

26 October 2010

MEMORANDUM

From: Manager
To: Board of Trustees

Subj: **MINUTES FOR THE TRUSTEE MEETING 12 OCTOBER 2010**

The Board of Trustees convened at 1900 hrs. In attendance: Trustee Pinkham (Chair), Trustee MacPhee, (Vice Chair), Trustee Marston (Treasurer), Trustee Curtis, Jon Ziegler, Manager, Bob Raudenbush, Administrative Manager (AM). Guest: Mr. Kevin Roche, Mr. Jim Powers & Mr. Walter "Scotty" Scott, Sprucewold Homeowners Association. Absent: Trustee Carter (Clerk).

1. The minutes of the 28 September 2010 trustees meeting were approved as written
Trustee Curtis motioned, Trustee Marston second, vote: unanimous
2. Warrants 57, 58 & 59 were approved.
Trustee MacPhee motioned, Trustee Marston second, vote: unanimous
3. Chairman Pinkham recognized three members of the Sprucewold Homeowners Association (SHA), Mr. Kevin Roche, Mr. Jim Powers & Mr. Walter "Scotty" Scott, who inquired as to the next step in getting year-round water for fire protection in Sprucewold as indicated by a previously submitted petition. The manager reported what was needed was 1.2 miles of new 8" main running from Lobster Cove Road to Sunset Road. A rough estimate, prepared by the manager, figuring \$150.00 per lineal foot, would result in \$750,000 for the project. The group was reminded that the district could not solely fund such a project. The SHA explained that they were attempting to find a source of grant money for which the board pledged its assistance. The SHA inquired if the district had this project on a priority list and requested a copy of the master plan. The manager concluded that regardless of the funding sources the proposed water main would have to be installed in the public way, built to district specifications and would be the property of the district once completed. The board thanked the SHA for coming to the meeting and stated that they looked forward to working with them in the future.
4. The manager informed the board that the closing date for the United States Department of Agriculture (USDA) loan was set for 19 October 2010 here at 0930hr and that the interest rate for the loan was 3.0%

The manager went on to report that on 1 October 2010, concluding on 5 October 2010, Pike Industries completed the paving package for Route 96, Beath Road, Butler Road, Back Narrows Road and the Nolan Driveway as well as installing two speed tables at the request and funding of the outgoing Boothbay town manager. The work was completed to district satisfaction and to that point the district had received only one complaint from aforementioned ex-town manager concerning paving to granite, which the manager reported was a problem with the town of Boothbay PWD not raising infrastructure as required. Lastly, the manager reported the striping was not complete.

The manager presented the board with an official protest, provided by Bill Whorff construction, contesting the district's calculation of quantities and penalty assessed. The board was made aware that on 8 October 2010 HCC Surety Group paid \$221,748.73, on behalf of Bill Whorff Construction to Ferguson Waterworks eliminating a lien on the project.

5. The manager reported that the Union Court Water Main Replacement project was now complete and that this would be his last report on the subject until the final overlay was completed in the spring for which the district has a 50% stake. The manager reported that he was very happy with the final product and would be taking the lessons learned into the next project.
6. The manager reported that since the last trustee meeting Dirigo Engineering and he had fully investigated Nitram Excavation, including: checking references (the board was provided written references), meeting with the contractor, surprise inspection of current work for the Bath Water District and a thorough review of financial stability. The manager provided the board a formal letter authored by Dirigo Engineering, quantifying the credentials of Nitram Excavation, which found the contractor to be acceptable and qualified to complete the Commercial Street Water Main Replacement project.

The manager went on to report that on 4 October 2010, as directed, the contract was awarded to Nitram Excavation, Benton, ME. The manager reminded the board that the contract documents were scheduled to be signed on 14 October 2010 at 1400 at the district office. In addition after the contract documents are signed the district scheduled a public meeting at the Boothbay Harbor Town Hall at 1800 hr. The manager informed the board that Mr. Aldan Jordan was elected by the merchants to represent them. In addition the board was made aware that this meeting would be televised. Trustee Curtis informed the board that he would be unable to be present.

The manager presented the board with a memorandum of understanding (MOU) with the town of Boothbay Harbor. The original requirement by the public works director of total removal was met with stiff resistance by the merchants and a suitable amendment to meet everyone's needs was arrived at and outlined in the MOU. The MOU was approved by USDA.

7. The manager informed the board that Bigelow Laboratories had completed the necessary tasks to move on with construction. The manager informed the board that the required easements had been procured for the project and were registered at the Lincoln County Registry of Deeds. Likewise the road opening permit for Route 96 had been obtained and the fees incurred by the district had been reimbursed by Bigelow.

The manager reported that on 11 October 2010 he had met with the Knickerbocker Group, Consigli (the general contractor) and representatives from Harry Crooker and Son Construction. The plans were reviewed for the final time with only minor alterations made and the materials to be used in the construction were approved by the district at that time. Lastly, as a requirement, the district's inspector was given shutdown authority over the project. The manager recommended to the board that they give Bigelow Laboratories authorization to proceed with the planned water main extension.

Trustee MacPhee motioned, Trustee Curtis second, vote: unanimous

8. The AM discussed the budget with all actual numbers being on the good side when compared to expectations.

9. The AM reported that Raftelis had not requested any further information to date and that was being taken as good news.
10. The manager reported no safety violation or concerns as well as no accidents in the previous period.
11. The manager reported the district was heading towards full compliance with the Maine Department of Labor citation issued for “violations” found in a recent safety inspection. The manager informed the board that the written response, due 15 November 2010 would be sent out by the end of the month with only a small metal fabrication job remaining.
12. The manager report treatment plant is operating at very good efficiency. The following was posted in the most recent edition of the *Boothbay Register* as of 25 September 2010.

“From 3 Oct 10 to 08 Oct 10 the Boothbay Region Water District withdrew 3,464,200 gallons from Knickerbocker Lake in accordance with Maine Department of Environmental Protection permit. To date the district has withdrawn 36,348,700 gallons in 2010 and is permitted to withdraw 51,500,000 gallons.”
13. The manager reported that seasonal shutdown would occur on 14 October 2010 at 0700 hr. The distribution staff was reported to be gearing up.
14. The manager reported that on 30 September 2010 he met with several other water districts and the state of Maine officials to discuss strategies for compliance with Chapter 587 and how and what a “*Water Withdrawal Certificate*” is. The manager described one utility that has been pressured into completing a hydro-geological study totaling \$400, 000 with another considering water releases into a stream of little to no significance from its primary drinking water source. The discussion began to range around state ability to enforce orders with regards to Chapter 587 and concluded with the board instructing the manager to keep them informed as to the status of this regulation.
15. The manager informed the board that the district had recently won an appeal filed against the district by a distraught customer over a bill for excessive water used, by the customer in 2009. The manager credited the win to the excellent record keeping of the customer services representative and the various utilities technicians having contact with this case.
16. The meeting was adjourned at 2032hr.

Trustee Curtis motioned, Trustee Marston second, vote: unanimous

END OF MINUTES

MINUTES FOR THE SPECIAL TRUSTEE MEETING 19 OCTOBER 2010

The Board of Trustees convened at 0930 hrs. In attendance: Trustee Pinkham (Chair), Trustee MacPhee, (Vice Chair), Trustee Marston (Treasurer), Trustee Curtis, Jon Ziegler, Manager, Bob Raudenbush, Administrative Manager (AM). Guest: Mr. Geoff Hole, Bernstein, Shur, Sawyer and Nelson; Mr. Brian Wilson, United States Department of Agriculture, Rural Development (RD). Absent: Trustee Carter (Clerk).

1. The board made Trustee Curtis Clerk for the term of 0930 hr, 19 October 2010 to 0001 hr. 20 October 2010 at which time the office of Clerk was to revert back to Trustee Carter
Trustee MacPhee motioned, Trustee Marston second, vote: unanimous
2. Trustee Curtis read the CERTIFICATE OF CLERK (see attached) and the board approved said reading.
Trustee MacPhee motioned, Trustee Marston second, vote: unanimous
3. Trustee Pinkham, Chairman; Trustee Marston, Treasurer and Trustee Curtis, Clerk proceeded to sign the loan documents, provided by RD for the sum of \$1,439,000.00 to be financed over forty (40) years with a fixed interest rate of 3.0%.
4. The meeting was adjourned at 1020 hr.
Trustee Curtis motioned, Trustee Marston second, vote: unanimous

Respectfully Submitted,

Jonathan E. Ziegler
Manager