



Three Rivers Fire District
50 Springfield Street
Three Rivers, MA 01080

Prudential Committee Minutes

October 8, 2014

Chairman Domey called a meeting of the Prudential Committee to order at 7:02 p.m. The Pledge of Allegiance was recited.

IN ATTENDANCE:

Raymond Domey, Chairman
Donald Reim, Vice Chairman
William Jalbert, Clerk
John Chmura, District Treasurer
Scott Majka, Assistant Water Superintendent
Scott Turner, Fire Chief
Patrick O'Connor, District Clerk
Diane Baldyga, District Secretary
Marc Graveline, Crimmins/Graveline Insurance

John Mowduk, Finance Committee
Ralph Fredette, Finance committee
John Morrison, Morrison Construction
2 Employees from Morrison Construction
James Bergaines, Attorney for J. Morrison Construction
Stephen Marhelewicz, former District Accountant
Lt. Mike Matthieu, TRFD
Other Public Observers

Approval of Minutes

The Committee reviewed the minutes from the meeting of September 10, 2014.

MOTION (REIM, JALBERT): To approve the minutes from the meeting of September 10, 2014. Approved 3-0.

Public Comment

John Morrison of Morrison Construction addressed the Board concerning two issues: 1) The money that is owed to him for work performed on Chudy Street, and 2) The discontinuation of his future employment with the District. In reference to the bill for his work on Chudy Street, Chairman Domey told him that the Committee voted not to pay the bill at the last meeting and that it was now out of the Committee's hands. He advised Morrison to talk to Attorney Hassett or to take the District to court. The Chairman stated that the reason for nonpayment was due to a mistake made by the Water Superintendent. Domey held the position that the Committee had to follow the law, i.e., M.G.L. Chapter 30B. Morrison contended that the Committee appropriated funds for this project, that it was put on a warrant and approved, that it knew the work was being done, and that the District's procurement officer should have put it out to bid. Morrison said that his attorney and two others in Boston felt that the District was wrong. If he must take the District to court, then he will seek monetary damages as well. He further accused the Board of not notifying him that he would not be paid. Domey responded that the Board had not hired him in the first place. Morrison countered that he had been hired by a representative of the District as in the past. Domey said John Sasur was only an employee. Morrison challenged that he is the Water Superintendent, not just an employee. Domey told him to do what he had to do because it was over and done with.

John Mowduk, a member of the District's Finance Committee in support of John Morrison, told the Committee that it was wrong. At this point Domey requested that Fire Chief Turner call 911. He felt that the meeting was getting out of control. Several times it was declared by those at the meeting that this was a public meeting and that they had a right to speak. Ralph Fredette, another Finance Committee member in support of Morrison, said that "it was a slap in John's face for what he's done for this Community over the last 20 years." Fredette went on to cite a recent story in the Palmer Journal commending Morrison and W.S. Sasur for work done at the Town Hall. Mowduk then argued that because of an emergency situation, the work had to be done immediately. Domey claims that procedures were not followed—"that it's always someone in government that screws up. The result is, the guy who does the work doesn't get paid." He continued that the issue is old business, and that Morrison had a remedy, but it was not with the Board. Domey defended the Board's position by stating that it must follow the attorney's opinion and the law. Mowduk took the stance that the lawyer (Hassett) was making a fool of them and legal fees were higher than ever before.

Vice Chairman Reim told Morrison to never call his house again. Morrison claims he only called to ask Reim if he had gotten his attorney's letter and what was he going to do about it when Reim hung up on him. Reim said that he "would like to see Morrison get his money, but the law says John (Sasur) made a mistake." Morrison accused Domey of having a personal vendetta against him. Domey refuted this accusation by saying that he "didn't even know him." Domey maintains that the Committee did not know the extent of the work being done on Chudy Street. Fredette again commended Morrison and declared that the Board's actions will cost the Town

monetarily and the loss of a good man. After more arguments, Domey again attempted to move on to other issues. Mowduk asked who stopped the project at the pumps. Domey said he did as a Water Commissioner.

Morrison's Attorney, James Bergaines, asked that his letter be read into the minutes of the meeting. Domey said a copy will be placed into the records. Morrison asked who voted to not reimburse him. Domey replied that it was a vote by the Board at last month's meeting. More arguing ensued. A police officer arrived. Domey asked him to remove Morrison because he was disrupting the meeting. Although both parties related their sides of the situation, no action was taken by the police officer. Clerk Jalbert said that "the issue could not be resolved tonight." Mowduk asked for last month's minutes.

Report of the Treasurer

- **Insurance Update.** Insurance agent, Marc Graveline, gave the District copies of all its insurance policies except for the Water Department's Workmen's Compensation and the Volunteers' Accident and Health, which Chmura does have. Graveline also provided an insurance schedule for when the policies go out to bid. Chairman Domey said that the Inspector General advises municipalities to hire an insurance consultant, a licensed advisor free of financial ties to the District, to coordinate the process of copying and organizing the District's policies into packets to secure bids from local insurance agencies. Domey has 34 pages of licensed insurance advisors that he has been attempting to contact. Since the District's insurance contracts are over \$30,000, they must be put out to bid.

Graveline reviewed that the Committee had already taken steps to increase the coverage on accident and sickness plans for the members of the Fire Department. The cost-of-living adjustment (COLA) on volunteer firemen's disability was still being discussed. He said that after one year, the COLA kicks in up to the fifth year, after which additional cost-of-living increases must be purchased. The additional three-year premium for this coverage is \$1,487. In a handout to the Committee, Graveline provided a comprehensive look at other available options which included: Optional Continuation of Health Insurance Premium Benefit, Optional Heart Permanent Impairment, Optional Illness Permanent Impairment, Optional Weekly Hospital Indemnity, Optional Additional Disability Weekly, and Optional Additional Medical Expense Maximum. Although the Committee was favoring increasing the COLA for the remainder of this year, Treasurer Chmura cautioned that the District was already over budget on this item having spent \$39,000 to date when only \$31,500 had been appropriated for insurance coverage. Due to budget constraints, increasing coverage was not an option at this time. Graveline noted that the current policy was very comprehensive and provided a lot of benefits. The previous increases made by the Committee brought the policy up to date.

- **Anderson Street Reservoir Project.** Chairman Domey proposed that Scott Majka be appointed to check on the Reservoir occasionally. He will meet with A. J. Virgillio and Project Manager, Al Nardi, for instruction on how to operate the gate at the reservoir. Domey will give Nardi Majka's phone number to make these arrangements.

MOTION (REIM, JALBERT): To put the Assistant Water Superintendent in charge of the Anderson Street Reservoir. Approved 3-0.

John Mowduk asked if quotes were obtained for an engineer or architect for the Anderson Street Project. Domey said no because Project Manager, Al Nardi, charged under \$10,000.

- **Grant Writing.** Domey said that it was necessary to hire someone to write grants for the Fire and Water Departments. The Fire Chief said that Vickers Consulting from Texas will write grants for \$350 a grant. The Committee asked that Turner and Majka take a course on grant writing together. Roger Duguay asked if Alice Davey, Palmer Community Development Director, might be able to write the District's grants as she does for the Town of Palmer. Domey said that was another possibility. John Mowduk said that the Fire Chief and Water Superintendent were responsible for grant writing in the past and questioned this additional expenditure. The Chairman asked Turner if he felt qualified. Turner said that he wasn't. The grant he previously wrote required assistance from a grant writer from another town. Domey said a grant writer was needed until Turner and Majka took the course and became knowledgeable.
- **BMSI Water Billing Software.** In speaking with Billing Clerk, Toni MacKenzie, Domey discovered that even with the electronic system that reads the meters, all the information must still be put in by hand, which requires many hours of her time. Majka said that the program is old and is not working with the new system. He said new software would have to be purchased with a new handheld costing between \$3,000 and \$5,000. Domey said to make sure it was on the budget for next year.

- November Shut-Offs. Majka said that customers have to be given 30 days notice before acting on shutting off water. The waiting period for current shut-offs will end in November. Reim and Domey both said that water could not be shut off during the winter months.

MOTION (JALBERT, REIM): To table all shut-offs until March. Approved 3-0.

- Procedure for Submitting Invoices. According to the state, all invoices must specify what the charge is for, like inventory or truck. Chmura said that the Department (Water, Fire, or District) must also be indicated on the invoice by adding a W, F, or D after the invoice number. Majka said that BMSI was called, and it said that a new computer was needed and the software had to be purchased. Domey said that the software had already been purchased. He reminded everyone that due to the holiday on Monday, all invoices should be taken to Ware on Friday, October 10.
- Note from Accountant/Bookkeeper. Robin Wdowiak from AJE Financial Services of Ludlow reminded the District to call Hampden County with a change of address. She also expressed her thanks for having had the opportunity to work with the District.

Stephen Marhelewicz asked the Board why he had not been retained after serving the District for over 20 years. Domey told him that after raising his fees to \$10,000, the position was put out to bid. Marhelewicz wanted to know if his bid was put on the table for a vote by the Board. He asked if Domey or if the procurement officer had obtained the bids and continued to press the issue of why his bid was not presented at the same time as the others. In soliciting for bids, Domey said he had prepared a list from the monthly reports of what was required by the District and personally talked with a number of accountants/bookkeepers. He was given rough estimates by the agencies he talked with. These estimates were half of the fee charged by Marhelewicz. The sealed bids were open at a regular meeting of the Prudential Committee by the procurement officer. Marhelewicz asked if the schedules for the Town's tax rates had been submitted. Domey said he believed they were. Marhelewicz asked who did them. Domey said that Marhelewicz did not live or vote in this District, so it was none of his business.

- Audit of Fiscal Year Ending June 30, 2014. Treasurer Chmura said he had met with Downey, Sweeney, Fitzgerald & Co., P.C. about next year's audit.
- District Consultant. In a letter to the Fire District, District Counsel, Michael Hassett, explained that the District may hire a consultant on an as needed basis for a one-year period for less than \$10,000. In the past, Stephen Chiacchia had advised the District numerous times on many issues without charge. The District does not expect him to continue in this capacity indefinitely without remuneration.
- Chairman and Treasurer's Home Office Expense. This item will be addressed in the future.
- GPS System. Teletrac from Florida would charge \$45 a month for each of the District's three vehicles that would be installed with its GPS system. John Mowduk asked why this was not brought up at the Finance Committee in March. Chairman Domey said that it was not necessary because of money in the appropriations for things like this that come up during the year. Mowduk does not see the need for this expenditure in the size of a District like Three Rivers. Roger Duguay asked if the men had District cell phones. Tracking with the GPS on a cell phone would save money. Domey accused Duguay of being at the meeting to disrupt to which Duguay denied. Reim then blamed Duguay of "mouthing off." Duguay said he was "trying to help the District save money . . . If you can use the phone's GPS why pay for it?" Clerk Jalbert said that W.S. Sasur was supportive of the system at the last meeting.

MOTION (REIM, JALBERT): To purchase a GPS system for three District vehicles from Teletrac. Approved 3-0.

- Letter of Conflict. District Counsel, Michael Hassett, informed the Committee in his letter of a potential conflict of interest. Hassett's office had prepared a Lease Agreement for Marc Graveline in 2005. As Graveline is also a vendor of the District, Hassett is compelled to notify the District of this private business relationship "to ensure no appearance of a conflict of interest." This letter was read aloud at the meeting and will be placed in District files. Hassett was not employed by the District in 2005.
- Financial Statements. Treasurer Chmura submitted September's Profit & Loss Statement to the Committee. He provided detailed expenses for each account. Chmura noted that this was the first month that Livingston & Haynes came out with the financial reports. He said the only thing missing was the project budgets. Both Domey and Chmura agreed that those were very confusing because some items had been on the books for so long. Chmura made a list of current projects that were on the financial statements last year. He will give the list to Livingston & Haynes. Anderson Street is the only project over budget. Only \$66,000 had been appropriated, but it is \$5,000 over budget at \$71,000. Domey feels that the brick that came out of the pipe is "highly suspicious." He said no other bricks were found in the area, and that when back flushing the pipe, the Water Superintendent dislodged its designated location so it was not located on the initial excavation attempt. Chmura stated that many projects are still open. Domey said the accountants are going over them now. The accounts whose projects have been completed will be closed, and the cash balances transferred to the general fund.

- Phone Issue. Vice Chairman Reim questioned a \$792 phone expense for the Water Department. He wanted to know how many phones the Department had. Majka said John Sasur, Toni MacKenzie, and the pump station had phones. When asked, he said he did not know why he did not have a District phone. Domey said he cannot believe that the number at the Water Department did not roll over to someone's phone. Majka said that the phone numbers of the Water Department members were on the answering machine message if contact was needed. If the power goes out, the message might need to be reset.

MOTION (REIM, JALBERT): To accept and approve the Treasurer's Warrant. Approved 3-0.

MOTION (REIM, JALBERT): To accept and approve the Treasurer's Report. Approved 3-0.

Report of the Fire Chief

Fire Chief Turner presented a written report to the Committee itemizing the activities of his Department:

- Call Report. The month of September 2014 received a total of thirteen (13) calls.
- Veterans' Day Ceremony. A request was received from the Veterans' Service Office to use the Department's trucks for the Veterans' Day Ceremony on November 11.

MOTION (JALBERT, REIM): To issue trucks for Veterans' Day. Approved 3-0.

- Amvets' Halloween Parade. Lt. Mike Matthieu, Chairman of the Firemen's Association, asked the Committee to use the fire trucks to assist the Amvets with its annual Halloween Parade.

MOTION (REIM, JALBERT): To provide the Amvets with a truck for its annual Halloween Parade. Approved 3-0.

- Fire Department Security System. Domey will meet with Gary Majka, Assistant Head Custodian at Pathfinder Regional Vocational Technical High School regarding video cameras for the security system at the TRFD. Pathfinder will order the cameras from B&H Video in New York City and install them reducing the \$8,000 originally appropriated for the project to about \$4,000.
- Vanity Plates for 1933 MAC Fire Truck. An application for vanity plates was sent in to the Registry listing the Department's three choices. After the Veterans' Day Parade, the MAC truck will go to the Vocational School at the Concord (MA) Jail for painting. New front springs have been installed. The MAC was in a parade at the Big E representing the state of Massachusetts. The MAC will be Engine #1.
- Ambulance Service Proposal. The Department's Ambulance Service is still in the proposal state. This service will provide the District with priority Emergency Medical Service (EMS) support. Dan Daigle, Dan Gagner, and Ben Duby are on the Committee to see if it can work. Within a week, they should know if this service will succeed. Clerk Jalbert asked if this service would conflict with other ambulances in the area. Turner said that the service would be only for the village of Three Rivers so it might conflict a little with Palmer Ambulance Services. Depot Village and Three Rivers have the most need of ambulance services. He estimates 400 calls a year are made in Three Rivers. Turner said he had the support of the Town Manager, Police Chief, Members of the Police Department, everyone on the Fire Department, and surrounding chiefs. TRFD already has four EMTs with six to ten more people interested in becoming EMTs to provide 24 hour a day service. The other Districts in the Town need to approve the service. It would require a town vote.
- Disposal of old Fire Rescue Truck and old blue Pick-Up Truck. The Fire Chief said that several parties have shown interest in the rescue truck and wants to know if he should put it out to bid or auction. He does not know its current value. He said the blue pick-up truck could be put out to bid or go for scrap as it is not worth much. Domey said Chapter 30B and the District Policy for Surplus, Salvage, and Scrap Procedures must be adhered to in the disposal of District property.

MOTION (JALBERT, REIM): To accept the report of the Fire Chief. Approved 3-0.

Report of the Assistant Water Superintendent

Assistant Water Superintendent, Scott Majka, discussed the following items:

- Update with Assistant Water Superintendent. Majka reported that he was learning a lot, but still needs to learn more about the computer in the office. He has been given the passwords and codes to get into the computer, but he needs to learn where files are located. He thinks the computer has a virus at this time. Vice Chairman Reim said that he thinks the District should send Majka to school to learn more about the computer. Domey disagreed and feels Majka is computer literate, but thinks the Department's files are "scattered all over the place." Chairman Domey said that it was in W.S. Sasur's employment contract to show Majka where things are located. Majka said that he can run the system himself.

- Phone Contact Problem. Recently Vice Chairman Reim had a leak in his cellar. The plumber would not connect a pipe to the water meter so Reim tried to call the Water Department and got W.S. Sasur's cell phone. Majka said the answering machine number was Sasur's cell phone number.
- Assistant Water Superintendent's Email. Majka was asked to give the Recording Secretary his email address so that agendas and minutes can be forwarded to him. His email is asst.supt.trwd@gmail.com.
- Discontinue Use of Morrison Construction. On September 30, 2014, at 5:54 p.m., Vice Chairman Reim received a phone call from John Morrison as mentioned above under "Public Comment." When Reim called Domey about Morrison's phone call, Attorney Hassett was at Domey's house going over District papers. Hassett called Morrison's attorney and left a message. Reim also noted that Stephen Marhelewicz confronted him telling him "to watch his step" and "you're going to get sued. You haven't got insurance." Reim told Morrison that he felt sorry for him and suggested getting together with him, John Sasur, and the Committee to talk about that project. He claims the Committee was never notified that the project started. On May 4, Reim said he brought it up, but that W.S. Sasur didn't say anything about it. Morrison said that in the 20 years he worked for the District, he had never talked to the Committee. He doesn't want to sue and have detrimental publicity for the District. He just wants to get paid. Domey said if the District's Counsel said they could pay the bill, they would. Morrison asked him to seek the opinion of another lawyer. Chairman Domey asked the Committee if anyone wanted to ban Morrison Construction as a contractor. Jalbert said that the situation was not resolved, especially if it goes to court, and that the court will have to say that Morrison is an undesirable contractor. Vice Chairman Reim again suggested getting together with all the parties involved. Domey refused to get together with anyone. When asked by Morrison, Jalbert said he would be willing to meet. No motion was made to discontinue the use of Morrison Construction.

In another appeal for his cause, Morrison explained that Ludlow Construction had moved up the date of its sewer work on Chudy Street. Morrison stopped the job he was on to accommodate the District. Ludlow Construction had told W.S. Sasur that it would charge \$70,000 for the same work Morrison performed for \$21,000. Morrison pointed out that he saved the District a lot of money. Jalbert said that the amount of the bill was not in question. John Mowduk said that when the Finance Committee appropriated the money to do the job, nothing was said that it would need to be put out to bid. Domey said that it was up to the Water Superintendent to tell the Committee. Mowduk said that before the law (Chapter 30B) was made, Morrison's contract had a stipulation that if his contract ran out, it would be automatically renewed for another year. Domey said there was no automatic renewal because it would be illegal. Morrison pointed out that his invoices indicate price per day as these types of repairs in the District were being done as needed and when time permitted. The Water Department worked with Morrison Construction on these repairs.

Mowduk praised the Water Superintendent's work over the past 20 years and thinks that it is inappropriate that the Committee question his integrity or take disciplinary action against him. Domey responded that he (Sasur) cost Morrison \$21,000, and the District \$17,000 at the Anderson Street Reservoir. Furthermore, he (Domey) questioned the work that was done on Rt. 181. The Chairman went on to say that the laws were not followed in the past, and that he did not care who did the work as long as the rules and regulations were now complied with. Domey said that "people got hurt by his (Sasur's) actions."

The next debate was about whether Morrison failed to put a water pipe in at the appropriate level, causing it to be broken. Ludlow Construction charged the District \$865.72 to repair it. Morrison denied this failure. Majka claims the pipe was deeper than 3 feet. Morrison claims Ludlow was not being careful with its 5-foot bucket and did not see the caution tape. He said that either John or Scott was present for each placement. Ludlow Construction claimed the pipe was only 2.5 feet deep.

- Invoices for the Pump Station. Morrison said he regrets that the project on Rt. 181 was stopped because it has his company's name on it, and it looks terrible. Domey said that the work at the pump station was a waste of money. He asked Majka when he told Sasur to check the water. Majka was told about new state sampling requirements when he was in school, and he told Sasur about two months ago. Domey and Majka both said that Sasur made the project a lot bigger than was necessary. Morrison said he did what he was told to do.

MOTION (JALBERT, REIM): To pay John Morrison \$4,249.04 for work done at the pump station on Rt. 181. Approved 3-0.

Domey questioned the work on Calkins Road. Majka said a leak occurred on the District's side of the residence in question. He was told to put addresses on future invoices.

MOTION (REIM, JALBERT): To pay the invoice for work done on Calkins Road in the amount of \$2,301. Approved 3-0.

Mowduk said that these two jobs were just other examples of situations where work was performed by Morrison similar to the Chudy Street job. He asked the Board to reconsider its vote. Domey said District Counsel would have to make that decision, and he does not see that happening. Jalbert noticed an incorrect amount previously voted on due to the grouping of multiple invoices.

MOTION (JALBERT, REIM): To amend the amount to pay John Morrison from \$4,249.04 to \$3,909 for work done at the pump station on Rt. 181. Approved 3-0.

- Assistant Water Superintendent's Cell Phone. Scott Majka uses his personal cell phone on work-related affairs. The District will provide him with one for work. Next month, the policy on company phone use and restrictions will be distributed.
- Process Used for Hiring Private Contractors. In Chairman Domey's opinion, the current fiasco involving Morrison Construction "should never have occurred regardless of everyone's good intentions." He cautioned Majka to call District Counsel if ever in doubt of what is to be done legally. He is exasperated that the Water Superintendent, who was informed of Chapter 30B and aware that the Prudential Committee dutifully adhered to its regulations, would fail to comply with the law. He received a copy of it like everyone else. Morrison would like his lawyer and the District's lawyer to sit down to see if a legal solution is possible. Domey stated that the District would not say no to a legal resolution. Attorney Bergaines will contact Attorney Hassett and report back to the Committee at the next meeting. Jalbert said that Hassett is scheduled to be at next month's meeting, and he hopes this can be resolved.

Mowduk recommends that before the Finance Committee approves future appropriations, they get an itemization of the projected costs. Jalbert reminded him that the bylaws can be changed if needed. Mowduk feels that the Committee should be allowed to change the billing if it was wrong, and that the Committee should work with the Water Superintendent if he made a mistake. Jalbert revealed that Morrison submitted his invoice on a Monday. Sasur signed it, submitted it to the Billing Clerk, and went on vacation on Friday. He said that the Water Superintendent knew it was over the amount that could be paid. The check was issued but recalled because it was a violation of Chapter 30. Since the appropriation was made for \$30,000, Domey said the project could not be broken down into increments. It needed to be put out to bid. The Committee was not made aware of the amount needed for outside help or other specifications of the project.

- Issues from March 12. Tabled until the Water Superintendent was present. A copy of the Water Superintendent's contract was given to the Board members along with the bylaws and duties of the Water Department Commissioners. Domey said the Open Meeting Law is very specific about going into Executive Session and briefly explained its ramifications. He continued, "John cost us a lot of money." The Chairman wants a working contract with companies who provide services; he wants Nardi and District 1 to check the bid specifications; and he feels some discipline is needed.
- District Consultant. Previously Discussed in the Report of the Treasurer. The letter from District Counsel, Michael Hassett, was read aloud.
- Banking Services. A brief discussion about Banking Services and being proactive with District money took place.

A motion was not made to accept the report of the Assistant Water Superintendent and will be included in the approval of the Minutes.

Old Business

No Old Business.

New Business

- Vehicle Management Systems. Previous discussed.
- Letter from Attorney Bergaines. This letter on behalf of John Morrison will be placed in District files.
- Minutes from March 12. Tabled until Water Superintendent is in attendance.

Having no further business to conduct in open session, Chairman Domey requested a motion to adjourn. The next regular meeting is scheduled for 7 p.m. on November 12, 2014.

MOTION (JALBERT, REIM): To adjourn from the Open Meeting at 9:51 p.m. Approved 3-0.

Submitted by:

Approved as to Form and Content:

Diane Baldyga, Recording Secretary

Raymond Domey, Chairman

Date: _____

Date: _____