

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

**Special Meeting  
March 28, 2012**

Commissioner Gerard called the meeting to order at 6:00 p.m.

Commissioners Present: Commissioners Gerard, Santaga and Block  
Commissioners Absent: None  
Also Present: Administrator Debbie Nelson; Operations Superintendent Norm Nelson; Attorney Macy, and Town of Waterford Residents

Commissioner Gerard explained the agenda, rules and began the public comment section of the meeting.

Tom Hincz, 6432 Channel Road: Presented a Question & Answer document from 1988, a note from August 11, 1987, a copy of Ordinance No. 06-01 and Resolution 09-04, all documents referenced the District policy of maintaining the District Owned Grinder Pumps. Hincz also presented two Easements and read aloud from the back of one, both being the same, "Once the system is installed the Sanitary District **shall** (Hincz emphasized) have the right to perpetually maintain the system." He questioned why the dollar amount for 2009 stated in Ordinance 11-01 is less than the amounts for 2010 and 2011. Finally, Hincz provided the District's Mission Statement.

Dan Dickinson, 6929 Dickinson Lane: Read a three page speech he had prepared. Dickinson explained he is a property owner with a District Owned Grinder Pump and was one of three original District Commissioners and former President who along with the engineers were part of designing the original sewer system. The engineers, Foth & Van Dyke, said due to the level of the water table if 200-300 homes utilized grinder pumps the entire collection system could be installed at a shallower depth and the District could save \$3,000,000-\$4,000,000, which at a 5% interest rate would be \$150,000-\$200,000 each year. Dickinson said in the plan to "sell" the public on the grinder pumps it was necessary to integrate them into the collection system infrastructure as a whole, not be a separate device associated with any individual home, and be owned and maintained by the District. In September of 1988 Dickinson said he was pleased to receive a letter from the District stating the grinder pumps would be owned and maintained by the District and felt his successors had held true to the verbal promises made by him and his associates. Dickinson questioned since the District has maintained the grinder pumps for 24 years, would it not be a quasi-contract, an implied contract when there is not a legal contract? In the lack of a contract, he is asking the Commissioners to look at what is fair and honor the promises made by previous Commissioners.

Ron Hochevar, 5701 Court Lane: He is a property owner with a District Owned Grinder Pump and a past Commissioner who also committed to the residents the District would own and maintain the District Owned Grinder Pumps. He brought a letter from the engineer that installed the collection system; Warren Hansen of Farris & Hansen that he said explained the original project. Hochevar stated he was sure there would not be any documentation that the District would own and maintain the District Owned Grinder Pumps, but it was the intent. He referenced the section of the Special Assessment Policy of 1988 that pertained to maintaining the pumps.

Christine Kampe, 4441 Riverside Road: Previously wrote a letter to the Commissioners opposing the charge and read a part of Ordinance 06-01 relating to maintaining the District Owned Grinder Pumps and the definition of "maintenance" from the Merriam Webster Dictionary. Kampe said the District Owned Grinder Pumps were part of the initial system.

Mike Massman, 28906 Beach Drive: Questioned how the owners of a shared District Owned Grinder Pump would pay and why does the District need the money?

Nikki Zass, 6228 Briarwood Circle: Questioned how the owners of a shared District Owned Grinder Pump would pay.

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

Judith Beschta, 6224 Briarwood Circle: Questioned whether the shared owners of a grinder pump will both have to pay the \$22.50/quarter when others that don't share will only pay once. Beschta said she was told the District Owned Grinder Pump would be maintained by the District.

Ben Vander Sanden, 28920 Cherry Lane: Decided not to comment.

Joseph Hartung, 7212 N. Tichigan Road: Questioned the timing of the meeting, why there are extra fees, the District funds, and when the fees will stop.

Andy Krumarai, 28916 Beach Drive: Referenced Section 302.5 of Ordinance 11-01 and questioned what three years were referenced, what the maintenance schedule is and stated he just received a new pump.

Commissioner Gerard stated everyone that signed up to speak had done so and closed the public comments section of the meeting at 6:36 p.m.

Commissioner Gerard asked Attorney Macy if there was any documentation presented tonight that would change his legal opinion. Attorney Macy gave the public some history of his involvement stating he was provided documentation and questions dealing with this issue over a period of six months. What he has heard tonight from the public loud and clear is they don't agree with the policy decision that the Commission has made; however he has not heard anything, not even the argument of the quasi-contract that would change the legal position of whether the Commission has the right to do what they did. Attorney Macy said the vast majority of documents referenced the operation and maintenance with one of the speakers reading the definition of "maintenance" from the dictionary. The District *is* maintaining the pumps however none of the documentation states *who is to pay* for the operation and maintenance as it does regarding payment of the electrical. Attorney Macy stated that under the state law and the documents that were reviewed and even the documents that were referenced the Commission is in their legal right to do what they did. He made it clear he is representing the legal issue and that policy decisions are the Commissioners responsibility. He responded to one of the comments regarding the short notice of the meeting explaining the Commissioners were specifically requested to have this meeting by April 1<sup>st</sup> so the fee would not go in to effect and they did so. Also, if the Administrator has a request for a Special Assessment Letter due to the sale of a property she needs to know what the fee is on April 1<sup>st</sup>.

Commissioner Santaga thanked the citizens for coming to the meeting and taking part in expressing themselves. He feels when all the Commissioners took office they pledged to do their very best in representing them. Commissioner Santaga explained when they came to their decision they did it with the intent of being equitable to all users. He agrees with Attorney Macy that from a legal standpoint the Commission can stick to what they have done, but he also feels there is the spirit of the law that should govern and after hearing what the intent was back when the commission was formed and the infrastructure was put into place and the savings to all users because of the grinder pumps he questions whether it would be fair to charge them. Although there is not documentation he feels it is very clear what the intent was.

Commissioner Block also thanked the citizens for coming. She explained that when the Commission voted for the decision to assess a higher fee for the District Owned Grinder Pump users they did so to be equitable to all users. Commissioner Block stated she had met with several of the citizens and gained more of the history and although based on Attorney Macy's information they can legally go ahead and do what they had intended she questioned morally if it was the right thing to do.

Commissioner Gerard told the citizens he appreciated them coming to the meeting. He explained the Commission was faced with difficult decisions regarding the 24/7 servicing, maintaining, and replacing of these grinder pumps when costs are continually increasing. He has received numerous calls from citizens that own their own grinder pumps who are not happy that they have to pay for their own and questioned why the District Owned Grinder Pump users were "grandfathered". One citizen had given him a copy of their bill dated March 23, 2012 in the amount of \$3,933 for the replacement of their grinder pump. Although the Commission is responsible to all users, not all will be happy with their decision. Commissioner Gerard said he would be willing to bend on what the Commission had proposed.

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

Commissioner Gerard called for a break to obtain the 2012 budget in an effort to establish the proper rates for the motion.

After the break the meeting came to order at 7:15 p.m.

Due to the District's accountant being involved in the mathematical calculations for the user rates, a rate will not be established in the motion.

Motion made by Commissioner Santaga, seconded by Commissioner Block to direct the Administrator to prepare the necessary Ordinances, Resolutions, and notices to eliminate the Class C user category and to have the District Accountant recalculate the user fees based on the adopted budget using the previously established method by March 31, 2012. Discussion: Commissioner Block stated she is troubled by "forever" and questioned whether anything is forever. Promises were made to the citizens when the system was installed and it was in that spirit that this motion was made. She does not feel the Commission would be doing justice to the district as a whole if they kept this in perpetuity. She suggested perhaps the Commission could consider keeping the promise to the original owner and switching after the title transfers to a new owner. Commissioner Santaga and Commissioner Gerard agreed and would like this to be discussed at next months meeting. All in favor. Motion carried.

Motion made by Commissioner Santaga, seconded by Commissioner Gerard to adjourn at 7:28 p.m. All in favor. Motion carried.

Respectfully submitted,

Debbie Nelson