

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

November 10, 2010

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

Present: Commissioners Hinz, Gerard and Ciesielski
Absent: None
Also Present: Lynn Tamblyn, WRCSD; Duane Erickson, Operations Superintendent; Debbie Nelson, Administrator; Norm Nelson, Operations Assistant; and Mary Carignan

Hinz motioned to approve the minutes from the October 13, 2010 meeting as printed, seconded by Gerard. Hinz and Gerard in favor, Ciesielski abstained due to his absence. Motion carried.

Report from WRCSD: Tamblyn reported that due to citizen's criticism in the handling of funds to balance their budget and with their concern this could be construed as a dereliction of duties, the WRCSD Commission has discussed increasing their rates by nineteen (19) percent. Reasons Tamblyn gave for the increase were the driveway project, ditch project, and the mercury and phosphorus abatement. The DNR has already instituted a temperature control of water going into the river which would affect the treatment plant. Tamblyn stated the 2011 rates will increase by four (4) percent, however this will be the last time as they need to build their reserves to be financially responsible and will be increasing rates anywhere from four (4) to nineteen (19) percent thereafter.

Carignan went through the history of perceived sewer problems at her property located at 28932 Elm Island Drive. Erickson also provided a progression of events from the time the lateral was originally inspected through present date. Erickson stated the commission had decided in 2008 to pay up to \$400 to grout the connection by the road which was leaking, but then it stopped leaking when the water table was down, however after being televised twice recently the connection by the stub is leaking again. Erickson said that he already contacted a firm to grout this joint at a cost not to exceed \$400 with work to begin either Monday or Tuesday of next week. Carignan requested a letter saying the lateral is not leaking after being fixed which Hinz, Gerard and Erickson stated would not be a problem.

Gerard motioned to send Norm Nelson to the continuing education classes needed for his plumbing inspector's certification on December 15-16, 2010, seconded by Hinz. All in favor. Motion carried.

Monthly O&M Report:

- Erickson said he did not have anything other than the issue with Ms. Carigan.

Hinz mentioned that he took it upon himself to plan a get together for Erickson on December 07, 2010 at 2:00 p.m. in the town hall meeting room as a thank you for his years of service.

Hinz asked if Erickson would look into possibly having handicap compliant grab bars installed in the ladies room located in the meeting room.

Administrator Comments:

- The renewal contract with TDS mentioned last month is actually providing a savings of \$54/month, not \$30/month as originally thought.
- The 3rd quarter billing went out the end of October with numerous complaints from resident's that were unhappy about the rate increase. The administrative staff handled the complaints and to her knowledge there wasn't any resident that still felt it necessary to contact a Commissioner.
- Letters to 341 residents with delinquent balances prior to September 01, 2010 were sent out on October 15, 2010. On November 01, 2010 a 10% penalty was assessed to those that still had not paid their delinquent balance which totaled \$6,315.79 on the \$63,156.16 arrearage. On November 15, 2010 any unpaid balances will be transferred to the tax roll.
- The new janitorial service will begin this Friday. She will be doing a walk-thru of the building and issuing keys tomorrow.

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Correspondence consisted of:

- Craig Passler
- Leonard Lewins
- WRCSD Agenda & Minutes

Accounts Payable: Gerard said he had a problem with the bill submitted by Hostak, Henzl & Bichler as several charges initiated by Hinz to the District's legal counsel were regarding questions and requiring research on the referendum. Gerard stated that before a Commissioner contacts the District's attorney for advice it should first be on the agenda and discussed with the other Commissioners to see if they agree that legal counsel is necessary, voted upon, and then a committee or person would contact the attorney rather than each Commissioner randomly contacting them. There was also a charge regarding the hiring process that was never discussed in a legal quorum. Gerard explained how the District is a business with the owners being the residents within the district. The commission as a whole is in charge of the decisions being made, not one or two outside of a legal quorum. Gerard pointed out these issues were not previously discussed; therefore he will not have anything to do with approving these expenditures. Hinz stated he thought that contacting the attorney had been an issue previously discussed with Gerard agreeing stating there is not a contract or policy in place as to who may contact the attorney but reiterated the process by which legal counsel should be contacted. Hinz stated he contacted the attorney as he felt he could not discuss his concerns during a meeting and as President he had questions on the referendum and wanted to be prepared. Ciesielski motioned to approve the accounts payable, seconded by Hinz. Ciesielski and Hinz in favor, Gerard opposed as it is out of quorum. Motion carried.

Hinz said he wanted to state a couple more things on some other touchy issues that will come up next on the closed session regarding personnel matters. Hinz wanted to read a paragraph on his thoughts before adjourning to go into closed session to discuss negotiations with Norm Nelson. Hinz stated that after a brief discussion with Attorney Geary, which he has the right to call regarding issues that are on the agenda, "I feel we can't make any mistakes regarding this matter. With absolutely no disrespect to anyone here, in the best interest of the sanitary district regarding HIPPA rules and regulations I ask that the wife of Norm Nelson and the District Administrator be absent regarding the negotiations for his contract or his negotiations with the Operations Superintendent's position. We need to honor those privacy matters and follow protocol. Thank you." Hinz motioned to go into closed session and then asked for any comments before going into closed session. There weren't any. Hinz asked "Debbie, any comments on that? Did you listen to what I just said? You should probably not be here for the negotiations regarding the closeness of the matter". Gerard stated "she will be here". Hinz stated "okay, regarding that I feel there is no need to go into closed session cause this matter is regarding husband and wife that work for the same company, the same organization". "In the recent past Duane has been the mediator (a go between for difficult questions) between people that work here. You worked under him. Now because you reported to Duane in, in matters. Now you are going to report to the Board, so is Debbie so there is a real close knit matters of discussion here that need to be followed strictly by the book. So, ah, in regards to that, ah, I make a motion that we have Chris Geary here in the negotiations for the replacement of the Operations Superintendent's position for next month." Motion seconded by Ciesielski. Hinz and Ciesielski in favor. Gerard opposed as there is absolutely no connection, the Administrator does not have any right for decisions during closed session and there is again out of quorum meetings going on that brought on this decision. Motion carried.

Ciesielski motioned to adjourn at 5:18 p.m., seconded by Hinz. All in favor. Motion carried.

Respectfully submitted,

Debbie Nelson
Administrator