

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

November 12, 2008 Minutes

Present were members Robby Brown, Ann Cunningham, Sandra Finizia, Jason Howarth, Frank Leslie, Rally Migliaccio, Bob Pokraka and District Clerk Janet Ziegler.

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

R. Migliaccio called the meeting to order at 4:30 P.M.

MEETING AGENDA

1. Approve Minutes of October 8, October 31 Open & Closed Sessions.

**MOTION:** by A. Cunningham to adopt the minutes as distributed. The motion was seconded, a quorum was present and the motion was unanimously approved.

2. Report on Tree Management at Sewer Plant by Harold 'Turtle' Hatfield.

H. Hatfield was not present and the commission continued the report to a later date.

3. Request: Joann Hutchins to transfer allocations between accounts on the same property. Ms. Hutchins, who has two meters on their property (house and garage), received a usage penalty on one of the locations. Between the two accounts, they own adequate allocation and she requested that the allocation amounts be re-distributed and the penalty waived. R. Migliaccio suggested combining both accounts into a single entity for the property which would eliminate similar issues in the future. A. Lewis concurred and said it would not be a technical problem within finance.

**MOTION:** by A. Cunningham to combine both sewer (5725, 5726) and both water (7725, 7726) accounts into a single sewer and water account thus combining the allocations. The motion was seconded, a quorum was present and the vote to combine accounts & allocations was:

AYE: 5 (Brown, Cunningham, Leslie, Migliaccio, Pokraka). NAY: Ø. ABSTAIN: Ø.

The motion carried.

**MOTION:** by A. Cunningham to issue a credit for the third quarter penalties imposed and paid by Ms. Hutchins.

The motion was seconded, a quorum was present and the vote to combine accounts & allocations was:

AYE: 5 (Brown, Cunningham, Leslie, Migliaccio, Pokraka). NAY: Ø. ABSTAIN: Ø.

The motion carried.

4. Request: by C. Damm, Plat 17 Lot 41, to be included in the NS Sewer District.

Mr. Damm is in the process of permitting the connection of his property to the collection system, however the property lies adjacent, but outside of the Sewer District.

**MOTION:** by A. Cunningham to recommend to the Town Council to include Plat 17 Lot 41 in the Sewer District.

The motion was seconded, a quorum was present and the vote to combine accounts & allocations was:

AYE: 5 (Brown, Cunningham, Leslie, Migliaccio, Pokraka). NAY: Ø. ABSTAIN: Ø.

The motion carried.

5. Sewer Commission Parking Lot. Request by N. Phillips, Plat 7 Lot 19, to Move the North Retaining Wall.

N. Phillips presented the original engineered 2005 Parking Area Improvement Plans. Phillips request is in regards to the six spaces the Sewer Commission agreed to create adjacent to the US Post Office's parking area. The area was bulldozed and concrete blocks installed as retaining walls in 2006.

N. Phillips testified that at the time the barriers were being put in, they were afraid they might damage the well on the north end of the six space area. In retrospect, he said that they could have backhoed up to one foot of the well structure. Geremia was present at the time and the agreement was to move the six-space area towards the south end; the east wall had already been installed. Phillips recalled that Geremia said that any discrepancies would be made good. He suggested that the retaining blocks on the north wall could be moved within one foot of the well to restore the original plan dimensions.

Two memorandums were received on the subject. Geremia, in a memo dated November 6, testified that at the conclusion of the construction, Mr. Phillips noted the decreased length, but agreed that six spaces had been adequately provided. Mr. Phillips and Geremia together reviewed and measured the area, noting that the north retaining wall was installed so as not to interfere with an existing split rail fence and the US Post Office's solar panels. At that time Mr. Phillip agreed not to relocate the blocks, but would respond after talking with his tenants. No timely response was forthcoming; it has been two years.

E. Taubman, in a memo dated November 7, stated that it was agreed that Geremia would be the final arbitrator of what grading was necessary to be done for the six spaces. Before a Planning Board meeting, there was an issue at the time regarding drainage, and all agreed that Geremia be appointed final discretion; Phillips' attorney should have a copy of this. Taubman further suggested that a final "as built" survey be prepared and filed with the Land Evidence Records.

The commission generally agreed that Phillips contact Geremia directly, as the appointed arbitrator. Questions regarding set-back from wells, cost of a survey, cost to move the foundations and liability for the solar panels, well and existing fence are unanswerable at this time.

H. Hatfield joined the meeting in process at 5:15 PM

**MOTION:** by S. Finizia to return to Tree Management to hear Mr. Hatfield's report was seconded and unanimously approved by all members.

2. Report on Tree Management at Sewer Plant by Harold 'Turtle' Hatfield.

Mr. Hatfield reported that of the twelve (12) trees in the aeration basin area, only five (5) trees were worth saving or transplanting. A tree mover from Wakefield charges \$6K per day and can move 7 trees on the same property – increasing the distance, diminishes the number of transplants. Another alternative is to deal with the leaves on site with prudent maintenance (raking) and using netting over the open air tanks.

A discussion followed on where, in town or on site, the trees could be moved. First Warden K. Gaffett said that the trees were a vital buffer and that every effort should be made to save the trees. In an informal pool, most Commissioners were not in favor of cutting down all the trees.

R. Boucher and C. Blane stated that the leaves were an operational nuisance; netting would not solve the problem and would not be worth the cost of labor and materials.

R. Migliaccio stated that the fall problem was essentially over this year; the subject would be taken under advisement. Mr. Hatfield was thanked for offering helpful solutions. A committee of Boucher, Geremia and Dodge was appointed in September to discuss solutions, but have not met.

**MOTION:** R. Migliaccio to return to agenda item 6 was seconded and unanimously approved by all members. The regular agenda resumed at 5:30 PM.

6. Reports from Officials.

DIRECTOR OF PUBLIC WORKS AND ENGINEERING.

- Updates to Revision to Management Agreement.

N. Dodge stated that a review of the Commission's changes would be on the Town Council's November 19 agenda and that changes would be available before the next meeting.

- Requirement to Purchase Allocation.

J. Ziegler noted, in a review of the third quarter penalties issued, that there were a ~dozen sewer/water accounts that had no associated allocation. Allocation, purchased for new or increased use, is required for all accounts and must be purchased prior to obtaining a building permit. A few accounts were lacking because of subdivisions, but the majority seemed to have 'slipped through the cracks'.

**MOTION:** by A. Cunningham for J. Ziegler to send a letter to the accounts without allocation, and to all account that received penalties, explaining the purchase requirements and procedures. Additionally, the time to purchase allocation and forgive this year's penalties should be moved to December 31. The motion was seconded, a quorum was present and the vote to contact was:

AYE: 5 (Brown, Cunningham, Leslie, Migliaccio, Pokraka). NAY: Ø. ABSTAIN: Ø.

The motion carried.

#### FINANCE.

- Financial Reports July, August, September, October.

The September 3 Financial reports were distributed by A. Land.

SEWER. Fuel expenses are not as dramatic a situation as we were in last year. Overall, expenses are not increasing over last years, however, declining revenues will be the issue going forward.

WATER. Revenues from user fees are down farther on the water side than on the sewer side.

- Aging Reports. Sewer: Past dues are \$30K lower than they were the previous year.

- Progress on Energy Surcharge Implementation (*May*).

A. Land stated that there was nothing new to report. She suggested that the project should be put on hold until the new Utility Software is in place in order to see whether a project like this would cause more work for the staff.

- Utility Software - Rate Design.

A. Lewis said that the new software should be online in 6 weeks for testing. D. Simmons stated that he would have a working model for the next Rate Design meeting in early December.

#### SEWER PLANT OPERATIONS.

Ken LaCoste has installed a pump-out for the Hog Pen docks. Seven violations for grease traps were issued this past summer; Champlin's pump station had less grease than usual. It was reported that M. Finnamore's plan was to use bio-fuel to heat his buildings.

#### WATER PLANT OPERATIONS.

D. Simmons reported that flows are very low, but efficiency was saved by having little water loss. The Consent Agreement for the DEM's Permit to discharge waste to the outfall would likely be worked out between the engineers. The GIS project covering the distribution system has been completed; a presentation will be made at a future meeting.

- Water Chair Response Letter to J. Stone re: Water Pressure/Volume at Plat 9 Lot 101.

In response to an inquiry from J. Stone, the Water Chair responded that the water distribution line would be replaced from Payne Road to the property line. A. Transue Corp., the BIWC's road contractor, was notified about the future work. No timetable was set.

#### 7. Staff and Employee Job Descriptions.

A. Cunningham stated that she wanted job descriptions updated to reflect actual work was being performed. Responding to a question on who would review the descriptions, she suggested that individuals write out the details and have the supervisor draw up the description.

## 8. Consider Meeting Schedule for Calendar Year 2009.

The Commission considered a meeting calendar for the second Wednesday of the month. Financial reports have not been available before meetings as the Commission has requested; A. Land suggested that a meeting in the third week of the month had a greater likelihood for receiving financials. The Commission will look at the third week depending on the meeting room schedule.

## 9. Correspondence.

- October 17, Water Chair response letter to J. Stone re: water pressure/volume at Plat 9 Lot 101.

## 10. Service Building Renovations and Addendums May Go Into Closed Session Pursuant to RIGL 42-46-5 (a) (2) Litigation.

B. Pokraka reported that the Building Official's department gave the okay on the electrical and plumbing work installed so far. The next phase would start the insulation and sheetrock work. As far as the warrantee on the Anderson windows installed, two difference responses have been received from the manufacturer regarding the hurricane strips and nailing fins. S. Finizia volunteered to get a definitive answer about the windows' warrantee. **MOTION:** by F. Leslie to proceed with construction without information on the windows, the motion was seconded and the vote to proceed was:

AYE: 5 (Brown, Cunningham, Leslie, Migliaccio, Pokraka). NAY: Ø. ABSTAIN: Ø.

## 11. Announcements and Public Comment.

- Exit Audit FY 2008 by Lefkowitz, Garfinkel, Champi & DeRienzo is scheduled for November 17, at 4PM.
- Holiday Turkeys for Employees & Commissioners.

**MOTION:** by R. Migliaccio to provide holidays turkeys to the employees and the Commission members as a thank-you and with warm wishes for the holidays. The motion was seconded and unanimously approved.

- A. Cunningham announced that a DVD had been obtained from the televised documentary "The Story of Our Water Infrastructure, Liquid Assets" and was available to the Commission. The broadcast was applauded, by those who saw it, for explaining challenges for communities, infrastructure issues and financial decisions; it was educational and inspiring.

## Adjourn.

**MOTION:** by J. Howarth to adjourn the meeting was seconded, a quorum was present and the vote to adjourn was unanimously approved by all members present.

The meeting adjourned at 6:45 PM

Respectfully submitted,

Janet Ziegler

District Clerk

Approved: January 21, 2009