

14 August 2012

MEMORANDUM

From: Manager  
To: Board of Trustees

Subj: **MINUTES FOR THE TRUSTEE MEETING 24 JULY 2012**

The Board of Trustees convened at 1900 hrs. In attendance: Trustee Pinkham, Boothbay Harbor, (Chair); Trustee MacPhee, Boothbay, (Vice Chair); Trustee Marston, At-Large, (Treasurer); Trustee Reed, Boothbay Harbor; Jon Ziegra, Manager. Guest: Mr. John Vander, Ms. Karen Swartsberg, Mr. John Webster, Ms. Kim Horstman and Ms. Sue Mello, Boothbay Register. Absent: Trustee Carter, Boothbay (Clerk).

1. The minutes of the 10 July 2012 trustees meeting were approved.  
*Trustee MacPhee motioned, Trustee Marston second, vote: unanimous*
2. The **Payroll** for 10 July 2012 and 17 July 2012 were approved.  
*Trustee Reed motioned, Trustee MacPhee second, vote: unanimous*
3. The **Transactions** for the period of 9 July 2012 through 20 July 2012 were approved.  
*Trustee Marston motioned, Trustee Reed second, vote: unanimous*
4. Chairman Pinkham broke with the published agenda and recognized **Mr. John Webster** who addressed the board. Mr. Webster stated that he had two issues he wanted to bring to the board and started with a plea to the trustees to lengthen seasonal water service within the district. Mr. Webster asked the manager to describe the process for seasonal shutdown for which the manager complied. Mr. Webster thought it was appropriate for the district to consider lengthening the season to help seasonal business for which the board thanked him for his input.

Mr. Webster followed his request by lodging a complaint with the trustees. Mr. Webster described an incident in where he verbally accosted an hourly employee, allegedly mistaking her for a trustee, at the Shop n' Save in Boothbay Harbor, after hours, in front of her family and the general public and was offended that he received the "anti-tourist" reply; "you will be back". He questioned if an (anti-tourist) "culture" existed at the district and who was responsible for this behavior. Mr. Webster then stated "he was shocked to find out the employee was the customer services representative, (*name withheld*)" and that the employee response was in "poor form".

Trustee Pinkham recognized the manager who responded to Mr. Webster's allegations. The manager informed the board that the customer services representative had informed him of the incident the day after, not knowing the man who had cornered her and was "physically shaken" and "felt threatened" as a result of Mr. Webster's behavior. The manager then requested that Mr. Webster join him and the board after the meeting to discuss the incident fully, for which Mr. Webster declined. The board allowed additional leeway for the manager to expand upon his assessment of Mr. Webster's actions adding the following points:

1. "What (was he) thinking cornering an hourly employee, after hours in a very public place?"

2. His actions were “selfish”, “ignorant” and the manager was surprised the employee did not provide a more forceful response; and
3. Repeated three times that Mr. Webster had been the one that had acted in “poor form”.

The manager concluded his response by informing Mr. Webster that any further contact with the district, be directly with him.

5. Chairman Pinkham then recognized **Mr. John Vander** who took a reasoned approach with his presentation asking for the district to extend seasonal water later in the season, staying on topic with his brief remarks and not introducing any extraneous material. The board thanked Mr. Vander for his input.
6. Trustee Marston then motioned to amend the district’s policy with regard to seasonal shutdown and move the date of shutdown from **the Thursday after Columbus Day to the third Thursday in October**. After brief discussion, where in Chairman Pinkham had to caution the audience on several occasions to stay quiet in that the board was taking no more public input on the matter, the board voted to approve the measure.  
*Trustee Marston motioned, Trustee MacPhee second, vote: unanimous*
7. Trustee MacPhee cautioned the audience before their departure that they “not come back” regarding seasonal shutdown dates in that this is the final amendment to the policy.
8. Chairman Pinkham granted the manager a brief break prior to moving forward with the meeting.
9. The manager provided the board with an update on the district’s **Financials**. The manager stated that all seemed in good order with nothing unusual report. The manager provided the board with a budget report from Osmon Page (OP) for which he apologized in that it really provided little useful information. The manager stated that he would be meeting with OP to work on the format which will include only the annual budgeted amount per line-item, annual to-date expended in each line item, and the monthly expenditure in each line item. Overall though the manager gleaned that the district’s finances appeared solid. As of 30 June 2012 the district had a gross income of \$1,246,924.08 while expending \$1,007,913.88. The manager also informed the board that on 17 June 2012, the district’s auditor, Runyon Kersteen & Ouellette (RKO) performed the midyear audit. Accounts receivable achieved a very-high degree of proficiency and accuracy as did the district’s accounts payable methodology and procedures. RKO gave favorable remarks to the new warrant system in both documentation and accuracy. Some deficiencies were identified and were still in-process by OP, all of which stemming from financial mismanagement prior to contracting with OP. RKO was able to help OP clear approximately 60% of the deficiencies that day with proper classification information. Overall the manager expressed to the board that the house was being put in order. Trustee Marston echoed those sentiments and was very pleased with the performance of staff and contracted personnel to date.

10. The board next took on the topic of enforcement of the **Watershed Protection Ordinance**. The manager reported that he had completed negotiations for costing concerning the fee from the town of Boothbay for watershed protection efforts for the 2013 budget at \$26,000.00. Additionally, the manager reported that he and the Boothbay town manager had agreed the district provide dog waste station at the Knickerbocker public access with the town picking up the costs for maintenance, upkeep and waste removal.
11. The manager reported on **Safety and Training**. The manager reported no safety problems in the previous period.
12. The manager next reported on **Treatment Plant Operations**. The manager reported strong demand, averaging .9128 MGD, which he suspected pre-tightening of the system would equate to demand well over 1.0MGD. Adams Pond water quality remained strong.
13. The manager provided the board with an update on **Distribution Division Operations**. Summer operations and a moderate volume of job orders were reported and repairs. The manager alerted the board to the fact that the district was very active with the new valve exerciser working first on all of the hydrant valves in the system.

The manager provided the board with a draft letter amending the cross-connection control plan written by attorney Hole. The letter was to allow third party testing of backflow devices for commercial property owners, putting the legal responsibility on them to ensure all of the proper documentation is provided to the district within specific time frames with defined procedures for non-compliance. The board approved of the strategy.

Lastly, the manager reported that on 16 July 2012 the Edgecomb Fire Department sustained damage to one of its pumpers when rocks dislodged from the main on McKown Point Road were sucked into the pump. The Edgecomb fire chief had called the manager with the news and the candidate fire chief in Boothbay Harbor had also visited the district asking for an explanation. The manager stated that although regrettable it was not uncommon with all fire mains within every district to have the possibility of solids break loose during fire flows.

The manager then reported that he had discussed the incident with attorney Hole, and under the TORT Claim Act the district was immune from any claims resulting from this occurrence. That said the manager continued by stating the district had flushed that line since and was in the process of procuring equipment to allow greater velocity flushing and would revisit that main once the new equipment arrived. When asked by trustees the manager believed the rocks were left over from construction, which during the era of construction for the McKown Point water main, the then town of Boothbay Harbor department employed poor QA/QC.

14. The manager reported on the status of the **Southport Water System**. The manager provided the board with the revised Section 3 of the Master Plan which re-dealt projects in the event of the merger. The manager recommended to the board that they review it but not act on it until such time as a merger is approved and a new board is put into place. The board agreed with this assessment. The manager also informed the board to the fact that the Southport Water System project had been scaled back due to funding concerns.
15. The manager provided the board with a brief update as to his **Maine Water Utilities Association (MWUA) Board** activities. The main focus was the annual cookout to be held 9 August 2012 at Thomas Point Beach. The manager said it was a very good opportunity for district employees to network with their counterparts from all over the state. The board asked the manager to invite the Southport Commissioners.

16. The manager updated the board as to the status of the **Knickerbocker Lake Natural Resources Protection Act (NRPA) Report** due in December. As of that day the field work for Knickerbocker Lake was complete. The manager also informed the board that while completing this portion of the study, a resident, high ranking in local lake1 association, was observed removing plant vegetation within the littoral zone, adjacent to his camp, a violation of state law. The district's contractor had taken photos of this action, along with required photos off the littoral zone study, to be included in the annual report.
17. The manager reported on his activities with the **Boothbay Comprehensive Plan Review Committee** which were still in the early planning stages.
18. The manager updated the board as to the status of the **Gilead Street Water Main Replacement Project**. A preconstruction survey was completed by Leighton and Associates. This was completed to provide an accurate existing condition and determine the right of way, which will help determine the placement of the hydrant and aid road restoration placement.  
  
The manager then informed the board that earlier that day an arborist went on site and marked trees for pruning which caused some concern with local residents. The manager explained that approximately ten limbs over the public way need to be removed so that the excavator can operate properly. Mr. Steve Reny had contacted the town of Boothbay harbor public works director to ascertain the rules for trimming the trees.
19. The manager reported that he was in the process of reapplying for some of the **Submerged Land Leases** held by the district. No further progress was reported.
20. The manager reported the **replacement truck procurement** was still in process. He had been in contact with both truck suppliers and the date for the trucks to be manufactured would be the first week of August.
21. The manager informed the board that he would be on vacation from 28 July 2012 through 12 August 2012. Decision authority had been delegated to the distribution foreman if necessary, however the manager stated that he would need to work a few days and was not planning on leaving the area, being mostly accessible by telephone.
22. The meeting was adjourned at 2004 hr.  
*Trustee Reed motioned, Trustee Marston second, vote: unanimous*

END OF MINUTES

Respectfully Submitted,

Jonathan E. Ziegler  
Manager