

**TOWN OF WATERFORD SANITARY DISTRICT NO. 1  
MINUTES**

**January 12, 2011**

Commissioner Hinz called the meeting to order at 4:30 p.m.

Commissioners Present: Hinz, Gerard and Ciesielski

Also Present: Administrator Debbie Nelson, Operations Superintendant Norm Nelson, Chief Tom Ditscheit, Racine County District Attorney Michael Nieskes, and residents of the Town.

**Printed Minutes:**

Motion made by Ciesielski, seconded by Gerard to approve the Commission meeting minutes dated December 08, 2010 as printed. All in favor. Motion carried.

Motion made by Gerard, seconded by Hinz to approve the Commission special meeting minutes dated December 15, 2010 as printed. Gerard and Hinz in favor, Ciesielski abstained due to his absence. Motion carried.

**Report from Western Racine County Sewerage District (WRCSD):**

Tamblyn was not in attendance for the report.

**New Business:**

Motion made by Gerard, seconded by Hinz to accept Resolution 1101 - Resolution as to Sewer Service Charges for Category A Users, and Resolution 1102 - Resolution as to Sewer Service Charges for Category B Users. All in favor. Motion carried. Resolutions signed by all Commissioners.

Administrator Nelson and Chief Ditscheit explained the problems and complaints with regards to the cleaning of the municipal building by the last two janitorial services, Jani-King and MJI Professional Building Maintenance. Since Nelson is the contact person she spends a lot of time dealing with the various departments' complaints and contacting the janitorial service trying to rectify them. The present janitorial service had placed an ad in the newspaper trying to find a new cleaning person to re-place the current one, but as of this date had not been successful. It was noted that the reason for the change in janitorial services from Done-Rite was in the interest of cost savings as the departments were happy with their service. Ditscheit handed a cost comparison and break-down to the Commissioners showing the town's 2/3 cost and the district's 1/3 cost between the three janitorial services. Motion made by Gerard, seconded by Ciesielski to return to Done-Rite to clean the municipal building, also each department head will be responsible for handling any complaints and deal directly with Done-Rite. All in favor. Motion carried.

Hinz explained at last months meeting our present legal counsel stated they would no longer represent the District; however they would remain on board until new legal counsel was found. Hinz said the reason he placed this item on the agenda was to ask the Commissioners to bring several firm recommendations to next months meeting or to a possible special meeting next Wednesday. Hinz stated that Hostak, Henzl & Bichler is still our legal counsel even though Gerard mailed a letter regarding termination of legal counsel which was "uncalled for and can't be done, cannot single handedly falsify a termination letter of legal counsel" and has no face value. Gerard responded that he realized this letter could not stop their services as it takes a majority vote of the Commissioners to do so; however it was his intent to show in writing and be brought to a meeting that he and Administrator Nelson do not agree with the way the District's legal firm is handling our business. Gerard said per their contract Hostak, Henzl & Bichler are to represent the district as a whole. Gerard stated when he was President he contacted them regarding improprieties and in his Newsletter he made a brief comment to their response that they could not and would not look into such things, however since then they have chosen to answer all frivolous questions costing the District quite a bit of money. Gerard said he wanted to show the 1,925 sanitary district users who are the commissioner's bosses that he and Nelson are not part of the extra expenses that are being incurred by the District.

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Secondly, Gerard stated there is not a state statute or mandate that requires legal counsel to sit in the background or have their services be abused. Gerard recommended continuing without legal service unless there was a specific agreement with the commission that would clarify who, when, why, and how much these phone calls can be made and be approved in a meeting or by a committee. Hinz said he feels that legal counsel should be at the meetings to answer anyone's questions as this was done many years ago, Ciesielski agreed with Hinz. Hinz said that some members of the District's legal counsel has broke away from Hostak, Henzl & Bichler and have formed their own law firm, however they will stay on as legal counsel. Hinz stated he has been in contact with them and has their contact information. Gerard stated he has a problem with multiple charges for the interoffice communications between members of our legal firm which are billed to the District. Hinz pointed out highlighted calls he made on the last bill from Hostak, Henzl & Bichler stating he made them with regards to the Newsletter sent out by Gerard, although many other calls made pertained to other business in addition to \$550 for Attorney Geary to attend last month's meeting which Hinz believed was needed. Although the bill was \$2,700.56 Hinz wanted to make sure that "everything was up to snuff regarding the allegations regarding the Newsletter". Gerard pointed out on December's bill Hinz made nine calls, seven of which could have been answered by the Administrator saving \$1,215, however for some reason Hinz did not contact her for the answer. Hinz stated "we'll approve this later when it gets to the account payables".

Hinz stated he had a letter he would like to add as his response to Bill Gerard's Newsletter for the official record. Hinz handed a copy to Administrator Nelson and placed additional copies on the meeting room table for the public to take.

**Old Business:**

There was not anything for discussion.

**Public Comment:**

Norman Abplanalp questioned if the District had a website and if the minutes were published. Hinz did not know, however Ciesielski answered that Town Supervisor Kacmarcik has a website that she has the District meetings and approved minutes.

**Monthly Operations & Maintenance Report (O&M):**

Norm Nelson informed the commission lift station 15, which is one of the major lift stations, was upgraded with a 20 h.p. pump and after only being operational for two days showed a significant drop in hour readings which should help out in high flow peak times. In the future Nelson may pursue upgrading the second pump as lift station 15 is a duplex system.

Nelson reported on lift station 2 which was upgraded to 3-phase back in July 2010. Nelson did a comparison of the past six months reporting a pump runs an average of 80 kilowatts less than on single-phase, or approximately 508 kilowatts, saving about \$15/month. An exact figure cannot be determined due to an increase in the electric rate affecting the cost per kilowatt, loss of the Point Beach credit, and the fuel cost adjustment. Nelson also did a year comparison showing 575 k.w. in July 2009 compared to 316 k.w. in July 2010. Additional factors to be taken into consideration were 6.8" of rain in July 2010 compared to 1.7" in 2009. Gerard explained the infrastructure is 20 years old and antiquated. To upgrade a lift station from single-phase to three-phase would cost between \$8,000-\$15,000. The person that was going to help the district apply for grant monies has since dropped out. Gerard stated Administrator Nelson and himself have not given up on and are still trying to pursue grant money.

Hinz said he would like to have Nelson bring information regarding part-time help with strong electrical experience to next months meeting.

**Administrator Comments:**

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Administrator Nelson said the 4<sup>th</sup> quarter billing with the new rate increase was sent out December 28<sup>th</sup>. Even though an article was placed in the Waterford Post and a message was on the 3<sup>rd</sup> quarter billing card regarding this increase and the reasons for it, many residents have commented or complained about the large amount of increase.

On the 4<sup>th</sup> quarter bill from WRCSO a note is included regarding future rates. Lynn Tamblyn stated that for the past two years funds were taken from their reserves in order to balance their budget and they cannot continue to do this. If WRCSO would have balanced for 2011 their rate would have increased by over 18% and future increase would certainly exceed the 4% increase of 2010. There are upcoming expenses for phosphorus treatment, mercury removal treatment, and a new thermal effluent temperature which could become a significant expense. Nelson believes that with the bill received from WRCSO being the largest the District has, this note should be taken very seriously with thought for the future beginning now.

**Correspondence consisted of:**

- WRCSO Agenda & Minutes
- Discussion regarding correspondence from Norm Abplanalp.

**Accounts Payable:**

Motion made by Hinz, seconded by Ciesielski to approve the accounts payable. Hinz and Ciesielski in favor. Gerard opposed as he is not in favor of the unnecessary spending of monies for legal counsel to Hostak, Henzl & Bichler. Hinz and Ciesielski in favor. Gerard opposed. Motion carried.

Motion made by Ciesielski, seconded by Hinz to adjourn at 5:23 p.m. All in favor. Motion carried.

Respectfully submitted,

Debbie Nelson  
Administrator