

KENT COUNTY WATER AUTHORITY

MINUTES OF THE SPECIAL MEETING  
OF THE BOARD

March 11, 2014

A special meeting of the Board of Directors of the Kent County Water Authority was held on the 11<sup>th</sup> day of March, 2014, at 3:30 p.m. at the offices of the Authority in West Warwick, RI, in the Joseph D. Richard Board Room.

Chairman Boyer opened the meeting at 3:30 p.m. Chairman Boyer, Board Members Vice-Chairman Masterson, Mr. Gallucci, Mr. Inman and Mr. Giorgio were present together, along with the General Manager/Chief Engineer Timothy J. Brown, legal counsel Patrick J. Sullivan, Esq., as well as Finance Director Jo-Ann Gershkoff, Mr. Duscheneau and Mr. Simmons. Mr. Masterson led the group in the pledge of allegiance.

**Authority Employee Discipline**

Chairman Boyer discussed changing the way the board is involved in the discipline of employees. He discussed the way employee discipline is generated. It begins in the field, then rides the chain of command up to the General Manager, Mr. Brown. Then, it would go to a meeting of the board. He added that he would like to avoid the board involvement except in extreme circumstances. He went on to say that if termination of an employee were agreed to by Mr. Brown, he could then meet with the Chairman, and mete out the discipline or termination, whatever the case would be. Then Mr. Brown would circulate a memo to each board member to notify them. This would avoid the confrontation of the employee with the board.

Mr. Gallucci discussed the enabling legislation which requires the board appoint the employees, and terminate the same employees if necessary. He feared the board is required to conduct the employee termination. Mr. Brown and Counsel Sullivan commented that the board could delegate the duty to the general manager. Mr. Brown indicated that his office previously had both the hiring and discipline tasks, but over time that had changed. Mr. Gallucci indicated that he had researched the PWSB and that they had a committee appointed to do this type of activity.

Counsel Sullivan discussed Mr. Gallucci's concerns regarding the law. He added that there could be a right of any board member to raise the particular discipline and put it on the agenda at the next board meeting; and that this, of course, would implicate the Open Meetings Act, which would give the employee certain rights to attend and participate in the meeting. If the board accepted the discipline, however, there would be no follow up at the next meeting.

Mr. Inman commented that although the board currently metes out the discipline, he is concerned because he gets a report, which lacks tone and context. He too expressed his desire to

avoid the confrontation. He also cautioned that the board not create a mechanism that prolongs the process. He added that he is here once per month, and relies on the general manager for these matters. He also added that he doesn't want employees to be running to board members pleading for relief, but he will not give up oversight.

Mr. Masterson opined that the method discussed by the chairman streamlines the way discipline is delivered and he too added that it avoided the confrontation. He suggested that maybe two board members may have to assent to the proposed discipline.

General Manager Brown discussed the problems he has when he wants to terminate an employee and has to wait for a regularly scheduled monthly meeting to meet with the board. He said the KCWA needs to eliminate this lengthy process. He commented on the proposal, and cautioned the board that they should never overturn his decision to discipline; it would significantly and irreparably destroy the chain of command. Mr. Brown would rather leave the drawn out discipline process as is, than have the board reverse his decision.

Mr. Giorgio cautioned that the policy should not neuter the power of the board. He said the board ultimately has the responsibility for the discipline.

Mr. Sullivan was asked to draw up a proposed resolution to change the discipline process. He said he would provide a couple of options.

### **Erratum to Rules and Regulations**

Mr. Brown introduced the next agenda item. He explained that his amendment of the rules and regulations resulted from the recent loss in court regarding the pressure gradient. This required the board to amend/revoke its policy memo on the pressure gradient as well. There was discussion among the board regarding the requirement to amend the rules, and Mr. Sullivan and Mr. Brown indicated it was necessary.

Mr. Masterson moved, seconded by Mr. Gallucci that the Erratum amending Section 2.2.11 of the Rules and Regulations of the Kent County Water Authority attached as exhibit "A" hereto and incorporated herein by reference be approved.

Upon Motion duly made and seconded, it was unanimously,

VOTED: That the Erratum amending Section 2.2.11 of the Rules and Regulations of the Kent County Water Authority attached as exhibit "A" hereto and incorporated herein by reference is approved.

There being no further business before this meeting, on motion duly made by Mr. Inman, seconded by Mr. Giorgio and carried, the meeting was adjourned at 4:00 p.m.

Dated: March \_\_\_\_, 2014

---

Legal Counsel