6397

----- Forwarded message -----

From: **Cindy King** <[ckingmsw@gmail.com](mailto:ckingmsw@gmail.com)>  
Date: Thu, May 25, 2017 at 12:52 PM  
Subject: Fwd: FW: MCPPO Tuition-Free Seminar  
To: Cindy King <[selectmancindyking@gmail.com](mailto:selectmancindyking@gmail.com)>

----- Forwarded message -----

From: **Kathy Spofford** <[kspofford@townsend.ma.us](mailto:kspofford@townsend.ma.us)>  
Date: Tue, May 9, 2017 at 9:52 AM  
Subject: FW: MCPPO Tuition-Free Seminar  
To: [abirdy718@gmail.com](mailto:abirdy718@gmail.com), [aco.at@verizon.net](mailto:aco.at@verizon.net), [akbill57@gmail.com](mailto:akbill57@gmail.com), [astruthers1@comcast.net](mailto:astruthers1@comcast.net), [benjaminhsimmons@yahoo.com](mailto:benjaminhsimmons@yahoo.com), [betteamcnabb@gmail.com](mailto:betteamcnabb@gmail.com), [bniemiera@townsendfire-ems.org](mailto:bniemiera@townsendfire-ems.org), [camarcin@verizon.net](mailto:camarcin@verizon.net), [catwhitney@msn.com](mailto:catwhitney@msn.com), [ccloutier@piesky.com](mailto:ccloutier@piesky.com), [cdevine313@gmail.com](mailto:cdevine313@gmail.com), [ce.hill@verizon.net](mailto:ce.hill@verizon.net), [chandini@verizon.com](mailto:chandini@verizon.com), [chrang\\_86@verizon.net](mailto:chrang_86@verizon.net), [chris.a.jones70@comcast.net](mailto:chris.a.jones70@comcast.net), [ckingmsw@gmail.com](mailto:ckingmsw@gmail.com), [clem6six@verizon.net](mailto:clem6six@verizon.net), [cmbuxton@net1plus.com](mailto:cmbuxton@net1plus.com), [cmcklm@verizon.net](mailto:cmcklm@verizon.net), [coa@townsend.ma.us](mailto:coa@townsend.ma.us), [csmart@townsend.ma.us](mailto:csmart@townsend.ma.us), [culpepperhouse@verizon.net](mailto:culpepperhouse@verizon.net), [cushionelectric@aol.com](mailto:cushionelectric@aol.com), [darlen@sodanorealestate.com](mailto:darlen@sodanorealestate.com), [dcr1116@verizon.net](mailto:dcr1116@verizon.net), [dibab5@msn.com](mailto:dibab5@msn.com), [djhussey@comcast.net](mailto:djhussey@comcast.net), [doingjustducky@yahoo.com](mailto:doingjustducky@yahoo.com), [donald.klein2@verizon.net](mailto:donald.klein2@verizon.net), [edward.snapp@verizon.net](mailto:edward.snapp@verizon.net), [ekauppi@verizon.net](mailto:ekauppi@verizon.net), [ekukkula@townsend.ma.us](mailto:ekukkula@townsend.ma.us), [engine2capt.holdit@yahoo.com](mailto:engine2capt.holdit@yahoo.com), [ff.agopian@yahoo.com](mailto:ff.agopian@yahoo.com), [ffbpm@comcast.net](mailto:ffbpm@comcast.net), [franmcn1@verizon.net](mailto:franmcn1@verizon.net), [gerald.martin333@gmail.com](mailto:gerald.martin333@gmail.com), [gregtownsendfire-ems@verizon.com](mailto:gregtownsendfire-ems@verizon.com), [greidy@townsendpd.org](mailto:greidy@townsendpd.org), [hyde99@erizon.net](mailto:hyde99@erizon.net), [infree02@verizon.net](mailto:infree02@verizon.net), [irene\\_congdon1@yahoo.com](mailto:irene_congdon1@yahoo.com), [james\\_normington@hotmail.com](mailto:james_normington@hotmail.com), [jan.wesson@verizon.net](mailto:jan.wesson@verizon.net), [jane.lois.jackson@gmail.com](mailto:jane.lois.jackson@gmail.com), [janeoha@gmail.com](mailto:janeoha@gmail.com), [janetoloughlin67@yahoo.com](mailto:janetoloughlin67@yahoo.com), [jbeal@umassd.edu](mailto:jbeal@umassd.edu), [jean726@verizon.net](mailto:jean726@verizon.net), [jebemay@comcast.net](mailto:jebemay@comcast.net), [jennmclaughlin48@gmail.com](mailto:jennmclaughlin48@gmail.com), [jmarchand@townsendpd.org](mailto:jmarchand@townsendpd.org), [jmguinta@hotmail.com](mailto:jmguinta@hotmail.com), [joeq@comcast.com](mailto:joeq@comcast.com), [johnbarrett1@verizon.net](mailto:johnbarrett1@verizon.net), [johnkimking@verizon.net](mailto:johnkimking@verizon.net), [kchapman@townsend.ma.us](mailto:kchapman@townsend.ma.us), [keith.jackson1@usarmy.mil](mailto:keith.jackson1@usarmy.mil), [kevinsmithcompany@comcast.net](mailto:kevinsmithcompany@comcast.net), [kkwaxman@yahoo.com](mailto:kkwaxman@yahoo.com), [kmattson@townsendpd.org](mailto:kmattson@townsendpd.org), [kmbarrett@gmail.com](mailto:kmbarrett@gmail.com), [kmoore@townsend.ma.us](mailto:kmoore@townsend.ma.us), [kshaynaappel@gmail.com](mailto:kshaynaappel@gmail.com), [l.shifrin@verizon.net](mailto:l.shifrin@verizon.net), [ljmcnally@comcast.net](mailto:ljmcnally@comcast.net), [lniemiera@townsendfire-ems.org](mailto:lniemiera@townsendfire-ems.org), [lostdog0909@yahoo.com](mailto:lostdog0909@yahoo.com), [lrearick@verizon.net](mailto:lrearick@verizon.net), [Ltbillengine2@verizon.net](mailto:Ltbillengine2@verizon.net), [mamacoit@aol.com](mailto:mamacoit@aol.com), [mboynton@townsendfire-ems.org](mailto:mboynton@townsendfire-ems.org), [mbrown.galaxy@yahoo.com](mailto:mbrown.galaxy@yahoo.com), [mdold.believe@yahoo.com](mailto:mdold.believe@yahoo.com),



[melissa.hermann@gmail.com](mailto:melissa.hermann@gmail.com), [mgiancotti@townsendpd.org](mailto:mgiancotti@townsendpd.org), [mgrimley@townsendfire-ems.org](mailto:mgrimley@townsendfire-ems.org),  
[michael26whittier@gmail.com](mailto:michael26whittier@gmail.com), Michele Busler <[michelebusler@gmail.com](mailto:michelebusler@gmail.com)>, [mikelly\\_01474@yahoo.com](mailto:mikelly_01474@yahoo.com),  
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<[nilesbusler@gmail.com](mailto:nilesbusler@gmail.com)>, [pauls8086@aol.com](mailto:pauls8086@aol.com), [pclark@townsendpd.org](mailto:pclark@townsendpd.org), [prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us),  
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[stryker@net1plus.com](mailto:stryker@net1plus.com), [sullivan\\_joe@hotmail.com](mailto:sullivan_joe@hotmail.com), [tabren68@msn.com](mailto:tabren68@msn.com), [THemployees@townsend.ma.us](mailto:THemployees@townsend.ma.us),  
[tkookt1@verizon.net](mailto:tkookt1@verizon.net), [trochette@townsendpd.org](mailto:trochette@townsendpd.org), [troop10@comcast.net](mailto:troop10@comcast.net), [twalsh@townsend.ma.us](mailto:twalsh@townsend.ma.us),  
[vlad256@msn.com](mailto:vlad256@msn.com), [watchdog55@gmail.com](mailto:watchdog55@gmail.com), [wgoodwin70@comcast.net](mailto:wgoodwin70@comcast.net), [whackler@nmrsd.org](mailto:whackler@nmrsd.org),  
[willardbrookfriend@yahoo.com](mailto:willardbrookfriend@yahoo.com), [wolfgangamy1@gmail.com](mailto:wolfgangamy1@gmail.com)

If anyone is interested in this seminar, see below.

Kathleen M. Spofford

Town Clerk

Town of Townsend

272 Main Street

Townsend, MA 01469

978-597-1704

FAX: 978-597-8135

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**From:** Michelle Joyce [<mailto:michelle.joyce@state.ma.us>]

**Sent:** Monday, May 08, 2017 3:49 PM

**To:** Town of Townsend

**Subject:** MCPPO Tuition-Free Seminar

Good afternoon,

Seats are still available for the MCPPO's upcoming seminar titled "*Are You a Member of a Public Board or Commission? Know Your Responsibilities.*" This 1-day course is essential for every member of a public board, commission, committee or authority (collectively, "public board"), as well as for public officials who regularly

interact with public boards. All members of public boards have a duty to actively oversee the officials who report to them and to ensure that the public monies they administer are spent appropriately. Attendees will learn the necessary tools to successfully fulfill these duties. Attendees will also learn about the keys to effective supervision; identifying fraud, waste and abuse; and the legal requirements applicable to board and commission members. Take this class and walk away armed with the knowledge and skills to be a highly effective member of a public board, commission, committee or authority.

What: *Are You a Member of a Public Board or Commission? Know Your Responsibilities*

Where: **One Ashburton Place, 13<sup>th</sup> Floor, Boston, MA 02108**

When: **Tuesday, May 23, 2017 (8:30a.m.–3:30p.m.)**

Cost: **FREE**

To enroll in this seminar, please complete the registration form found at the following link: [www.mass.gov/ig/publications/forms/regmcppo.pdf](http://www.mass.gov/ig/publications/forms/regmcppo.pdf) and submit via email to Michelle Joyce at [michelle.joyce@state.ma.us](mailto:michelle.joyce@state.ma.us).

Hope to see you there!

--

**Michelle Joyce**

*Senior Program Coordinator*

Office of the Inspector General

One Ashburton Place

Boston, MA 02108

[Michelle.joyce@state.ma.us](mailto:Michelle.joyce@state.ma.us)

[www.mass.gov/ig](http://www.mass.gov/ig)



Virus-free. [www.avg.com](http://www.avg.com)

--

**Cindy King**

**Paul Rafuse**

---

**From:** Jim Kreidler <jkreibler@townsend.ma.us>  
**Sent:** Thursday, May 25, 2017 12:40 PM  
**To:** Paul Rafuse  
**Cc:** Nathan Mattila; Kelly Merrill; Gordy Clark; Cindy King; Sue412 Selectman Account Lisio  
**Subject:** Re: Fitchburg Rd. Tank Rehabilitation Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Paul

Thanks for your email below.

A couple points for clarity.

First, your asking the Selectmen to back date the contract was in no way consistent with counsel's recommendation.

Second, your question of Ms. Anderson is immaterial to the actual matter that was before the Board which was your request that they back date the contract.

I'm out of the office now but will be back shortly. I will see if the contracts have been fully signed yet.

Best,

Jim

Sent from Jim's iPhone

On May 25, 2017, at 11:41 AM, Paul Rafuse <[prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)> wrote:

Jim,

Just checking again, have the Selectmen signed all the contracts yet? I need them to get to Lauri the Town Accountant for her signature so, I can pick them up in order to provide all parties with a fully executed contract.

For future reference, in regards to the matter of my attempt to comply with Town Counsel's recommendation at Tuesday night's Selectmen's meeting with respect to the date the Select Board dated the contract vs. the date of the Performance and Payment Bonds effecting the execution of the contract and/or potentially deeming the Performance and Payment bonds be invalid. I felt I needed further clarification on this, therefore I contacted and corresponded through email and directly by phone to Assistant Attorney General Deborah Anderson of the Construction Bid Unit on this and, she stated that the date entered by the surety has no bearing on the date the contract was executed or whether the contract could be executed.

If you have any questions please call or email me.

Thank you

*Paul Rafuse*

Paul Rafuse  
Superintendent  
Townsend Water Department  
540 Main St.  
West Townsend, MA 01474

Tel: 978-597-2212

Fax: 978-597-5611

E-mail: [prafuse@townsend.ma.us](mailto:prafuse@townsend.ma.us)

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Virus-free. [www.avg.com](http://www.avg.com)



Bond No. CSC-224317  
in replacement  
but not in addition to  
Bond No. CSC-224209

## PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we Atlas Painting and Sheeting Corp.  
(Name of Contractor)

a Coporation hereinafter called "Principal" and  
(Corporation, Partnership, Joint Venture or Individual)

Colonial Surety Company of Woodcliff Lake, State of New Jersey  
(Surety) (City)

hereinafter called the "Surety" and licensed by the State  
Division of Insurance to do business under the laws of the Commonwealth of Massachusetts, are  
held and firmly bound to the Town of Townsend Water Department, Massachusetts, hereinafter called  
"Owner", in the penal sum of

Four Hundred Sixty Nine Thousand----- Dollars  
(\$ 469,000.00) in lawful money of the United States, for the payment of which  
sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and  
successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas the Principal has  
entered into a certain contract with the Owner (the "Construction Contract"), dated the  
24th day of May, 20 17, for the construction described as follows:  
Fitchburg Road Water Tank Rehabilitation Project - Townsend, MA

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties,  
all the undertakings, covenants, terms, conditions, and agreements of the Construction Contract  
during the original term thereof, and any extensions thereof which may be granted by the Owner,  
with or without notice to the Surety, and if he shall satisfy all claims and demands incurred under  
the Construction Contract, and shall fully indemnify and save harmless the Owner from all costs  
and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the  
Owner all outlay and expense which the Owner may incur in making good any default, then this  
obligation shall be void; otherwise, this obligation shall remain in full force and effect.

PROVIDED, FURTHER, that the Surety's obligation under this Bond shall arise after  
(1) the Owner has declared the Principal in default of the Construction Contract or any provision  
thereof, or (2) has declared that the Principal has failed, or is otherwise unable or unwilling, to  
execute the work consistent with, and in conformance to, the Construction Contract (collectively  
referred to as a "Contractor Default"). The determination of a Contractor Default shall be made  
solely by the Owner. The Owner need not terminate the Construction Contract to declare a  
Contractor Default or to invoke its rights under this Bond, and Principal agrees, notwithstanding  
any agreement between it and the surety to the contrary, not to bring any claim against the Surety  
on account of the Surety's good faith fulfillment of its obligations before or without termination  
of the Construction Contract.

When the Surety's obligation under this Bond arises, the Surety, at its sole expense and at  
the consent and election of the Owner, shall promptly take one of following steps: (1) arrange for  
the Principal to perform and complete the work of the Construction Contract; (2) arrange for a  
contractor other than the Principal to perform and complete the work of the Construction

Contract; (3) reimburse the Owner, in a manner and at such time as the Owner shall reasonably decide, for all costs and expenses incurred by the Owner in performing and completing the work of the Construction Contract. Surety will keep Owner reasonably informed of the progress, status and results of any investigation of any claim of the Owner.

If the Surety does not proceed as provided in this Bond with due diligence and all deliberate speed, the Surety shall be deemed to be in default of this Bond, and the Owner shall be entitled to enforce any remedy available to the Owner.

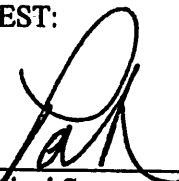
After the Surety's obligation under this Bond arises, the Surety is obligated, to the limit of the amounts of this Bond, for (1) the correction of defective work and completion of the Construction Contract; (2) additional design, professional services, and legal costs, including attorney's fees, resulting from the Contractor Default or from the default of the Surety under this Bond; (3) any additional work beyond the Construction Contract made necessary by the Contractor Default or default of the Surety under this Bond; (4) indemnification obligations of the Principal, if any, as provided in the Construction Contract; and (5) liquidated damages as provided in the Construction Contract, or if no such damages are specified, actual damages and consequential damages resulting from the Contractor Default or any default of the Surety under this Bond.

Any proceeding, legal or equitable, under this Bond shall be instituted in any court of competent jurisdiction in the Commonwealth of Massachusetts.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Construction Contract or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Construction Contract or to the work or to the specifications.

IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts, each one of which shall be deemed an original, this the 24th day of May, 2017.

ATTEST:

  
\_\_\_\_\_  
(Principal Secretary)  
Patricia Aldrich

By

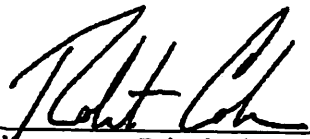
Atlas Painting and Sheeting Corp.

  
Principal

James Frangos, President

465 Creekside Drive

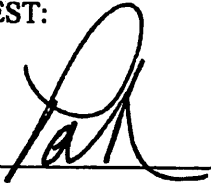
Amherst, New York 14228  
(Address-Zip Code)

  
\_\_\_\_\_  
(SEAL)  
Witness as to Principal  
Robert Cohan

465 Creekside Drive

Amherst, NY 14228  
(Address-Zip Code)

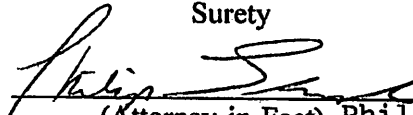
ATTEST:



Colonial Surety Company

Surety

By

  
(Attorney-in-Fact) Philip Shepard

123 Tice Blvd., Suite 250

Woodcliff Lake, NJ 07677  
(Address-Zip Code)

 (SEAL)  
Witness as to Surety Rita Alfano

123 Tice Blvd., Suite 250

Woodcliff Lake, NJ 07677  
(Address-Zip Code)

NOTE: Date of Bond must not be prior to date of Contract. If Contractor is a Partnership, all partners should execute Bond.

180484

## PAYMENT BOND

**PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the work or to the specifications.**



PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts, each one of which shall be deemed an original, this the 24th day of May, 2017

ATTEST:

Atlas Painting and Sheeting Corp.

Principal

By [Signature]

James Frangos, President  
465 Creekside Drive

Amherst, NY 14228

(Address-Zip Code)

[Signature]

(SEAL) Robert Cohan

Witness as to Principal

465 Creekside Drive

Amherst, NY 14228

(Address-Zip Code)

Colonial Surety Company

Surety

By [Signature]

(Attorney-in-Fact) Philip Shepard

123 Tice Blvd., Suite 250

Woodcliff Lake, NJ 07677

(Address-Zip Code)

[Signature]

Witness as to Surety Rita Alfano

123 Tice Blvd., Suite 250

Woodcliff Lake, NJ 07677

(Address-Zip Code)

(SEAL)

NOTE: Date of Bond must not be prior to date of Contract. If Contractor is a Partnership, all partners should execute Bond.

# COLONIAL SURETY COMPANY

Duncannon, Pennsylvania

Administrative Office: 123 Tice Blvd., Suite 250, Woodcliff Lake, New Jersey 07677

## GENERAL POWER OF ATTORNEY

Know all Men by These Presents, That COLONIAL SURETY COMPANY, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania and having an administrative office in Woodcliff Lake, Bergen County, NJ does by these presents make, constitute and appoint

Wayne Nunziata or Philip Shepard or Audie B. Murphy of Woodcliff Lake and the State of New Jersey its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver.

### Any and All Bonds

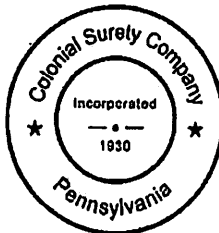
and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting held on the 26th day of July, 1880.

"Be it Resolved, that the President, any Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

"Section 1. Attorney-in-Fact. Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"In Witness Whereof, Colonial Surety Company has caused these presents to be signed by its President and its corporate seal to be hereto affixed the 8th day of September, A.D., 2016.

State of New Jersey }  
County of Bergen } SS.



COLONIAL SURETY COMPANY

By

Wayne Nunziata

Wayne Nunziata, President

On this 8th day of September, In the year 2016, before me Theresa Spinelli, a notary public, personally appeared Wayne Nunziata, personally known to me to be the person who executed the within instrument as President, on behalf of the corporation therein named and acknowledged to me that the corporation executed it.



THERESA SPINELLI  
A Notary Public of New Jersey  
My Commission Expires September 9, 2020

Theresa Spinelli

Theresa Spinelli

Notary Public

I, the undersigned Secretary of Colonial Surety Company, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney Issued by said Company, and do hereby further certify that the said Power of Attorney is still in force and effect.

And I do hereby further certify that the Certification of this Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Board of Directors of the Colonial Surety Company at a meeting duly called and held on the 30th of January 1888, and that said resolution has not been amended or repealed:

RESOLVED, that the signature of the Secretary or any Assistant Secretary of this Corporation, and the seal of Corporation, may be affixed or printed by facsimile to any certificate to a Power of Attorney of this Corporation, and that such printed facsimile signature and seal shall be valid and binding upon this Corporation."

GIVEN under my hand and the seal of said Company, at Woodcliff Lake, New Jersey this 24 day of May, 20 17

Original printed with Blue and/or Black Ink.  
For verification of the authenticity of this Power of Attorney you may call (201) 573-8788 and ask for the Power of Attorney clerk. Please refer to the above named individual(s) and details of the bond to which the power is attached.

Audie B. Murphy

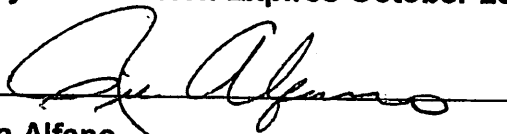
Audie B. Murphy, Secretary

**State of New Jersey**

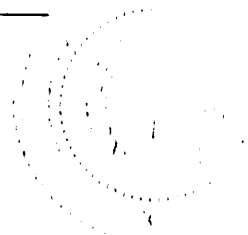
**County of Bergen**

**On this 24<sup>th</sup> day of May in the year 2017, before me, Rita Alfano, a Notary Public, personally came Philip Shepard, known to me to be an Attorney-in-Fact of Colonial Surety Company, the corporation described in the within instrument, and I acknowledge that he executed the within instrument as the act of said Colonial Surety Company in accordance with authority duly conferred upon him by said Company.**

**Rita Alfano  
Notary Public of New Jersey  
My Commission Expires October 26, 2017**

  
Rita Alfano

**Notary Public**



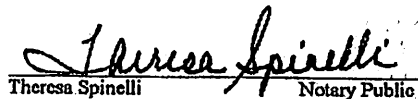
### Balance Sheet as of December 31, 2016

**Total Admitted Assets..... \$57,829,662**

**Total Liabilities, Capital & Surplus.... \$57,829,662**

[illegible]

IN WITNESS WHEREOF, I have signed this statement at Woodcliff Lake, New Jersey, this 5th day of May, 2017.



**THERESA SPINELLI**  
A Notary Public of New Jersey  
My Commission Expires September 9, 2020