

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting

February 8, 2024

A meeting, having been duly posted, was held this date at the Dennis Water District, 80 Old Bass River Road, South Dennis and called to order by Paul F. Prue, Chair, at approximately 1:03 PM. Water Commissioners Peter L. McDowell and Robert M. Perry were present. Also present were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

Public Information - None

Consider Re-organization of Board Officers (P. Prue)

Chairman Prue read the following into the record:

Ladies and Gentlemen: It has been an honor to serve as Chairman of this Board for the past 15 years. However, effective immediately, I am resigning as Chair. I believe my nearly 47 years as a Water Commissioner will continue to provide an institutional knowledge of the water system and its operations that is beneficial to this Board. Therefore, at this time, and with the best interest of the District in mind, I nominate Peter McDowell as Chair and Robert Perry to serve as Vice Chair.

The motion was seconded by Mr. Perry. Following some discussion, at approximately 1:12 PM, Chair Prue called for the vote which was UNANIMOUS. Mr. McDowell then assumed the role of Chair.

FY 2025 Proposed Budget Review

- a) **Consider Water Usage Tiers and Rates** - Chair McDowell asked why this meeting was being held at the District and not at Town Hall. He said it was transparent and asked why were we hiding this from the public? Mr. Perry said that this was intended to be a workshop meeting to review the budget and to take a look at rates using the new Waterworth financial modeling. Chair McDowell said that all other previous budget discussions are in public meetings, and this was not. Mr. Larkowski assured the Board that this was a duly posted meeting and was open to the public. He noted that all of the Board members had agreed to hold this informal meeting as a workshop at the District at their last meeting a couple of weeks prior. There was engaged discussion by all of the Board members. Mr. Perry said that this was an appropriate opportunity, in a public meeting, to review the Waterworth program as a tool for water rates and forecasting. The Chair continued to disagree. Ms. McMahon asked if she could be afforded the opportunity to run through the slides on the screen to demonstrate the overall budget for FY 2025 and the need for new water rates. There was continued discussion. Chair McDowell agreed to let Ms. McMahon have five minutes to proceed with the presentation on the screen. There was no action taken by the Board and Mr. Larkowski said that this should be on the Board's agenda for the next meeting to discuss as the District has a budget deficit that will need to be taken care of with increased water rates.
- b) **Consider Service Fees** – There Board did not discuss Service Fees.

Consider Article for Annual Meeting to Amend Chapter 277, Acts of 1945: To temporarily fill a Board vacancy.

Mr. Larkowski had requested this item be included on the agenda for the Board's consideration. He said this topic had come up a few years ago and it was not put on a Warrant for the Annual District Meeting. He said that this of interest to a number of people and recommended that the Board consider at least putting it on the warrant for the voters to be able to discuss and consider. A draft of the article had been provided to the Board members along with a legal opinion provided by Attorney Pamela Marsh regarding what the legal options are for filling a Board vacancy which could occur for any reason. The draft asks the voters to file legislation to amend the District's enabling Act to allow two remaining Board members and the District Moderator to unanimously

appoint someone to fill a Board vacancy until the next annual election. Chair McDowell said that he was opposed to this and that it was not legal. Ms. McMahon agreed that it would not be legal unless there was legislation to amend Chapter 277 of the Acts of 1945 and that this article was intended to provide the voters the opportunity to discuss it and to vote it if they so choose. There was no action taken by the Board at this time but there was agreement that it be included on the next meeting's agenda.

Consider Withdrawing Request for Proposals for Auditing Services and Consider Awarding 3-Year Contract to Roselli, Clark & Assoc. based on Proposal Submitted. (R. Perry)

Mr. Perry stated that following the announcement of the Request for Proposals for Auditing Services to the various auditing firms that were agreed upon by Board vote, he was advised that the firm of Roselli Clark and Associates, the CPA firm that had most recently completed three fiscal-year audits for the District, had said they would not be submitting a proposal. Mr. Roselli stated clearly that it was time consuming and given how busy his firm was at this time, and the fact that they had completed their engagement with the District on time and at the reasonably quoted price, he thought it was a waste of time. Mr. Perry's communication with Mr. Roselli resulted in a proposal being submitted to the District for another three-year agreement for \$17,000, \$17,500, and \$18,000 for each of the fiscal years 2024, 2025 and 2026. It was Mr. Perry's understanding that the hiring of a CPA firm for auditing services was exempt from the procurement law. Ms. McMahon concurred. Chair McDowell expressed his concerns relative to the firm honoring the price quotes as presented and what if they changed their mind. Ms. McMahon said that if the Board agreed, and the contract was signed by both parties in a timely manner, then the contract would be legally binding on both Roselli Clark and the District. On a motion by Robert M. Perry and duly seconded, the Board **UNANIMOUSLY VOTED: to rescind the Request for Proposals for Auditing Services due on February 21, 2024, and to enter into an agreement with Roselli, Clark and Associates for a three-year contract for auditing services at the quoted prices.**

Consider conducting an EXECUTIVE SESSION in accordance with M.G.L. Chapter 39, Section 23B; Item 6) to consider the purchase, exchange, taking, lease, or value of two parcels of real property and further Item 2) to conduct strategy in preparation for negotiations with non-union personnel as the Chair has declared that an open meeting may have a detrimental effect on the District's bargaining position for both items.

At approximately 2:30, a motion was made by Robert M. Perry to conduct an *EXECUTIVE SESSION in accordance with M.G.L. Chapter 39, Section 23B; Item 6) to consider the purchase, exchange, taking, lease, or value of two parcels of real property as the Chair has declared that an open meeting may have a detrimental effect on the District's bargaining position and not to return to open session. The motion was seconded by Paul F. Prue. The roll call vote was called by Chair McDowell and found to be as follows:*

Paul F. Prue "aye"
Robert Perry "aye"
Peter McDowell "aye"

Clerk's Note: The Executive Session was adjourned at approximately 2:37PM.

Respectfully submitted,

Sheryl A McMahon, Clerk