

**NORTH SAGAMORE WATER DISTRICT**  
**MEETING MINUTES MAY 24, 2023**

The North Sagamore Water District Board of Water Commissioners held their meeting on Wednesday, May 24, 2023 at 4:15 pm at the North Sagamore Water District office, 14 Squanto Road, Sagamore Beach, MA.

Those in attendance at the start of the meeting were Commissioner Mark Melchionda, Commissioner Mark Bergeron, Moderator Stephen Mealy, Superintendent Matt Sawicki and Treasurer Maureen Fruci. Attorney Bob Troy joined the meeting by telephone. Commissioner Melchionda called the meeting to order at 4:15 pm.

Commissioner Mark Melchionda asked for a moment of silence in memory of Commissioner George Sala.

**DISCUSSION & POSSIBLE VOTE ON DATE & PROCESS FOR SPECIAL DISTRICT MEETING & ELECTION**

Commissioner Melchionda said it is with a heavy heart that the District has to schedule a Special District Meeting and election due to the passing of Commissioner George Sala. Commissioner Melchionda said the District has asked Attorney Troy for guidance in understanding the process for holding a Special District Meeting and election.

Attorney Troy said he was informed of Commissioner Sala's passing the day after the ADM. He said his passing constitutes a vacancy under the law and the District has to fill it. He explained the District is separate under the legislature, it is not under the town of Bourne. He further explained the bylaws of the District regarding the election only pertains to ADM elections. He referred back to the original enabling acts and he stated it is still good law and right on point. He said there should be 3 commissioners. Attorney Troy said the District needs to call a Special District Meeting, not only of the commissioners and do all to get a quorum. The procedure of obtaining nomination papers does not apply. The Board can consider nominations from the floor, entertain a motion to close nominations and take a vote by ballot if more than one person is nominated, ballots are returned and counted. If there is only one candidate, a voice vote can be taken and the new commissioner would be sworn in immediately.

There was a brief discussion about whether to hold the SDM immediately or wait until the new fiscal year begins on 7/1/23. Attorney Troy said it is at the discretion of the Board. He advised the Board to consider what business is currently before them. He said keep in mind a 1 against 1 vote is a negative vote and the District would not be able to proceed on any business in June. He also said if there are only two commissioners and one is unable to attend there cannot be a meeting. Commissioner Melchionda said they are not anticipating anything this month so maybe the District can wait until the 1<sup>st</sup> or 2<sup>nd</sup> week in July. Superintendent Sawicki asked if the meeting should be advertised. Attorney Troy said the District should follow only the requirements of posting. He suggested if the Board thought there could be a quorum problem, then yes. Attorney Troy said post the meeting in the same way you post any meeting of the District.

Commissioner Melchionda asked if there was anything else in the enabling acts they should be concerned about. Attorney Troy said because Mr. Sala was elected at the ADM and he was not sworn in, the vacancy was never filled. Commissioner Bergeron asked how long that person elected in July would serve. Attorney Troy said they would serve the full term (3 years). Commissioner Bergeron asked who would nominate the person. Attorney Troy said there is no rule that says a person can't nominate themselves, however, usually another person from the audience, a voter, would do that.

Commissioner Melchionda said they will proceed with the SDM in July and just follow the same posting requirements of any District meeting. He suggested the Board choose a date tonight. There was a discussion regarding what the process would be if the Moderator decided to run for Commissioner. Attorney Troy said he cannot give advice to any specific person. However, if the person who is currently the Moderator wanted

to run for commissioner. If put in nomination, somebody else other than the Moderator heads the meeting in terms of that particular question. If that person were elected, before being sworn in, they would have to resign. Commissioner Bergeron asked how a new moderator would be chosen. Attorney Troy said if the only article is the election the business would be concluded after that meeting. Therefore, there would have to be another SDM before the ADM assuming you would elect a Moderator for that meeting and then again at the ADM.

Attorney Troy said at this next meeting the chairperson can't act as Moderator. The chairperson would open the meeting and turn it over to Attorney Troy or someone else would conduct that particular article. The Moderator would have to tender his resignation before being sworn in as Commissioner. Commissioner Bergeron made a motion to set a date for the Special District Meeting and Election to be held on Wednesday, July 12, 2023 at the District office. Commissioner Melchionda seconded the motion. The Board thanked Attorney Troy and he left the meeting.

Commissioner Bergeron asked how the District residents will find out about the meeting. Superintendent Sawicki said an ad can be put in the newspaper notifying residents of the election. The Superintendent said the meeting notice can be posted 7 days before the meeting.

The Board said they would like further clarification from Attorney Troy regarding nomination papers. Superintendent Sawicki was able to get Attorney Troy back on the telephone and there was a discussion about the possibility of changing the bylaw to allow for nomination papers for a SDM in addition to the ADM. Attorney Troy said the bylaw is specific to the ADM. Attorney Troy said at a future meeting the District can change the bylaw. He said the way the bylaw reads it says ADM. He said the problem is with good intentions if you try to change the words of the law, then you look like you are violating the clear word of the bylaw. You're stretching it if you apply it to the SDM. The Board agreed.

#### **COMMISSIONERS COMMENTS/SELECT NEXT MEETING DATE**

The Board selected Wednesday June 14, 2023 at 4:15 pm for their next monthly meeting. After a brief discussion the Board decided the SDM will be held at the District office at 6 pm on Wednesday, July 12, 2023. The meeting notice will be posted 7 days before the meeting. The Clerk will need to obtain the voting lists again.

#### **ADJOURN**

Commissioner Bergeron made a motion to adjourn the meeting at 5:19 pm. Commissioner Melchionda seconded the motion.

Respectfully submitted,

Maureen Fruci  
District Clerk