

**BOARD OF WATER COMMISSIONERS  
MINUTES FOR THE MEETING OF  
OCTOBER 15, 2024**

A quorum being present, in the absence of Chairperson Sheldon, Commissioner Boyd moved to appoint Commissioner Fox as the Pro-Tempore Chairperson. The motion was duly seconded by Commissioner Fox and approved by unanimous roll call:

Robert E. Boyd, Commissioner - Aye  
Joshua M. Fox, Commissioner and Pro-Tempore Chairperson - Aye

Commissioner and Pro-Tempore Chairperson Fox called the meeting to order at 5:07 p.m. He announced that the virtual version of the meeting was being recorded and requested those in attendance to state their name and title for the record by roll call:

Board Members Present in Person: Joshua M. Fox, Commissioner and Pro-Tempore Chairperson - Present, and Robert E. Boyd, Jr., Commissioner - Present.

Board Members Present Virtually: None.

Others Present in Person: Vincent J. Roy, Executive Director - Present; Thomas S. Travers, Treasurer - Present; Karen A. Moretti, Assistant Treasurer - Present; and Renee Adams, Executive Administrator - Present.

Others Present Virtually by Phone: Lawson Williams; District Counsel.

**1. Review and Vote to Approve the Minutes from the Board of Water Commissioners Meeting held on October 1, 2024.**

The Commissioners deferred to take action to review and vote to approve the Minutes from the October 1<sup>st</sup> Board of Water Commissioners meeting because Commissioner Boyd was not in attendance at that meeting and Chairperson Sheldon is not present at this meeting.

**2. Review of the Director's October 15<sup>th</sup> Bi-Weekly Report.**

Commissioner Fox inquired about the status of the outstanding water balance for 17 Trailside Circle. Director Roy responded that the homeowner, Robert Crane, had been issued a Shut-Off Notice via certified mail with a return receipt. The notice stated that if the balance was not paid by the close of business on October 8<sup>th</sup>, the water service would be disconnected on October 9<sup>th</sup> at 9 a.m. Since payment was not received, the water service was disconnected as scheduled.

Mr. Roy stated that Mr. Crane contacted him shortly, thereafter, demanding that his water service be restored, as he was disputing the charge. Mr. Roy explained to Mr. Crane that the Commissioners had abated \$10,094.02 from the original charge of \$15,238.00, and the remaining balance of \$5,193.08, plus the turn-on fee, was required to be paid in full to restore water service. Mr. Crane responded that he planned to litigate the matter in court and requested for Mr. Roy to provide him with the contact information for the District's Legal Counsel, Lawson Williams, which he did.

The following morning, Mr. Crane came to the District office, paid the balance in full, and presented a letter of intent to litigate. Mr. Roy stated that he and the District Foreman, Michael Abbondanzio, restored water service to the home within half an hour of receiving the payment, and they checked the outside silcock to ensure the pressure was good, which it was.

Commissioner Fox concluded that further discussion on the matter should be held in executive session do to Mr. Crane’s intent to litigate.

**3. Discussion on Outstanding Account for 136 Boston Post Road**

Director Roy informed the Commissioners that on September 25th, the District received notice via certified mail that the tenant at 136 Boston Post Road, Bear Mountain, had filed for bankruptcy. Mr. Roy reported that the tenant's outstanding balance for the period from May 2024 to August 2024 totaled \$27,339.46.

Commissioner Fox suggested that, since the District provides an essential service (drinking water), it might qualify for priority in bankruptcy relief. Director Roy then brought District Counsel, Lawson Williams, into the discussion to determine the appropriate course of action. Mr. Williams indicated that he planned to contact the opposing counsel to inform them that, although a creditor matrix was issued in February, the District did not receive proper notice of the Chapter 11 filing until September, well after the July proof of claim deadline.

Director Roy inquired whether the District could place a lien on the property. Mr. Williams responded that the District could potentially lien the property owner, but not the tenant. He added that he would consult with opposing counsel to determine if this action would violate the automatic stay after discussing with them. Commissioner Fox recommended that the District file a motion to amend the proof of claim.

The Commissioners agreed that moving forward, the water account for 136 Boston Post Road should be billed directly to the property owner, in accordance with the District’s billing policy for commercial properties.

**4. Review of the Abatement Policy Amendments**

Due to the absence of Chairperson Sheldon, the Commissioners deferred discussion on the Abatement Policy amendments until the October 29th Board of Water Commissioners meeting, when all members are scheduled to be in attendance.

**Conclusion of Open Meeting**

Commissioner and Pro-Tempore Chairperson Fox moved to conclude the open public meeting session and move into executive meeting session, not to return to the open public meeting session, under executive session **Exemption 3**. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; discussion of the abatement for 17 Trailside Circle. Commissioner and Pro-Tempore Chairperson Fox subsequently declared.

The motion was duly seconded by Commissioner Boyd and approved by unanimous roll call:

Robert E. Boyd, Jr., Commissioner - Aye

Joshua M. Fox, Commissioner and Pro-Tempore Chairperson - Aye

There being no further discussion the meeting adjourned at 6:10 p.m.