

DENNIS WATER DISTRICT

Board of Water Commissioners

Minutes of Meeting held

February 26, 2015

A meeting, having been duly posted, was held this date at the Dennis Police Department, 90 Bob Crowell Road, South Dennis and called to order by Paul F. Prue, Chairman at 4:00 PM. Water Commissioners Charles F. Crowell and Peter L. McDowell were present. Also in attendance were David Larkowski, Superintendent and Sheryl A McMahon, Treasurer.

Conduct interviews for appointment of Legal Counsel for the District.

4:02 PM – Mr. Larkowski introduced Pamela Marsh of Rubin, Rudman, Chamberlain and Marsh to the Board. Chairman Prue asked Ms. Marsh to tell the Board about herself and her experience as a legal counsel. Ms. Marsh said that she has a diversified background but, that she had limited experience with the nuances of municipal law. She proposed that if the Board were to appoint her as counsel that the District would actually be getting the services of Attorney Bruce Gilmore as well. Attorney Gilmore served for many years as in-house counsel for the Town of Barnstable and is very experienced in municipal law. Although Attorney Gilmore is not directly affiliated with her firm, he maintains an office in the same building. She was aware that Attorney Thomas Perrino, former general counsel for the District had consulted with Attorney Gilmore on occasion. Mr. Larkowski advised that he had spoken with Attorney Gilmore and was told that he is intending to semi-retire but, due to the low level of legal assistance the District requires and his availability by phone and email, he did not anticipate any issues with being able to participate in whatever legal advice the District required.

Mr. McDowell asked several questions of Attorney Marsh regarding the authority of the District to participate in matters beyond the scope of the enabling act which he reiterated was potable water and fire protection and nothing else. His concern was the District's participation in wastewater studies. It was noted by several individuals that has been a long standing discrepancy between the Board members regarding this issue.

The discussion of the per-hour rate ensued. Attorney Marsh noted that Attorney Perrino was billing at a discount rate of \$150. She said that her firm would be willing to assume the assignment as general counsel at \$175 per hour. She noted that this would be the rate per hour and the District would not be billed for separate time should Attorney Gilmore participate in any discussion with District personnel or in consultation with her.

The Board and staff thanked Attorney Marsh for her interest and noted that the Board would be discussing the interviews and would likely render a decision at their 6 o'clock meeting this same day. Attorney Marsh left the interview at approximately 4:35 PM.

Although, it had been duly posted, the Board declined to move into Executive Session and therefore conducted an open discussion to review the proposed payroll schedule for FY 2016. Mr. Larkowski reviewed the COLA calculation again for the Board. He also noted the three individuals who had obtained their backflow licenses. This was a benefit to the District in not only cost savings but, it will provide for greater flexibility with meeting the goals of implementing the cross connection program and the scheduling of these appointments with customers. Mr. Larkowski also reviewed the one-time merit for Joseph Kraul. Mr. Kraul has served as the District's in-house electrician for more than ten year. He is a dedicated employee despite his 25-hour work week. He is highly productive, professional and creative in terms of the SCADA system and radio

communications with outlying facilities. The Superintendent believes he has saved the District tens of thousands of dollars in outside vendor costs over the years. He wished to recognize Mr. Kraul with a one-time merit pay of \$5,000. The Board discussed the salaries of the two managers. It was noted that the Superintendent and Treasurer were level funded for FY 2015. It was noted that for FY 14 and 15 the combined percentage increase was 3.2 %. For FY 2016 the proposal is to increase their annual salary by 2.4% or \$2,594.

On a motion made by Charles F. Crowell, and duly seconded, the Board UNANIMOUSLY VOTED: to recommend the one-time merit pay to the part-time electrician, to set the salaries of the Superintendent and Treasurer at \$111,094 each and further to recommend all other aspects of payroll line items within the Operating & Maintenance Budget for FY 2016 presented.

At approximately 5:00 PM, Attorney Leslie-Ann Morse arrived at the interview and was introduced to the Board members. All parties were already acquainted as Attorney Morse had represented the District in a land title case several years ago in which the District prevailed. Attorney Morse is the sole proprietor of her law office.

Chairman Prue asked Attorney Morse to review her municipal background and experience for the Board members. She had served as counsel for the Town of Mashpee and represented Mashpee Water District when they were drafting and filing their enabling act in the early 1990's. She also assisted in their acquisition of High Wood Water (a private water company) several years following their establishment.

Mr. McDowell asked several questions of Attorney Morse regarding the authority of the District to participate in matters beyond the scope of the enabling act which he reiterated was potable water and fire protection and nothing else. His concern was the District's participation in wastewater studies. It was noted by several individuals that has been a long standing discrepancy between the Board members regarding this issue.

Attorney Morse stated that her fee on a per hour basis was \$250 but, she would be willing to consider a billable rate of \$200 for routine matters and leave it open for further negotiations in the future.

The Board members thanked Attorney Morse for her time and would consider her in their deliberations at their subsequent meeting. Attorney Morse left the meeting at approximately 5:25 PM.

With no further business before the Board, and on a motion made by Charles F. Crowell, and duly seconded, the Board UNANIMOUSLY VOTED: to adjourn the meeting at 5:30 PM.

Respectfully submitted,

Sheryl A McMahon, Clerk