

BOARD OF WATER COMMISSIONERS  
EXECUTIVE SESSION MEETING OF MAY 5, 2021

REGULAR MEETING: The Executive Session meeting of the Board of Water Commissioners was held at the 438 Granby Road Office on Wednesday, May 5, 2021. Chairman R. Scott Williams called the meeting to order at 6:00 p.m.

ATTENDANCE:	Chairman	R. Scott Williams
	Clerk	Brian S. McClafin
	Associate Member	William L. Schenker
	Superintendent	Jeffrey A. Cyr
	District Counsel	Mark Beauregard
	Counsel for R. Scott Williams	Brendan Hughes
	Office Billing Clerk	Kari L. Scytkowski
	Maintenance Foreman	Jeffrey L. Levreault

APPROVAL OF MINUTES: William L. Schenker made a motion to approve the minutes of March 18, 2021. This motion was seconded by Brian S. McClafin. Motion Carried

EXECUTIVE SESSION  
ATTEMPT:

R. Scott Williams read the Executive Session language on the agenda. Scott started to speak about the Executive Session. Jeff Cyr objected to the process saying there was no roll call vote individually. Attorney Brendan Hughes stated the Board voted unanimously. Scott began by saying this issue was regarding a letter. Scott asked Attorney Brendan Hughes if he took care of the letter and Brendan responded he did not. Jeff stated he never received a letter notifying him that this Executive Session was about him per the Mass General Laws which states he must be notified in writing 48 hrs. in advance., so this Executive Session is not legal. Attorney Brendan Hughes stated that Jeff Cyr can still enter into executive session or have this as an open meeting if he chooses. Jeff looked to Counsel and said there was no roll call and no letter, so the Executive Session is not legal. Attorney Hughes stated that Jeff was correct. Brian McClafin stated that as a Board Member he has had no communication with any other Board member on what this Executive Session is about and why is there an Executive Session. Scott Williams indicated that this is about a letter and he has heard rumblings about this and other people know what this is about. William Schenker stated that he feels this is about the Treasurer and the Superintendent. Attorney Beauregard noted that we are not in Executive Session so please do not discuss anything further until another meeting can be posted. Jeff Cyr asked both Counsel if it is acceptable for him to post the next meeting and use the exact same language that is stated on this Agenda for the Executive Session with the exception of not returning into Open Session. Attorney Hughes stated that this would be acceptable. The Board stated the only agenda item would be the Executive Session. After a brief discussion, it was decided the next executive session would be May 27<sup>th</sup> at 6 pm.

RE-ORGANIZATION OF  
BOARD MEMBERS:

Brian S. McClaflin made a motion to appoint William L. Schenker for the position of Chairman. This motion was seconded by R. Scott Williams. Motion Carried  
William L. Schenker made a motion to appoint Brian S. McClaflin to the position of Clerk. This motion was seconded by R. Scott Williams. Motion Carried  
R. Scott Williams will be the Associate member.

OFFICE SOFTWARE UPDATE: Jeff Cyr updated the Board that our current CUSI billing upgrade to a system called UMS also owned by CUSI was \$33,382.00 and paid through the Newton Street Water Main Account monies per Carl Leone from the MWRA. Jeff informed the Board that we were recently informed that our current main server does not have the capacity to be a sequel server per the requirements. The new server will have the capacity to handle the new UMS system as well as our meter reading software. The cost of the new server is \$5200.00 that will also be able to be paid through the Newton Street Water Main Account.

SEARLE RD. UPDATE: Jeff Cyr updated the Board that Searle Road water main project is coming along well. The Maintenance Crew has installed 1500ft of new main, pressured tested and chlorinated it. Jeff noted the Fire Department was notified to approve the placement of the hydrants on the street. The Crew will be working on taps, and paving for approximately the next 3 weeks. Brian McClaflin asked how much money the district is saving by having our own crew do the work. Jeff Cyr noted that he will have a figure for the Board at the next meeting as there will be more paving involved in this water main project due the condition of the roadway.

APPROVAL OF WEEKLY  
WARRANTS:

Jeff Cyr wanted to inform the Board that he has not seen or approved any of the past 3 weeks of Warrants since the last meeting of 3/18/2021. The Treasurer, Terie Fleury informed the group at that meeting the protocol for signing warrants was going to change. She was going to call all members to have them come to her office to have the warrants signed & not have Jeff pick them up. It was requested by Scott Williams to have the Superintendent look over the warrants before the Water Board signs them. Jeff has not received any communication or viewed any of the warrants prior to them being signed by Board members. Brian McClaflin noted he received a call from Prudential Board member, Bruce Perron that he had the Warrants for this week and was going to be at his place of business, Talk of the Town restaurant for Brian to go there to sign them. Brian stated he is not comfortable with the Warrants being taken to a public restaurant for Board members to go and sign. Brian also indicated that he did not even know the Treasurer was on vacation. William Schenker felt that as a Board they have an obligation to the District to have them signed at the appropriate place. Brian McClaflin stated he would like to go back to either coming in the Water Dept. to sign or having Jeff bring them to him, that way he can keep up to date with what happening within the Water Dept. Attorney Mark Beauregard asked why Jeff Cyr was not seeing the warrants. Jeff responded that he is unclear why he hasn't seen them, there has been no communication by the Treasurer to have him review them first. Jeff continued to say that in the past, he and the Office Manager would sign

off on the weekly payroll and fax or email to the Treasurer to process the appropriate warrants. Once the warrants were processed, Jeff would go down the Treasurers office, pick them up and either find the Board members or bring back the warrants to the Water Dept. for Board members to come into sign. After receiving signatures from the Water Board, we would make a copy for our records (for Auditors) and send the originals back to the Treasurer. Jeff referenced a warrant issue last summer when he reviewed some of the warrants to be signed by the Water Board and discovered that some items on a Maintenance Warrant that were being paid were from the previous Fiscal Year and should not have been paid in the new Fiscal Year, without a special meeting of the public. He brought it to the attention of the Water Board and suggested they not sign the warrant in question. Jeff Cyr then asked both Attorneys the legality of ownership of the warrants of the 2 departments (Water & Fire) Attorney Hughes commented that he believes each Department owns their own warrants as they are produced by the Department Heads of each Department. Attorney Beauregard agreed with this summation. After a discussion about the process of water warrants being signed by the Water Board, R. Scott Williams made a motion to go back to signing the warrants as previously done (Jeff picking them up from Treasurer and having Board come to Water Dept. or Jeff bringing them to the Board member). This motion was seconded by Brian McClafin.

Motion Carried

R. Scott Williams posed the question that if he wanted to talk with a member of the Water Department about something, could he just speak with that person individually. Attorneys Hughes & Beauregard both stated that Yes, he could speak to a person individually, just not with another Board member. Brian McClafin responded and said that is his understanding as well, he could speak to a person individually as long as he wasn't speaking to another Board member, as that violates the quorum for a meeting.

MOTION TO ADJOURN:

R. Scott Williams a motion to adjourn, which was seconded by Brian S. McClafin.

Motion carried

ADJOURNMENT:

Meeting adjourned at 7:40 p.m.

BOARD OF WATER COMMISSIONERS



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Brian S. McClafin, Clerk

## **Part I** ADMINISTRATION OF THE GOVERNMENT

### **Title III** LAWS RELATING TO STATE OFFICERS

#### **Chapter 30A** STATE ADMINISTRATIVE PROCEDURE

#### **Section 21** MEETING OF PUBLIC BODY IN EXECUTIVE SESSION

Section 21. (a) A public body may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

i. to be present at such executive session during deliberations which involve that individual;

ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;

- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

- 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
- 4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
- 5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
- 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
- 3. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants;

provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.