

**WINDHAM WATER POLLUTION
CONTROL AUTHORITY**

MINUTES

April 26, 2011

The Windham Water Pollution Control Authority held its meeting on April 26, 2011 in the Windham Wastewater Treatment Facility Conference Room. Chairman Rene Goss called the meeting to order at 6:40 P.M. Members present were Nita Giordano, Mary Burnore, Rene Goss and Stanley Morytko. Also present was Plant Superintendent David Garand.

1) Public Comment

There was no public comment.

2) Approval of Minutes

The minutes of March 23, 2011 were amended: page 3, item d...1601 **West** Main Street.

Mary Burnore made a motion to approve the minutes of March 23, 2011 as amended and Stanley Morytko seconded the motion. The motion carried unanimously.

3) Murtha Cullina Presentation

Attorneys Genea O. Bell and Andrew W. Lord from Murtha Cullina, Attorneys-at-Law addressed the Authority at the W.P.C.A.'s request. At the February 22, 2011 meeting, the W.P.C.A. agreed to engage legal counsel to provide an independent assessment regarding the questions asked of the Town Attorney by Town Manager Neal Beets, and to verify the Town Attorney's opinion regarding the W.P.C.A.'s authority and responsibility. The W.P.C.A. is looking for verification of the Town Attorney's opinion, said Plant Superintendent David Garand.

Attorney Lord recommended that the W.P.C.A. continue conducting business as usual, and if a conflict develops then deal with that conflict as it arises. Fight the battles if and when they occur, said Lord. He added that the Town Charter is quite vague identifying W.P.C.A. authorities and responsibilities, but from all accounts the Windham W.P.C.A. is doing business properly.

Plant Superintendent David Garand referred to an incident recently where the question came up as to whose responsibility it is to hire Plant employees. Town Council felt it was the Town's responsibility because the employees are Town employees. The W.P.C.A. maintained that it was within their purview to direct the Town to hire W.P.C.A. employees. The question was referred to the Town Attorney, who concurred that the W.P.C.A. had the authority to direct the Town to hire employees for the Wastewater Treatment Plant. Attorney Lord said staffing is a W.P.C.A. function.

Mary Burnore said that when the W.P.C.A. approved the last contract, it also approved a 3% raise for its Plant employees. The raise was never approved by the Town, and the W.P.C.A. had no input on sewer employee's union contract negotiations.

Plant Superintendent Garand said this past winter when Town offices were closed due to inclement weather, Town Hall workers were given the time off with pay, while other Town employees were required to work. All Town employees are not treated the same, said Garand.

Attorney Genea Bell explained that the Plant employees actually work for the Town. They do not work for the W.P.C.A., but when it comes to benefits the Town Charter must be followed. She said if the W.P.C.A. knows that the Town Council and W.P.C.A. may have a conflict regarding raises, etc., the W.P.C.A. should be proactive and notify the Town Council. If it does not agree with a Town decision it must declare that it is not in agreement. The Town Council and the W.P.C.A. should reach "concurrence" on these issues.

Attorney Lord said if the W.P.C.A. feels that State Statutes and/or the Town Charter are not being followed by the Town Manager, the WPCA can contact Murtha Cullina for representation.

The W.P.C.A. thanked the representatives from Murtha Cullina for coming to the meeting and for providing suggestions as to how to proceed should a conflict come up between the W.P.C.A. and the Town.

2) Reports

Chairman

The Chair had nothing to report.

Plant Superintendent's Report

Construction

Current Work: **New Garage Building:** working on punch list completion. **Primary Settling Tanks:** working on punch list completion. **Administration Building:** working on punch list completion. **Headworks Building:** Installing mechanical piping. (All

plumbing is being done in house for the chemical storage tanks. This will save the W.P.C.A. about \$20,000.). **Secondary Clarifier #2:** On line, issues with scum removal on tank influent channel. (Garand said the secondary clarifier will be taken off line. He said it may take 2-4 weeks to resolve the issue).

Plant Performance

BODS and TSS permit violations on 3/7 & 3/8/11 due to the heavy rain and snow melt. Garand reviewed the Effluent Quality Report dated March, 2011.

Monthly Budget Report

Garand reviewed the Monthly Budget Report dated 3/31/11. **Revenues** collected \$2,497,191. This is 75% of revenues collected with 75% of the year complete. **Expenses total** \$2,228,843. This is 67% of budget spent with 75% of the year completed.

Significant Non-recurring Expenses March 22 to April, 2011

Significant non-recurring expenses include construction costs, DVR for camera truck, spray bed-liner (new Sewer 8 Truck), tires (Sewer Truck 7), VDF Pump controller (Hycor polymer system), rear springs (Sewer Truck 8), portable printer front gate, and Gorman Rupp rental.

Multi-Bank Securities

Garand reviewed the Multi-Bank Securities, Inc. Quarterly Report. He said the total principal of our investments is \$10,468,000.00. He said we purchased one new investment with an interest rate of 4% which matures 4/28/2021. He explained it is only callable one time on 10/28/11.

Covenant Soup Kitchen

Garand said The Covenant Soup Kitchen is going to get a refurbished unit to deal with F.O.G. At the last meeting, a representative from The Soup Kitchen approached the Authority requesting a waiver of the F.O.G. requirements because they did not have the funds to purchase a unit. While the Authority was sympathetic to their request, they did not want to set a precedent. Garand said Mitch Baser has agreed to donate an AGRU Unit to the Soup Kitchen. All that they have to pay for is for the installation, said garand.

Fats, Oil & Grease Compliance

Garand reviewed a draft copy of the new requirements for an annual Town of Windham Fats, Oils, and Grease Compliance Waiver. Stan Morytko made a motion to replace the existing compliance waiver with the new compliance waiver dated 4/26/11. Mary Burnore seconded the motion. The motion carried unanimously.

Proposed 2011/2012 Budget

Garand distributed a copy of the proposed budget for 2011/12. The total amount is \$3,400,000. He then went on to describe line items.

After a brief discussion Mary Burnore made a motion to approve the 2011/12 budget as presented and Stan Morytko seconded the motion. The motion carried unanimously.

Engineer Expectations

Garand referred to an article entitled Change Orders, which states that the use of change orders is a basic, as well as a common element of the design and construction process. He said designs need to meet a reasonable standard of care. No matter how extensive design services may be, certain aspects of the design services will require modifications during construction to reflect conditions at the construction site. Reasonable practice involves a certain level of flexibility in the development of a project as it moves from final design through the construction process so that change will improve the outcome. The change order should be based on a prescribed process to determine time and cost, and the actions should be carried out in a timely manner to prevent delay of the project. Strictly following a rational change order procedure will reduce the potential that change orders have for generating unnecessary misunderstandings and conflicts and will help avoid unmet expectations in the design and construction process.

WEFTECH Annual Conference

Garand said the annual WEFTECH conference is being held in California and he expressed a desire to attend. He said it is a great opportunity to meet with contractors and vendors of equipment and machinery, as well as being able to see the newest technology in wastewater treatment on display.

Mary Burnore made a motion to approve Dave's attending the WEFTECH conference in LA and to allow him \$3500. for expenses. Nita Giordano seconded the motion. The motion carried unanimously.

Constellation Energy: Load shedding program

Garand referred to Constellation Energy's new contract and recommended not renewing the contract.

After some discussion, Stan Morytko made a motion to not renew the contract with Constellation Energy and Mary Burnore seconded the motion. The motion carried unanimously.

Special User Rate Customers: annual renewal.

a) Garand referred to a letter from Mark Berkowitz, Director of Operations, Stonegate Manor Manufactured Housing Community, L.L.C. regarding the current special sewer rates for Stonegate Manor. He advised that Stonegate Manor is being purchased by an outside investor. The closing is due to take place prior to July 1, 2011. Mr. Berkowitz said they have not converted any homes from septic to city sewer over the past year, and the number of homes on septic has remained unchanged. The WPCF and the buyer will have to determine how they wish to continue billing in the future, but at this time Stonegate Manor is requesting that the current special sewer rate be continued during the interim period.

b) Letter from Mike Pascino, Facility Manager with General Cable, requesting to renew their special rate for sewer use at the General Cable Willimantic facility. Operating conditions at the plant are the same as they were when the rate was initially put into effect, said Pascino.

Mary Burnore made a motion to renew the special sewer rate for Stonegate Manor and General Cable and Nita Giordano seconded the motion. The motion carried unanimously.

Customer Relations

There were no blockages in our lines through 4/26/11.

As there was no further business, the meeting was adjourned at 8:25 P.M. Motion by Mary Burnore and seconded by Nita Giordano. The motion carried unanimously.

The next meeting will be held on May 24, 2011.

Respectfully submitted,

Lillian Murray, Clerk