



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

# Prudential Committee Minutes

September 10, 2014

Chairman Domey called a meeting of the Prudential Committee to order at 7:10 p.m. The Pledge of Allegiance was recited.

## IN ATTENDANCE:

Raymond Domey, Chairman  
Donald Reim, Vice Chairman  
William Jalbert, Clerk  
John Chmura, District Treasurer  
John Sasur, Water Superintendent  
Scott Turner, Fire Chief

Patrick O'Connor, District Clerk  
Diane Baldyga, District Secretary  
Marc Graveline, Crimmins/Graveline Insurance  
Al Nardi, Anderson Street Reservoir Project Manager  
District Counsel, Michael Hassett  
Public Observers

## Approval of Minutes

The Committee reviewed the minutes from the meeting of August 13, 2014.

**MOTION (JALBERT, REIM): To approve the minutes from the meeting of August 13, 2014. Approved 3-0.**

## Public Comment

None.

## AT&T Tower Lease

District Counsel, Michael Hassett, reported that Michael Elsier, Nanepashemet Project Manager for the AT&T Tower Lease, is waiting for a W-9 and the Payment Direction Form with a routing number to send electronic payments to the District.

## Anderson Street Reservoir Project

Project Manager, Al Nardi, displayed the brick and several pieces of strapping that had clogged the pipe at the Anderson Street Reservoir. The cost to dislodge this debris was \$17,000. A video check of the pipe showed that it is now clear. A request for payment has been received as 99% of the job is completed. A final payment will be made after ensuring that everything is working and that safety measures along with the easiest way to lower the gangway are explained by the construction company to a District representative. Domey said that someone from the Fire Department will be designated. Nardi was pleased with the work done by A. J. Virgilio Construction and said that the project was "in good shape." Nardi asked W.S. Sasur if he had any concerns. The Water Superintendent said that he felt Virgilio did "an excellent job on the staging area, the walkway, and the safety fence." Nardi also wants new locks installed. Chairman Domey noted that \$37,917 has been paid and that \$28,534 is currently owed. Nardi has approved the work that has been completed. He advised the Committee to make sure future budgets include appropriations for the maintenance of the reservoir area as well as the need for regular inspections. The Committee commended Nardi on the work he had done.

## Report of the Treasurer

- Bidding Issues Arise for Work on Chudy Street. Because the work done by Morrison Construction Company on Chudy Street amounted to \$21,116, the Committee chose to withhold payment until a legal opinion by District Counsel Hassett could be obtained. Chairman Domey read aloud the letter from Attorney Hassett in which he rendered his opinion. The letter stated that Chapter 30B of Massachusetts General Laws requires (1) that three quotes be solicited for services from \$10,000 to \$34,999.99, (2) that a contract be given to the party with the best price, and (3) that the contract be in writing. Hassett also cited the provisions of Chapter 40 Section 3A in his legal assessment: "A contract made in violation of this chapter shall not be valid, and the governmental body shall make no payment . . . Project Manager, Al Nardi, added that under the same statute, the selected contractor had to furnish a payment bond in case something goes wrong.

W.S. Sasur said that there was no written contract, but maintains that Morrison is the general contractor historically used for emergency service repairs. He defended this work as an emergency situation because the timeline on the repairs had been moved up by almost two months. Domey countered that Sasur knew about the repairs a year ahead of time and that they would cost over \$10,000. Sasur argued that this was not a new project, and that replacements of this nature had been done "one at a time, in little parcels, in the past." He stated that the repairs were not a major improvement, and that work on Springfield Street, Ruggles Street,

and many other areas had been done similarly. The process proved to be very cost effective and in the best interest of District voters. However, he did get a verbal quote from Ludlow Construction in the range of \$65,000 to \$85,000. W.S. Sasur said that he cannot see why someone diligently working for the District in good faith, as in the past, would not get paid for it. He contends that there is no aggrieved party, and that this is a learning process so no one should be penalized for doing something wrong. This was how it was done in the past, and it was done in the best interest of the District.

Domey reminded the Water Superintendent that the Committee meets every 30 days, that he had a copy of Chapter 30B, and that he had access to District Counsel. Nardi said that regulations allow contractors doing on-going work to have an annual contract that is put out to bid for such circumstances. Sasur was under the impression that contracts were renewable for three years, but since he did not know what to expect, he did not have any research available for the present meeting. He recalls that about four years ago, eight different contractors were evaluated on a point system. At that time, Morrison had won the bid in that selection process. That contract was renewed for two years, and it was subsequently brought up at a meeting that the contract should be rebid. Domey had no recollection of that. Sasur said it was brought to the attention of the previous Board. Vice Chairman Reim said the last contract was in 2008. Chairman Domey insisted that the Law (Chapter 30B) be followed. Clerk Jalbert said that the Committee would face a fine if it did not follow the law. Reim regrets that Morrison will not get paid because he did the work, but affirms that they have to abide by the law. He said that the Committee should have questioned the Water Superintendent about bids in May when the water line replacements were brought to its attention. Sasur repeated that this was typical repair work, not a capital improvement.

Domey revealed that Scott Majka told him that he "had to watch them" and that a new pipe had been broken by Ludlow Construction because it did not go down four feet. The pipe went down only two and a half feet according to Joe, the owner of the company. Domey said that the whole job may need to be checked. Sasur said there was difficulty getting over and crossing an existing sewer line and water main, which had to be kept intact. It was the only one not down four feet. Domey said that when it was fixed, it was repositioned at four feet. The Water Superintendent said that over 300 replacements had been done in town with no problems. Jalbert speculated that Morrison will probably look for legal counsel to recoup this loss. Domey is not concerned due to the large number of past case histories. Sasur is anticipating emergency work and general maintenance work in the near future and asked the Committee what to do about it since Morrison will not want to do it. He believes that Palmer as well as Bondsville and Thorndike have moved to hiring contractors for service work and may be using Wemow for their work. Domey was sure other companies were available to bid on the work also.

Nardi informed the Committee that it has the right to request "as built" drawings from contractors, which would show the depth, location, and direction of the pipes. Nardi suggests getting these records on paper now and keeping them on file. Sasur said he has records documented on the computer, but because this was a repair, new drawings were not done. To avoid a disruption in the Department's operations, Sasur urged the Committee to reevaluate what was done wrong and review the bidding process. He wants the Committee to reconsider paying for work done "in good faith" by a long-standing District contractor. Nardi recommended starting a pre-qualification list of contractors and the bidding process.

**MOTION (DOMEY, REIM): To follow the advice of District Counsel and not pay the invoice (from Morrison Construction).  
Approved 3-0.**

- Disability and Cost of Living Benefits. Insurance agent, Marc Graveline, discussed two issues: the length of the weekly disability benefit for injured firemen and the cost-of-living feature. The volunteer firemen have a lifetime benefit. After one year the consumer price index kicks in up to the fifth year after which additional cost-of-living increases must be purchased. The premium is \$496 for the lifetime rider and must be purchased in advance of the injury. Heart and illness coverage is limited to five years but can be purchased for lifetime. Fire Chief Turner wanted a closer look at the lifetime costs. Graveline said that career firefighters had no lifetime benefit. Coverage is only for five years with a cost-of-living increase after one year up to the fifth year. Beyond that no coverage is offered as a career firefighter would retire after two years. He said that this additional rider for long-term disability could be added at any time.

Domey asked what recourse an individual who had suffered a heart attack have after five years. Lt. Michael Matthieu asked about contacting an illness when helping in an emergency. Graveline said he would bring all other available options to the next meeting. The Committee decided to wait until all options were presented before acting on additional coverage. Graveline provided information on services (workshops, seminars, on-line assistance) that the company has available to the District. He also brought

up employment practice liability insurance. He would like to prepare a quote for the Committee. The Committee was receptive to learning more about this indemnity.

- Firemen's Association Charter. Domey told Fire Chief Turner to contact District Counsel, Michael Hassett, regarding the Firemen's Association Charter that is being prepared as it may need a legal perspective.
- Grant Writing. Although it may be necessary to hire someone to write grants for the Fire and Water Departments, the Committee asked that Turner and Scott Majka take a course on grant writing. The Fire Chief said that Vickers Consulting from Texas receives \$350 to write a grant. They have a website with all its information.
- BMSI Water Billing Software. Domey noted that the District's records are stored in multiple locations in New Hampshire as recommended in the annual audit. Sasur commented that all Water Department data and software was immediately sent by special delivery to the company. Treasurer Chmura said that Billing Clerk, Toni MacKenzie, was concerned about updates and changes since the information was submitted. Domey mentioned that MacKenzie has 24/7 access to the company as well as Rosalie Lopes, Treasurer and Clerk from Bondsville, available to her for help.
- Procedure for Submitting Invoices. All invoices must have account numbers and be signed and dated—no more initialing.
- Change of Accountant/Bookkeeper. Because of the sophisticated and complicated nature of the District's bookkeeping, Chairman Domey asked CPA Stephen Chiacchia if the District would be better served by changing from AJE Financial Services of Ludlow to Livingston & Haynes from Ware, where a CPA would be assigned to handle the District accounting. Domey feels AJE Financial Services is inexperienced in dealing with the municipal/governmental aspects of the District. Domey and Chiacchia talked with Livingston & Haynes to make sure it fully understood what the District's requirements were. Chiacchia felt confident with its ability and recommended the change for the good of the District. Livingston & Haynes will honor its initial bid of \$5,000 for the year. The change will occur on October 1. Domey will inform AJE Financial Services of their release from the District. Chmura asked if any references were received for Livingston & Haynes. Domey said the Chiacchia was the only one.

**MOTION (JALBERT, REIM): To hire Livingston & Haynes as the District's Accountant/Bookkeeper as of October 1. Approved 3-0.**

- Audit of Fiscal Year Ending June 30, 2014. CPA Stephen Chiacchia suggested Downey, Sweeney, Fitzgerald & Co., P.C. at 504 Cottage Street, Springfield, MA, as reputable auditors for the District. Chmura agreed with his assessment and had already received its proposal for the annual audit for a fee of \$6,000.

**MOTION (JALBERT, REIM): To hire Downey, Sweeney, Fitzgerald & Co., P.C. to do the fiscal audit for the year ending June 30, 2014. Approved 3-0.**

- Financial Statements. Treasurer Chmura submitted August's Profit & Loss Statement to the Committee. He also has a detailed report of the accounts available to anyone who would like to see it. Domey is expecting Livingston & Haynes to deal with the inactive accounts still on the books. Chmura expressed concern that the approved amounts for projects were missing. District Clerk O'Connor will look back at the Warrants to find the amounts appropriated.
- AT&T Forms. Domey reminded Chmura to fill out the paper work requested by AT&T for electronic deposits at North Brookfield Savings Bank. Some confusion exists as to which account to put the money into or to create a new account, the type of account (checking, savings, long-term, or high-interest yield), and the possibility of investing the funds to make money for the District. A consultation with Ron Christiansen or Stephen Chiacchia was suggested.

**MOTION (JALBERT, REIM): To put the AT&T money into a separate account at North Brookfield Savings Bank. Approved 3-0.**

**MOTION (JALBERT, REIM): 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 his report:

- Call Report. The month of August 2014 received a total of sixteen (16) calls.
- Family Picnic. The annual Firemen's Association Family Picnic was held on September 6 at Pulaski Park. The Chief called it a success. Domey claims the food was excellent. "It was a good time and well done."
- Firemen's Association Charters. Domey told the Fire Chief that the Women's Auxiliary must come off the Firemen's Association. Otherwise, it would be open to anyone in the Community. Because of fund raising and liability issues, it would be best to keep it for women associated with Three Rivers Firemen.
- Fire Department Security System. Domey consulted with Gary Majka, Assistant Head Custodian at Pathfinder Regional Vocational Technical High School about video cameras for the security system at the TRFD. Majka said the school had an account with B&H

Video in New York City, who was Pathfinder's video provider. Domey will also check on prices for cameras. Pathfinder will want to install the cameras so it will be much cheaper than the \$8,000 that was appropriated. Domey & Majka will meet at the station to determine just what is needed. Turner requested that the new locking system on the front door be setup so the keys double as TRFD identification cards. The keys would be credit card sized and would not require swiping if within range of the door. The Committee was agreeable if it could be done cheaply and work with the new system. Turner said that Pathfinder already had the card-making system available.

- Restoration of 1933 MAC Fire Truck Update. Dan Daigle reported that the MAC is at M&L for the installation of new front springs. New tires were put on at Bill's Tire in Ludlow. The front end needed to be lifted about two inches and the steering returned back to the geometry of the factory. Daigle is in touch with someone at the Vocational School at the Concord (MA) Jail to have it painted. Domey was concerned about non-professionals doing this work. Daigle explained that his father had seen a similar paint job and was impressed. He obtained the necessary information of who had done it. Daigle has a lot of trust in his father's judgment. The Committee gave its approval.
- Fire Department Open House. The Fire Department's Open House was held on August 23. Although fewer people attended than last year, all went well.
- Disposal of old Fire Rescue Truck, old blue Pick-Up Truck, and Call Boxes. The Fire Chief said that several parties had shown interest in the rescue truck, but that the blue pick-up truck is probably only good for scrap. Domey will give Turner a copy of the District's Policy for Surplus, Salvage, and Scrap Procedures and cited M.G.L. Chapter 30B. Domey said the vehicles might be advertised for bids and mentioned that the call boxes are still waiting for disposal as well. Turner said there was a lot of interest in the call boxes and asked if they could be sold individually or as a whole. No one was sure, but Domey felt that selling them individually was a better way to go.

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

### **Report of the Water Superintendent**

W.S. Sasur discussed the following items:

- Meeting with Assistant Water Superintendent. The meeting was postponed until next month because the Assistant Water Superintendent, Scott Majka, was on vacation.
- Chudy Street Main Replacement Project. Previously discussed.
- Process for Hiring Private Contractors. W.S. Sasur will bring in the initial criteria that had been used for hiring private contractors as the Committee may want to review it and change credentials since it will be the awarding authority. Domey noted that Project Manager, Al Nardi, is also preparing criteria and a process for hiring contractors. Sasur suggests that the contract service time be extended for three years, and that it may be necessary to check into prevailing wage standards. The Water Superintendent recommends coordinating the process with the other Districts in the Town. Clerk Jalbert asked if bids could be done locally. Domey and Sasur said bids would go on the State Register if over \$10,000 and could be done locally if under that amount.
- Water Abatements. Two requests for abatements were received. The old Tenczar Block at 2032 Main Street was going to be auctioned. The service was shut off in 2007, but an outstanding bill of \$89.50 remains. Sasur recommends getting this collectible off the books through abatement because the Town listed the property as having no liens. The Committee disagrees and wants the bill paid either by the Town or the new owner. Sasur said the only time bills are uncollectible is during a bankruptcy. Since the district taxes were also not paid, the Water Superintendent wanted to know whom to bill. If it is the new owners, they should be notified that money is owed the District. Domey said he will take the issue to the next Town Council Meeting.

**MOTION (DOMEY, JALBERT): The Committee does not approve the abatement as presented. Approved 3-0.**

A copy of the rejected abatement will be given to the Billing Clerk, and it will be kept on the books.

The second abatement request was for \$1,983 for a \$2,557.50 bill. Due to a running toilet, 842,000 gallons of water was used, averaging out to about 2,000 gallons of water every day. To be fair to everybody, the Water Superintendent urged the Committee to adhere to the current Abatement Policy. He reminded them that the policy could be changed in the future. After lengthy and careful deliberation, the Committee felt it could not approve this abatement request.

**MOTION (REIM, JALBERT): The Committee does not approve the abatement as presented. Approved 3-0.**

- BMSI Asset Management and Operation Program. Scott Majka had not yet been assigned to contact BMSI. Domey referred to the last two audits that had requested a more sophisticated inventory of the Water Department. This program would aid in achieving that goal.

- Building Committee Update. District Clerk O'Connor reported that no meetings had been held while waiting for the appropriations to become available on July 1. The next meeting will be on September 18. They will start looking for engineers.
- Working with District No. 1 Water Department. Because of the funds that Three Rivers Water District has already invested in Phase 1 and 2 and the difficulty in getting Bondsville and Thorndike together, Domey would like to talk with District No. 1 Water Department about working together to purchase tools and supplies, and for inventory and planning. District No. 1 has a Water Superintendent and employees as does Three Rivers. W.S. Sasur agrees that we should look outside our District for infrastructure improvements and planning so we are not doing redundant things within the Town of Palmer. Domey said we could continue working with Bondsville. O'Connor said a warrant had already been approved in the past for Districts to work together to purchase things. Domey will plan to attend a meeting to talk with them about this idea.
- Water Department Email Address. Domey would like consistency with the District's email—i.e., everyone using comcast.biz. Scott Majka also needs an email address. Sasur and Turner will look into consolidating.
- Assistant Superintendent's Licensing. Majka has all his licenses. He has applied for his regular license. The Water Superintendent wrote a letter verifying the time requirement.

**MOTION (REIM, JALBERT): To accept the report of the Water Superintendent. Approved 3-0.**

**Old Business**

No Old Business.

**New Business**

Vehicle Management Systems. A company has a GPS tracking system for three vehicles that costs only \$45 a month. W.S. Sasur and Fire Chief Turner are in favor of such a system. Sasur suggests doing more research and putting it on next month's agenda.

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 October 8, 2014.

**MOTION (JALBERT, REIM): To adjourn from the Open Meeting at 10:05 p.m. Approved 3-0.**

Submitted by:

Approved as to Form and Content:

\_\_\_\_\_  
Diane Baldyga, Recording Secretary

\_\_\_\_\_  
Raymond Domey, Chairman

Date: \_\_\_\_\_

Date: \_\_\_\_\_