

**WINDHAM WATER POLLUTION
CONTROL AUTHORITY.**

MINUTES

Sept. 22, 2009

The Windham Water Pollution Control Authority held its regular meeting on September 22, 2009. Acting Chairman Charles Kratt called the meeting to order at 6:37 P.M. Members present were Mary Burnore, Rene Goss and Charles Kratt. Also present was Plant Superintendent David Garand. Nita Giordano had an excused absence.

1) Public Comment

There was no public comment.

2) Correspondence

Four WPCA members received invitations to attend the recent awards ceremony held on September 21, 2009 acknowledging local residents who have volunteered their time serving on Town boards, commissions etc.

3) Approval of Minutes

The minutes of August 25, 2009 were amended as follows: Pg 2, item 2 **Nitrogen numbers were doubled...**Pg 2, item 3, para 3 he **has** to take 5 furlough days...Pg 4, item 5, para 2 Town's Development Map **must** be upgraded... Pg 4 item 5 para 3 they would have to cease operations **by State law...** Pg 4, item 5 para 4 to close the **First Baptist Church kitchen** because...

Mary Burnore made a motion to approve the minutes of August 25, 2009 as amended and Rene Goss seconded the motion. The motion carried unanimously.

4) Reports

a) Chairman's Report

Rene Goss made a motion to amend the agenda to move item 6B (Ethics Violation) up to Chairman's Report and Mary Burnore seconded the motion. The motion carried unanimously.

Acting Chairman Charles Kratt said he attended the recent Ethics Committee meeting which was held in response to a complaint filed by Neil Mesick regarding a

presentation made to WPCA members by Michael Paulhus (Rene Goss' brother-in-law) regarding the possibility of transferring WPCA investments into his company, RBC (Royal Bank of Canada). Mr. Mesick stated (in a local newspaper article) that the WPCA tried to sneak a transfer of money to RBC. Charles Kratt explained to the Ethics Committee, and to Mr. Mesick, that the WPCA did not attempt to sneak any money to RBC. He said the WPCA listened to Mr. Paulhus' presentation to see if he could offer better returns on their investment. Since Paulhus was not able to offer a better portfolio than what it already has the WPCA decided to remain with their present investments broker. Charles Kratt said Mr. Mesick seemed to be satisfied with his explanation and agreed to drop the complaint as it was filed.

Mary Burnore referred to a newspaper article which stated that WPCA members buckled under Mr. Mesick's complaint, and as a result did not move any funds. She said she did not support a transfer because she assumed that RBC was not located in the U.S., and not because she was buckling under the complaint as stated.

Plant Superintendent David Garand explained that the primary reason we didn't go with RBC was because Mr. Paulhus couldn't offer us anything better than what we already have. He also added that Chairman Rene Goss facilitated Mr. Paulhus' presentation at the WCPA meeting, but he did not participate in the discussion because Mr. Paulhus is his brother-in-law and he wanted to avoid a conflict of interest.

b) Plant Superintendent's Report

1) Construction

Current work: New garage building: Paved the area in front of the garage building. Continue electrical work, working on punch list completion. Primary settling tanks: Placed on line. Administration Building: Start up S.C.A.D.A. Primary Treatment Control Panel and Alarming. Aeration Tank #2. Tank off line for tank repairs and equipment replacement.

There were 2 new change orders (9 total). Charles Kratt complimented Dave Garand and the total engineering team (Wright Pierce) for their efforts in the development of the new Sewer Treatment Facility while maintaining a low number of change orders.

2) Plant Performance

All permit requirements were met for the month of July. Plant Superintendent Dave Garand reviewed the August Effluent Quality Report. He said due to aeration tank equipment replacement nitrogen levels have doubled.

3) Administration & Finance

a) Monthly Budget Report

Garand reviewed the monthly budget report ending 8/31/09. He said **Revenue** is \$493,558. This is 14% of revenue collected with 16% of the year complete. **Expenditures** total \$491,424 which is 14% of budgeted expenses with 16% of the year complete.

b) Significant Non-recurring Expenses

Garand reviewed significant non-recurring expenses for August 25, 2009 to September 21, 2009. He explained that MTI (Maint Tech) is the company hired to verify installation of all new equipment at the Plant and to ensure that it meets industry standards.

c) **Mansfield Dispute:** In his report Garand explained that he believes Mansfield is clear on Windham's position for Mansfield's construction and Design funding obligations. The attorneys have been contacted by the arbitrator for a conference call on 9/23/09. Garand said he offered Mansfield a user rate equal to Windham's rate plus a 25% surcharge. He then went on to explain his views of the remaining issues: 1) Mansfield wants credit for additional loadings (added expenses direct and non-direct) from septage, grease and the non-joint collection system (plus credit given to Mansfield carried back to 1998). 2) Mansfield wants approval of future facility upgrades and capital expenses and modify the payment obligation formula in the current agreement. Garand said based on his calculations this amount represents approximately a 12% decrease in Mansfield current user rate and covers all Mansfield's obligation under the current "Agreement". Mansfield has been notified of this potential option with the W.P.C.A. board approval, he said. Mansfield is currently only paying 90% of usage charges. Garand said the main objective for returning to arbitration is to eliminate any remaining disputed issued.

Lon Hultgren, Town of Mansfield, was seated in the audience. He said Mansfield is in the process of paying off its debt to the Town of Windham.

d) **High Strength Waste:** Garand said he will discuss this at the next CAWPCA meeting, and will report back to the Authority.

e) **Reserve Investments:** There are no new investments.

f) **Financials:** Tom Pesce will present 2008/2009 financials at the November meeting.

g) **Customer Relations:** Sewer main on Chapman Street leaking into the storm sewer. Garand said this was repaired and the problem is resolved.

h) Splash Park 2009 sewer portion of water usage is \$5,675. Rene Goss asked, what will happen this winter in terms of snowplowing at the Plant if the Public Works

budget is used up. Who will plow the road at the Plant, he asked. Garand said we will have to plow it ourselves and then send the bill to Public Works.

4) Old Business

a) Magnet School: Dave Garand said the Board of Selectmen recently approved purchasing land on Tuckie Road for a new Magnet School. He said he is scheduled to meet with the school representatives regarding their proposal. The Water Commission has been approached regarding extending water into that area, said Garand, adding that he thinks the Magnet School site may be in their service area. Garand explained that in order for the Magnet School to move forward the Zoning Commission would have to change the category of this property to allow sewers to come in. They would have to re-zone this property as a development area and also amend the map. Once that is completed the school would have to come before the W.P.C.A. for approval, said Garand. The sewer line would run from George Street out to Tuckie Road. The pump station would also have to be upgraded, he added. Rene Goss noted if the W.P.C.A. does not approve this, the project would die. Garand explained that if an existing area currently on septic has irresolvable problems then the DEP could mandate the Town to extend the sewers and then assess properties in that area

b) Update on union contract. Garand said they are still negotiating the new contract.

c) Update on FOI Complaint: A general discussion ensued. Charles Kratt said Mr. Mesick stated at the Ethics Committee meeting that he will drop the complaint.

Plant Superintendent Dave Garand explained that he was not trying to keep anything from the public, and he would comply with FOI requests. However, the request has to be specific and accurate. Mr. Mesick had asked for the grease lawsuit expenses. We don't have, or ever have had a grease lawsuit. Mr. Mesick was not accurate with his information. If he had called me and asked to see the materials I would have invited him to come to the Plant and would have showed him the documents informally, concluded Garand.

The meeting was adjourned at 7:45 P.M. Motion by Rene Goss and seconded by Mary Burnore. Unanimous vote to adjourn.

The next meeting will be held on October 27, 2009. Rene Goss asked to have election of a Chairman and a Vice-Chairman on the agenda for the November meeting.

Respectfully submitted,

Lillian Murray, Clerk.

