

BOARD OF SEWER COMMISSIONERS MONTHLY MEETING

August 17, 2009 Minutes

Present were Sewer Commission members Robby Brown, Tom Doyle, Jason Howarth, Peter McNerney, alternate Frank Leslie and District Clerk Janet Ziegler.

Absent was member Sandra Finizia and alternate Rally Migliaccio.

Also present were Public Works Director Nancy Dodge, Finance Director Amy Lewis, Sewer Superintendent Ray Boucher, and Attorney Elliot Taubman.

J. Howarth called the meeting to order at 5:12 P.M

1. Welcome new members T. Doyle and P. McNerney. J. Howarth welcomed new members Tom Doyle and Peter McNerney to their first meeting of the Sewer Commission.

2. PUBLIC HEARING: Parking Lot Regulation.

The proposed Regulation was posted on August 13 for public comment. The Clerk reported that no input had been received by the District's office since posted; J. Howarth called for public comment at the meeting.

MOTION: by J. Howarth, there being no input from the public, to adopt the Parking Lot Regulation as posted.

The motion was seconded, a quorum was present and the vote to adopt was:

AYE: 5 (Brown, Doyle, Leslie, Howarth, McNerney) NAY: Ø Abstain: Ø

The motion carried.

3. Driver's License of Wastewater Operator.

At the July 31 meeting, the Sewer Commission voted to have P. Miro appear before this meeting and be in possession of a valid driver's license which the Sewer Superintendent has stated is a requirement of the job.

P. Miro said that his driver's license has not yet been reinstated by the State and asked for a time extension to clear up some legal issues and so that he could comply. He stated that he's been working with NS Police Chief Carlone who estimated that it would take a month before he obtained his drivers license; the issue with the longest lead time is obtaining "a reconsideration of judgment for reversal". Responding to a question from a commissioner, Miro responded that because the issues before the RIDVM occurred in North Carolina and Virginia, response time and exchange of information has been very slow.

The sewer superintendent stated that Miro still does not have a driver's license and thus cannot take pager night calls. C. Blane, principle sewer operator, stated that he has been on call 80 nights in a row was upset at the circumstances; he understood from the last meeting that the driver's license issue would be resolved, but this one month delay could turn into three or four months without a license. Blane stated that the situation was frustrating from a safety standpoint, not fair to the small crew and recommended that the Commission should stick to their guns.

MOTION: by J. Howarth to give Miro a time extension to obtain his driver's license. There was no response to a call for a second to the motion.

MOTION: by J. Howarth to terminate Miro's employment at the sewer plant. The motion was seconded, a quorum was present and the vote to terminate was:

AYE: 4 (Brown, Howarth, Leslie, McNerney) NAY: Ø Abstain: 1 (Doyle)

The motion carried.

R. Boucher asked that Miro meet him at the plant the next day to turn in his keys.

4. Approve Minutes: July 20, July 31 open and closed/sealed.

T. Doyle stated that he would abstain from voting to approve since he was not present at any of the meetings.

MOTION: by R. Brown to approve the July 20 minutes as submitted was seconded. A quorum was present and the vote to approve was:

AYE: 4 (Brown, Howarth, Leslie, McNerney) NAY: Ø Abstain: 1 (Doyle)

The motion carried.

The Clerk asked Water Commissioner W. Battey to refrain from voting on sewer commission business.

N. Dodge stated that separate motions were required to approve the July 31 open and the closed minutes since they were separate documents - the approvals could not be combined into one vote; E. Taubman concurred.

MOTION: by R. Brown to adopt the minutes of the OPEN session of the July 31 special meeting. The motion was seconded, a quorum was present and the vote to adopt was:

AYE: 4 (Brown, Howarth, Leslie, McNerney) NAY: Ø Abstain: 1 (Doyle)

The motion carried.

MOTION: by J. Howarth to seal the minutes of the July 31 closed session. The motion was seconded, a quorum was present and the vote to seal was:

AYE: 5 (Brown, Doyle, Leslie, Howarth, McNerney) NAY: Ø Abstain: Ø

The motion carried.

MOTION: by R. Brown to approve the minutes of the July 31 closed session. The motion was seconded.

E. Taubman stated that the (1) July 31 agenda item was incorrectly stated as a discussion regarding evaluations and it was improper procedure for the Commission to discuss benefits since the posting was limited to job performance. (2) The agenda was not properly posted to discuss the Clerk's benefits. (3) It is required to announce in open session, any votes taken in closed session. And (4) you need to 'reconsider' your vote taken in closed session and vote again.

[note: agenda item was listed as "Report of the Evaluation Committee, Compensation of Employees, May Go.."]

N. Dodge added that the agenda item to approve the July 31 minutes looks like there is only one set of minutes and that the minutes need to be physically separated into open and closed, E. Taubman concurred.

K. Gaffett stated that the question of an approval of minutes was whether they were accurate or not; not a judgment of what went on in the meeting and that the motion was still open on the floor.

MOTION: by J. Howarth to amend the previous motion to adopt the minutes of July 31, but have them revised into two sets of minutes, an open session and closed session. The motion was seconded, a quorum was present and the vote to approve and separate the minutes was:

AYE: 3 (Leslie, Howarth, Brown) NAY: Ø Abstain: 2 (McNerney, Doyle)

The motion carried.

[note: open and closed separate minutes had been prepared; open meeting minutes had been circulated to members]

MOTION: by J. Howarth to reconsider the Commission's vote on July 31 to cover the cost of health benefits for the Commission's Clerk in order that the motion would be made in open session. The motion was seconded, a quorum was present and the vote was:

AYE: 3 (Leslie, Howarth, Brown) NAY: Ø Abstain: 2 (McNerney, Doyle)

The motion carried.

5. Reports from Officials.

DIRECTOR OF PUBLIC WORKS AND ENGINEERING.

- Communications and Alarms.

N. Dodge said that she had reported on this to the Water Commission at an earlier meeting the same day. Although the Commissions are made up of different members, the same people were present at this meeting as the earlier meeting.

Responding to a question by N. Dodge regarding the Service Building renovations, R. Boucher said that the leaks around the north fire door exit had not been fixed and that he doubted that there was any remedy to the problem; the door appears to leak only in a north easterly wind. C. Blane concurred, and said that the door actually faces northeast and that the only remedy would be is to add an exterior scup/breezeway to protect the exterior door.

- Act on Request for Bid - Roof Repairs.

N. Dodge said that she had asked S. Finizia, who was unable to attend the meeting, to analyze the bids.

MOTION: by J. Howarth to table to the next meeting acting on the bids for roof replacement. The motion was seconded.

P. McNerney, also a volunteer fireman, questioned postponement in light of the recent roof fire. C. Blane suggested waiting until October when the generators were turned off; it would be easier to work on the roof when the stacks were not blazing hot. Blane said that he is soaking down the roof every time the generators are switched; he advised against

increasing stack height as that may increase the generator noise in the neighborhood. R. Boucher said that he received a quote of \$7.3 K to add spark arrestors to the stacks.

The vote on the motion to table was:

AYE: 5 (Brown, Doyle, Leslie, Howarth, McNerney) NAY: Ø Abstain: Ø

The motion carried.

FINANCE.

- Financial Report as of July; Aging Report July.

A. Land asked that the Commission not focus too much on the July balance sheet. There is no budget in grants revenue/expenses, but a new page is attached for the apartments. Apartment revenue/expense will be separate from operating budget. Responding to a question regarding reserves, Land stated that for the last two years revenues have been declining and the expenses keep going up; no one has asked for my advice when you spent \$150K for the apartments or whether you need to spend money on a new roof. Sewer has been riding on a sheet of ice for the last several years.

J. Howarth asked that the financials be available to be mailed out with the meeting packages. Land requested that a financial committee be formed and meet with her before the meetings. J. Howarth and T. Doyle volunteered with a tentative meeting for the week after Labor Day.

SEWER PLANT OPERATIONS.

R. Boucher noted that copper concentration was increasing in the influent, however the it is not above permitted limits in the effluent. He would like to budget for a new truck next fiscal year.

- Report Electrical Failure; Recommendations for Generator Stacks.

A breaker failed again last Saturday. Plans are to start accessing the plant’s electrical needs over the winter by tracing all of the electrical lines. He estimated that the project would take a several years, but would not be a major expense and can be paid for well within the budget lines as they exist.

SEWER COMMISSION

- Report of Evaluation Committee.

It was generally agreed to postpone the report until all committee members could be present.

- Health Benefit Package for Clerk.

N. Dodge requested the agenda item since she did not attend the later part of the July 31 meeting. N. Dodge stated that the Town has two plans, Healthmate and Classic, however most union employees are with Healthmate. Currently there is one union employee and one school employee on Classic. Of the eight Sewer Commission employees, the Commission voted to provide Boucher with Classic family benefits and that is also specified in his personal service contract – it is more expensive than Healthmate, and is the better plan for him and his family. However, Healthmate is generally the better plan.

In the Town’s most recent Bargaining Agreement with the Employee’s Union, it is stated that an employee staying with Classic must pay the difference. An exception was noted in the Agreement for the Town employee, who remained on Classic and wasn’t required to contribute; N. Dodge stated that the person has now been moved to Healthmate. The School employee is also protected under the School’s contract which is not part of the Town’s union Bargaining Agreement. This year, with the new changes made to the Healthmate provisions, the difference between the two plans is about \$1,800 and she ask that the Sewer Commission require Ziegler to pay for this amount through payroll deductions.

E. Taubman said that there was another point to make and proceeded to discuss the Clerk’s age... [REDACTED]

Additionally, Taubman suggested the Commissioners could consider allowing its sewer/water commission members and/or other support staff to buy into the health plans which are provided to the employees.

MOTION: by J. Howarth to table the discussion to September and to form an evaluation committee to look at benefits alternatives. The motion was seconded, a quorum was present and the vote to table was:

AYE: 5 (Brown, Doyle, Leslie, Howarth, McNerney) NAY: Ø Abstain: Ø

The motion carried

6. Service Building Renovations.

N. Dodge is withholding a check for Valee Plumbing. The plumbing has not been completed and the Commission requested that she put a hold on the check until the job is completed.

MOTION: by J. Howarth to send a final notice that if the work is not completed before the September meeting, the Commission will hire someone else to finish his job and deduct the cost from Valee Plumbing. Brown objected that Valee has already been notified but does not show up. The motion was seconded, a quorum was present and the vote to notice was:

AYE: 4 (Doyle, Leslie, Howarth, McNerney) NAY: (1) Brown Abstain: Ø

The motion carried.

7. Correspondence.

- July 28, Letter from N. Dodge to Hull Suburban Propane regarding Vallee Plumbing.

8. Announcements and Public Comment.

Adjourn

MOTION: by J. Howarth to adjourn the meeting was seconded and all members unanimously agreed.

The meeting adjourned at 6:35 PM.

Respectfully submitted,

District Clerk Janet Ziegler

Approved: September 21, 2009