

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

July 11, 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; WRSCD Representative Lynn Tamblyn; Patricia Bogumil, Waterford Post; and residents of the Town of Waterford

Public Comments:

Ron Hochevar, 5701 Court Lane: Asked if the unofficial/unapproved minutes could be placed on the front table so the public could see what the Commission is going to act upon further requesting that any huge decisions, in particular the district owned grinder pumps and compensation for employees, be held off until after the upcoming election.

Joe Hartung, 7212 N. Tichigan Road: Questioned why the district owned grinder pumps were back on the agenda as he thought this issue was resolved. Attorney Macy explained that several meetings previously the Commission wanted additional research prior to holding a public informational session, and making a final decision on the future costs noting there was not anything specific or a specific proposal on the agenda tonight. Hartung questioned what action was going to be taken regarding the employee benefits. Attorney Macy said it was on the agenda for the Commission to discuss.

Ron Hochevar, 5701 Court Lane: Requested the Public Comments be moved to the end of the meeting so the public can have input on the Commissions discussion.

Announcements

The District Chairman announced to all present that the Commission intends to convene in closed session pursuant to:

19.85(1)(e) Wis Stats when deliberating or negotiating the purchasing of public properties, the investing of public funds, or the conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically with regards to the lease on the municipal building

and

Section 19.85(1)(g), Wis Stats when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved specifically with regards to the lease on the municipal building

Minutes of Previous Meeting(s)

Motion made by Commissioner Santaga, seconded by Commissioner Block to approve the Commission Meeting minutes dated June 13, 2012 as printed. All in favor. Motion carried.

**Report from Western Racine County Sewerage District (WRCS D):
Presented by Lynn Tamblyn**

WRCS D Representative Tamblyn said he has been re-appointed as a WRCS D representative until May 2017. Tamblyn explained the five (5) representatives are at large and not municipality based per state statute. He will receive more direction from their attorney at their next meeting.

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Old Business:

- *Discussion and possible action regarding responsibility for future costs related to District owned grinder pumps.*

Commissioner Gerard said after speaking with residents of shared district owned grinder pumps he found many felt the grinder pump diminished their property value and for various other reasons would rather have their own. Commissioner Gerard would like Operations Superintendent Nelson to research the feasibility of separating shared grinder pumps enabling each resident to have their own. Commissioner Gerard stated there is an engineering flaw as grinder pumps are used in low lying areas to move waste to the pressure main that in turn dumps into a gravity main yet due to the placement of many pressure mains numerous district owned grinder pumps are located on top of hills; eleven (11) on Halverson Road, twelve (12) on Briarwood Circle, and sixteen (16) to eighteen (18) on Riverside Road to Lawn Drive. Commissioner Gerard feels there are unnecessary grinder pumps that could be replaced with a gravity main perhaps eliminating 40 district owned grinder pumps. Operations Superintendent Nelson said in 1998 Golfview subdivision was engineered to be a pressurized system until the operations staff stepped in and put a stop to it. Commissioner Gerard thinks the District would save money in the long term by installing a gravity main and eliminating the on going costs associated with the district owned grinder pumps in addition to the residents that have their own. Motion made by Commissioner Gerard, seconded by Commissioner Block to have himself along with Operations Superintendent Nelson investigate the areas where grinder pumps/pressure mains were installed unnecessarily to see if installing a gravity system instead would be feasible. Commissioner Block called for discussion: 1. Asked as a resident that owns her own grinder pump would she have to remove it? Operations Superintendent Nelson answered stating she could still be given the option of pumping into the gravity main using a duplex grinder pump servicing approximately 20 houses. 2. How would she save money? Commissioner Gerard stated she would never have to replace or repair her grinder pump. 3. Would there be a cost to what Commissioner Gerard is proposing to do? Commissioner Gerard stated at this point it would be time and research. Commissioner Santaga commented that he is in favor of researching the areas that do not need grinder pumps as there could be considerable savings for both the District and residents, but does not feel the District should become involved in the issue of shared grinder pumps unless it is part of the overall benefit. Operations Superintendent noted the Village of Waterford just put a municipal lift station for Foxmead subdivision that will eliminate headaches for the next 100 years, which is what a sewer system is based on. This research would better the operating system and lower the cost for the future. All in favor. Motion carried.

- *Discussion and possible action regarding expenditure approval policy.*

Commissioner Block reported she talked to other neighboring communities and they are all over the board with no general consensus on how they handle their expenditures, however, the Village of Waterford has a very detailed budget with every account number being itemized as to what is in that account so when the budget is approved all items are approved. All their large purchases still come before the board for approval, but the everyday items the department heads have the responsibility and authority to take care of. Commissioner Block does not want to make any recommendations until she has the opportunity to meet with Administrator Nelson to become familiar with how the District's budgeting process works. Attorney Macy explained the legal aspect to budgeting; the "budget" and the "statute" incase you go over a budget. Most communities having ten (10) or twenty (20) broad categories in their budget and have worksheets with sub-categories which are more specific. This eliminates the need the need to provide notice when a category is over the budgeted amount.

- *Discussion and possible action regarding legal action against Frank Price, F.C. Price Corporation for failure to insulate the municipal building per plans and specification for Project Number 98P86.*

Commissioner Gerard stated Mr. Price has not insulated the municipal building per agreement and may no longer be in the country. Motion made by Commissioner Santaga, seconded by Commissioner Block to have Attorney Macy start an action. Commissioner Block called for discussion: If Mr. Price is no longer in the country could the money still be recovered? Commissioner Santaga said there could be a default judgment. Commissioner Gerard stated once Attorney Macy has the information the commission can review and decide whether or not they

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wish to go forward as the commission has not made a commitment to pay for the insulation. All in favor. Motion carried.

New Business

- *Discussion and possible action on request of Commissioner Block to schedule a closed session regarding the individual staff benefits under Wisconsin Statute 19.85(1)(c) at a special or regular Commission Meeting or a special or regular Commission Meeting in open session regarding the issue of general staff benefits.*

Attorney Macy explained the difference between a closed session meeting, when individual people and their individual wages, benefits, or contracts are discussed and an open session meeting when there is general discussion regarding benefits, etc. is discussed. Commissioner Block would like to have a general discussion on employee benefits stating she has already done some research and would welcome anyone else to do the same. Motion made by Commissioner Block, seconded by Commissioner Santaga to request a special meeting be scheduled between now and prior to the August Commissioner Meeting to discuss general staff benefits. All in favor. Motion carried.

- *Discussion and possible action on request of Mr. Dickinson to place on an upcoming regular Commission agenda in open session the issue of general retirement and other staff benefits prior to starting the 2013 budgeting process since wages and benefits impact the budget considerably.*

Request made by Mr. Dickinson and as a courtesy placed on the agenda. Commissioner Block and Santaga felt due to the special meeting regarding general staff benefits Mr. Dickinson's concerns would be addressed. No action taken.

- *Discussion and possible action to direct the staff to research how WSD staff wages and benefits compare to those offered employees in other private sector jobs and how WSD staff wages and benefits compare to other public sector jobs specifically Western Racine County Towns, Villages, Cities, and Sanitary Districts.*

Request made by Mr. Dickinson and as a courtesy placed on the agenda. This item may be re-visited after the special meeting regarding general employee benefits. Although some research has already been done in this regard there is no further research required of the staff at this time.

- *Discussion and possible action regarding the Employee Contract between the Town of Waterford Sanitary District No. 1 and the Sanitary District Administrator, Article 13 Duration of Contract, pertaining to written notice of contemplated changes via registered mail prior to August 01, 2012.*

Request made by Mr. Dickinson and as a courtesy placed on the agenda. Attorney Macy explained the contract terms noting if the commission decides to give notice it is merely procedural meaning this contract is not going to automatically renew, however it does not mean the person is fired, laid off, or that the Commission will not ultimately renew the contract. Motion made by Commissioner Santaga, seconded by Commissioner Block to direct the President to send the registered letter as required by the contract to make sure it does not automatically renew. All in favor. Motion carried.

Operations & Maintenance Report (O&M)

- *Lift stations upgrade controls & master site radio control.*

Operations Superintendent Nelson handed out two (2) quotes from B&M Technical Services for replacement of seven (7) lift stations and twenty (20) lift stations and duplex grinder station master site, radios, antennas, and controllers. Discussion ensued. Motion made by Commissioner Block, seconded by Commissioner Santaga to bid out materials as Operations Superintendent Nelson proposed for twenty-one (21) lift stations and an alternate of seven (7) lift stations. All in favor. Motion carried.

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Treasurer Report

- *Expenditures with Comparison to Budget Report*

Commissioner Block explained the June Expenditures with Comparison to Budget Report. The May Expenditures with Comparison to Budget Report was also available for review.

- *Cash on Hand Report*

The bank statements were not yet available to prepare the Cash on Hand Report.

Correspondence

- Letter from Dan Dickinson
- WRCSA Agenda & Minutes

Administrator Comments

Administrator Nelson explained the following memos were sent to the Commissioners prior to the meeting for their review. Along with Attorney Macy she explained and highlighted important points of the memos. Administrator Nelson asked the Commissioners if they had any questions, comments or directive regarding the memos. Copies of all memos are open record and available to anyone wanting them.

- *Memo regarding June 13, 2012 closed session meeting.*

Attorney Macy summarized the memo: At a prior meeting Commissioner Block stated she would like a closed session meeting regarding staff benefits. Separate and aside from that the staff sent an S.O.S. memo to the Commissioners and the President called a closed session meeting regarding the same. He was asked to provide the verbiage for the closed session to address specific individuals and their specific individual concerns as spelled out in the S.O.S. memo. Some residents and the editor of the Waterford Post has challenged this, however they did not know the whole story. Based on the confusion he has been in contact with the District Attorney and has provided him all the information. He firmly believes the commission had every right to go into closed session, as he would not have allowed them to go into closed session otherwise.

Commissioner Gerard reiterated the commission did not break any state statute laws. Commissioner Block stated she took full responsibility for the confusion.

- *Memo regarding open letter from Dan Dickinson*

Administrator Nelson summarized the memo: An open letter was received from Mr. Dickinson on June 25, 2012 in part requesting several items be placed on the agenda which she discussed with the President. Due to the nature of the content and that the commissioners are repeatedly receiving emails pertaining to the same; it was not something that would have caused her to deviate from the policy of placing the letter as correspondence in the commissioner packet.

Commissioner Block explained when she emailed Administrator Nelson regarding the open letter she was under the belief it was addressed to her as opposed to an open letter. The Commission was comfortable with the current policy.

- *Memo regarding Dan Dickinson's open records request.*

Administrator Nelson summarized the memo: On June 15th an open records request was received from Mr. Dickinson asking her to provide him with a great deal of information along with a stipulation that prior to providing the requested information, she was to provide the cost for doing so. Several emails were exchanged with Mr. Dickinson regarding his stipulation. On June 20th Mr. Dickinson sent an email modifying his open records request and stated he placed a call to the Department of Justice which was done prior to providing a

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request that could be acted upon. Attorney Macy was contacted regarding the procedure that must be followed by law regarding personnel contracts. On June 26th a letter was sent to Mr. Dickinson stating he could pick up the requested documents in five (5) days. Due to the nature of Mr. Dickinson's original request and his own stipulation, his amended request and the nature of the documents he requested, his request was handled properly and as required by law.

Attorney Macy stated "you got to look at the request that is attached" referencing Mr. Dickinson's original open records request; some of his requests involved a lot of research and other requests the creation of documents. He further stated in his belief Administrator Nelson was following the law and taking all the necessary steps to do so noting the final request was done within ten (10) days of receipt.

- *Memo regarding correct answers to incorrect information.*
- *Memo regarding Dan Dickinson's complaint regarding District website.*

Administrator Nelson summarized the Memo regarding correct answers to incorrect information stating she combined it with the Memo regarding Dan Dickinson's complaint regarding District website: At the June 13th meeting discussion regarding incorrect information was discussed and per the directive of the Commission she was asked to use the District's website to correct misleading and inaccurate information. She referenced an article from the Waterford Post titled "Getting the word out, WSD aims to shut down the rumor mill" which stated the same. An official complaint was received from Mr. Dickinson, however she does not believe it was the Commission's intent to refute an opposing candidate's allegations or in any way engage in politics but rather provide correct information to the false information circulating. She asked for further directive from the Commission.

Discussion ensued. The Commission directed Administrator Nelson to re-format the webpage using a title or heading, a statement, question, or issue that has been raised, and an answer or explanation and if there are two sides tell both then forward for the Commissioner's review. Attorney Macy read from Mr. Dickinson's letter "I still haven't made up my mind whether to file a formal complaint with the DOJ on the grounds, in my opinion, WSD may be using tax payer resources to refute an opposing candidate's allegations" stating he does not agree as this was not why the website page was put together and asked the Commission if with the revisions being made they found this to be a problem. Commissioners Santaga and Block stated they were comfortable with the new format.

- *Memo regarding wages & benefits for other Administrators.*

Administrator Nelson summarized the memo: She referenced recent communications; newspaper articles, emails, open records request, and letters regarding her wages and benefits. She explained her personal opinion and comments noting the present Commissioners did not sign her contract, it was signed by former Commissioners Pisarski, Ciesielski, and Hinz. Per Mr. Dickinson's request she did a study of other administrator's wages and benefits noting she is the only full-time administrative employee that performs the duties of many positions where other municipalities may employ an administrator, a clerk, a treasurer, a bookkeeper, a utility clerk, a data entry clerk, etc. to perform the same. She provided her background and history along with her job description.

- *Notice of vacation August 07-17, 2012 & need for commissioner to fill-in at Commission Meeting.*

Commissioner Santaga will be responsible for the minutes of the August 08th Commissioner Meeting.

Account Payables

Motion made by Commissioner Block, seconded by Commissioner Santaga to approve the accounts payable. All in favor. Motion carried.

Closed Session

The District Chairman announced that the Commission intends to convene into closed session pursuant to the following: 19.85(1)(e) Wis Stats when deliberating or negotiating the purchasing of public properties, the

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investing of public funds, or the conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically with regards to the lease on the municipal building and Section 19.85(1)(g), Wis Stats when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved specifically with regards to the lease on the municipal building.

Motion made by Commissioner Block, seconded by Commissioner Santaga to adjourn to closed session pursuant to Wisconsin Statute 19.85(1)(e) Wis Stats when deliberating or negotiating the purchasing of public properties, the investing of public funds, or the conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically with regards to the lease on the municipal building and Section 19.85(1)(g), Wis Stats when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved specifically with regards to the lease on the municipal building. Roll call vote: Commissioner Block, aye; Commissioner Santaga, aye; Commissioner Gerard, aye. Meeting adjourned to closed session at 7:55 p.m.

Motion made by Commissioner Santaga, seconded by Commissioner Block to reconvene into open session pursuant to Section 19.85(2) for the purpose and discussion and possible action on the lease for the municipal building. Roll call vote: Commissioner Block, aye; Commissioner Santaga, aye; Commissioner Gerard, aye. All in favor. Motion carried.

No action taken.

Motion made by Commissioner Santaga, seconded by Commissioner Block to adjourn at 8:46 p.m. All in favor. Motion carried.

Respectfully submitted,

Debbie Nelson
Administrator