

## Southwest Harbor Water & Sewer District Minutes

December 14, 2015

Town Office

6:00 pm

I. *Call to Order/Roll Call*- Don Lagrange called the first meeting of the SWH Water & Sewer District to order at 6:05 pm. Present were; Jim Vekasi, Jim Geary, Donald Lagrange, Utility Manager, Steve Kenney, Bernstein Shur Attorney, Linda McGill, Finance Director, Tabbetha Newenham and Town Clerk, Marilyn Lowell.

II. New Business:

a. *Election of Chairman, Clerk, Treasurer* - Donald Lagrange made a motion to appoint Jim Geary as Chairman, for the Water & Sewer District. Jim Vekasi seconded.

~ Jim Vekasi asked for discussion. Jim felt that the chairman should be appointed each year and suggested Don be appointed for the first year, since he had done so much work on the District. Don declined this suggestion. Jim Geary had no strong preference for any seat.

Motion on floor to appoint Jim Geary, passed. Vote 3/0/0

At this time Don asked Mr. Chairman to take over meeting.

~ Jim Vekasi noted the Charter stated "President instead of Chairman".

Donald Lagrange made a motion to have President and Chairman interchangeable, for purpose of running meetings. Jim Vekasi second. Vote 3/0/0

Jim Geary made a motion to appoint Jim Vekasi as Clerk, for the Water & Sewer District. Donald Lagrange second. Vote 3/0/0

~ Jim Vekasi asked for clarity of Clerk duties.

~ Don asked for Linda McGill to give more detail on what Clerk duties would entail.

~ Linda McGill stated the duties included; Keeping minutes recorded appropriately and orderly. Making sure points of order were handled and moved along, attest copies of minutes when needed. Felt it would be beneficial if the Clerk was a Trustee.

Motion on floor to appoint Jim Vekasi, passed. Vote 3/0/0

Donald Lagrange made a motion to appoint Steve Kenney as Treasurer, for the Water & Sewer District.

~ Chad Terry addressed Trustees to volunteer and consider him for Treasurer. He owns 2- "LLC" businesses and has lived in Town his entire life.

~ Jim Vekasi expressed that it made sense for one of the Trustees to be Treasurer.

~ Donald Lagrange withdrew his motion to appoint Steve Kenney.

~Tabbetha Newenham was asked to explain the check signing process further, to give new Trustees a better understanding. Tabbetha gave an overview of the process and also mentioned the ability to have 2 signers for checks. The Trustees could adopt a policy for 1 board member to sign payroll checks, without a formal meeting.

~ Linda McGill stated as an observer, it made sense for the Treasurer to be a board member at this initial period.

Jim Geary made a motion to appoint Jim Vekasi as Treasurer of SWH Water & Sewer District.  
Donald Lagrange second. Vote 3/0/0

- b. *Authorize P & C and Health Insurance (Tab 20)* - Jim Geary made a motion to enter into agreement with MMA and have a representative come to the next meeting. Donald Lagrange second.

~ Jim Vekasi expressed his desire to have a better understanding of bond coverage and insurance.  
~ Tabbetha gave an overview of the P & C Pool and Health Insurance. The policy runs on a fiscal year and would need to renew in June 2016. This way if they as a Board would like to go elsewhere it would be possible in six months. Tabbetha explained that the bonding is covered under P & C, but would talk to Marcus at MMA to get more details for the Board. There were also three resolutions to be voted on separately, opposed to one general motion.

Jim Geary withdrew his first motion and Donald Lagrange withdrew his second to this motion.

Jim Geary made a motion to become an Associate MMA Member. Donald Lagrange second.  
Vote 3/0/0

1. Jim Geary made a motion to join the P&C Pool as stated in resolution.  
Donald Lagrange second.

~ Jim Vekasi stated the resolution should be revised to include name of District and strike out Superintendent.

Jim Geary re-stated motion with revisions to read:

BE IT RESOLVED by the (Board of Trustees) of the SWH District as follows:

That the SWH Water & Sewer District of S.W. Harbor become a member of the Maine Municipal Association Property and Casualty Pool and further, that the Trustees be authorized to execute any Contract Agreement required for membership on behalf of the Water & Sewer District and to take whatever other actions may be necessary.

Donald Lagrange seconded as amended. Vote 3/0/0

2. Jim Geary made a motion to join MMA Workers' Compensation Fund with the following resolution:

BE IT RESOLVED by the (Board of Trustees) of the SWH District as follows:

That the SWH Water & Sewer District join with other participating municipal and quasi-municipal employers to group self-insure for the provision of workers' compensation benefits, as authorized by 39-A MRSA Sec 403, said group to be known as the "Maine Municipal Association Workers' Compensation Fund" (Fund); and for that purpose and in consideration of the mutual covenants and agreements among the participating employers, to authorize the Trustees to enter into a Fund Indemnity Agreement on behalf of the SWH District and take whatever other actions may be necessary. The authority granted herein shall remain until revoked.

Donald Lagrange second. Vote 3/0/0

3. Jim Geary made a motion to join MMA Health Trust, reading the sample resolution.  
Donald Lagrange second.

~ Jim Vekasi noted that it should be voted with the full wording of the resolution with Trustees and District Name incorporated into resolution.

~ Jim Geary withdrew first motion and Donald Lagrange withdrew his second.

Jim Geary seconded Jim Vekasi's amended motion with the following resolution:

BE IT RESOLVED by the (Board of Trustees) of the SWH District as follows:

That the SWH Water & Sewer District join with other participating municipal and quasi-municipal employers in a Multiple Employer Welfare Arrangement for the provision of employee health benefits, as authorized by 24-A M.R.S.A. § 6601 et seq., said Arrangement to be known as the "Maine Municipal Employees Health Trust: (Health Trust); and for that purpose and in consideration of mutual covenants and agreements among the participating employers, to authorize the Trustees to enter into a Participation Agreement on behalf of the SWH District and take whatever other actions may be necessary. The authority granted herein shall remain until revoked. Vote 3/0/0

- c. *Appoint Legal Counsel (Tab 13)* - Jim Geary asked Linda McGill to describe the qualifications of Bernstein Shur.

~ Linda McGill stated Bernstein Shur has worked with municipalities for longer than any other practice. There have also been a number of Water & Sewer Districts. There are close to 20 people that work with the group and municipalities in every aspect. She doesn't see a conflict. If one arose the counsel would disengage from both parties of the conversation.

~ Donald Lagrange mentioned the Town has had a good response for questions and finds that there are attorneys with different expertise.

~ Jim Geary has worked with them also, with a foundation for 14 years and found the same as Mr. Lagrange.

~ Jim Vekasi asked if there was a retainer and length of time to be with the Counsel.

~ Linda McGill responded that there was no retainer and the billing was at the end of month. There was no set time frame and the District could withdraw at any time.

Jim Geary made a motion to appoint Berstein Shur as Legal Counsel for the SWH Water & Sewer District. Donald Lagrange second. Vote 3/0/0

*Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) Consultations between the District and its Attorney.*

Jim Geary made a motion to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (E) Consultations between the District and its Attorney. Donald Lagrange second. Vote 3/0/0 at 7:27 pm.

Donald Lagrange made a motion to leave Executive Session. Jim Vekasi second. Vote 3/0/0 at 9:24 pm.

~Jim Geary noted that the board was back in regular session @ 9:26 pm.

~Jim Geary reported the board had discussed the District Manager job description.

Jim Vekasi made a motion to accept the District Manager's Job Description. Donald Lagrange second. Vote 3/0/0

~ Jim Vekasi also stated he would like the Trustees to have the opportunity to be in the loop and involved with the hiring process.

*Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) relative to personnel matters.*

Jim Vekasi made a motion to go into Executive Session pursuant to 1 M.R.S.A. § 405 (6) (A) relative to personnel matters. Donald Lagrange second. Vote 3/0/0

Donald Lagrange made a motion to leave Executive Session. Jim Vekasi second. Vote 3/0/0 at 10:05 pm.

~Jim Geary noted that the board was back in regular session @ 10:06 pm.

~Jim Geary reported the board had discussed Steve Kenney's hiring qualifications for the District Manager.

- d. *Appoint District manager* - Jim Vekasi made a motion to hire Steve Kenney as District Manager. Donald Lagrange second. Vote 3/0/0
- e. Adopt a Corporate Seal (Cover) -
- f. Adopt By-Laws (Tab 4) -
- g. Adopt mailing address P.O. Box 1100, SWH with a physical address of 95 Long Pond Road, SWH. -
- h. Authorize Treasurer to establish required checking accounts -
- i. Contract with SWH for administrative services (Tab 5) -
- j. Adopt SWH Sewer Ordinance as the SWH Water & Sewer District Sewer Ordinance (Tab 6) –
- k. Adopt SWH Water Ordinance as the SWH Water & Sewer District Water Ordinance (Tab 7)-
- l. Adopt a personnel policy (Tab 8) –
- m. Adopt job descriptions: Manager, Chief Water, Chief Sewer, & Technician (Tab (9, 10, 11, 12) -
- n. Appoint RHR Auditors (Tab 13) – Tabled to future meeting.
- o. *Employment Posting, Authorize Advertising* – Donald Lagrange made a motion for Steve Kenney to initiate process of hire. Jim Vekasi second. Vote 3/0/0
- p. Effective Operating Date, January 1, 2016 –
- q. RFP: Sludge hauling and processing plant, Authorize –
- r. Adopt 2016 Water Budget (Tab 14) –
- s. Adopt 2016 Sewer Budget (Tab 15) –
- t. Adopt Water Rates, fourth edition (Tab 16) –
- u. Adopt Sewer Rates, July 1, 2015 (Tab 17) –
- v. Adopt Cross Connection Control Program (Tab 18) –
- w. Adopt Water Department Terms and Conditions (Tab19) –
- x. Adopt Harris/Trio software for accounting (discussion) -.

III. Other Business (Appoint) –

IV. Next Meeting Date: -

V. *Adjourn Meeting*: - Jim Vekasi moved to adjourn meeting and continue to Wednesday, December 16, 2015 at 6 pm. Donald Lagrange second. Vote 3/0/0 at 10:10 pm.

Approved at 12/29/2016 meeting

Vote 3/0/0

Marilyn J. Lowell

Town Clerk