

# DENNIS WATER DISTRICT

## *Board of Water Commissioners*

Minutes of Meeting held

April 25, 2013

A meeting, having been duly posted, was held this date at the Dennis Town Hall, 485 Main Street, South Dennis. The meeting was called to order by Paul F. Prue, Chairman at 6:00 PM. Also in attendance were Charles F. Crowell and Peter L. McDowell and the following District official:

Sheryl A McMahon, Clerk & Treasurer

David Larkowski, Superintendent

### **Public Comment**

Chairman Prue read into the record a letter from the Department of Environmental Protection dated April 11, 2013 (copy appended). The letter congratulated the Dennis Water District for its outstanding performance in 2012. The District was nominated by the Southeast Regional MassDEP Office for Regional Recognition in the 2013 Public Water System Awards Program. Specifically noted were the District's land acquisitions for source protection, new treatment plants, waste lagoons and a great sense of teamwork among employees. Chairman Prue and Mr. Crowell stated that they planned on attending the Awards Ceremony on May 7, 2013 in Springfield, MA.

### **Minutes**

Ms. McMahon apologized for the delay in distributing the draft minutes of March 21, 2013. They were lengthy but felt they should be distributed in anticipation of acceptance at the next Board meeting in May. There was unanimous consensus to defer acceptance of the minutes of 3/21/13, 4/5/13 and 4/12/13 until the next meeting.

### **Accept a gift of an easement from John M. Connors**

Mr. Larkowski reviewed the gift of an easement of land off Great Western Road for the installation of water main. The easement is necessary for connecting a transmission main from the area of Eagle Pond Nursing Home for the purpose of improving water supply to Dennisport. Once the easement is recorded, the Superintendent will draft a letter of appreciation to Mr. Connors for his generosity and asked that the commissioners individually sign the letter. On a motion made by Peter L. McDowell, and duly seconded, the ***Board UNANIMOUSLY VOTED: to accept a gift of a water distribution easement from John M Connors, Jr. shown on a plan entitled: Easement Plan of Land in Dennis, Massachusetts, Prepared for: Denis Water District, Scale 1"=60', March 26, 2013, Demarest Land Surveying and to sign a letter of appreciation upon its recording.*** Mr. McDowell noted that Mr. Connors has been generous to the Town of Dennis since he relocated here several years ago.

### **Vote to Take By Eminent Domain from Unknown Owners**

Mr. Larkowski requested that the Board vote to take by eminent domain an easement in a parcel of land off Great Western Road for the purposes of laying water main. This easement is also necessary for the transmission main project intended to deliver water from the area of Eagle Pond Nursing Home to Dennisport. An appraisal of portion taken by the District for the easement is valued at \$15,000. A title exam was conducted by Attorney Perrino which concluded that there were no known

owners. On a motion made by Charles F. Crowell, and duly seconded, the Board **UNANIMOUSLY VOTED: to take by eminent domain a water distribution easement on a plan entitled "Easement Plan From Owners Unknown in Dennis, Massachusetts, Prepared For: Dennis Water District, Scale 1"=60', March 6, 2013, Demarest Land Surveying.**

### **Uniform Flow of Data & Information Communications to Commissioners**

Mr. McDowell had requested this item be placed on the agenda. There was a special meeting of the Board called and he said he did not discover that it had happened until four hours after he arrived home. He said that the Board has had discussion in the past about receiving uniform information. How we get it is separate. Mr. McDowell said that he has tried to find, and there is no place in the job description for the Clerk/Treasurer and it mentions Business Manager, and wishes to modify the job description so that we all get uniform information timely. He said that the Special Act created three water commissioners and if there is one of us that does not get the same information or is somehow overlooked in the notice of a meeting, but an elected member of a multi-million dollar corporation, a municipal corporation such as the Dennis Water District, it would seem as though the Clerk could give you advanced information, not only of the materials about to be decided so you can do sufficient review but, also to participate. Chairman Prue asked if this was relative to the information he just received tonight. Mr. McDowell said it was an agenda item and he offered to make the motion and if it was put off to another meeting that is fine. Chairman Prue noted that the motion to be offered by Mr. McDowell reads "timely information of materials" and so forth and he said he had just received it tonight. Mr. Crowell said that he received it just now. Mr. McDowell moved that job description of the Clerk/Treasurer/Business Manager, under the heading of "Clerk" that we strike the following words; "prepares and distributes materials, agendas, minutes and recordings of minutes" and insert in their place the following new words; "the Clerk shall be responsible for the advance preparation and timely submission of agendas, materials, minutes, recordings of meetings and other necessary information to allow commissioners reasonable time for their review in making necessary decisions in behalf of the District. No information that is essential shall be provided to any commissioner that is not provided to them all.

Chairman Prue stated that, as a point of information, the meeting Mr. McDowell was referring to, he had personally called his office and left a message due to the short amount of time before the meeting. He said that Mr. Crowell and he signed the warrant (annual) and that Mr. Crowell was going to see Mr. McDowell later and that, ultimately, Mr. McDowell did come in and sign that same day and that it was signed by all members of the board. Mr. McDowell asked why it was Chairman Prue that called him about the meeting and who called the meeting. Chairman Prue said he called the meeting. Since it was such a short period of time, he felt that he personally wanted to call and let him know and he had done the same with Mr. Crowell. Mr. McDowell said that a notice to a water commissioner did not mean making a call to some office with lots of people and leaving some sort of a message and that it is not a notice to him. Mr. McDowell said the message from the individual he received was that, "they are going to sign the warrant today". Mr. McDowell said that every Friday we sign the warrants and there was no mention of any meeting. He said the purpose of this motion is not resting on how the Chairman delivered messages to him. He said the purpose of the motion is that we have a Clerk that is paid some \$120,000 (plus or minus) and to require that we get information is not unreasonable in a multi-million dollar municipal corporation as the Dennis Water District is. The law that created the District has three commissioners and there is no reason why we cannot get the same information from the Clerk who is the provider of all of this information. He did not think it was heavy lifting for the Clerk to give us all uniform information, whatever that may be, in anticipation of the meeting, however large that agenda may be. Chairman Prue asked if Mr.

McDowell was suggesting that, because Mr. McDowell is a real estate broker, that the other commissioners should get copies of any final water bills that I have to know about that. Mr. Crowell said that before we discussed this any further, he wished to have the Board take it under advisement and discuss it at the next meeting.

Ms. McMahon asked permission to address the Board. She read the following statement aloud:

In my personal and professional opinion as a manger, I do not believe that simply modifying my job description will fix the situation that has unfortunately developed between Commissioner McDowell and myself. On a personal level, I feel that I am being singled out and my role in this organization is constantly being challenged. My working relationship with the Board is very important to me and for more than 22 years, neither the Superintendent nor I ever had a problem communicating with the Board as individuals or as a whole. In my opinion, Commissioner McDowell and I have a had a clash of personalities and we apparently have different expectations of each other. This has caused a breakdown in trust and our ability to communicate effectively for the benefit of the District. During a public meeting on March 21, Commissioner McDowell accused me of not being forthright with him. The following day, Commissioner McDowell came to the District office and I challenged his assertion that I had not answered his emails honestly. We each had very different interpretations of what he meant by his questions and what I meant with my answers. The volatile verbal exchange that occurred was unpleasant and my staff found it disturbing. I will admit it was not my finest moment but, I felt concerned, cornered and unable to fairly defend my character and integrity. I am sorry this situation has risen to this level and for whatever part I may have played in it, either accidentally or subconsciously, I apologize to the Board. At this time, the Board represents the employer and as the aggrieved employee, I respectfully request that the Board authorize Attorney Perrino, who I believe will act impartially, to arrange for the services of a mediator so that Commissioner McDowell and I can establish a professional working relationship that would negate the need to revise the job description. I believe that this is a measured and appropriate response that I hope will prevent any further escalation of a rather uncomfortable situation. Thank you for your consideration.

Mr. McDowell said he should have the right to respond. He said he thought what the issue here is; is the dog wagging the tail or is the tail wagging the dog, which should it happen. He said that this motion, and a definition of what the Clerk's role should be, as far as the handling of information to us he thought was both reasonable, and normally, without something like this, it happens. In the issue Mrs. McMahon talked about, he said he did indicate to her, very clearly, that she had not been forthright, and he still maintains that she hadn't. In the meeting in the office, when David (Larkowski) had invited him to come in, and the two of them set this up, and he stated he has absolutely no problem whatsoever with any form of the work that David does, and everything and anything that we have between Sheryl and I is the initiation of a highly-paid, well-paid Clerk/Treasurer who some how has a problem with one of the commissioners, me. He said that he expects that she should provide information to us, she clearly, and without the specifics but, he could get into it if you want, has not been forthright. She knows very well information has not been delivered equally to the three of us and this is trying to build that into the job description. She doesn't have to, without something like this; give all of us the same information. She is right; there was some yelling in the office but, all of the loud voice came from her, not from me. If there was embarrassment to the others, her apologies to those people would be very appropriate. He said he did not want to get into this here, however, he did want this put on the agenda, and he was hopeful that we can see that it is not unreasonable, there is no arbitration at all, there is no arbitration necessary. It is simply a modification of the job description, that the water commissioners, it would seem, as

elected people of public trust, elected to jointly administer policy for this association, in putting these words into her job description is a constructive piece of policy and has nothing to do with what has already happened but, it will make sure it is not done again if it is adhered to, and that was his point.

As Mr. McDowell's motion was not seconded, he moved to have this matter placed on the next agenda so that the others would have an opportunity to thoroughly review it. Mr. Crowell believed he had already made that motion. It had not been seconded. A motion was made by Charles. F. Crowell, and duly seconded, to take the matter of modifying the Clerk's job description under advisement. Mr. McDowell requested that it be placed on the next agenda. There was no vote taken but, there appeared to be unanimous consent.

Ms. McMahon reminded the Board that she had made a specific request of the Board for mediation with Mr. McDowell. She acknowledged that it was totally within the Board's prerogative to change her job description. She said that if the Board changed it tonight, that would be fine, but it is not going to rectify the situation. She has asked, because she believed it was a measured and appropriate response that she hoped Mr. McDowell would be agreeable, is to have a mediator that would help us to resolve the conflict of communication and personalities that we apparently have. She believed that it was important that we do that and she was willing to do that and looked forward to it. ***A motion made by Charles F. Crowell, and duly seconded by Chairman Prue that the matter be turned over to a mediator. Mr. McDowell said that he would not participate with any such mediation. The motion carried 2-1-0 with Mr. McDowell in the negative.***

On a motion made by Charles F. Crowell, and duly seconded, the Board ***UNANIMOUSLY VOTED: to adjourn the meeting at 6:26 PM.***

Respectfully submitted,

Sheryl A McMahon, Clerk