

BOARD OF WATER COMMISSIONERS
REGULAR MEETING OF JANUARY 13, 2025

- REGULAR MEETING: The regular meeting of the Board of Water Commissioners was held at the 438 Granby Road on Monday, January 13, 2025. Chair Pauline McClafin called the meeting to order at 5:01 p.m.
- ATTENDANCE:
- | | |
|------------------|--------------------|
| Chair | Pauline McClafin |
| Clerk | Eden DuPerier |
| Associate Member | William Schenker |
| Superintendent | Jeffrey A. Cyr |
| Office Manager | Jennifer Fernandes |
| Maintenance | Sam Bernash |
| Resident | Chuck Scott |
| Resident | Mike Wozniak |
| Resident | Brian McClafin |
| Resident | Mitch Malinowski |
- SIGNING OF WARRANTS: The Board reviewed and signed Warrants, Monthly Analysis' and Adjustments.
- APPROVAL OF MINUTES: Eden DuPerier made a motion to approve the minutes of October 1, 2024, November 25, 2024 and January 7, 2025. This motion was seconded by William Schenker. Motion Carried.
- NEW BUSINESS:
- STEP INCREASE FOR LESLIE BARAN: Jeff Cyr informed the Board that Leslie has been with the department for a 1 ½ years and has been an asset to the office and the team and is due for her annual step increase. After a brief discussion Eden DuPerier made a motion to approve Leslie Baran's second step increase. This motion was seconded by William Schenker. Motion Carried
- REVIEW OF BID FOR BRUSH CUTTER FOR SKID STEER LOADER AND POSSIBLE VOTE: Jeff Cyr showed the Board a bid for a brush cutter for the skid steer loader. The brush cutter would allow the Maintenance Crew to cut brush anytime it is needed without having to rent a brush cutter machine. After a brief discussion Eden DuPerier made a motion to approve the purchase of the brush cutter from Bobcat of West Springfield for \$9,577. This motion was seconded by William Schenker. Motion Carried
- REVIEW AND DISCUSSION OF LEAPING WELLS DAM REPORT FROM TIGHE AND BOND: Jeff Cyr had given the Board the Leaping Wells Dam report prior to the meeting. The inspection is required every 2 years and was done in July 2024 by Tighe and Bond. Eden DuPerier asked if anything was urgent. Jeff replied that a few of the things the Maintenance Crew will be able to address, like cutting back vegetation

clearing brush and repair chain link fence, reseeding areas and getting the eroded areas taken care of.

THANK YOU FROM
THE CHESTER WATER
COMMISSIONERS:

Pauline McClafin received a very nice thank you email from the Chair of the Chester MA Water Commission. (See Note 1) The Chester Water Dept. reached out to Jeff Cyr for some help with equipment for tapping a pipe and he and Sam Bernash drove out to Chester to help out. The email state that Jeff has supported Chester in the past and that he has been a valuable resource when needed.

REVISED PROPOSAL
FROM MD7 FOR LEASE
ON ALVORD ST. TANK:

Jeff Cyr informed the Board he received a revised proposed agreement for the monthly tank rental amount we receive from AT&T. MD7 is a company that is paid by AT&T to help reduce lease agreements. They are asking to reduce the monthly amount from \$2,310 to \$1,900 a month. Jeff said he spoke to a Courtney at MD7 about the cables that have not been removed off the tank when they did upgrades and he was able to get a contact and was told the cables would be removed. After a discussion, Eden DuPerier made a motion to reject the proposal from MD7 representing AT&T to reduce the monthly tank rental money. This motion was seconded by William Schenker. Motion Carried

REPORT FROM
AQUEOUS REGARDING
THE INTERIOR CLEANING
OF ALVORD ST. TANK:

Jeff Cyr updated the Board that Aqueous finally came out December 15th to clean the interior of the Alvord Street tank. Jeff had to fill the tank and take it offline as they dive in the tank and vacuum out the sediment and inspect it. They reported that the interior is in really good shape and gave some recommendations that the staff will address. One of the priority recommendations was to install a lockable ladder guard, which we did already.

PRELIMINARY FY26
BUDGET DISCUSSION:

Jeff Cyr showed several overhead spreadsheets of a preliminary budget for fiscal year 2026 (See Note 2). Jeff stated in years past our surplus has been over a million dollars and this year our surplus is \$849,326.10. Including our fireline and miscellaneous charges we just barely made our budget. The Heat & Light expense will need an increase due to Eversource increasing gas & electric rates by 27% as well as the purchase of water from the MWRA will increase by 11.2% and our health insurance is expected to increase by 15%. We will also need to increase material and vehicle expenses and Jeff would like to put some money into the tank painting account to start the preliminary work for painting the Alvord St. tank. Jeff noted that this next fiscal year will be the last year of payments on the Ludlow debt and interest, however there will be some significant repairs on the 16" pipeline in the future as a result of our most recent leak detection survey. Jeff mentioned that SHELD helped to install LED lights in the parking lot and the Maintenance crew installed LED lights in the shop. Eden DuPerier stated that the FY24 figures for the Annual Report are on the district website; shdistrict1.org for anyone who would like see the budget and expenditures.

OLD BUSINESS:

OPEN MEETING LAW
VIOLATION
ACKNOWLEDGEMENT
AND REMEDY FROM
5/24/2024:

Pauline McClaflin stated she received another email from Bob Authier regarding the open meeting law complaint he filed back in May 2024. Bob wasn't clear that it had been publicized and explained thoroughly and felt as though it had been brushed off. Pauline spoke about the letter that both she and Bob received from the Mass. Attorney General's office (See Note 3, page 3) stating on page 3 "*Because the Board took appropriate steps to remedy the violation, we order no further remedial action.*" The Attorney General also said "*We now consider the complaint addressed by this determination to be resolved.*" Pauline explained that after the complaint was filed and the Board was notified, the very next meeting the Board put the item in question on the agenda voted on it again to remedy the complaint. Pauline said they also have eliminated putting on the agenda's "other business" which was part of the complaint, and they now are specific about items that may be discussed and/or voted on.

573 GRANBY ROAD:

Jennifer Fernandes updated the Board about the Pioneer Valley Nursing Home on 573 Granby Road that back on November 4, 2024 the water department received partial payment along with a note that due to the Nursing Home's receivership court order they were only allowed payment for services through a specific date. Jeff reached out to legal counsel to confirm this and on December 16, 2024 we received a Superior Trial Court document entitled "Order establishing and approving claims process by the receiver" and on the last page it has a proof of claim form that can be filled out with what is owed. Jennifer noted that she emailed legal counsel today the new January 2025 water bill along with the form as the Proof of Claim form needs to be sent in by January 31, 2025.

COMMUNITY COMPACT
IT GRANT APPLICATION:

Jeff Cyr was in contact with Ira Brezinski from District 2 and he informed Jeff that both Districts may be eligible for an IT (Information Technology) Grant for meter purchases. Jeff will meet with District 2 and Ira from PVPC to review the application and file it together to hopefully get some grant money to buy meters.

MOTION TO ADJOURN:

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

ADJOURNMENT:

Meeting adjourned at 6:30 p.m.

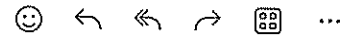
BOARD OF WATER COMMISSIONERS



Eden DuPerier, Clerk



Bob Daley <rdchester@comcast.net>



To: Pauline McClafin

Mon 12/30/2024 9:00 AM

Hello Pauline

Reaching out to let you know of the Community Servant Leadership our Chester Water Dept was the beneficiary of recently. We needed a pipe tapped & didn't have the equipment. I called Jeff asking if we might borrow the machine. Without hesitation, he said "let me know when & I'll be there". He performed the tap which will allow us to make necessary modifications to our lift pumps. This is not the first time Jeff has supported Chester. Several times he has been a valuable resource as an advisor. My guess is this will ot be the first time you have had this positive feedback. When South Hadley lists it's assets, Jeff will be near the top. Wishing your Department continued success.

Sincerely

Bob Daley

Chair

Chester Water
Commission

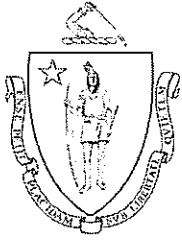
Note 1 Minutes 1/13/2025

Water Department - Fire District No.1

As of December

	Expended FY24	Current balances FY25	Proposed FY25/26 Budget	
Wages	\$ 524,076.05	\$ 351,630.38	\$ 625,647.00	
Maint. And Operations				Surp
Office Expense	\$ 36,029.35	\$ 24,504.14	\$ 43,000.00	
Communication	\$ 3,618.01	\$ 6,200.00	\$ 8,000.00	
Insurance	\$ 38,015.00	\$ 3,377.00	\$ 40,000.00	
Materials	\$ 34,078.35	\$ 58,880.14	\$ 85,000.00	
Vehicle Expense	\$ 31,341.79	\$ 32,033.65	\$ 45,000.00	
Heat + Light	\$ 12,294.78	\$ 13,085.76	\$ 17,000.00	27% increase fr
Water Purchase	\$ 779,537.00	\$ 432,015.00	\$ 845,000.00	11.2% increase
Legal Expenses	\$ 3,550.00	\$ 7,200.00	\$ 10,000.00	
Water Purification and pumping	\$ 17,143.62	\$ 54,981.49	\$ 62,000.00	
Miscellaneous	\$ 29,133.21	\$ 27,843.95	\$ 45,000.00	
Corrosion Control	\$ 22,788.00	\$ 24,788.00	\$ 40,000.00	
Total	\$ 1,007,529.11	\$ 684,909.13	\$ 1,240,000.00	
Other Expenses				
Retirement	\$ 165,129.23	\$ 967.96	\$ 171,000.00	No inc.
Health, Dental,Life	\$ 164,169.70	\$ 126,905.77	\$ 240,000.00	estimated 15%
Office of the Treasurer/Clerk	\$ 17,500.00	\$ 8,749.96	\$ 18,000.00	3% inc.
Reserve Fund	\$ -	\$ 10,000.00	\$ 10,000.00	
Amortization of Debt Ludlow Facility	\$ 61,817.24	\$ 1,370.20	\$ 64,400.00	Last payment
Amortization of Debt Newton St.	\$ 203,000.00	\$ -	\$ 203,800.00	
Travel Expense	\$ -	\$ 3,000.00	\$ 3,000.00	
Audit Expense	\$ 10,500.00	\$ 5,000.00	\$ 5,000.00	price increase f
Interest on Debt	\$ 3,167.00	\$ 1.54	\$ 650.00	Last Payment
Compensation Acct.	\$ -	\$ 5,000.00	\$ 5,000.00	
Loan Fees	\$ 238.00	\$ 0.20	\$ 50.00	last payment
Total	\$ 625,521.17	\$ 160,995.63	\$ 720,900.00	
Capital Expenses	Balances			
Computer Equipt. And Software	\$ 1,450.00	\$ 7,191.51	\$ 3,000.00	
Gate house Account	\$ (-)	\$ 337.41	\$ -	
Maps Water system	\$ (-)	\$ 2,349.23	\$ -	
Meter Replacement Acct.	\$ 1,722.56	\$ 6,363.03	\$ 25,000.00	
Replacement & Installation of New Mains	\$ 34,697.60	\$ 86,706.93	\$ 50,000.00	
Shop Repair and Improvements	\$ 1,816.49	\$ 5,734.98	\$ 2,000.00	
Computer Meter Reading and Equipt. Account	\$ (-)	\$ 5,212.51	\$ 2,000.00	
Water Tank Upkeep and Repair	\$ 13,148.04	\$ 16,951.87	\$ 5,000.00	
Watermain Leak Detection	\$ 4,500.00	\$ 6,490.00	\$ 2,000.00	
SCADA System Equipt.& Maintenance account	\$ 6,374.18	\$ 3,663.88	\$ 8,000.00	
Leaping Wells Watershed Acct.	\$ 608.87	\$ 1,752.92	\$ 3,000.00	
Water Tank Painting Account	\$ 3,800.00	\$ 535.07	\$ 100,000.00	
New Bobcat Account	\$ -	\$ 40,965.87	\$ -	
New Utility Truck	\$ 69,389.02	\$ -	\$ 90,000.00	
Stabilization Accounts	\$ -	\$ -	\$ -	
OPEB Trust Fund (Balance)	\$ 415,813.90	\$ 489,412.83	\$ 50,000.00	
Critical Infrastructure Stabilization	\$ 255,885.75	\$ 316,290.21	\$ 50,000.00	
Water Tank Stabilization	\$ 970,863.01	\$ 1,107,363.12	\$ -	
Water Stabilization (Balance)	\$ 747,023.75	\$ 772,510.98	\$ -	
Total			\$ 387,000.00	
Total Budget			\$ 2,973,547.00	
Funding Sources				
Water Rents	\$ 1,851,185.00	\$ 1,900,170.64	\$ 2,172,547.00	
Funds from Surplus	\$ -	\$ -	\$ 701,000.00	
Funds from Tank Stabilization Fund	\$ -	\$ -	\$ 100,000.00	
Total Budget	\$ 2,671,342.00	\$ 2,707,331.22	\$ 2,973,547.00	

Note 2 Minutes 1/13/2025



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
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May -24, 2024

OML 2024 – 106

VIA EMAIL

Eden DuPerier
Chair, Board of Water Commissioners
South Hadley Fire District #1

eduperier@shBoard1.org

RE: Open Meeting Law Complaint

Dear Ms. DuPerier:

This office received a complaint from Bob Authier on February 20, 2024, alleging that the Board of Water Commissioners of South Hadley Fire District #1 (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint originally was filed with the Board on January 20.¹ You responded on behalf of the Board by email on February 23.² The complaint alleges that the notice for the Board’s January 17 meeting was insufficiently specific.

Following our review, we find that the Board violated the Open Meeting Law as alleged in the complaint. In reaching this determination, we reviewed the original complaint, the Board’s response to the complaint, and the complainant’s request for further review. In addition, we reviewed the notices and minutes of the January 17 meeting and the February 26 meeting.

FACTS

We find the facts as follows. On January 10, the Board posted notice for a meeting to be held on January 17. The notice included nine discussion topics. Six of those topics were specific to the January 17 meeting, such as a resignation and “roof update.” Three of the topics were generic: “Call to order,” “Public comment / questions?” and the last item, “Other

¹ Unless otherwise indicated, all dates in this letter refer to the year 2024.

² We acknowledge a disagreement between the parties as to whether the Board received the complaint from the complainant. The complainant has produced an email to the Board, dated January 20, enclosing the complaint. The Board has denied receiving the complaint until it was forwarded by our office on February 23. We do not resolve this disagreement but remind the Board that a public body must, “within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken.” See G.L. c. 30A, §23(b).

Note 3 Minutes 1/13/2025

Business.” None of the nine topics had sub-topics. During the portion of the January 17 meeting dedicated to “Other Business,” “Jeff informed the Board that he received a proposal for the interior inspection and Cleaning [sic] of the Industrial Drive Water Tank from Aqueous Infrastructure Management in the amount of \$7,490.” According to the minutes of the January 17 meeting, there followed a brief discussion of the anticipated findings of the inspection and about whether it would be video recorded. The Board approved payment of the amount of the proposal, which was dated January 11.

On February 22, the Board posted notice of a meeting to be held on February 26. The notice included the heading “D. Old Business.” Under that heading were 2 topics:

1. Aqueous proposal for Industrial Drive tank
2. Budget Discussion and vote to approve

When the Board reached “Old Business” at the February 26 meeting, the Board’s Chair³ referenced the vote taken in January and concerns that were raised regarding sufficiency of the notice for the January 17 meeting. A new vote was held and the Aqueous proposal and payment were approved.

DISCUSSION

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Notices must include “a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” Id. The list of topics must have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.03(1)(b).

We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See OML 2023-3; OML 2019-134; OML 2015- 35.⁴ The Open Meeting Law requires that the notice describe topics with sufficient specificity so that the public can make an informed decision whether to attend the meeting in order to observe the discussion regarding a topic of interest. See OML 2023-86; OML 2019-95; OML 2018-22.

Boilerplate topics and placeholder topics lack sufficient specificity to satisfy the Open Meeting Law. See OML 2023-150; OML 2022-234; OML 2021-121; OML 2013-164. The chair is required to list with specificity those topics they reasonably anticipate will be discussed. G.L. c. 30A, § 20(b). See also OML 2012-34. Topics such as “Old Business,” “New Business,” and “Other Business” are not sufficiently specific to satisfy the Open Meeting Law. See OML 2022-165; OML 2013-112; OML 2013-15. “Other Business” may be used as a heading, under which more specific topics are listed. See OML 2015-197; see also OML 2015-74 (“Best

³ For clarity, we refer to you in the third person.

⁴ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting

practice is. . . to use 'Old Business' as a heading below which more specific topics are listed.") The Board did just that on the notice for its February 26 meeting when it listed "Aqueous proposal for Industrial Drive tank" under "Old Business."

Because the notice of the January 17 meeting did not reference the proposal, we find that the Board violated the Open Meeting Law. However, by revisiting the discussion at its February 26 meeting, after posting sufficient notice, the Board took appropriate remedial action to cure the violation.

Although the Board took remedial action, it does not concede the violation, arguing that the proposal was received after the notice for the January 17 meeting was posted, and was for an amount that did not warrant specific mention in the notice. As noted by the complainant, an amended notice could have been posted upon receipt of the January 11 proposal. Posting notice on Friday, January 12, for a meeting on January 17, would have satisfied the Open Meeting Law. Moreover, the cost of the service or its routine nature is not determinative of whether notice is required.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by posting an insufficiently specific notice for its January 17 meeting. We order immediate and future compliance with the law's requirements. **Because the Board took appropriate steps to remedy the violation, we order no further remedial action.** We caution that similar future violations may be considered evidence of intent to violate the law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,



Matthew Lindberg
Assistant Attorney General
Division of Open Government

cc: Bob Authier (via email: ba994@hotmail.com)
South Hadley Town Clerk (via email: Sgmeiner@southhadleyma.gov)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.