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JUL 21 2023

1:24 PM

FIRE DISTRICT NO. 1
CLERK-TREASURER

Water Department – Fire District No. 1

Board of Water Commissioners

438 GRANBY ROAD
SOUTH HADLEY, MASS. 01075

July 21, 2023

Date and Time: July 31, 2023 at 5:00 p.m.

Location: Water Department Office, 438 Granby Road

Please note that all topics listed in this notice may not be reached for discussion. In addition, the items listed are those which the Chairman reasonably expects will be discussed as of the date and time of this notice.

Agenda

- Call to order
- Sign Warrants and Approval of minutes from 7-10-23
- Lawnmower Bids and Award
- Legal discussion w/ Attorney Mark Beauregard
- Other Business

Posting locations:

Outside bulletin board, SH Fire District No. 1 Headquarters

SH Water Dept. Office

SH Town Hall

So. Hadley Senior Center

www.southadley.org

www.shdistrict1.org

BOARD OF WATER COMMISSIONERS
REGULAR MEETING OF JULY 31, 2023

- REGULAR MEETING: The regular meeting of the Board of Water Commissioners was held at the 438 Granby Road on Monday, July 31, 2023. Chair Eden DuPerier called the meeting to order at 5:00 p.m.
- ATTENDANCE:
- | | |
|---------------------------|---------------------|
| Chair | Eden DuPerier |
| Associate Member | William L. Schenker |
| Superintendent | Jeffrey Cyr |
| Office Manager | Jennifer Fernandes |
| Maintenance worker | Sam Bernash |
| Treasurer/Clerk | Kari Scytowski |
| Water Dept. Legal Counsel | Mark Beauregard |
| Resident | Mike DuPerier |
| Resident | Pauline McClafin |
| Resident | Mitch Malinowski |
| Resident | Al Zuffoletti |
| Resident | Mary Lou Guarnera |
- APPROVAL OF MINUTES: William L. Schenker made a motion to approve the minutes of July 10, 2023. This motion was seconded by Eden DuPerier. Motion Carried.
- LAWNMOWER BIDS AND AWARDS: Jeff Cyr informed the Board that 3 companies took bidding paperwork for the new lawn mower. The companies are Taplin Yard & Power, MB Tractor and Equipment and Preco Power & Equipment Supply. The bid opening was on July 20, 2023 at 2:00pm and only Taplin Yard & Power turned in a bid for \$11,053.97 for a new lawn mower and our budget for the mower was \$13,000. (See Note 1) Jeff said the mower is a 48" zero turn lawnmower. William Schenker made a motion to accept the bid from Taplin Yard & Power for \$11,053.97 for the new 48" Zero turn lawnmower. This motion was seconded by Eden DuPerier. Motion Carried.
- T-MOBILE LETTER TO CLERK/TREASURER: Jeff informed the Board that Kari Scytowski received a letter from T-Mobile regarding a public records request for contracts. (See Note 2) It doesn't directly affect us but in the area of cell agreements there are requests for them and they are concerned about the language in their contracts for proprietary reasons. T-Mobile is asking if we do get a public records request for the contracts that we contact them directly so they can provide us a redacted version of the contract for the requestor.
- FREEDOM OF INFORMATION ACT REQUEST TO CLERK/TREASURER: Jeff Cyr informed the Board that the Clerk/Treasurer, Kari Scytowski received a letter from Attorney Matthew Donohue of Attorneys Connor, Morneau & Olin, LLP (See Note 3) for any and all records pertaining to the canceling of health benefits for elected officials in the district. Jeff stated we forwarded all minutes and notes pertaining to the subject to Kari so she could forward the information along to Attorney Matthew Donohue. Mitch Malinowski asked what is going on

that an Attorney is looking for information about health insurance for elected officials. Bill Schenker said the Freedom of Information Act is a wonderful thing but is often abused.

LEGAL DISCUSSION WITH
ATTORNEY MARK
BEAUREGARD:

Jeff Cyr noted at the request of the Board he and Bill Schenker contacted Attorney Mark Beauregard to discuss the legality and effectiveness of the Citizens petition by-law changes that were recently voted on at the 2023 Annual Meeting. There seems to be some interpretation that they are "illegal" and there are a lot of rumors going on, but the people have spoken in accepting those by-laws. In the back of our by-laws, it states that they must be approved by the Attorney General which in fact is not true. Attorney Beauregard confirmed this and said Fire District by-laws *do not* have to be approved by the Attorney General's office, only Towns and Cities unless it has something to do with a fine, then the Attorney General's office has to approve them. William Schenker said that he would like to put to bed any questions anyone would have about the Water Department and the Boards roles and responsibilities especially when it comes to the contracts for the cell towers, so the Board knows what is happening at all times. Prudential Committee is still getting some of the letters from the different carriers on our water towers to re-negotiate the monthly cell tower rents we receive. Attorney Mark Beauregard stated that when the Citizens petition to change to water department by-laws were written both he and Attorney Brendan Hughes checked it over and it was published properly, voted properly and we don't have to change a thing. Attorney Beauregard said now with the new by-laws the Water Board now has authority over Water Department property and the Board does not have to forward any contract negotiations to the Prudential Board. The monies the Water Department collects from these cell towers is used for tank upkeep and painting. Kari said the Prudential Chair keeps referencing a Mass General law that states the Prudential Committee has control over the water system. Eden DuPerier said the Prudential Chair said a by-law from our district cannot violate state law and he listed tons of Mass General laws that supersede the district by-laws. Attorney Beauregard said the district by-laws do not violate state laws, and the statutes written by the state are really old and vague and broad and are not there to micromanage people. Bill Schenker wants to take a stand on this. Attorney Beauregard said he will contact Prudential counsel Attorney Hughes and craft a letter for the Cell companies and any and all parties involved.

VERIZON ON ALVORD
STREET TANK:

Jeff Cyr updated the Board that Verizon will be starting their modifications on the Alvord Street tank in 3 weeks. They will be changing their antennas and cables and Jeff asked if they have conduits they are not using to kindly remove them as we will be painting the tank in a couple of years, and they are in agreement with that.

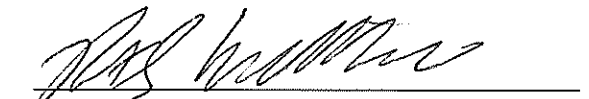
MOTION TO ADJOURN:

William L. Schenker made a motion to adjourn, which was seconded by Eden
DuPerier. Motion carried

ADJOURNMENT:

Meeting adjourned at 5:35 p.m.

BOARD OF WATER COMMISSIONERS



R. Scott Williams, Clerk

Bid Opening Record

RE: 2023 48" Zero turn Lawnmower

Date: July 20, 2023,

Time: 2:00 P.M.

Bidders:

Bid Amount:

Taplin Yard and Power

\$11,053.97

MB Tractor

\$0.00

Preco

\$0.00

The following list is a complete and accurate accounting of all bids received and opened in our presence on said date and time.

Witnesses:

Title or Company represented

Note 1 Minutes 7/31/2023



July 20, 2023

**FIRE DISTRICT NO. 1 SOUTH HADLEY
144 NEWTON STREET
SOUTH HADLEY, MA 01075**

RE: Possible Massachusetts Public Records Law Requests

Attention cell site lease contract manager,

Recently, we have been alerted to a number of records requests for contracts of various affiliates of T-Mobile (referred to as "T-Mobile") by third parties. You might have or may potentially receive requests under the Massachusetts Public Records Law for copies of agreement(s) with T-Mobile concerning cell site telecommunications facilities.

In the event that you receive such a request, Massachusetts state law provides that T-Mobile shall be notified in order to make sure that certain information in the agreements — such as T-Mobile's trade secrets or sensitive commercial and financial information — be exempt from disclosure. As a result, while we do not believe any action is needed at this time, we ask that, should you receive such a request, you notify T-Mobile so we can provide you with a redacted version of the agreements(s) and a written explanation as to why the redacted information is exempt from disclosure.

Included with this notification is a list of cell site leases that may be impacted (Exhibit A). This list includes cell site leases related to T-Mobile, Sprint, and Metro PCS. Please note the list may not be comprehensive, but this communication is relevant to all T-Mobile cell site leases.

We appreciate your attention to this matter. Please do not hesitate to contact our counsel JR Fleurmont at 202-434-5659 or jfleurmont@wc.com if you have any questions or would like to discuss this request in more detail.

Sincerely,

T-Mobile

T Mobile

12920 SE 38th Street, Bellevue, WA 98006
www.t-mobile.com

Note 2 Minutes 7/31/2023

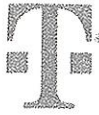


Exhibit A: Potentially impacted cell site leases

Lease	Site	Landlord ID	Site Address
88936	4SH0273D		14 Mulligan Street/73 Alvord St.
91857	4SH0260E		8 Industrial Drive

T-Mobile

12920 SE 38th Street, Bellevue, WA 98006
www.t-mobile.com

pg 2. - Note 2 Minutes
7/31/2023

Connor, Morneau & Olin, LLP

JOHN D. CONNOR*
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2nd Floor
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MATTHEW L. DONOHUE, Of Counsel

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**also admitted in Connecticut*

July 18, 2023

Ms. Kari Scytowski
Primary ROA for Fire Dist. No.1
144 Newton Street
South Hadley, MA 01075

RE: FOIA Request

Dear Ms. Scytowski:

Under the Massachusetts Public Records Act § 66-10 et Seq., I am requesting the following records:

Any and all records including documents, meeting notes, e-mails, meeting agenda, meeting notices, recordings, correspondence both sent & received to any individual, pertaining to or otherwise related the canceling of benefits for elected officials in the district including but not limited to records showing the District members, employees and elected officials that are currently offered health, life and dental coverage or any combination of the above and in particular of the District elected officials, including but not limited to the Prudential Board Members, Clerk / Treasurer, Board of Water Commissioners. Please also include a description of the benefits offered the cost to the District and the cost to the recipient of said benefits including any changes to said benefits over the last five years.

If there are any fees for searching or copying these records, please contact me to let me know what the amount of the request is.

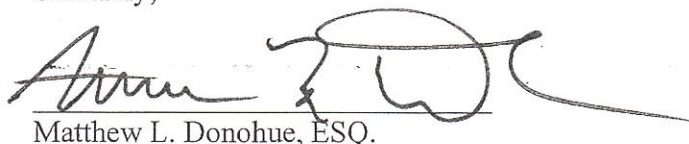
The Massachusetts Public records Act requires a response to this request within 10 days.

If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for processing my request.

Sincerely,



Matthew L. Donohue, ESQ.

Note 3 Minutes 7/31/2023