



May 14, 2020

Berlin Board of Selectmen
23 Linden Street
Berlin, MA 01503

Re: "North Brook Village"

Dear Selectmen,

As Vice President of Maloney Properties, Inc., Managing Agent for Berlin Retirement Homes and Northbrook Senior LP, the following is in response to your letter of April 27, 2020. Please note that an initial response was submitted to the Selectmen via email on May 1, 2020, a copy of which is attached for your easy reference.

There were two issues raised in your letter. The first was water quality at Berlin Retirement Homes, referred to as "Phase 1" in your correspondence. As noted, the Berlin Board of Health, Nashoba Associated Boards of Health and MassDEP have been focused on water quality and sedimentation in the domestic water supply for Phase 1. Similarly, the above agencies have been monitoring water quality at Northbrook Senior LP, or "Phase 2" of the development. It is important to note that Phase 1 and Phase 2 are owned separately and operate independently. Maloney Properties is currently retained by each entity to provide property management services; however, each ownership entity makes its own decisions regarding operations.

As background information, domestic water is sourced from four wells on the property, two wells servicing Phase 1 and two wells serving Phase 2. Two wells are needed to service the domestic water and fire suppression requirements for each community for redundancy and other reasons. The two wells for each community are blended at the wellhead and service the respective communities independently.

The management, operation, maintenance and testing of the domestic water supply for Phase 1 and Phase 2 are handled by a licensed contractor. The contractor used by both communities is Small Water Systems Services, LLC (Small Water). Again, each community has a separate contractual relationship with Small Water; however, it is fortunate that a single contractor is addressing the percolate issue which appeared at both communities during routine testing in 2019. There were no prior incidents of elevated percolate in the water supply that we are aware of currently.

Maloney Properties reached out to Small Water when we received notice of the Selectmen's concerns. Attached please find Small Waters summary of their work overseeing the operation and quality of the domestic water supply for Phase 1 and Phase 2. Small Water has been the direct interface with Boards of Health and MassDEP and has meticulously maintained 100% compliance with all respective plans of action for both communities.



It is noted that sedimentation continues to be a concern in Phase 1 impacting three of the thirteen buildings within the community. Action is being taken to find the cause of the problem and the Board of Phase 1 has approved necessary work to start to isolate and, hopefully, eliminate the problem. See attached response by Small Water for additional details.

Regarding the elevated levels of percolate, MassDEP has allowed both communities to continue to monitor the percolate in the domestic water supply as the levels had been dropping prior to the latest round of testing. Provisions had been in place pre-COVID-19 to provide bottled water to those residents potentially impacted by the elevated percolate. Since COVID-19, Small Water was unable to secure any bottled water for distribution to residents. As a result, we moved to a program of reimbursing residents for the cost of water they have secured independently. So far, this has been a satisfactory alternative. See attached response by Small Water for additional details.

The second issue raised by the Selectmen was the recent damage sustained by Northbrook Senior LP, also referred to as Phase 2, as the result of a defective domestic heat line which failed between the second and third floor. The pressurized line discharged a significant amount of water into the common area hallway seriously damaging thirteen adjacent units on the second and first floors. Twelve of the impacted units are occupied by tenants, and one unit is reserved for a staff person. The damage which occurred resulted in the full evacuation of all forty apartments in the building for safety reasons. No resident could return to the building between Friday, February 28th and Wednesday, March 4th when units deemed habitable could be reoccupied.

As stated in our response to the Selectmen of May 1st, at the direction of the Owner, Northbrook Senior LP, Maloney Properties did provide any resident displaced on February 28th accommodations at the local hotel if they had no family or friends who could assist them. These accommodations extended to the March 4th date when part of the building reopened.

Between February 28th and March 4th, resident meetings were conducted to explain to impacted residents the need to secure temporary housing for a period between three and six months based on the high level of damage to the building. We believe that Town officials participated in some of these discussions. Montachusett Home Health Corporation provided two staff social workers who attended the meeting and were prepared to assist those displaced residents who needed assistance finding alternative housing. At that time there was only one resident who requested this assistance. We understood that the message to residents was a difficult one, and we worked with all residents until we were certain all had accommodations moving forward. Of the twelve impacted households, the following was obtained by Management at that time:

- Nine of the twelve households would be staying with family
- One resident, who was hospitalized at the time would eventually be transferred to a rehab facility for an undisclosed period
- One resident would be staying at a hotel using insurance claim proceeds to pay for the accommodations
- One resident would be staying with a friend



As stated in our May 1st response to the Selectmen, Phase 2 retains the services of a Resident Services Coordinator (RSC) who works with the residents as their advocate. The RSC works with residents when services from the community are needed to assist the resident. The Resident Services Coordinator has maintained contact with displaced residents and has conducted wellness checks periodically. Residents have expressed their frustrations, but we have not received any direct reports of potential homelessness.

The units at Northbrook Senior LP, i.e. Phase 2, are under a HUD form lease as the project is part of the HUD Section 202 program and residents receive Federal rental assistance under a Project Rental Assistance Contract (PRAC). The HUD lease does not obligate the Owner to provide temporary housing. HUD PRAC projects follow strict regulatory requirements and have tight operating budgets. There are no contingency or emergency funds contained in the operating plan, which is why all residents are strongly encouraged to obtain renters insurance. The HUD lease states the following relative to major disasters and uninhabitable units:

- b. If the whole or any substantial part of the Apartment shall during the term of this Agreement, be destroyed by fire or other disaster, then:***
- i. If Management or Resident choose, this Agreement shall terminate by notice to the other party; or***
 - ii. If neither Management nor Resident terminates this Agreement, then a just portion of the rent to be determined by Management shall be abated until the Apartment is restored and suitable for occupation.***

Management has abated the rent for any resident currently displaced and we look forward to the day when we can welcome residents home. Unfortunately, we do not have the funds to pay for relocation costs, but we would welcome any resident at risk of being homeless to contact our office and allow us to work with him/her to try to identify any potential assistance within the elder services community.

Management has promised the Selectmen, the Department of Housing and Community Development (DHCD), State Officials and elected officials that we will provide weekly updates on progress to reconstruct the building for occupancy. The following is the first such update:

- Final site inspection by insurance carrier and subrogation adjuster: Today, May 15th
- Building Permit Issue by Town: Monday, May 11, 2020, permit BP-20-17
- Electric permit has been pulled by Contractor; electrical work commencing today, May 15th and will proceed through the weekend.
- Insulation Contractor will commence work that does not conflict with the electrical work on Saturday, May 16th and will focus on second floor. Will follow behind electrician thereafter.
- Insulation inspection by Town Building Department (2nd floor) tentatively set for Wednesday, May 20th (with 24-hour notice)
- Replacement cabinet and countertop materials scheduled for delivery, Friday, May 29th.



Additional updates on sheetrock, plaster, cabinetry and countertop installation, painting, flooring and cleaning will be provided in the weekly update as these items are scheduled and coordinated with other work. There are multiple details, inspections and contingencies which will need to be resolved in order to obtain permission to reoccupy the off-line units. We have spoken with our contractors and Town Building Department and Fire Department officials and we will seek to reopen the second floor as soon as possible and follow with completion of the first-floor units. Tentatively, we have a construction schedule that places the second-floor units back online by June 19th. We will update this projected date weekly. We anticipate the first-floor units will be three weeks later because of the July 4th holiday and associated work interruptions. Again, these dates will be updated as we move through the process and we anticipate that all units will be delivered within the initial 3-6 month timeframe initially stated.

As we have communicated previously, we do understand and empathize with our seniors. We know how stressful this ordeal has been. We also understand that the current state of emergency adds an additional burden. We are working as quickly as possible and in advance of any signed agreement with our insurance carrier in order to provide restored housing units as soon as possible.

We welcome any questions that you may have regarding the information contained above and attached hereto.

Sincerely,

A handwritten signature in black ink that reads 'Jim'.

James Regis, Vice President
Maloney Properties, Inc.

Attachments:

Email from J. Regis, May 1, 2020

Report from Small Water, May 15, 2020

cc:

Lori Richardson, authorized representative, NBSLP

Janet Frazier, CEO, Maloney Properties

Amy Lawton, Maloney Properties

Cate Racer, DHCD

Mathew Seadale, DHCD

Rebecca Fawley, DHCD

Christine Keshura, HUD

Paul Krewick, HUD

US Senator Ed Markey

US Senator Elizabeth Warren

Secretary Elizabeth Chen, EOEA

State Senator Dean Tran

State Representative Harold P. Naughton, Jr.

Attorney General Maura Healey

From: [James Regis](#)
To: selectmen@townofberlin.com
Cc: [Lori Richardson](#); [Amy Lawton](#)
Subject: Concerns at North Brook Village
Date: Friday, May 1, 2020 2:13:00 PM

Dear Selectmen for the Town of Berlin,

I am Jim Regis, Vice President of Maloney Properties, Inc., and the Principal responsible for overseeing property management operations at North Brook Village 1 and North Brook Village 2, collectively known as North Brook Village. Your letter of April 27, 2020, was forwarded to me late yesterday by Amy Lawton, Regional Manager for the noted properties. Please know that we take the questions and concerns raised by the Selectmen very seriously. We have mobilized our water quality engineers for North Brook Village 1 & 2 and our public adjuster on the recent major water damage claim at North Brook Village 2 to provide detailed information relative to your concerns. We anticipate that we will be able to respond to you in greater detail by Tuesday, May 5th and respectfully request an extension to your deadline for providing the level of detail outlined in your letter. It does take time to assemble the large amount of data that we are able to share with you.

As one of the first-responders to the major water damage event at North Brook Village 2, I was personally grateful to both the Berlin Police and Fire Departments for their high-level response the day of the event, and for the personal care extended to our residents. I was present for walkthroughs with both Police and Fire representatives both during and immediately after the emergency, and both Police and Fire gave Maloney Properties high marks for our response to the water discharge event and our ability to quickly transfer residents to temporary housing. We value our residents and our Resident Services Coordinator has attempted to maintain contact with displaced households via phone and email. We understand that the duration of the displacement, combined with the additional physical and emotional burden imposed by COVID-19 and the State of Emergency, has exacerbated this hardship. We are working very hard to settle this claim and to proceed with completing the restoration process.

Similarly, we have been closely involved with the water quality issues for North Brook Village and have fully cooperated with our consultants, Small Waters, with Boards of Health and MassDEP. We have voluminous data that we will consolidate for you so you have a sense of both the history and the path forward regarding this important issue. In the interim, know that we have always maintained compliance with all Board of Health and MassDEP directives, testing guidelines and requirements.

We look forward to sharing more information with the Selectmen next week, and hope that everyone remains safe and in good health.

Sincerely,

Jim
James Regis
Vice President
Maloney Properties, Inc.

Small Water Systems Services, L.L.C.

Complete Water & Wastewater Systems Operations • Water Meter Testing • Hydrant Flow • Generator Services

WBE Certified

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www.swss.biz

May 4, 2020

Christine Keefe, Chairwoman
Board of Selectmen, Town of Berlin
Town Office Building
23 Linden Street, Room 206
Berlin, MA 01503-1669

Re: The Public Water Systems Serving Northbrook I and II: PWS #2028007 and #2028018 Respectively:

Dear Ms. Keefe:

Small Water Systems Services, LLC (SWSS), is happy to respond to your request last week for information about our firm and the contract drinking water operations work that we do over at Northbrook I and II.

About *Small Water Systems Services, LLC*

Small Water Systems Services, LLC is headquartered in Littleton, MA and has been in business since 1995. We are a company of 38 individuals, including 11 administrative personnel, 25 licensed operators (both water and wastewater), as well as the licensed, experienced owners and founders: Bruce and Deborah Trumbull. Collectively, we hold drinking water licenses in both treatment and distribution, ranging from Grades 1 through 4 (with 4 being the highest license possible), in both Distribution and Treatment, as well as multiple Cross-connection Surveying and Backflow Testing licenses. We also hold multiple Municipal Wastewater licenses from grades 1M through 7M (with 7 being the highest license possible), as well as Industrial Wastewater Treatment licenses ranging from grades 2I through 7I.

As an operations firm with many, many years of collective experience, we are fully licensed and insured and offer complete and comprehensive water & wastewater utility services for over 185 systems across MA and NH, for a wide variety of different sizes and treatment technologies. We are proud to report that over the years *SWSS* has developed a strong reputation for outstanding service, reliability, credibility and integrity within the communities and industries we serve, as well as within the various regions of DEP.

In addition to daily operations and maintenance, *SWSS's* list of support services also includes all DEP Compliance and reporting work, system troubleshooting & diagnostics, system repairs & pump work, generator services, hydrant inspections and flow testing, large water meter testing, and NPDES Permit management services, among others. Our operators and technicians are available 24/7 to answer and respond to any questions and all water and wastewater related emergencies.

SWSS is Contracted at Northbrook I & II

Small Water Systems Services, LLC was contracted on February 1st, 2016 to operate and maintain Northbrook II's water & wastewater utilities and on May 1st, 2016 for Northbrook I's water utility. Regarding the water supply at Northbrook I, our lead drinking water operator Dave Bray has been in numerous meetings with several residents of Northbrook I, in investigating the sediment issue there and trying to resolve the problem, particularly in Building 11. Likewise, we have held and attended meetings with the residents of both Northbrook I and II regarding the perchlorate exceedance levels issue, which first occurred in 2019.

As part of our regular, routine activities, *SWSS* routinely collects all water samples for analysis according to the Drinking Water Sampling Schedule established by DEP at each PWS and submits all required data analysis, forms, reports and documentation to DEP within the proper time frames required. With the notable exceptions of the sediment in the water problem at Northbrook I and the perchlorate exceedances in both Northbrook I & II, which are being dealt with by Skillings and Sons and the engineer at this time, *SWSS* has maintained compliance with all other DEP requirements at these systems.

The Sediment Issue at Northbrook I:

At one time, Northbrook I had 4 different wells, which fed into a distribution system. The developers wanted to build Northbrook II and bargained with the residents of Northbrook I for access to the back lot (where Northbrook II was ultimately built), by promising a new water system. The developer had 2 new wells installed, with a new well house engineered and built which houses two 2000-gallon storage tanks. The previous wells were permanently disconnected from the existing distribution system and the 2 new wells were hooked-up to that same distribution system. As far as we know, there were no sand complaints in the original water system. The complaints began with the new system.

As we began investigating the excessive sand problem in the water, first by responding to clogged aerators, then in the storage tanks, we noticed that the problem was not in all the buildings. Over time and after copious amounts of flushing, emptying/cleaning/inspecting the storage tanks, looking at distribution maps, talking with facilities personnel and well drillers, our people found that the system's odd lay-out exacerbates the sand problem, with a lot of sand in some buildings and little to none in others.

As the sand issue began and developed, Northbrook I had their own facilities personnel flush those buildings that experienced sand in the water routinely. They asked us for recommendations and we suggested better flushing ports (instead of using regular garden hoses to flush the buildings) and more advantageous (efficient) flushing locations. The new ports were installed at the new locations and flushing continued on a monthly basis, with the facilities personnel keeping logs of that work. Things seemed to be better, the occurrence of heavy sand was greatly reduced, and the complaints dropped off.

In 2019, DEP conducted another Sanitary Survey of the Northbrook properties and wanted further investigation of the sand issue. With this directive and the Property Manager's approval, *SWSS* brought Skillings Well Drillers out to review and discuss the issue and formulate a plan to move forward. We then presented a Quote to pull the pumps and flush water onto tarps to observe if – and how much – sand was coming from the wells. A resolution will then be formulated based on that information. A quote for this work has been submitted to the HOA Board and they have approved for this work to be done.

The Perchlorate Exceedance Issues in Both Northbrook I and II:

The new wells serving both Northbrook I & II began exceeding the maximum allowable perchlorate levels in 2019, not in prior years. Bottled water was initially provided to the residents of Northbrook I and is now being provided only to those with specific health issues. Residents of Northbrook II continue to be reimbursed for bottled drinking water until the issue is resolved.

DEP recommended first trying to find and remove the perchlorate source(s) for both PWSs and second, reconfiguring the PLC at Northbrook I so that, in each PWS, the well with the lower level of perchlorate would pump more water into the system than the other well with the higher level. This will dilute the level of perchlorate in the water down to an acceptable level. We provided a quote for this work which was approved. As a backup plan, it was also recommended that we bring in an engineer in to design and permit new treatment systems to remove the perchlorate. We provided a quote for that work as well and are pursuing several different avenues of resolution for this issue.

Current Status of Water Quality Issues: Quotes and CAPs

Northbrook I:

- There is currently a quote in front of the Northbrook I Board for Skillings & Sons, our well driller to come out to the site and pull the well pumps to investigate the sediment issue in the water supply. They will establish whether the sediment is coming from one well pump or both. Each well will be pumped for 3 hours. If sediment is witnessed, they would then cut back on the flow to see if that lessens the sediment levels in the discharge. They would then lower a camera into each well to check well casing integrity. It is possible that the pumps are set too low in one or both wells and drawing sediment up from the bottom. If this is the case, they will propose to lift the well pumps higher off the well floor. We will not have any of this information until this work is performed. This quote was recently approved by the Board.
- There is currently a quote in front of the Northbrook I Board to allow our well driller Skillings & Sons to reprogram the PLC which operate their #5 and #6 wells. The quote is to change the pumping ratio to a new 3:1 ratio, with well #6 coming on more frequently than well #5. This would help to dilute the perchlorate levels in the drinking water down below the perchlorate MCL. This quote was recently approved by the Board.
- There is also a quote in front of the Northbrook I Board to have our engineer, Joel Frisch of Northeast Geoscience Inc. design and permit a new water treatment system to remove the perchlorate from the drinking water.
- Since 2019, DEP has requested and *SWSS* has provided a Corrective Action Plan (CAP). We have recently issued each PWS a CAP Progress report.

Northbrook II:

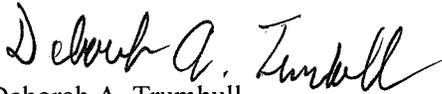
- There is currently a quote in front of the Northbrook II Board for Skillings & Sons, our well driller to come out to the site and pull the well pumps to investigate the sediment issue in the water supply.

They will establish whether the sediment is coming from one well pump or both. Each well will be pumped for 3 hours. If sediment is witnessed, they would then cut back on the flow to see if that lessens the sediment levels in the discharge. They would then lower a camera into each well to check well casing integrity. It is possible that the pumps are set too low in one or both wells and drawing sediment up from the bottom. If this is the case, they will propose to lift the well pumps higher off the well floor. We will not have any of this information until this work is performed. The client has this quote under consideration. There has not been an issue at this property with the sediment leaving the holding tanks or affecting any issues at the end location.

- There is another quote in front of the Northbrook II ownership to have our engineer, Joel Frisch of Northeast Geoscience Inc. design and permit a new water treatment system to remove the perchlorate from the drinking water. The client has this quote under consideration.
- Since 2019, DEP has requested and *SWSS* has provided a Corrective Action Plan (CAP). We have recently issued each PWS a CAP Progress report.

Lastly, regarding the recent water main break over at Northbrook II, that pipe has been repaired, tested for bacteria and put back online. This was all completed on March 2nd, 2020 and no further action is required.

Respectfully Submitted,



Deborah A. Trumbull

Principal, Small Water Systems Services, LLC