

BOURNE WATER DISTRICT COMMISSIONER'S MEETING, JANUARY 14, 2025

The meeting was duly posted.

The meeting was called to order at 8:30 a.m. by Robert Prophett. Present: Commissioners Brian Handy, Peter Way, and Michael Lyons. Also present: Superintendent Robert (Bob) Prophett, Treasurer/Clerk Kristen Noel, and Attorney for the District, Randy Collette. The meeting was held at the district office at 211 Barlow's Landing Road, Pocasset.

NEW BUSINESS

TREASURER – NOEL PERMANENT STATUS

Bob Prophett informed the Board that Treasurer Kristen Noel has completed her six month probationary period and a vote needs to be taken to make her a permanent employee. He stated that Kristen has been incredible so far dealing with the situation at hand and the office is now a different place. He is very happy with how things are going and doesn't feel like he has to make rounds back to the office daily to make sure everything is moving in the right direction. Kristen stated she was very grateful to be here and that the staff has been incredibly supportive.

MOTION was made to make Kristen Noel a permanent employee. Motion seconded and all in favor.

PERSONNEL HANDBOOK

Bob updated the Commissioners that he participated in a Zoom call a few days prior along with Kristen Noel, Randy Collette, and Julia from Foley & Foley. The group went through and systematically took out what wasn't required by law as directed by the Commissioners at the August 14, 2024 meeting. Randy cleaned up the document based upon the feedback, but after further review, Bob found a few edits that still needed to be made including the mention of the former Treasurer, Nancy Ward. Bob was hoping for the vote of the Board to accept it as written but additional revisions need to be made. Bob then asked if anyone had questions.

Commissioner Peter Way stated he had just had a couple detailed ones. Peter questioned the February 2024 revision date on the document and asked if that should be changed to 2025. Randy stated the date will change based upon when the document is approved. Peter then questioned the paragraph stating the employees of the district may terminate the employment relationship and then later on in the document it says the employee or the employer can terminate employment. Randy stated either can and that they are employees at will so either party can like terminate. Peter suggested that Randy may want to clear up the language as it suggests in the beginning that only the employee of the district may terminate the employment. Peter's final concern was the document as written seemed to lack a good description of a complaint hierarchy, meaning if the Treasurer has an issue with the Superintendent, who would the Treasurer go to with the complaint? Randy recommended if it's a higher echelon issue, a third party would need to be involved. Peter stated that he was not opposed to that but to avoid issues of the past, he'd

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like to see a formal page stating what to do for all employees. If the crew has an issue with Bob and they aren't comfortable speaking to Bob directly, who do they speak to? If someone in the office has an issue with the Treasurer, who should they report their complaint to? Bob stated that what is written right now in progressive discipline section of the policy is the first step to correcting and solving any misunderstandings is through the employee's direct supervisor. It also includes that if the employee is not comfortable speaking with their immediate supervisor, they can approach another manager. The bigger issue is if the Treasurer has a problem with the Superintendent or vice versa. Randy did recommend that the Board have nothing to do with HR. Randy stated that as a three-person Board it's absolutely impossible to do that as there are issues that have to be discussed in a meeting. At that level, it was recommended that the district hire out a third party to do the HR work. Mike Lyons stated that he was looking for a little more clarity regarding this third party. Would they have to know the workings of the district to some degree? Mike also stated that the attorney representing the district would probably be the appropriate person. He also threw out the Assistant District Clerk, Ford. After much discussion, Randy suggested this third party mediator should not be listed as just one person in our policy and Mike Lyons stated it should be the decision of the Commissioners to determine this third party if needed. Randy stated he will go back to Julia at Foley & Foley and ask her to clarify language to make sure it covers senior employees with a dispute.

Further discussion continued regarding the appeals process and it was stated by Randy that the current policy outlines this process step-by-step. The employee must present a written appeal within five working days the resolution cannot be reached at this level a copy of all relevant material should be presented to the Board of Water Commissioners who shall attempt to resolve the matter within ten working days.

Peter Way suggested creating a type of flow chart to outline the hierarchy of the District so that everyone from the crew to the Supervisors know who they report to. This would outline the incremental communication process for grievances up the chain of command.

Bob stated another change that needed to be made regarding entering homes without appointments. If a crew person was about to enter a home from which no appointment has been made, they would radio the office and have the office staff call the customer to announce their arrival. The district doesn't have radios in the trucks anymore, it's all cell phones. His suggestion was to strike that entirely. The section regarding entering a home only if an adult was present, would stay in effect though.

Bob also stated that Nancy Ward is still listed as the point person to coordinate all requests for drug / alcohol testing. Bob suggested striking Nancy's name and replacing it with Management.

Randy stated that he will work with Foley & Foley to make changes discussed and present clean copy to the Board for the next meeting for approval.

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TECH UPDATE

Bob again informed Board that Jim Parham (ProNet Solutions) is our current IT provider. Jim is getting ready to retire and the District needs to find a replacement. Kristen Noel has been in contact with Seth Kaplan at Kaplan Computer Solutions and he is interested in providing IT services to the District. Although we have Seth's hourly rates for emergency type visits, Kristen stated that the next step would be to set up a meeting with Jim and Seth at the District to review what we are currently doing and get an estimated monthly cost for maintenance and back up. Mike was in support of this idea but did want to understand what the costs would be and make sure we had funds available in the current budget. Kristen stated that she would set that meeting up and bring a cost breakdown to the next meeting.

FY2024 AUDIT and YEAR END UPDATE

Treasurer stated that she has provided auditing firm, CBIZ, formerly Powers & Sullivan, all documentation available as requested for upcoming FY2024 audit. Our contract technically has expired last year but they did offer to honor their contract pricing for an additional year. They have begun working remotely and will be in house in the next few weeks. Certain information wasn't available due to the vacancy of the Treasurer's position for several months. Kristen did state that she had discussed with them that her primary focus was setting up FY2025, beginning in July 2024, and moving forward from there. Eric Kinsherf was hired as a consultant by the District and Kristen stated they were able to upload all required state documents to the Gateway system for FY2024 and also to review all financial reporting. All figures are in line with the preceding year and we are just waiting now to get our free cash certified.

SOLAR UPDATE

Bob updated Board that he reached out to solar company in October and it was stated that Station 6 is not zoned for solar. It isn't in the solar overlay district for the Town of Bourne. The company would have to hire an attorney and go to Town to change the overlay. The solar company didn't think that was spelled out in the RFP. Randy wrote a letter to the Town stating that it shouldn't be under the jurisdiction of the Town, but the Town did not agree. The solar company is unwilling to try to get the land zoned for solar. Randy to review options for termination.

VERIZON UPDATE

Bob updated Board that project was moving forward and Verizon was on the Town's Planning Board agenda. Bob reached out and stated he was then notified that upper management at Verizon reviewed the RFP and the land that the tanks sit on is owned by the Commonwealth of Massachusetts. In 1949, the state leased the land to the South Sagamore Water District to build

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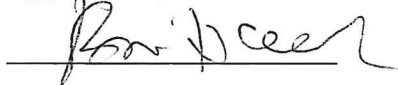
tanks. Verizon wants to make sure Commonwealth is ok to sublease already leased land to Verizon for the tower. Bob stated that he and Randy would review documentation to see if the District does have the ability to lease to Verizon. Mike Lyons asked how long the lease was. Bob replied he believed it was for 99 years. Randy stated he went to the Bourne Assessors office and found a plan at the Registry and does see notation of a 1947 lease. He will continue investigating.

Michael Lyons made **MOTION** to adjourn at 9:58 am. Motion seconded and all in favor.

Respectfully Submitted,

Kristen Noel, District Clerk

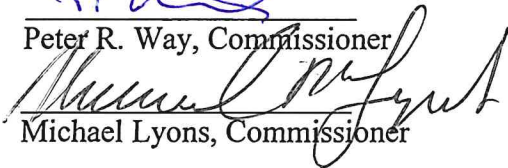
Approved by: Board of Water Commissioners



Brian S. Handy, Chairman



Peter R. Way, Commissioner



Michael Lyons, Commissioner