

JOINT MONTHLY MEETING OF THE  
NEW SHOREHAM SEWER COMMISSION and BOARD OF WATER COMMISSIONERS

February 13, 2007 Minutes

Present were members: Steve McQueeney, Cliff McGinnes, Rally Migliaccio, Don Thimble and District Clerk Janet Ziegler.

Absent were members Ann Cunningham, Frank Leslie and Howie Rice,

Present were Public Works Director Nancy Dodge, Finance Director Amy Lewis, Superintendents Dave Simmons and Ray Boucher and Counsel Elliot Taubman.

Also present were First Warden Kim Gaffett and GIS Specialist Martha Roldan.

C. McGinnes called the meeting to order at 4:35 P.M.

1. Reports from Officials.

WASTEWATER INSPECTOR'S JANUARY REPORT.

D. Thimble reported that routine inspections were ongoing, primarily checking on upgrades. The department has ceased sending 2nd NOVs (notice of violation) until the Commission finalizes the legal issues recently questioned. The Wastewater Management Ordinance (WWMO) should not be in a dynamic state when fines are about to be issued to violators. N. Dodge commented that amending the Town Ordinance would take some time as proposed amendments need to go through a public comment period before changes takes place. D. Thimble said that changes need to be simply worded so that an average person can understand them and does not get frustrated by language; situations can be quite charged when fines are instituted. Copies of recent NOVs and releases were submitted to the Commission.

Agreeing with the Commission, N. Dodge said that the Wastewater Inspector would be responsible for holding Administrative hearings. When an ISDS (individual septic disposal system) has failed, the only three discussable topics relate to the system design, the contractor, or the DEM (Department of Environmental Management) Permit; a failed system was not debatable.

(E. Taubman arrived at 4:45 PM)

D. Thimble, being the WWM inspector and a Commission member, recused himself from further discussion or voting in the meeting.

E. Taubman said that his changes for the 2<sup>nd</sup> NOV letters were clear and simple and had mutually been agreed to by the Chair. In a February 1 memorandum distributed to the Commission, Taubman reviewed enforcement of the WWMO as it pertained to actions by the Town Council, due process, the current situation, court procedures and recommended actions. He proposed that two "regulations", regarding the wastewater office and fines, be adopted. The two proposals were distributed. Taubman noted, that although there had not been any previous discussions with the Commission, he added a new authority for the Sewer Commission to forgive any fines imposed by the Wastewater department.

Taubman stated that the WWMO was not well written. However, the ordinance gives the WW inspector latitude for making judgment calls when issuing fines as to whether owners were making adequate effort to correct unsafe/unhealthy conditions. The backlog of contractors working on ISDS was acknowledged, but that very situation could also be used as an excuse by owners for inaction. It was generally agreed that failed systems presenting a hazard should not be granted permissive latitude.

**MOTION:** by C. McGinnes to proceed with the violations as has been made by WWM inspector and that the Commission proceed and make recommendations to Town Council to adopt, under the WWMO, the two regulations as presented by E. Taubman. The motion was seconded, a quorum was present and the vote to proceed and recommend was:

AYE: 3 (McQueeney, McGinnes, Migliaccio). NAY: Ø. ABSTAIN: 1 (Thimble).

The motion carried.

The First Warden suggested that the Town Council could agenda the recommendations for their March 5 meeting.

M. Roldan exhibited several examples of the GIS (Geographic Information System) mapping for the wastewater department which allows them to manage and analyze large volumes of data into spatially referenced material. One map displayed varying degrees of ISDS violators relative to watersheds and community wellhead protection areas. Another map overlaid wastewater data on aerial photos of the island so that violated areas were visualized relative to commonly recognized habitation, occupancy, buildings, parks, natural resources, etc.

- M. Ball, Request To Address Commission.

D. Thimble jointed the meeting as the Wastewater Inspector.

In a January 29 letter, M. Ball requested to meet with the Commission to ask for a time extension to comply with the WWMO. She reported that the design stage was completed and that she had recently renewed the ISDS DEM permit. Sprague Farm was contracted to do the work and they were sent a deposit. She brought documentation and files to the meeting.

D. Thimble recommended a time extension until the summer for the work to be completed.

**MOTION:** by R. Migliaccio to extend compliance with the WWMO to June 1, without fines, but with the understanding that M. Ball would keep the WWM inspector and the Commission informed if there were any problems with completing the work. The motion was seconded, a quorum was present and the vote to extend was:

AYE: 3 (McQueeney, McGinnes, Migliaccio). NAY: Ø. ABSTAIN: 1 (Thimble).

The motion carried.

After the vote, D. Thimble rejoined the meeting as a Commissioner.

LEGAL.

- Adopt Additional Language for the Draft Town Utility Standards.

E. Taubman stated that the problem with the newly drafted Utilities Standards was in the first paragraph of the Sanitary Sewer Requirements section. The Town's Sewer Ordinance, adopted in 1972, is illegal – it ignores the statues of RI State Law that created the Sewer Commission and Sewer District. In a memorandum dated January 24 (attached), he proposed the adoption of a paragraph to prioritize the existing enactments which affect sewer and water.

Additionally, he said that the Management Agreement between the Town and Sewer Commission should be amended at next October's Annual Allocation, Priorities and Capital Budget Meeting so that all documents were consistent.

- Proposed Amendments to the TNS Wastewater Management Ordinance.

The subject was covered under the Wastewater Report.

- Rate Design and Asset Management.

E. Taubman stated that the committee has been set up, but has not yet met. He attended the "Asset Management of Utilities" seminar given at the Annual Convention of RI League of Cities and Towns. Asset Management represents a structured approach enabling municipalities to rationally evaluate and

maintain infrastructure integrity. He suggested that the Commission/Board could hire J. Filippone Sr. to help set up and implement the program.

E. Taubman reported that the Town of Newport has similar rate setting problems. He suggested that the Commission/Board could set a policy to even "user rates" for year-round residences. But, A. Lewis responded that the existing sewer/water financial software did not have that capability.

DIRECTOR OF PUBLIC WORKS AND ENGINEERING.

- Adopt Amended Utility Standards.

Additional language to the draft Standards was discussed earlier under reports from Legal.

**MOTION:** by S. McQueeney that the New Shoreham Water Board and Sewer Commission adopt the Utilities Standards as prepared by James J. Geremia and Associates, dated January 2007, with the single exception that the language in Section A 1. General Requirements, subsection 1.1 be replaced with language as recommended in E. Taubman's memorandum, dated January 24, 2007, subject: Latest Round of Utility Standards. The motion was seconded, a quorum was present and the vote to adopt with changes was:

AYE: 3 (McQueeney, McGinnes, Migliaccio, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

- Block Grant for Affordable Housing.

N. Dodge announced that the new Applications for funding had been received and that the RI Housing Resource Commission may qualify the Sewer Commission's apartments as a 'low/moderate income housing' project as well as under 'rental apartments'. R. Boucher will follow up on the application request and meetings.

- Policy for Hiring Temporary Help.

N. Dodge said that if the Sewer Commission hires part-time help who request to be treated as employee, rather than as independent contractor, then it would make it easier for finance to have a vote on the books that this is a request by the Commission. In this case the part-time help would fall under the Town's insurance.

**MOTION:** by R. Migliaccio to adopt the policy for hiring temporary help to be classified as a temporary employee. The motion was seconded, a quorum was present and the vote for policy adoption was:

AYE: 3 (McQueeney, McGinnes, Migliaccio). NAY: Ø. ABSTAIN: Ø.

The motion carried.

- Proposed H 5151 to Exempt Sewer Charges.

N. Dodge reported that the RI House proposal would eliminate sewer charges for buildings used for religious worship. The effect on sewer revenues would be ~\$600.

- Installation of a Three-inch Force Main from Payne Rd to Spring Street.

Bids for the water company's effluent project were received and evaluated in November 2006. The engineer's recommendation was to award the bid of \$647,312.50 to Boyle & Fogarty Construction Co, Inc., but to postpone the vote until DEM (RI Department of Environmental Management) announced whether it would issue an RIPDES (Rhode Island Pollution Discharge Elimination System) permit to operate. J. Geremia circulated a February 12 e-mail from DEM's Aaron Mello acknowledging that they would be granting permission to the increase in flow and the discharge of the water company side stream. The 2006 USDA grant/loan funding for this project is \$802,400.

**MOTION:** by S. McQueeney to award the construction project to install the three-inch force main to Boyle & Fogarty as so bid in November 2006. N. Dodge added that Boyle & Fogarty is planning to start work

early April and will employ two construction crews. The motion was seconded, a quorum was present and the vote to award was:

AYE: 3 (McQueeney, McGinnes, Migliaccio, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

- Proposals for New Grants from Sewer and Water Superintendent.

Review of proposals will be agended for the next meeting; the lists will be used for capital management planning. On sewer's wish list are physical repairs to the effluent outfall, Old Harbor Pump Station and main plant buildings; plant upgrades for septage receiving and contact basins; SCADA (Supervisory Control and Data Acquisition) computer system to centralize process control; and alternate energy supplies.

Other Announcements.

DEM's correspondence noted that the sewer plant's RIPDES permit would be increased from 0.30 MGD (million gallons per day) to 0.45 MGD. The increased flows will not require the outfall be further extended. Separate monitoring requirements for each plant will be outlined in a forthcoming letter.

N. Dodge announced that USDA has given consent to divide the BI Water Company's sprinkler system project into three separate bid items.

FINANCE.

- January Balance Sheets. A. Lewis, stating that this is a slow time of year to report many actions. Sewer. New lines will be introduced to track the budgeted 'supplies' line which is running high. The lines will make clearer what is being spent and where. Lewis cautioned the Commission that two of its projects, development of the parking lot and service building apartments, would likely hurt them. Water. Figures are running in line.

- Changes to Aging/Collection Process.

A. Lewis discussed her department generating shut-offs notices for past dues and will begin to implement the process in the upcoming month with assistance from J. Ziegler.

WATER/SEWER PLANT JANUARY OPERATIONS.

Water. D. Simmons reported that numbers were standard for the month. A potential leak on Chapel Street was due to ground water and was not a municipal leak. DEM's e-mail was very positive for the water plant to go forward with plans to direct its waste stream directly into the sewer outfall and bypass the sewer treatment plant. The water company plans to be off the sewer influent lines by 2009. The system will be designed so that, in an emergency, the waste can be redirected to the sewer plant.

Bids received in January for the Fire Suppression System at the water company were ~\$100K over the 2003/2004 USDA grant/loan budget of \$102K. Geremia has received authorization from USDA (United States Department of Agriculture) to divide the project into three elements for re-bidding: (1) the sprinkler system and fire pump, (2) the installation of the water connection and (3) the electrical connection between the generator and control panel.

**MOTION:** by D. Thimble to endorse the Geremia's recommendation, approved by USDA, to divide the Fire Suppression project into separate RFB (request for bids) in order to control costs better. The motion was seconded, a quorum was present and the vote to endorse was:

AYE: 3 (McQueeney, McGinnes, Migliaccio, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

Sewer. Winter take downs and maintenance continue. A contact from the NE Water Environment Conference & Exhibit, Boston, will provide a free trial run of their septage grit removal equipment at

the plant's before the summer. The service truck is ten years old and a replacement should be considered.

- **Renovations to Service Building**

R. Boucher discussed interior framing and window installation with three contractors whose bids were \$16,000, \$17,500 and \$17,850.

**MOTION:** by D. Thimble to award to the lowest bidder the work on the service building apartments to N. Batty for \$16,000. E. Taubman, noting that the project was not in the budget, said that what's important is how USDA looks at spending sewer reserves for housing; you want your funding source to be in agreement. A. Lewis stated that the Sewer Commission could not increase the budget line without going back to the rate payer. The best tactic was to re-allocate funds from other lines within the budget. C. McGinnes agreed that the Commission needed to hold to the money we told the rate payers we needed.

D. Thimble withdrew motion.

R. Boucher will look at the budget with A. Lewis for the next meeting.

(E. Taubman leaves the meeting at 6:30 pm)

## 2. Parking Lot Project.

- Develop Six Spaces on Phillips Property, Alternate Contractor.

A. Lewis cautioned the Commission that there was ~\$10K remaining in the budget line. Work completed last year was paid from this year's budget. If improvements are to be in excess of the budget, then there will be the same problem as was discussed with the service building apartments. Bids for the remaining project will be solicited.

## 3. New Business.

- Approve Minutes of January 9.

**MOTION:** by D. Thimble to approve the draft minutes as submitted with minor changes. The motion was seconded, a quorum was present and the vote to approve was:

AYE: 3 (McQueeney, McGinnes, Migliaccio, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

- Request of Atlantic States Rural Water & Wastewater Association for support.

The federally funded organization aids water and wastewater companies in New England. Funding is expected to be cut and the organization asked that sewer and water contact their Congressional Representative. Both superintendents testified that they have benefited not only on particular issues, but also in the general courses that they presented to the industry.

**MOTION:** by S. McQueeney to respond to their request and the superintendents volunteered to send letters of support. The motion was seconded, a quorum was present and the vote to support was:

AYE: 3 (McQueeney, McGinnes, Migliaccio, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

- Comments on Proposal to Add 'Section 15-56. Physical Alteration Permit' to Ordinances.

N. Dodge stated that the change was to add disturbances in a road due to "utilities". There was a brief discussion on contractor responsibilities.

**MOTION:** by D. Thimble to return a reply of support to the Town for the change. The motion was seconded, a quorum was present and the vote to reply was:

AYE: 3 (McQueeney, McGinnes, Migliaccio, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

## 4. Correspondence and Public Comment.

- Correspondences from Geremia and Associates:
  - \*January 16, letter to USDA regarding review of bid for BIWC's sprinkler system.
  - \*January 17, letter to DEM regarding Application for Order of Approval for BIWC's sewer line.
  - \*January 29, letter to USDA rejecting fire suppression bid packages and requesting to proceed under the small purchasing procedures for projects under \$100K.
- January 24, E. Taubman letter re: Latest Round of Utility Standards.
- January 29, M. Ball request to address Sewer Commission.
- January 29, D. Thimble correspondence regarding administrative meeting.
- February 1, E. Taubman letter re: Enforcement Authority Under WWMO, Chapter 19, Article VII.
- February 8, E-mail from Juice and Java re: decision to deny request to remove 2006 3<sup>rd</sup> Quarter penalties.

Adjourn.

**MOTION:** by D. Thimble to adjourn the meeting. The motion was seconded, a quorum was present and the vote to adjourn was approved unanimously by all members present.

The meeting adjourned at 6:40 P.M.

Respectfully submitted,

Janet Ziegler

District Clerk

Approved: March 13, 2007

The New Shoreham Sewer Commission and Water Board are equal opportunity providers and employers.