

Meeting Minutes
Charlton Water and Sewer Commission
Date: **March 31, 2008**

Time: 7:05 p.m. Location: Town Hall

Attendees:

<u>Members</u>	<u>Present</u>	<u>Members</u>	<u>Present</u>
Cheryl McKissick	Y	James McIntire	Y
Sandra Dam	Y	Paul Gagner	Y
John Elliott, Sr.	N		

Recorded by Carol A. Goodspeed

Meeting was opened at 7:05 p.m. Ms. Dam made a motion to approve minutes of February 25, 2008 and March 17, 2008; seconded by Mr. McIntire; unanimous. Ms. Dam made a motion to approve all of the warrants as submitted; seconded by Mr. McIntire; Mr. Gagner agreed except for the office ventilation project; he was given an explanation by Ms. Dam who advised that the work had been done by a licensed electrician and we were charged for 8 hours of labor. He was not an employee of Woodard & Curran; Mr. Gagner agreed to accept the office ventilation project warrant; vote was unanimous.

7:07 p.m. The Board met with Jody St. George, Plant Manager for the Wastewater Treatment Facility for Woodard & Curran. He gave his February report indicating that normal parameters passed; toxicity is done on a quarterly basis. There have been issues in the past; changes have been made in the plant to try to adjust. One possible reason for the failures in the past could be the larger users with respect to pharmaceuticals (Masonic Home) which affects the toxicity. The prescription drug disposal generally is to flush them down the toilet. Ms. McKissick indicated there was a response this past week from them. The Masonic Home came on line about 1-1/2 years ago Mr. St. George indicated. Prior to that they had their own sewer system. With the large elderly population comes a lot of drugs passing through the body. The failures began when they began using our system. Another round of toxicity tests will be done on May 4th. We made a request that the Masonic Home hold on to the pharmaceuticals so that the plant can hopefully pass the tests. Also, Mr. St. George has requested of MTA stations and the Masonic Home information as to what they are flushing. Per the recommendation of the DEP, Woodard & Curran at own expense did some other testing to see if there is some other cause for test failure. Everything points to pharmaceuticals and cleaning agents. He indicated that in recent correspondence of March 11 and March 19, the Masonic Home has been extremely helpful. Mr. McIntire asked them not only to hold drugs but provide a record or log of what types of drugs and the amounts are being disposed. Ms. McKissick made a point that there are also assisted living units which may also contribute to this problem. January was a wet month (4M gallons); February (6M gallons) also a wet month; also March. Heavy rain on February 13; high flowage. Fortunately with the use of the SCADA software, Mr. St. George is able to monitor and correct problems from home using his computer. Mr. St. George expressed his thanks to the Commission for this equipment.

MTA: 6W – still a grease issue; Jody has been talking with Philip Dixon; a double grease trap was installed with baffle walls; while there the manhole was opened and huge amounts of grease were coming from the sanitary sewer line and bypassing the grease trap. Jody thinks this is possibly caused by improper practice inside or there is a line no one knows about. Ms. Dam stated that we need to send out another letter. We had sent a letter asking them to come to our meeting at the end of March but they did not. Mr. McIntire made a motion that Ms. Dam send a letter asking that they come to our next meeting on April 14th with documented work done as to why the grease is still passing the grease traps; and if they don't, fines (\$300 to \$500 per day) will begin. Seconded Ms. McKissick. discussion. Ms. Dam, Ms. McKissick and Mr. McIntire agreed to the motion. Jody indicated that there have been grease issues since 2000. Mr. Gagner opposed the motion only because he feels they need a little more time. He might agree to a motion at the next meeting. Ms. Dam will send a letter via certified mail to the MTA requesting their presence at the next meeting.

Hycor: all commissioners received the quote. We do have capital in the account. Ms. Dam moved that the commission sign the contract to send out for the repair (\$95,574); seconded by Mr. McIntire; discussion: Jody explained that Concrete Cut & Core came and cut the hole in the Hycor building. Jody indicated that it is proprietary equipment when Ms. McKissick inquired as to whether it went out to bid. Jody and his staff framed the opening and it was inspected and passed by the Building Inspector. It will be 6 – 8 weeks before the parts

are delivered. Once the parts are here, it will take 2 – 4 weeks to complete the project. The Commission voted unanimously to sign the contract.

Ms. Dam covered the commercial permitting program which had been provided to Commission members in their boxes. She presented the drafts showing how paperwork would be worded and believes it is covered by our by-laws. Ms. Dam asked for the Commission's opinion; and recommended that the documents be reviewed and approved by counsel. Inspections would be conducted; all commercial users have been identified; no permit would be required in some locations; small users would have to pay a minimum amount; out of about 50 – 55, Woodard & Curran would not charge – they would go out with the administrator and show how a quick inspection would be done; bank for instance, would get one visit and a no permit required would be issued; larger users on operator basis as a contract: Masonic Home, MTA and restaurants we would have to pay a minimal amount for their time; and all the rest they are willing to do on their own time. Larger users would receive a quote as they would require more time; minimal inspection: would not be a fee. For example: someone with under 10K gallons, we could use a minimum of \$100; over 10,000 gallons – these would take more time so it would be on a quote basis; or we could bill them on a quarterly basis fee structure. There are only two customers over 10,000 gallons. The administrator said she could bring the customer list to a meeting. Woodard & Curran recommends instituting the commercial permitting program. Ms. Dam suggested a letter be composed to request by-laws be reviewed to make sure we are not in violation of our own by-laws. Ms. Dam moved that we accept the commercial permitting programs and go forward and submit just the letter and the by-laws to the attorney; seconded by Mr. McIntire; opposed by Ms. McKissick and Mr. Gagner. Ms. McKissick suggested it could be brought up again when Mr. Elliott returns on the 14th. Ms. Dam: your only problem with the commercial permitting is to have it sent it to an attorney? So if I move that we move forward with the commercial permitting program as is--Ms. McKissick seconded it. All in favor: Ms. McKissick; opposed Mr. McIntire; Ms. Dam abstained. Ms. Dam expressed concern that if we were to do this and there was a problem with the letter, then the town would open itself up for liability. Mr. McIntire concurred. Mr. Gagner cited a conflict of interest for himself. The motion did not pass. Ms. Dam mentioned Tighe & Bond (at the next meeting) will be coming in; and she made a motion to continue with the Woodard & Curran contract two more years for a total of five years so that we don't have an upheaval in the middle of our upgrade, and they will assist with the commercial permitting program. Mr. McIntire suggested waiting until Mr. Elliott returns. He feels that we need a full board to vote.

7:45: Water Search Sub-Committee (Mike Lally, Robert Lemansky, John McGrath and Gabriel Berthiaume) met with the Commission. They met with the Town of Spencer Water Administrator and reviewed where they are regarding water; they have issues in their town where they have to extend their line for fire purposes; our Committee will continue to meet with them in the future.

Oxford: They met with the Town Administrator for the water district (private company). Charlton received a letter from their Town Administrator indicating that they are not currently interested. The letter was open-ended. They have problems in their water system; the Committee plans to send a letter back to them outlining things that need to be corrected before we can work with them. Mr. McGrath's suggestion is to write to Congressman Richard Neal to assist the Army Corps of Engineers in searching for some funding for the town.

With respect to the municipal connection; i.e., MTA; Exxon Mobil, they took a committee vote to formalize a plan; 4 were in favor and one (Kathleen Walker) abstained. The committee passed information on about their January 22nd meeting with the DEP regarding the public meeting on MTA sites and contamination. The committee suggests that the agreement not be signed. Notices were given back in 1985 and the same notice was given again in 1990. They want a full release for a certain sum of money which is \$500,000. They believe there will be additional monies involved. Once you give them a release and sign the agreement, they won't do anything for us. If this did not happen, most people who need water would have to drill their own wells. This town could have a small private well which would be capable of supplying a water system. Certain wells along Route 20 are overflowing. Mr. McIntire: the focus of your committee is to search for water. The negotiations with Exxon Mobil are between the Board of Selectmen and the Water/Sewer Commission. Mr. McIntire: We are trying to find water sources; I am worried that you are getting distracted and driving towards the Exxon Mobil situation. Mr. McGrath felt they needed to make a statement. Ms. Dam: when letters go out to other towns, she asked that the Water Search Sub-Committee send copies to the Water/Sewer Commission. Mr. Lemansky indicated that in order to find water outside of the town, other towns that have the capacity are having problems of their own obtaining permits from the DEP. The Commonwealth of Massachusetts is the landlord of the property where the spill took place. It has caused the majority of the problems in town. Three of the committee members will try to set up a meeting with Senator Brewer the week of April 8; next meeting will be the week after. Mr. McGrath said that all towns have been agreeable thus far. Southbridge currently has some leadership changes.

Ms. Dam: There has been a communication issue between information being provided to the Water/Sewer Commission by the Water Search Sub-Committee. The office should be mailed meeting notices. Mr. Lemansky: the majority of the information that we have come from public meeting in January which talked about granting releases to Exxon Mobil. Letter from Weston & Sampson dated March 12 was provided to the Water Search Sub-Committee by Ms. McKissick. This is public information. Ms. Dam moved that one member of the Water Search Sub-Committee attend the meeting with the Army Corps of Engineers; seconded by Ms. McKissick. Unanimous.

8 p.m. Ms. Dam removed herself from the table. Administrator's pay—hourly v. salary. Mr. McIntire asked Ms. McKissick about the hourly vs. salary item. Ms. McKissick had presented Robin Craver with information in an effort to determine how to go about this. Hours were going above 32 hours per week. Mr. Gagner reiterated that we keep Ms. Dam on hourly salary at 32 hours per week at \$22.00 with no overtime; seconded by Ms. McKissick; discussion. Mr. McIntire would like to delay this until Mr. Elliott returns as he has thoughts on this and expressed his feelings about this situation and I think he should be part of this decision; Mr. Gagner agreed. All in favor: Ms. McKissick and Mr. Gagner; Mr. McIntire opposed. Ms. Dam returned to the table. Brief discussion ensued as to a new payroll designee; but Ms. Dam pointed out that Mr. McIntire would sign this week's payroll; and Mr. Elliott would be back on April 1. Motion by Ms. Dam that starting next week, Mr. Elliott will be signing payroll; seconded by Mr. Gagner; unanimous. A letter needs to be send to the Town Accountant so she knows who is signing payroll.

8:05 p.m. Sewer Budget: The budget was changed as stated; removal of the insurance; submitted for two full-time people as of July 1 – any elected official who does not remain in their position is eligible to remain on COBRA through June 30. Any elected official remains on town insurance until June 30. Budget allows for two full-time employees. Commissioners no longer have town insurance. OPM upgrade: Ms. Dam spoke with the Attorney General and was advised that a peer review is recommended. Allowance was made from retained earnings for this in the event we have to use the money; otherwise, it just stays in retained earnings. Motion by Ms. Dam and seconded by Ms. McKissick to accept the budget. Unanimous. Water betterments: sent out to three engineers. Scope of work--only received 2 bids. Weston & Sampson and Tighe & Bond. A third bidder did not want any part of it. Ms. Craver indicated that the Commission had met the requirements. Ms. Craver was asked whether this has to go to town vote as to what method we use for betterments? Tabled to next meeting.

8:15 p.m. Mr. McIntire addressed the way the Commission communicates back and forth. Performance review of Ms. Dam. Mr. McIntire suggested waiting to address this issue until Mr. Elliott returns. I think Mr. Elliott should be here to make his opinion known. My concern is about the etiquette or way in which we communicate back and forth to one another about job performance by not only of Sandra or Carol but anyone else on the commission. I am making a request that no opinions and/or thoughts or expressions of any kind with regard to anyone's performance be placed over email. Everything will be addressed at meetings so that we can talk about things openly and freely at the next meeting. Mr. McIntire wants to talk about Sandra's job performance at the next meeting. Ms. McKissick mentioned that Ms. Dam has been on since October 1 and we should probably think about doing a review at the end of March when John is back; Mr. McIntire feels we need to do the review on April 14th. Ms. McKissick indicated that we need to define it and Mr. McIntire suggested it be termed a Performance Review to be at the next meeting on April 14th. Mr. McIntire stated it would be up to Ms. Dam whether she wanted this to be done in Executive Session. Mr. McIntire wants a full board present at the Review.

Old Business: Ms. McKissick brought up the biofilter motor. Ms. Dam told the Board that with respect to replacement of the biofilter motor, we usually gets three quotes unless it is proprietary equipment. He did not have prices for her yet. It was Mr. Gagner's motion previously that anything under \$2500 – our administrator would have the ability to purchase it. Mr. Gagner suggested taking the low bid and if not why. Otherwise the low bid is fine.

Ms. McKissick asked whether there was any word from St. Joseph's Church. Ms. Dam has not heard from Father Bob as yet. She had been told they would call her if they needed her assistance.

Energy Audit: Ms. Dam advised she was in the process of preparing a spreadsheet with respect to electrical and propane usage.

New Business: Ms. McKissick spoke with the Chief Procurement Officer, Robin Craver. We are eligible to have our own town website customarily under scrutiny – there is an Open Meeting Law Seminar on April 24 at the

Sturbridge Senior Center. Ms. McKissick suggested that it might be wise to meet weekly more frequently to discuss issues and eliminate using town email. Ms. McKissick requested a motion be made that we don't communicate via email. Ms. Dam suggested that we limit communications just to the Town of Charlton email and copies in commissioner boxes at the office. No motion. Ms. McKissick had a conversation with Mr. Brown – info given – confidential – there was a breach. She was advised that all Executive Session minutes are confidential – Open Meeting violation needs to be watched by all of us and rectified so to avoid negative press. I believe that the Chairman of the Board of Selectmen is going to be addressing this. Mr. McIntire: I'd like to see the whole document. It was mistaken and it was assumed that the whole document was sent out. It only stated minutes of meeting – remainder was deleted and I don't think there was a breach. It was not Mr. McIntire. Ms. McKissick will go back to the procurement officer.

At 8:27 p.m., Ms. Dam made a motion to go into Executive Session under Exemption 3; – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position; also, to conduct strategy sessions in preparation for negotiations with non-union personnel, to actually conduct collective bargaining and contract negotiations with non-union personnel.; and to come out of executive session for the purpose of reconvening; seconded by Mr. McIntire; roll call vote: Ms. McKissick – yes; Mr. McIntire; Mr. Gagner; Ms. Dam; and to come out of Executive Session to open session.

Executive Session ended at 8:52 p.m. at which time Ms. Dam asked that the Commission reconsider her motion to move forward with the commercial permitting, and allow her to send the letter, by-laws and application only for review by an attorney; seconded by Mr. McIntire. Motion failed.

Meeting adjourned at 8:55 p.m.

Our next meeting date is going to be April 14.

Respectfully submitted,

_____	_____	_____	_____
Cheryl McKissick	Date	John Elliott, Sr.	Date
_____	_____	_____	_____
Sandra Dam	Date	Paul Gagner	Date
_____	_____		
James McIntire	Date		