

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

October 10, 2012

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

Commissioners Present: Commissioners Dickinson, McNeiley, and Santaga

Commissioners Absent: None

Also Present: Administrator Debbie Nelson, Operations Superintendent Norm Nelson, WRCSD Representative Lynn Tamblyn, Dave Fidlin, Waterford Post; Joseph & Jean Maney, and residents of the Town of Waterford

If a commissioner or staff member requested an agenda item it will be followed by their initials, Dan Dickinson (DD), Ricky McNeiley (RN), Jeff Santaga (JS), Debbie Nelson (DN) and Norm Nelson (NN) and they will introduce the issue(s) associated with it, provide supporting information, and recommend a course of action.

Public Comments

None

Announcements

The District president announced to all present that the Commission intends to convene in closed session (commissioners only) pursuant to State Statute 19.85(1)(c) considering employment, promotion compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Minutes of Previous Meeting(s)

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to accept the minutes dated September 12, 2012 with the addition of 'bank signature cards have been updated, no keys or other District items were dispensed to former commissioners' to topic #8 under New Business. Commissioner Dickinson questioned if a Letter of Resignation was received from Attorney Macy with Administrator Nelson stating "no." Commissioner Santaga offered to follow up with Attorney Macy; Commissioner Dickinson stated otherwise he will send Attorney Macy a letter. Commissioner Dickinson followed up with Commissioner McNeiley on his findings regarding the WSD documents alleged to be given to Racine County for safe keeping. Commissioner McNeiley said he checked with the Racine County District Attorney's office, the Racine County Sheriff's office, and Ives Grove stating he is completely satisfied there are not any legal documents with the county. Commissioner Dickinson questioned Administrator Nelson if she ran Dunn & Bradstreet reports on the companies bidding on the lift station upgrade and the manufacturers of the parts they would be using. Administrator Nelson answered when she attempted to run the reports there was a \$274.99 charge for processing five reports and since there will be numerous reports which would be costly she did not want to proceed without obtaining permission from the commission to do so. Commissioner Dickinson said the reports can wait until the commission is closer to making a decision. All in favor. Motion carried.

Report from Western Racine County Sewerage District (WRCSD)

None.

Old Business

1. *Discussion and possible action regarding Town of Waterford lease agreement, and snow removal agreement (DD)*

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Discussion ensued regarding the lease between the Town of Waterford and the District. Although the lease appears to be valid it was the intent of the previous commission to meet with the town board and clarify the wording within the lease giving the town and district a clear understanding of who is responsible for what. Commissioner Dickinson stated he has met with Chairman Langmesser several times over the past several weeks and feels comfortable that the cost sharing can be worked out with the town. Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to no longer discuss the lease agreement. All in favor. Motion carried.

Discussion ensued regarding the snow removal agreement. Commissioner McNeiley emphasized he wants the district personnel to do snow shoveling only during their regular working hours and the town personnel to perform the snow shoveling after hours. Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to honor the snow removal agreement and work with the town on how to do this in an economical way that will work for both entities. All in favor. Motion carried. A letter will be written to the town.

2. *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 (DD)*

Discussion ensued regarding legal options. Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to consider engaging an attorney with instructions to file an action against Price that would probably lead to a judgment that we could docket and perhaps not actively pursue expense collection proceedings but rather have a lien sit against property to preserve the rights the district may have against the money. All in favor. Motion carried.

New Business

The commission agreed to change the order of the agenda as a courtesy to the Maney's who were in attendance.

2. *Discussion and possible action regarding request from Joe & Jean Maney to encroach on the sanitary sewer easement with a wrap around covered porch at 28840 Beach Drive*

Operations Superintendent Nelson explained where the sewer main runs in conjunction to the Maney property in addition to providing a plat of survey showing the sanitary main and easement. Motion made by Commissioner McNeiley, seconded by Commissioner Santaga to write a letter to the Maney's that they can present to Racine County with permission to encroach up to 6' ½" (six feet, six inches) on to the District easement with their proposed wrap around covered porch. All in favor. Motion carried.

Commissioner Dickinson resumed the order of the agenda.

1. *Discussion and possible action regarding request from Ed Miezin to reduce the User Charge Equivalent (UCE) at 5524 Scenery Road , and lift station footprint (DD)*

Commissioner Dickinson confirmed the county has the property listed as a duplex and the town is billing for 2 (two) recycling charges. In accordance with the Waterford Sanitary District No. 1 User Charge Rates the property is being properly billed for 1 (one) UCE per dwelling unit. Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to write a letter to Mr. Miezin informing him that he is being billed the proper rate. All in favor. Motion carried.

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to include in the letter that the District is working and maintaining the property within the District easement. All in favor. Motion carried.

2. *Discussion and possible action regarding potential reduction of Letter of Credit for Elder Care Cottages of Wisconsin*

Operations Superintendent Nelson reported on his field inspection verifying all the manholes. A letter was written by Ken Ward of Ruckert & Mielke recommending the requested reduction to the Letter of Credit of \$16,789.00 be granted. Administrator Nelson confirmed the developer does not have any outstanding invoices or

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money due the district. Motion made by Commissioner McNeiley, seconded by Commissioner Dickinson to authorize the release of Letter of Credit No. 232420477. Commissioner Dickinson and McNeiley in favor. Commissioner Santaga recused himself due to his attorney/client relationship with the developer. Motion carried.

3. Discussion and possible action regarding legal representation for general business matters (DD)

Commissioner Santaga recommended Cramer, Multhauf & Hammes, a firm that he is familiar with that specialize in municipal law. Commissioner Dickson stated he has known Attorney Mike Dubis, the town's attorney, for many years and approached him about representing the district with Dubis stating he would be willing to do so. Commissioner Dickinson said he asked Dubis if representing both the town and district would be a conflict of interest and Dubis stated he did not believe it would, however he would want to take that concern up with the town board to make sure they did not perceive it to be. Dubis stated if there would be a conflict of interest his first priority would be the Town of Waterford. Commissioners Santaga and McNeiley expressed concern over this being a conflict of interest. Commissioner Santaga stated Dubis could find he would be unable to represent either the district or the town in certain matters, and questioned whether the district would not want an attorney with an objective, more outside view. Commissioner McNeiley stated he did not want to use the same attorney as the town and would like to keep the two entities separate to eliminate a conflict of interest. Commissioner McNeiley and Santaga felt Dubis would be put in a bad position as well as the district. Motion made by Commissioner Dickinson, seconded by Commissioner Santaga to accept Attorney Mike Dubis as the district's legal representation for general matters subject to his confirming this with the Town of Waterford and with Dubis wanting Chris Schultz, his associate, taking the lead position for purposes of discussion. Commissioner Dickinson noted Schultz is representing one other sanitary district. Commissioner McNeiley questioned what Dubis charges with Commissioner Dickinson stating he did not want to say, but they were less than our previous attorney adding that Dubis would not be on retainer but paid for services as needed. Commissioner McNeiley said he is standing by his guns in not thinking this is a very good idea and he doesn't want to keep discussing it. Commissioner Dickinson in favor, Commissioners McNeiley and Santaga opposed. Motion died.

Commissioner Santaga described Cramer, Multhauf & Hammes as a firm specializing in municipal and sanitary districts that would represent the district on an ad hoc basis. Commissioner McNeiley would like more information on other firms and their costs. Commissioner Dickinson said Dubis would not charge the district if a commissioner called for advice. Commissioner Santaga expressed it is not always the cost that matters; it is also how well the firm is versed in municipal law. Commissioner Dickinson showed the commissioners a piece of paper stating this was what Dubis would charge. Commissioner Santaga will contact Cramer, Multhauf & Hammes to get information along with speaking with Dubis prior to next months meeting. This matter will be tabled to next month.

4. Discussion and possible action regarding request from Patricia Bogumil for meeting "press packet" prior to open meetings (DD)

Commissioner Dickinson stated Bogumil is looking for things that are out of the ordinary, including sensitive documents that could be obtained through an open records request; however this way she can obtain the information and place it in the newspaper for everyone to see for free. Bogumil does this with one other entity. Motion made by Commissioner McNeiley, seconded by Commissioner Santaga to release a press package to any press that requests one that is pre-approved by the president prior to release. All in favor. Motion carried.

5. Discussion and possible action regarding Certificate of Deposit #7 (RM)

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to let Certificate of Deposit #7 automatically renew for 35 months. All in favor. Motion carried.

6. Discussion and possible action regarding accountability of the fleet and the purpose of the white truck (RM)

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Motion made by Commissioner McNeiley, seconded by Commissioner Santaga to label the white pick-up truck. All in favor. Motion carried.

Report on Special Ad Hoc Committees, September 21, 2012:

1. Ad Hoc Town Lease & Snow Removal Committee
2. Ad Hoc Computer & Telephone Technology Committee
3. Ad Hoc Telemetry Committee
4. Ad Hoc Organizational Structure Committee
5. Ad Hoc Benefits Committee
6. Ad Hoc Budget Committee

Commissioner Dickinson briefly discussed the Ad Hoc Meetings and wanted minutes to be available containing the following three components: they were working meetings only, no official actions were taken, and who was in attendance. Administrator Nelson stated she already compiled the minutes.

Operations & Maintenance Report (O&M)

1. *Lift station cleaning & pressure line maintenance*

Operations Superintendent Nelson reported they have been taking care of the pressure line maintenance issues, air release valves, valve pits, and lift station cleaning.

Treasurer Report

1. *September Expenditures with Comparison to Budget Report*
2. *August & September Cash on Hand Reports*

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to accept the treasurer reports. All in favor. Motion carried.

Correspondence

1. *WRCSD Agenda & Minutes*

Administrator Comments

1. *In accordance with §66.0809(3) on October 15th a certification notice will be sent to customers that have a balance from delinquent utility charges incurred before September 30th*

Administrator Nelson reported she will send a certification notice on October 15, 2012 to all applicable customers.

Account Payables

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to accept the account payables. All in favor. Motion carried.

Closed Session

The District Chairman announced that the Commission intends to convene into executive session (commissioners only) pursuant to the following: State Statute 19.85(1)(c) considering employment, promotion compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically with regards to employee wages, and benefits of, individually, Debbie Nelson, Norm Nelson, and Jerry Ignatowski. Roll call vote: Commissioner Santaga, aye; Commissioner McNeiley, aye; Commissioner Dickinson, aye. Meeting adjourned to closed session at 7:45 p.m.

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All meeting attendees other than the commissioners left the meeting room with Commissioner McNeiley locking the meeting room. At this point Commissioner Santaga took over the remainder of the meeting minutes.

Respectfully submitted,

Debbie Nelson, Administrator
Reconvene into Open Session

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to reconvene into open session pursuant to Section 19.85(1)(c) for the purpose of discussion and possible action on considering employment, promotion compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically with regards to employee wages, and benefits of, individually, Debbie Nelson, Norm Nelson, and Jerry Ignatowski.

No action taken.

Discussion and possible action regarding legal representation specific to employee compensation, contracts, employment terms and conditions, employee handbook, or any other conditions or understandings related to WSD employment (DD)

No action taken.

Motion made by Commissioner Santaga, seconded by Commissioner McNeiley to adjourn at 10:13 p.m. All in favor. Motion carried.

Respectfully submitted,

Jeffery A. Santaga, Secretary