

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

May 13, 2008 Minutes

Present were members Ann Cunningham, Frank Leslie, Steve McQueeney, Cliff McGinnes, Don Thimble and District Clerk Janet Ziegler.

Absent were members Rally Migliaccio and Howie Rice.

Also present were Finance Director Amy Lewis, Superintendents Dave Simmons and Ray Boucher, Principal Sewer Operator Chris Blane, Counsel Elliot Taubman and First Warden Kim Gaffett.

Absent was Public Works Director Nancy Dodge.

C. McGinnes called the meeting to order at 4:30 P.M.

Don Thimble, acting as the Wastewater Management Inspector, recused himself as a Sewer Commissioner to present the Town's position on the first agenda item.

1. Request by Starr/Kyte Realty Trust, owner Plat 3 Lot 62, for Consideration Regarding Lien by Town of New Shoreham.

Mr. Kyte stated that he has been in a quandary for some time about the wastewater violation. Originally, the Trust contracted with Billy Rose Construction to replace the failed metal tank-beehive septic system which became illegal in 2005. He felt that the replacement wasn't a crisis situation; it was just an old system and was not malfunctioning. A. Cunningham stated that the delayed enforcement of the Town Ordinance had already given property owners six years to comply; metal tanks with cess pools are illegal at the State level as well as the local level.

D. Thimble, said that the owners were notified of 1st Inspection requirements in June 2003. In May 2005, all owners of metal tanks were notified by the Town that metal tanks would be required to be replaced and those remaining would become illegal by the end of the 2005. The 1st NOV (notice of violation) was sent to Starr/Kyte Trust in January 2007 stating the time limits, procedure for actions and appeal rights. A strict fine schedule for non-compliance was drawn up by attorney E. Taubman as a Regulation to add "teeth" to the Wastewater Ordinance; it was adopted as Regulation by the Sewer Commission in February 2007 and by the Town Council in March 2007. The 2nd NOV for non-compliance to Starr/Kyte was issued in September 2007, referencing the Town Ordinance, Zoning Laws and the schedule of fines. Fines for Starr/Kyte were initiated with the 2nd NOV for non-compliance and continued to accumulate to \$34,300 until the system was replaced and passed inspected in March 2008.

Mr. Kyte said that he hired contractor Rose to perform the installation; Rose then hired Richard Greene Engineering to draw up plans which were eventually approved by RI DEM (Department of Environmental Management).

D. Thimble noted that it is the unique soil conditions of a property which warrant what type of septic system needs to be installed. Mr. Kyte responded that he was not aware that any soil analysis had been performed by the engineer before the system design was submitted to RI DEM. A Town issued OWTS (On-site Wastewater Treatment System) Verification Letter, part of the permitting process, was also by-passed. Although the installer was not licensed to perform the work, he reportedly was acting under a license held by his father.

Thimble stated that the property was released from the NOV after inspection of the new system; although the system is going into galleys, which are illegal, he felt the system was working properly.

S. McQueeney asked Mr. Kyte to obtain more explicit information from Green's office as to why no soil analysis was performed and why Green chose to bypass Town procedures. E. Taubman thought that a statement from Green was in order.

The Commission thanked Mr. Kyte from coming and will continue the hearing to the next meeting on June 10. N. Dodge said she would contact RI DEM regarding its procedures.

2. PUBLIC HEARING.

A. Lewis stated that a budget revenue item for a 'fuel adjustment' factor (for sewer and water), first discussed at the April 8 meeting, was not ready for consideration nor to be incorporated into the budgets at this meeting. She proposed limiting this meeting to look only at the line items for revenues and expenses as presented. Another budget meeting, towards the end of the month, would have to be scheduled to add the surcharge.

ADOPT FY 2009 NEW SHOREHAM SEWER DISTRICT BUDGETS FOR POSTING.

Noted on the sewer revenue side was that income from use charges were up ~7%. Rates for user fee are to increase across the board by 4.4% due mainly to energy increases in the new budget on the expense side (67% increase in electric cost and 9% increase for fuel oil). Sewer is losing \$45K from the BIWC (Block Island Water Company) since it will no longer send its waste to the plant for treatment; their new discharge Permit is expected to be in place before the end of this fiscal year. Wages have been increased 8% to allow for an additional sewer operator, while benefits increased 29% as family benefits are added in addition to a new person.

The capital budget for FY 2009 is zero.

3. PUBLIC HEARING

ADOPT FY 2009 NEW SHOREHAM WATER DISTRICT BUDGETS FOR POSTING.

The final budget with energy adjustment charges will be taken up at a later date as with the sewer budget. Noted on the water revenue side was that income from use charges were down 7%, the opposite of sewer's position. Revenue items are now based on a five year average to eliminate fluctuations from "off" or "good" summer seasons. The large increase in Contribution from Reserves will pay off a USDA loan.

Noted on the expense side was that Training was up 20% due to licenses expiring this year and the associated training credits needed for renewals. Lab testing is up 50% since the BIWC will receive its new Permit from DEM and be required to monitor discharges.

Rates for user fee are to remain unchanged. The capital budget for FY 2009 is zero.

4. Reports from Officials.

DIRECTOR OF PUBLIC WORKS AND ENGINEERING.

D. Thimble stated that he was recusing himself from discussion and voting on the next item on the agenda as he is also a member of the Town's Employee Union.

- Reinstatement of Vacation Time for J. Ziegler.

The Town's contact with the Employees Union, which the Sewer Commission generally follows, allows 10 days of vacation time (40 hours) to be carried-over into a new calendar year. J. Ziegler stated that she lost 14.80 hours (1.85 days) on the rollover. Since a large family reunion was planned for January, she had been saving up vacation time for that event; most of the vacation time was then utilized. When vacation time is empty, 1.85 days becomes meaningful.

MOTION: by S. McQueeney to have the Finance Office reinstate 14.80 hours vacation time lost on the roll-over.

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

AYE: 5 (Cunningham, Leslie, McQueeney, McGinnes). NAY: Ø. ABSTAIN: Ø.

The motion carried.

FINANCE.

- AGING REPORT.

Noted was that one customer, owing combined past dues of just under \$10K, had been put on a payment plan and was current with those terms; the accounts should be satisfied by fall. Possible island sales and foreclosures were discussed.

A. Lewis announced that, because of State mandates, the Block Island School will have a change in financial software. The software company, AccuFund, also has a Utility Billing program that could incorporate changes the Rate Design group had been working on. The software change at the school will be worked on over the summer; it must be in place by December. Designs for new utility rates could be put on trial for 3 months for evaluation then implemented in the last half of the fiscal year.

C. McGinnes said that Block Island Power was looking into new meters that relay information (consumption, time-of-day, etc) directly back to the office. There is no need at the end of the month to run trucks and personnel out in the field through the routes reading meters at considerable savings. Tests trials of the new meters will be performed.

- Act on Adding Fuel Adjustment Charge To Utility Bills.

The next Public Hearing to adopt the FY 2009 budgets will be held on May 27. The meeting will include Act on Adding Fuel Adjustment Charge to Utility Bills.

(A. Lewis leaves at 5:35 PM)

WATER/SEWER PLANTS OPERATIONS.

WATER.

In a May 9 memorandum, D. Simmons outlined the need for a seasonal part-time employee to complete the GIS (Geological Information System) database and system survey for Block Island Water which remains unfinished. Funding of \$4,200 for the position would not require any increases in user rates and have been incorporated into the FY 2009 budget. Starting the position in June would require \$1,000 from the current budget which can be covered. Simmons recommended hiring Dan Lewis (the brother of TNS Finance Director Amy Lewis) who worked for the Town's GIS department last summer and has just graduated from college specializing in GIS applications.

MOTION: by A. Cunningham to hire D. Lewis based on the recommendation of the water superintendent and since funding is in place. The motion was seconded, a quorum was present and the vote to hire was:

AYE: 5 (Cunningham, Leslie, McQueeney, McGinnes, Thimble). NAY: Ø. ABSTAIN: Ø.

The motion carried.

The persistent water running in the roadway and breaking up the asphalt, on Sunset Hill (off High Street), was found to be coming from a neighbor's well. The investigation was aided by Atlantic States Rural Water. Approximately 120,000 gallons was pumped.

RI DOT (Department of Transportation) installing the new roadways downtown has been demanding on water personnel time. A number of service box connections have been broken/misaligned, along with fire service and main system valve box. One incident was responsible for 10,000 gallons going into the New Shoreham House's basement.

The entire distribution system will be flushed May 14 between 11 PM and 2 AM.

SEWER

A Permit Violation was received from RI DEM for high coliform counts; a chlorine pump was found faulty.

Cardi Corporation, installing the Town's new storm drainage system, was hired to install 100 feet of sewer lateral to Govern's house on Dodge Street. A. Transue Corp installed a new lateral to abutter DePetrillo on Ocean Avenue. R. Boucher will send a letter to Planning/Zoning that the installations are complete.

Scrap brass, copper and steel was taken off island and sold for \$3,524; funds were returned to finance.

An effluent line break was discovered on May 6. C. McGinnes & H. Rice were especially helpful in moving people and necessary crew. R. Boucher attributed the break to 30 year-old pipe that had four (4) 90° turns and no supporting thrust block installed. Soft starts for the effluent pumps were installed ~4 years ago. The rest of the piping looks good. Expenses for Boyle & Fogerty were estimated at \$10K and A. Transue at \$5K.

C. Blane suggested that the Commission conduct a post-mortem on the event: communications lines, what actions when well – what didn't, etc.

WASTEWATER INSPECTOR'S REPORT. *no report.*

5. Service Building Project.

The Service building is being prepared for construction on the new apartments. Vallee Plumbing was awarded the \$50K plumbing and heating for the renovations and should start within several weeks. K. Gaffett inquiring about the bidding process was told that there was only one response to several invitations. For capital projects, all Request for Bids should be put in writing and publically advertised; it removes the question of awarding bids to friends.

6. Parking Lot Project, Report on 2008 Permit Sales, Requests for Permits.

Two requests were received to park a box truck and a painter's lift. The Commission felt that until the lot was filled, exceptions to vehicle size could be waived on a non-renewal annual basis; the decision will be at the discretion of J. Ziegler.

Responding to a question from K. Gaffett whether the Commission ever returned to the Zoning Board as their Decision stipulated, C. McGinnes said that they would as soon as the parking spaces get filled up or before next year.

7. Recommendations to Town Council, Appointments to Sewer Commission and to Water Board.

C. McGinnes stated that at the Commission's December retreat, they discussed bringing new people on board and he suggested adding an additional alternate to both boards. K. Gaffett applauded the idea and added that new people brought in different ideas and ways to approach a subject; the two boards also didn't have to have the same people sit on the same boards.

MOTION: by Thimble to recommend reappointment of S. McQueeny to a five-year term and as alternates reappoint A. Cunningham and F. Leslie to one-year terms. K. Gaffett requested attendance records be sent with the recommendations.

8. Approve Monthly Minutes of March 11 Tabled for Editing by E. Taubman and Meeting April 8.

E. Taubman circulated changes to the March 11 meeting which were discussed.

MOTION: by C. McGinnes to approve the March 11 minutes as originally submitted and those of April 8. The motion was seconded, a quorum was present and the vote to approve was unanimous.

(ET leaves at 7:12 PM)

9. Correspondence and Public Comment.

- April 8, J. Geremia response to RI DEM regarding Permit inquiries. As part of the Permitting process, Geremia tweaked some of the language. Permit Flows from the sewer plant will be 450,000 gallons per day; from Water 50,000 gallons per day.
- April 21, J. Geremia letter to USDA regarding charges to 2006 Water Grant - fire suppression. Geremia requested that funding of fire system, not covered by the 2005 USDA grant, \$27,328, be taken out of the \$70K remaining funds of the 2006 grant.
- April 22, N. Dodge to Finance regarding return of funds by R. Boucher from scrap metal sale. Money from Boucher and Vallee were deposited in sewer and water accounts.
- April 24, D. Thimble to Building Official regarding the state of OWTS inspection program. Noted were that failure rate of all systems being inspected during the routine inspection were high: 20-25%.
- May 1, J. Geremia to USDA regarding charges to 2006 Water Grant - meters. Expenses for metering ten new service connections will be covered by the grant.

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

C. McGinnes stated that the subject should be table until June since the Public Works Director is not present.

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 7:24 PM.

Respectfully submitted,

Janet Ziegler

District Clerk

Approved: June 10, 2008

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