

JOINT MEETING OF BOARD OF WATER COMMISSIONERS
AND PRUDENTIAL COMMITTEE
THURSDAY, OCTOBER 14, 2021

REGULAR MEETING: The joint meeting of the Board of Water Commissioners and Prudential Board was held at 438 Granby Road Office on Thursday, October 14, 2021. Water Chairman William L. Schenker called the meeting to order at 6:00 p.m.

ATTENDANCE:	Chairman	William L. Schenker
	Clerk	Brian S. McClaflin
	Associate Member	R. Scott Williams
	Superintendent	Jeffrey A. Cyr
	Office Manager	Jennifer L. Fernandes
	Billing Clerk	Kari L. Scytowski
	Foreman	Jeffrey Levreault
	Maintenance Worker	Sam Bernash
	Resident	Mitch Malinowski
	Resident	Jon Fernandes
	Resident	Pauline McClaflin
	3 other Residents	
	PRUDENTIAL COMMITTEE	
	Prudential Board Chairman	John Wojciechowski
	Clerk	Bruce H. Perron
	Associate Member	Kenneth Beliveau
	Clerk/Treasurer	Terie B. Fleury

CLARIFICATION OF DISTRICT
BOARD STRUCTURE &
FUTURE PLANNING &
DEVELOPMENT IDEAS
FOR THE DISTRICT:

William Schenker opened up the meeting by saying there has been some friction in the district and he would like to move forward. William Schenker stated he has been a Water Commissioner for over 34 years and has worked with a lot of other great Board members, Treasurers and has often had a difference of opinion with various members of the district but they and he have always wanted to do what is best for the district. Mr. Schenker stated we have the best District Fire and Water employees. But lately there has been a bone of contention amongst members. The By-Laws of the District state the Chairman of the Prudential Board shall preside at all meetings and shall have general oversight of the district. In the event of the Chairman's absence the Clerk shall preside. The Chairman of the Water Department shall preside at all meetings and shall have general oversight of the entire water system. In the event of the Chairman's absence the Clerk shall preside. Mr. Schenker went on to say we created a committee of members from different District departments as well as residents to come up with an updated revised By Laws and they didn't pass on the Annual Meeting floor, and maybe we need to revisit putting these By-laws back to the Annual Meeting for a vote of the people. John Wojciechowski said he would like to know what Prudential is in charge of and what Water Board is in charge of, he is newer to this Board and

wants guidance or maybe seek counsel to better define the day-to-day operations. William Schenker said our water comes from Quabbin Reservoir and we abide by the state laws as well as the MWRA (Massachusetts Water Resource Authority) for policies. Jeff Cyr stated that the Mass Code CMR22 (Massachusetts Drinking Water Regulations) states that as a Superintendent he is responsible to the last free flowing tap in the district. He has been a Superintendent for over 20 years and the Water Dept. has always overseen Water and Fire Dept. overseen fire. Brian McClafin stated he has been on both sides, he worked as a fire fighter in the district and now a Water Board Commissioner. He said he too would like clarification as to who has power over what. Does Prudential have jurisdiction over the Water Board? As a Water Board Commissioner a few of the changes that have taken place that have affected the water department he has had no knowledge of them happening. There needs to be at least some communication. Bill Schenker stated that the current by-laws are very vague and until they are changed to better redefine the roles we need to work together. Jeff Cyr suggested again that the Boards reach out to Senator Joanne Comerford and Senator Daniel Carey as well to help with the roles of the Boards as well as researching other Districts within the Commonwealth for more structure and language to better define both Boards and Department. Jeff stated there are more than 50 Water Districts in the Commonwealth and with some research some of those communities could help us better define our departments and roles. William Schenker wants to be sure we are all clear on the production of warrants and where the Boards will sign them. Terie Fleury said she doesn't know where the misunderstanding happened but she would like the Maintenance Warrants to go back to the Water office entering them into the Softright Accounting software, print out the signature page and have the Superintendent get signatures and then forward the signed copy along with her copies down to her. She will continue to produce the payroll and tax warrants and place them into a lockbox which will be mounted outside her office with a code for the Boards to access at their convenience for signatures. She stated she has set up color coded folders for the respective Boards to access easily. Jeff Cyr asked Jennifer how she felt about this and Jennifer replied that it is fine to go back to having them done at the Water Department as previously done and she doesn't know why they were taken away in the first place. John Wojciechowski said that warrants are produced here then given to Treasurer and the Treasurer has custody of those warrants and is responsible for them. He has heard from others that it is not appropriate for the warrants to leave her office and as far as he is concerned, he is backing the Treasurer. John W. then replied that until you can prove to the Prudential Board otherwise, he feels this is the way it should be done. Bruce Perron read an excerpt from legal counsel that the Chairman of the water oversees the water and the Prudential is in charge of the District and the Clerk/Treasurer is in charge of all financial matters. Bruce stated that there were 2 meetings that none of the Board members chose to attend when making the decision about T-Mobile and Legal Counsel for the district. William Schenker suggested that someone from Prudential and someone from Water Board research other Districts in the Commonwealth.

T-MOBILE DISTRICT ACCOUNT UPDATE:

William Schenker opened up the discussion of the T-Mobile phones by asking how the testing was going with the 30-day loaner sim cards from T-Mobile. Jeff Levreault said his phone wasn't able to receive reception just down the road on Granby Rd. and Jeff Cyr stated his phone got locked up. Scott Williams said the phones are locked to protect Verizon and the plan is 10 lines for \$10 a line and the district will be priority. Terie Fleury spoke to Zach at T-Mobile and he told her he will be sending some actual phones (iPhone & android) for people in the district to test and the district will be priority say if the networks are down or there is a power outage. Jennifer asked if the bills will be broken up by each individual department. Terie responded that she thinks the bill will be handled like to credit card bill and she will forward the Water Dept. portion to Jeff Cyr for processing. Jeff Cyr asked if we will be on the hook with these test phones, he is also concerned about coverage at the water tanks and in Ludlow. Terie Fleury said we are not on the hook once we receive these phones, we have a 30-day trial period. Terie Fleury noted that she spoke to Verizon and they can save us about \$80 for the Fire bill and \$30 for the Water bill and more if water would limit their minutes to 600 minutes and take out international coverage.

RECENT APPOINTMENT OF SULLIVAN HAYES & QUINN

COUNSEL FOR THE DISTRICT: Bruce Perron stated that the Prudential Board voted in Executive Session in one of their meetings to replace the current Legal Counsel and hire Sullivan Hayes & Quinn out of Springfield, Ma for the District. William Schenker replied that he is not comfortable with this decision the Prudential made and does not want to accept this counsel for the Water Department. Brian McClafin replied that this another example of the Prudential Committee making a decision and implying that the Water Board and Water Department are okay with these decisions. Bruce Perron stated there were two meeting that the Water didn't want to attend when various things were discussed. Brian McClafin stated that there was no communication and he has had no knowledge about a few of these decisions made by Prudential. John W said he believes counsel is for whole district and wants to research to see if Prudential is in charge of the whole district. John W stated he doesn't care who the water board chooses to seek counsel from.

INSURANCE BENEFITS WITH ELECTED OFFICIALS:

John W. opened up the discussion of changing the decision made back in 2019 to remove health insurance for elected officials. John W. said the Water Board was not asked when the decision was made and would like to entertain the thought of reinstating the health insurance for the elected officials. Bruce Perron and William Schenker were grandfathered in to continue their benefits when this decision was made. Bruce Perron said he felt that decision made back then was done incorrectly and is going to have someone look at that. He said he was resistant back then because the Water Board was not included in the decision to remove insurance. Bruce said he is in agreement that he and William Schenker are grandfathered in. Bruce said the Town of Westfield has a policy that if an elected official has gone through 3 terms or at least 10 years and they retire from being an

elected official they are still able to carry the health insurance with them for the rest of their days. Brian McClafin said most public boards don't even get a stipend like these boards do and a lot of communities don't even offer health benefits to their respective Boards. John W. said this District has offered benefits for their Boards since 1955. Pauline McClafin articulated that the decision to remove health insurance in 2019 for the elected officials *saved* the taxpayers money and now you want to reinstate it. How much is this reinstating insurance going to cost the district and taxpayer? Pauline said she is concerned that this is not a good financial decision for the district and the taxpayers. Jeff Cyr stated back when the insurance was offered to elected officials there were only 7 employees for the Fire Dept. and now the Fire Dept. has 22 employees. Jeff Cyr said that the costs per elected official could cost the district anywhere from \$6300 - \$20,000 a year depending on what plan they chose. Resident Mitch Malinowski stated that District 2 doesn't get insurance and other town Board members don't get health insurance. Mitch pronounced let the people vote for it, don't make this decision without letting the district residents know about it. William Schenker said back when he retired from the Police Dept., he was offered to join the district health insurance because it was less expensive than what the town was offering. He received a letter at that time from the Insurance Commission that stated if he were to revert back to the town's insurance he could go back. But now that so much time has gone by, he is unable to do this. Jeff Cyr stated that we have been fortunate by the Hampshire County Insurance Trust that there have been no rate increases in the past year. William Schenker noted that he believes the answer lies in the by-laws. William stated that we should bring the by-laws back to the Annual Meeting and include language about the health insurance and let the people vote for it. Resident Pauline McClafin said that when these changes were made in 2019 to remove insurance for elected officials it was also voted that any retiree that decided not to accept the insurance could not go back and change their minds later on. Pauline declared that making a decision like this is not only an ethical issue it is a big financial burden on the district and tax and rate payers. Pauline said she has never known the Prudential Committee to have power like this and thinks it is unfair and feels that it should go to the people for a vote. Terie Fleury asked if the vote to take insurance away was done properly and maybe it wasn't legal to begin with. Resident Jon Fernandes said he is self-employed and is lucky to have his wife have insurance, he asked if this could be solved by the towns people. Jeff Cyr cautioned the Board on making a big financial decision like this in a meeting and that this could have significant financial implications to the Health insurance budgets for both Fire and Water. Jeff suggested that if the decision was not done correctly in 2019 then there should be something in writing by legal counsel. Jeff also stated that if you are going to revisit this health insurance policy then you should do so for all the health insurance policies. Scott Williams stated that he did some research and in Massachusetts it is illegal to offer insurance to one Board member and not another. Resident Pauline McClafin said yes but the two Board members that currently still have it were grandfathered in as they had the insurance. Bruce Perron stated that he will have to revisit the original vote as he thinks it was done incorrectly. Jeff Cyr cautioned both boards on this issue citing a possible conflict of interest or an ethical violation. Jeff strongly suggested a legal opinion on the previous vote.

T-MOBILE AMENDMENT
ON ALVORD ST. TANK:

Jeff Cyr brought up that he received correspondence from T-Mobile that they still have not received the three signatures from Prudential Board member on the change of the contract/amendment for the Alvord Street tank. John W. said he thought that he signed the contract. Jeff asked to Prudential Board if they could expedite this as soon as possible so the water dept doesn't lose out on monthly income that goes toward the painting of the water tanks. Jeff stated that it costs about 1.5 million to paint just one water tank and we are required by law to keep the maintenance of the water tanks up to date. Jeff stated that the signatures are electronic and need to be all three Prudential Board members. Jeff will reach out to T-Mobile to be sure the signature line is there for all three Board members and asked them to sign electronically and please forward a copy to him after. After a brief discussion, Bruce Perron made a motion to accept the new T-Mobile contract including the amendment. This motion was seconded by Ken Beliveau.

Motion Carried.

MOTION TO ADJOURN:

Kenneth Beliveau made a motion to adjourn, which was seconded by John P. Wojciechowski and Brian S. McClaflin.

Motion carried

ADJOURNMENT:

Meeting adjourned at 7:55 p.m.

BOARD OF WATER COMMISSIONERS

Brian S. McClaflin, Clerk