

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

January 11, 2017

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, Chairman at 10:00 AM. Water Commissioners Peter L. McDowell and Alan Tuttle were present. Also in attendance was David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

Chairman Prue welcomed Attorney Pamela Marsh to the meeting in which the Board was intending to discuss legal strategy regarding suits filed against the District for lands taken by eminent domain. A motion was made by Peter L McDowell that the Board enter in to Executive Session in accordance with Mass. General Law Chapter 30A Section 21(a) Reason #3 to discuss strategy with respect to litigation on the land damage cases as listed in the agenda:

- a) William J. Brann, Individually and as Personal Representative of the Estate of Peleg Howes v. Dennis Water District – Land Court Case No.: 15-MISC-000388-HPS (Brann v DWD)
- b) Judith Galle, Individually and as Personal Representative of the Estate of Lothrop Taylor v. Dennis Water District – Land Court Case No.: 15-MISC-000021-RBF (Galle v DWD)
- c) Brenda Summerlin, Individually and as Personal Representative of the Estate of Thomas P. Howes v. Dennis Water District – Land Court Case No.: 16-MISC-000400-HPS (Summerlin v DWD)
- d) Katherine B. Fisher, Individually and as Personal Representative of the Estate of Sarah A. Baker v Dennis Water District – Land Court Case No.: 16-MISC-000122-HPS (Fisher v DWD)
- e) Linda M. Cowart, Individually, and as Co-Personal Representative of the Estates of Ralph L. Kelley and Philomena Kelley and Judith G. Davison, Individually and as Co-Personal Representative of the Estates of Ralph L. Kelley and Philomena Kelley v. Dennis Water District – Land Court Case No.:

and further to conduct an Executive Session in accordance with Mass. General Law Chapter 30A Section 21(a) Reason #6 to consider the purchase, exchange, taking, lease, or value of real property as such discussions in open session on both of these matters may have a detrimental effect on the bargaining or litigating position of the of the District and to return to open session upon their conclusion. Alan Tuttle seconded the motion. The Chairman then called for a vote which was as follows:

Alan Tuttle “aye”

Peter L McDowell “aye”

Paul F Prue “aye”

At approximately 10:45 AM a motion was made by Peter L McDowell to adjourn the Executive Session and resume in open session. Alan Tuttle seconded the motion. The Chairman then called for a vote which was as follows:

Alan Tuttle “aye”

Peter L McDowell “aye”

Paul F Prue “aye”

Discuss Estimated Legal Budget for FY 2018 with Attorney Pamela Marsh.

Attorney Marsh presented a very tentative budget in anticipation of legal expenses intended to defend the five pending land claims against the District. The amount estimated was \$50,000. It was noted that this far exceeds the typical annual amount appropriated within the operating and maintenance budget of approximately \$5000. Attorney Marsh advised that this amount could be considerably less if the District prevailed with summary judgment decisions in their favor which would dismiss the cases. No action by the Board was taken at this time.

On a motion made by Peter L McDowell, in duly seconded, the Board ***UNANIMOUSLY VOTED: to adjourn the meeting at approximately 11:05 AM.***

Respectfully submitted,

Sheryl McMahon
District Clerk

Clerk’s Note: Minutes were comprised of notes taken during the meeting by the Clerk and Superintendent.