

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

June 10, 2008 @ 4:30, Monthly Meeting Minutes

Present were members Cliff McGinnes, Rally Migliaccio, Howie Rice, Don Thimble; sewer alternates Robby Brown and Frank Leslie, water alternate Ann Cunningham, and District Clerk Janet Ziegler.
Absent was member Bob Pokraka.

Also present were Public Works Director Nancy Dodge, Finance Director Amy Lewis, Superintendents Dave Simmons and Ray Boucher, Counsel Elliot Taubman and RCAP consultant Bob Morency..

C. McGinnes called the meeting to order at 4:30 PM. Standing in to vote on issues for sewer will be F. Leslie and for water, A. Cunningham.

Commission member D. Thimble recused himself from discussion and voting on the first two items since he will represent the Wastewater Management (WWM) office as Inspector.

1. Continued from May 13: Request by Star-Kyte Realty Trust, owner Plat 3 Lot 62, for Consideration Regarding Lien by Town of New Shoreham.

Mr. Kyte requested that the hearing be postponed to July since he could not attend this meeting. C. McGinnes stated that he had asked E. Taubman to draft a decision for tonight's meeting and suggested that, because a number of current members would be resigning in June, delaying the matter until July would mean having to start the hearing from the beginning. There was a consensus with all members to continue.

MOTION: by C. McGinnes to dismiss the wastewater fines imposed by the Town's Wastewater Ordinance; the motion was seconded and the proposed decision letter was read. In the draft letter, E. Taubman stated that while the Trust was initially slow in responding, the failure to get a septic approval and the non-responsiveness should rest with the installer, Robert Rose & Co. and/or the engineering firm of Richard Green & Associates - the leniency was not meant to create a precedent.

A. Cunningham said that the Sewer Commission authored the Wastewater Regulation dealing with fines because there were no teeth for enforcement in the Wastewater Ordinance. F. Leslie and R. Migliaccio said that they fully supported the Wastewater Inspector's actions and the fines imposed. C. McGinnes stated that neither side was totally clean on this and called for a vote to dismiss all fines. A quorum was present and the vote to dismiss was:

AYE: 3 (C. McGinnes, R. Migliaccio, H. Rice) NAY: 1 (F. Leslie) ABSTAIN: 0 RECUSED: 1 (Thimble)
The motion carried.

2. Request by Peter & Susan Burger, owner Plat 8 Lot 191, to waive Wastewater Ordinance Fines for Non-Compliance.

Peter Burger addressed the Commission and presented the history of their non-compliance with the WWM ordinance, actions taken and their rationale for relief. The fines were certainly a wakeup call for action. The time line started in 2005 with the 1st inspection by the town finding the tank to be substandard. A considerable amount of dates and meetings were reported from that time up to finishing the upgrade in April 2008.

D. Thimble testified that there was excellent communications between his office and the homeowners throughout the time that the septic system was to be installed by David Dow (Onside Collaborative). The fines were issued as a matter of protocol according the WWM regulations, but he highly recommended that the fines be waived because of the cooperation between them and that the delay was not in their control.

MOTION: by H. Rice to waive the fines imposed by the Town's Wastewater Ordinance and remove the Tax Collector's lien. A. Cunningham, summarizing the testimony at the meeting, said that there was a lot of meaningful communications between the homeowners and WWM office at each step of the process and that some delays were obviously beyond anyone's control. E. Taubman penned a positive decision to waive fees and release the property lien; H. Rice read the decision aloud. The motion was seconded, a quorum was present and the vote by the Sewer Commission was to waive was:

AYE: 3 (C. McGinnes, R. Migliaccio, H. Rice) NAY: 1 (F. Leslie) ABSTAIN: 0 RECUSED: 1 (Thimble)
The motion carried.

D. Thimble asked that a memorandum be sent by the Sewer Commission to Finance; the Wastewater Management office will also send a memo.

3. Request for Sewer Lateral by Abutter C. Damm, Plat 17 Lot 41.

Sewer Superintendent R. Boucher stated that the property abuts the sewer collection line, but that no lateral to the property had ever been installed.

MOTION: by R. Migliaccio to installed a sewer lateral to the property line. R. Boucher said that instead of installing a separate lateral, the Commission could install a tie-in on the existing 6-inch line that goes to Ballard's station next door (owned by M. McGinnes Estate). D. Thimble reported that Damm has discussed this alternative with C. McGinnes, but received a negative reply.

(C. McGinnes recused himself from discussion and voting)

H. Rice suggested sending a certified letter to McGinnes asking for an easement. E. Taubman added that the Sewer Commission could condemn the property and offer to buy an easement, however, the first step is to give proper notice to the McGinnes Estate.

Responding to questions from R. Brown, Boucher estimated a separate lateral would cost \$4-5K, except that this area would require depths over five feet which could raise the price to \$12-15K; the lateral to Govern's property cost ~\$30K.

MOTION: by R. Migliaccio to notify the abutting owner with certified letter requesting an easement. The motion was seconded, a quorum was present and the vote by the Sewer Commission to notify was:

AYE: 5 (F. Leslie, C. McGinnes, R. Migliaccio, H. Rice, D. Thimble) NAY: 0 ABSTAIN: 0
The motion carried.

4. Reports from Officials.

DIRECTOR OF PUBLIC WORKS AND ENGINEERING.

- Bridgegate Square Dedication. The State will formally dedicate the completion of Bridgegate Square on Wednesday, June 26; details shall be available soon. H. Rice reported that the agreement with the State Department of Transportation to install the sewer lateral to Govern's property is expected to be well under the \$34K initially quoted.
- Request for Bids (RFB) for the Service Building apartments and renovations to Old Harbor Pump Station were released. C. McGinnes strongly suggested that foam insulation be used in the ceiling of new apartments.
- Report on Regulation of Block Island Water Company by the PUC (Public Utility Commission). The new State regulations will not apply to Block Island because of its small customer base and production numbers.
- A part-time summer employee, Dan Lewis, was hired by the water company to provide GIS (Geographical Information System) information for the database. D. Lewis is the brother of A. Lewis, the Town's Finance Director.

D. Thimble, WWM inspector, announced that there was another property who would likely appeal the fines that were paid. The circumstances with the installation contractor were similar to the Burgers. The Commission was in full agreement to send a letter and notify the owner that they would offer consideration of the paid fines.

(D. THIMBLE LEAVES AT 5:30 PM)

FINANCE.

- Aging. A. Lewis reported that the one customer on a Payment Plan is keeping up; no other major additions.
- Report from Rate Design.
- Bob Morency, RCAP Consulting, last presentation to the Board/Commission was in October. The 'rate design' project, his time and expenses, are funded by USDA. One of the initial goals stemmed from residential rate payers request for consideration and monetary relief. The 'design group' has meet three times this winter and came up with a design for commercial and residential customers which are further identified by seasonal or year-round impact. The Finance office will be purchasing new utility software that is friendlier to rate design. A. Lewis predicted that the software would be implemented by mid-summer and that the design group would be able to run "if, then" possibilities to test outcomes. D. Simmons added that the group intends to add a minimum charge to all accounts with the desire to flatten out the high cost curve.

E. Taubman requested to be heard. A May 19 letter from Champlin's Marina attorney, Robert Goldberg, was received by J. Ziegler requesting various public records from 2003 to present. He asked that all records requested from the clerk, finance, engineering and the sewer superintendent be delivered to his office by Monday, June 23.

(E. TAUBMAN, A. LEWIS LEAVES AT 5:50 PM)

WATER/SEWER PLANTS OPERATIONS.

WATER.

D. Simmons reported that Well #5, a major source, experienced a pump failure that could have been a catastrophe if it had occurred in the summer. The local well driller, R. Bachelder could not handle the 3" pipe and AB Hoxie from Charlestown RI was brought over. Two new pumps and motors were purchased since Well #6 has the same configuration. A strict schedule of a five-year maintenance plan has been drawn up for all the wells. R. Morency said that federal grant (no loan) money was available for an 'emergency lost of water' situation, however the application for funding is due to USDA by June 30.

- Rehab Well # 4 – Grant Application.

MOTION: by A. Cunningham to start preparations for a USDA grant to rehab pre-existing wells. The motion was seconded, a quorum was present and the vote to begin was:

AYE: 5 (R. Brown, F. Leslie, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

The motion carried.

Plant updates were that the annual CCR (Consumer Confident Report) was sent out to all users. The fire suppression system is expected to be finished by beginning of July. Flushing of the lines produced rust at Corn Neck Road, High View Lane and Ballard's; the School needs to have a flushing point installed for quick recovery since that location is also used as an emergency shelter.

SEWER.

The effluent line break was discussed at the May 13 meeting. Upgrades to the Old Harbor Pump Station were discussed with engineer J. Geremia. Aeration valves were replaced by Waterline Industries.

DEM's Operations & Maintenance for the sewer plant requires a Class 2 operator be present at the plant. He has written to them asking to approve the presence of a Class 1 operator on weekends.

Purchase Stand-by 3-Phase Trailer Generator. The trailer mounted generator will be able to power four out of 5 pump stations (the exception is OH Pump station.) **MOTION** by C. McGinnes to start a sewer grant application to renovate the Old Harbor station and to further to rebuild its controls and switches, install a by-pass to go directly

to the sewer treatment plant and have a stand-by generator installed. The motion was seconded, a quorum was present and the vote for a new grant was:

AYE: 5 (R. Brown, F. Leslie, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

The motion carried.

D. Simmons asked that check-values be directly installed on municipal water lines.

WASTEWATER INSPECTOR'S REPORT. One hundred fifty notices for routine inspections were recently mailed.

6. Parking Lot Project, Report on 2008 Permit Sales. J. Ziegler reported that 75% of the parking spaces had been sold this year.

• Request by F. Leeder, US Postal Service, for temporary parking privileges.

MOTION: by R. Migliaccio that if there were vacant spaces, three places on the most easterly end could be made available to the neighboring post office employees at no charge until the lot was filled. The postmaster would be asked to renew he request annually. The motion was seconded, a quorum was present and the vote for availability was:

AYE: 5 (R. Brown, F. Leslie, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

The motion carried.

7. Appointments to Sewer Commission and to Water Board, Election of Officers.

Election of officers was postponed until a new board is appointed. On June 2, the Town Council accepted the resignation of S. McQueeney effective immediately, and of D. Thimble effective as of June 18 - the day after the Annual Financial Meetings. A June 9 resignation letter was received from H. Rice effective June 18.

MOTION: by R. Migliaccio to accept, with regrets, resignations from D. Thimble and H. Rice. The motion was seconded a quorum was present and the vote to accept was:

AYE: 5 (R. Brown, F. Leslie, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

The motion carried.

C. McGinnes then submitted his June 10 resignation letter, to be effective June 18, and read it to the Commission.

MOTION: by R. Migliaccio to accept, with regrets, the resignation of C. McGinnes who has served a long time and will be greatly missed. The motion was seconded, a quorum was present and the vote to accept was:

AYE: 5 (R. Brown, F. Leslie, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: (1) C. McGinnes

The motion carried.

A. Cunningham declared a big Thank You to all for keeping water & sewer on track all these years.

C. McGinnes stated that he truly enjoyed working with a dedicated and professional group of service volunteers.

MOTION: by C. McGinnes to recommend to the Town Council to appoint alternates A. Cunningham, F. Leslie and R. Brown to full members of the Sewer Commission and to the Water Board and to further recommend that the Town Council not divide the two groups by appointments of different members. H. Rice seconded.

A quorum was present from the Sewer Commission and the vote to recommend was:

AYE: 5 (R. Brown, C. McGinnes, R. Migliaccio, H. Rice, F. Leslie) NAY: 0 ABSTAIN: 0

A quorum was present from the Water Board and the vote to recommend was:

AYE: 4 (A. Cunningham, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

8. Management Agreement.

The Management Agreement between the Town and Sewer Commission to provide staff and management for the Block Island Water Company is set to expire at the end of the fiscal year on June 30.

MOTION: R. Migliaccio to ask the Town Council to extend the Agreement for 90 days, until September 30, so that there was time to mutually concur on changes. The motion was seconded, a quorum was present and the vote to accept was:

AYE: 5 (R. Brown, F. Leslie, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

The motion carried.

9. Approve Minutes of monthly meeting May 13 and special meeting May 27.

Minutes were proof read by A. Cunningham and all members unanimously approved the final minutes.

10. Correspondence and Public Comment.

- May 19, Request by Goldberg Law Office for public records. Covered earlier.
- May 27, Request by E. Blane to schedule meetings at Town Hall. Meetings are now held at Town Hall.
- June 5, Letter to DEM requesting changes to Sewer's Operations and Maintenance Manual. Covered earlier.

11. Disposal of Municipal Property; May Go Into Closed Session Pursuant to RIGL § 42-46-5(a) 4.

MOTION: by Rally to go into CLOSED SESSION, the motion was seconded, a quorum was present and the vote to close was:

AYE: 5 (R. Brown, F. Leslie, C. McGinnes, R. Migliaccio, H. Rice) NAY: 0 ABSTAIN: 0

The motion carried.

The meeting went into CLOSED SESSION at 6:35 PM.

The regular monthly meeting was called back to order at 6:50 PM and the Chair reported that the only vote taken was to seal the minutes of the CLOSED SESSION pursuant to State 42-46-5(a) 4 regarding allegations of misconduct.

C. McGinnes closed the meeting saying that he has been very proud to have worked with everyone on the Commission and Board, that we have all worked together well over the years and have made significant contributions and accomplishments.

The meeting adjourned at 6:55 PM.

Respectfully submitted,

Janet Ziegler

District Clerk

Approved: August 13, 2008