

**WINDHAM WATER POLLUTION
CONTROL AUTHORITY**

MINUTES

August 24, 2010

The Windham Water Pollution Control Authority held its regular meeting on August 24, 2010 in the Meeting Room, Town Hall. Chairman Rene Goss called the meeting to order at 6:30 P.M. Members present were Stanley Morytko, Nita Giordano and Rene Goss. Mary Burnore was excused. Also present was Plant Superintendent David Garand

I) Public Comment.

There was no public comment.

II) Correspondence

There was no correspondence.

III) Approval of Minutes

The minutes of July 27, 2010 were approved. Motion by Stanley Morytko and seconded by Rene Goss. Nita Giordano did not vote as she was not present at the July meeting. The motion carried.

W.P.C.A. members agreed to amend the agenda to hear the presentation from Town Manager Neal Beets in response to the W.P.C.A. letter requesting clarification regarding the relationship between the W.P.C.A. and Town Council.

IV) Town Manager's Questions about the Relationship between the W.P.C.A and Town Council.

Town Manager Neal Beets said two letters were forwarded to the Town Attorney, Rich Cody, regarding authority issues between the W.P.C.A. and the Town. Plant Superintendent David Garand also wrote a letter to the Town Attorney asking him to delineate the powers between the municipal bodies. Mr. Cody referred to Section VII-5 of the Town Charter. The Town established the W.P.C.A. and gave it all the powers of such an authority as provided by the General Statutes. Charter Section VII-5 enumerates particular powers of the W.P.C.A. and establishes relationships between the W.P.C.A. and the general municipal legislative and executive authorities, such as the Town Manager and the Town Council.

Mr. Beets then went on to address specific questions posed by the W.P.C.A.

1) Hiring authority, Section VII-5 (d) provides that the Town Manager, as the chief executive officer for the town, is responsible for oversight of the W.P.C.A. Specific issues such as salaries, wages, and benefits of all W.P.C.A. union and non-union workers shall be determined by the Town Manager and the Town Council in concurrence with the W.P.C.A. Mr. Beets said we both need to agree on our decisions. Plant Superintendent Garand said the key element is cooperation between both parties. My job is to bridge the gap between the W.P.C.A. and Town Council, said Beets.

2) Sewer Rates - The Town Charter (Section VII-5(i) delegates to the W.P.C.A. the power to set the sewer rates. This statute contains specific procedures governing the establishment of rates, including notice, and a remedy of appeal. There is nothing in the Statutes, or the Charter that confers or reserves the power to set sewer rates upon the Town Council.

3) Investment of Municipal Funds – In the absence of express statutory authority and express authority in the Charter, we cannot conclude that the investment of municipal funds is within the authority of the W.P.C.A. Investments must be overseen, managed and approved in the ordinary course, as in the investment of any Town’s municipal funds. Plant Superintendent explained that the Statutes give the W.P.C.A. the authority to make investment purchases. He said Tom Pesce (Town Controller) is the vehicle for making the investments. Mr. Pesce is comfortable with making the purchases providing they are statutorily correct.

4) Approval of Expenditures – Section VII-5 (h) provides that the W.P.C.A. has the power to incur and approve expenditures and revise budget line items during the fiscal year. The W.P.C.A. may approve expenditures, but payment must be done through the Treasurer under the usual procedures. The W.P.C.A. is authorized to make purchases, and is not required to follow the low bidder rule, Garand said. The Charter gives the W.P.C.A. the authority to contract and make purchases as long as it doesn’t exceed the W.P.C.A. budget, he added. Mr. Beets said the W.P.C.A. can afford to make expenditures that other town departments cannot, and this could cause friction between the town workforce.

Chairman Goss said in the absence of an emergency the Plant Superintendent will obtain approval from the W.P.C.A. before making any purchases over \$5,000.

Mr. Beets said in his letter, Attorney Rich Cody states that the Charter clearly provides that the Town Manager is responsible for the oversight of the W.P.C.A. Garand said there needs to be an open line of communication between the Town and the W.P.C.A. and the Town needs to be equitable when awarding approvals to all agencies.

V) Reports

a) Chairman

1) Chairman Rene Goss said the W.P.C.A. sent a letter of condolence to Nita Giordano on the loss of her mother.

2) Chairman Goss said he walked the Magnet School site recently, and although he is personally against the Magnet School, as chair of the W.P.C.A. he said he supports the proposal.

b) Plant Superintendent

Construction

Current Work: New Garage Building: Working on punch list completion. **Primary Settling Tanks:** Working on punch list. **Administration Building:** Working on electrical, mechanical, floors, drop ceilings and plumbing. **Headworks Building:** Backfill. **Secondary Clarifier #2:** Working on equipment replacement.

Change Orders

The following Modifications were made: Emergency By-Pass Pumping (\$5,894). We only had to pay one/half for the By-Pass Pumping. Other modifications included Installation of baffle plate at Aeration Tank Gate (\$546.) Remove and replace hollow floor in Clarifier 2 (\$17,005), changes to Concrete Containment Curb for chemical storage tank (\$8,362), and deletion of wall in Administration Building between rooms #113 and #114 (Credit of \$674).

Plant Performance

All permit requirements were met for the month of May. Garand reviewed the July 2010 Effluent Quality Report.

Administration & Finance

a) Monthly Budget Report ending 7/31/10. Garand reviewed line items. **Revenues** were \$258,554. This is 7.7% of revenue collected with 8% of the year complete. **Expenditures** were \$232,793. This is 7% of the budget expended with 8% of the year complete.

b) Significant Non-recurring Expenses July 26, 2010 to August 22, 2010 include manhole frames, skidster repair, construction (Carlin co.), Router SCADA system, base pedestal mount crane and multi meter, LDO probe, and major equipment repairs.

C) Mansfield Dispute – Latest version of agreement with Town of Mansfield.

Garand said he and Lon Hultgren (Town of Mansfield) both agree on the substance of the document, but additional modifications are still being made. When complete they will

both review the document, and present it to their respective W.P.C.A. for approval, said Garand.

D) D.E.P., F.O.G. requirements only pertain to Class 3 and 4 classifications. Garand said State Statutes for F.O.G. are limited to Class 3 & 4 facilities. He said the W.P.C.A. could adopt an ordinance to include the rest of the facilities or leave it as is. Garand said he would do further research and provide the information at the next meeting.

E) F.O.G. Exemption Request (Card home for the Aged). Garand said the Card Home is listed as a Class 4 facility, but they are limited to only 20 people and they seem to follow good cooking procedures. He distributed a copy of their menu. They don't seem to generate a large amount of grease, he said.

Nita Giordano made a motion to exempt the Card Home for the Aged from F.O.G. requirements and Stanley Morytko seconded the motion. The motion carried unanimously. The W.P.C.A. agreed they would deal with each request as it is received. Garand agreed to write an ordinance describing temporary classifications.

F) Multi Bank Securities. Garand said one investment was called and 2 were purchased.

G) Sewer #8 (1999): Utility body and frame rotted. Will cost approximately 12 – 15 thousand dollars to replace. A discussion was held regarding repairing the vehicle versus buying a new one. Garand said they could trade the 1999 vehicle in if the decision is made to purchase a new one.

Nita Giordano made a motion to approve replacing Sewer #8 vehicle and Stanley Morytko seconded the motion. The motion carried unanimously. Garand said he would have all the figures for a replacement vehicle and trade in value at the next meeting.

Customer Relations

There were no blockages in our lines through 8/24/10.

As there was no further business, the meeting was adjourned at 8:00 P.M. Motion by Nita Giordano and seconded by Stanley Morytko. The motion carried unanimously.

The next meeting will be held on September 28, 2010 in the Meeting Room, Town Hall at 6:30 P.M.

Respectfully submitted,

Lillian Murray, Clerk