

Southwest Harbor Water & Sewer District Minutes

Continued from December 14, 2015

December 16, 2015

Town Office

6:00 p.m.

- I. Call to Order/Roll Call- Jim Geary called to order the 12/16/2015 Water & Sewer District Meeting, at 6:05pm to continue agenda items from the 12/14/2015 Water & Sewer District Meeting. Present were; Jim Vekasi, Jim Geary, Donald Lagrange, Utility Manger, Steve Kenney, Finance Director, Tabbetha Newenham and Town Clerk, Marilyn Lowell
- II. New Business:
- a. Election of Chairman, Clerk, Treasurer- Elected
 - b. Authorize P & C and Health Insurance (Tab 20)- Authorized
 - c. Appoint Legal Counsel (Tab 13)-Appointed

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

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

- d. Appoint District manager- Appointed
- e. *Adopt a Corporate Seal (Cover)*- Jim Vekasi made a motion to adopt a Corporate Seal, as presented. Donald Lagrange second. Vote 3/0/0
- f. *Adopt By-Laws (Tab 4)*- Jim Vekasi had a comment, to the portion of by-laws, relating to phone conferences, at meeting, that he wasn't sure it was able to be done. Also, how the agenda usually posted.
 - ~ Donald Lagrange stated that phone conferences were acceptable, as long as there was no items to be presented as evidence, only general business was conducted, it was not a Public Hearing, it needed to be on speaker phone, so public could comment and the board member could be heard. The agenda is posted, per Statue with 24 hour notice at the Town Office, Post Office, Web Site and notifying the media.
 - ~ Jim Geary made note that the by-laws referred to a Secretary and the Charter states Clerk. For purposes and running of meetings Secretary will be known as the Clerk.
 - ~ Jim Vekasi mentioned stipend pay is a step in the Charter that the District Board is to recommend to the Board of Selectman the Stipend pay. Not sure how and asked if by-laws were already approved. Donald Lagrange said no, that they were to make their recommendations and then it would go to the Select Board for their approval.
 - ~ Jim Geary asked if they were able to decline the stipend pay.
 - ~ Donald Lagrange stated that they could choose to put nothing there.
 - ~ Tabbetha Newenham explained that on the municipal side, it is the understanding that if it is a stipend position that you have to take the stipend and can do with it what you want. If a stipend is put into the by-laws, it would have to be taken.
 - ~Donald Lagrange stated that the by-laws were only recommendations and they could change whatever they wanted before taken to the Board of Selectman for approval.
 - ~ Jim Vekasi commented to make the language of the Officers consistent with the appointment of the Trustees.
 - ~ Jim Geary only had the recommendation of the housekeeping of the terminology.

Donald Lagrange made a motion to approve the by-laws as amended. Jim Vekasi second. Vote 3/0/0

g. *Adopt mailing address P.O. Box 1100, SWH with a physical address of 95 Long Pond Road, SWH.*- Jim Geary made a motion to adopt the mailing address and physical address as 89 Long Pond Road, SWH. Jim Vekasi second. Vote 3/0/0

h. *Authorize Treasurer to establish required checking accounts*- Jim Geary asked Tabbetha Newenham to explain the process and what would likely need to be done.

~ Tabbetha gave an overview of the account's, checking, warrant process, DIPS and the difference of these items.

~ Jim Geary asked if they could be savings accounts.

~ Tabbetha stated that as long as the money could be moved into the appropriate accounts freely, this would give a paper trail for the auditors.

~ Jim Geary commented that it made sense to have checking accounts initially.

~ Suggested and agreed to have three signers: Jim Geary, Jim Vekasi and Steve Kenney. Tabbetha would be authorized to sign the Direct Deposit Authorization.

~ Jim Geary asked if it was necessary to have so many accounts.

~ Tabbetha explained that PUC regulated the water and requires there to be no co-mingling of the money.

Jim Geary made a motion authorizing Treasurer to establish five accounts; operating water, operating sewer, sewer CIP, water reserve account, payroll, and authorize Tabbetha Newenham as authorized signer for the Direct Deposit. Donald Lagrange second. Vote 3/0/0

i. *Contract with SWH for administrative services (Tab 5)*- Donald Lagrange distributed a new proposed contract with amount of \$23,225.00. He gave explanation of how this amount was reached.

~ Jim Geary had question about the responsibilities of the Town. Items were discussed, for clarity.

Jim Geary moved to take a 5 minute recess. Jim Vekasi second. Vote 3/0/0

Jim Geary moved to reconvene regular meeting.

Discussion on items were continued and changes to wording and format were agreed upon.

Jim Geary made a motion to approve contract with Town of Southwest Harbor for Administrative Services as amended. Donald Lagrange second. Vote 3/0/0

j. *Adopt SWH Sewer Ordinance as the SWH Water & Sewer District Sewer Ordinance (Tab 6)*-

~ Donald Lagrange informed board there would be a need to amend numerous areas of the ordinance, but it would be a longer process. They still would need to have a method of operation with a guide of some regulation.

~ Jim Geary felt both the Water & Sewer Ordinances should be accepted and then make the needed amendments.

Jim Vekasi made a motion as follows;

“Move that the Southwest Harbor Water and Sewer District adopt the provisions of the Town of Southwest Harbor Ordinance, “Regulation of Sewer Use for the Town of Southwest Harbor as amended through May 3, 2011. References to the Town of Southwest Harbor as the Utility shall be interpreted to mean Southwest Harbor Water and Sewer district as the Utility.”

Donald Lagrange second. Vote 3/0/0

k. *Adopt SWH Water Ordinance as the SWH Water & Sewer District Water Ordinance (Tab 7)-*

Jim Vekasi mad a motion as follows;

“Move that the Southwest Harbor Water and Sewer District adopt the provisions of the Town of Southwest Harbor Ordinance, “Regulation of Water Use for the Town of Southwest Harbor as amended through May 3, 2011. References to the Town of Southwest Harbor as the Utility shall be interpreted to mean Southwest Harbor Water and Sewer District as the Utility.”

Donald Lagrange second. Vote 3/0/0

l. *Adopt a personnel policy (Tab 8)-*

~ Jim Geary state he had questions to the policy and would like to speak with attorney Linda McGill in regards to these questions.

Donald Lagrange moved to go into Executive Session pursuant to 1 M. R. S. A. § 405 (6) (E) Consultations between the District and its Attorney. Jim Geary second. Vote 3/0/0 at 7:34 pm

Donald Lagrange moved to leave Executive Session. Jim Geary second. Vote 3/0/0 at 9:35 pm

~ Jim Geary noted that the board was back in regular session at 9:40 pm.

~ Jim Geary reported the board has asked Bernstein Shur to go over the Personnel Policy, after reviewing. There were technical details that the board didn't want to get tripped up on. This portion of agenda will be continued on the Monday, December 21st meeting at 2:00 pm.

~ Dean Tozier brought to the boards attention that the personnel policy was supposed to be available Tuesday, December 22nd for the employees to have, before applying for the District Positions. Also, would it be possible to meet at 2:30 pm on the 21st, so employees would be able to attend.

~ Jim Geary replied that the Personnel Policy would be voted on at Monday, the 21st meeting, in answer to Dean's questions.

m. *Adopt job descriptions: Manager, Chief Water, Chief Sewer, & Technician (Tab (9, 10, 11, 12)-* Jim Vekasi motioned to approve all four job descriptions as amended in Executive Session.

Donald Lagrange second. Vote 3/0/0

n. *Appoint RHR Auditors (Tab 13)-*

o. *Employment Posting, Authorize Advertising- Authorized*

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)-* Jim Vekasi made a motion as follows;

“Move that the Southwest Harbor Water and Sewer District adopt the water rates of the Southwest Harbor Water Department, Sheets #1, #2, #3, and #4, Fourth Revision, dated effective as of April 1, 2010. References to the Southwest Harbor Water Department as the Utility shall be interpreted to mean Southwest Harbor Water and Sewer District as the Utility.”

Donald Lagrange second. Vote 3/0/0

u. *Adopt Sewer Rates, July 1, 2015 (Tab 17)-* Jim Vekasi made a motion as follows;

“Move that the Southwest Harbor Water and Sewer District adopt the Schedule of Sewer Rate of the Southwest Harbor Sewer Department including the flat rate schedule, dated effective as of July 1, 2015. References to the Southwest Harbor Sewer Department as the Utility shall be interpreted to mean Southwest Harbor Water and Sewer District as the Utility.”

Donald Lagrange second. Vote 3/0/0

- v. *Adopt Cross Connection Control Program (Tab 18)*- Jim Vekasi made a motion as follows;
“Move that the Southwest Harbor Water and Sewer District adopt the Cross Connection Control Program of the Southwest Harbor Water Department, undated. References to the Southwest Harbor Water Department as the Utility shall be interpreted to mean Southwest Harbor Water and Sewer District as the Utility.”

Donald Lagrange second. Vote 3/0/0

- w. *Adopt Water Department Terms and Conditions (Tab 19)*- Jim Vekasi mad a motion as follows;
“Move that the Southwest Harbor Water and Sewer District adopt the provisions of the Town of Southwest Harbor Water Department Terms & Conditions effective January 1, 2012. References to the Southwest Harbor Water Department as the Utility shall be interpreted to mean Southwest Harbor Water and Sewer District as the Utility.”

Donald Lagrange second. Vote 3/0/0

- x. *Adopt Harris/Trio software for accounting (discussion)*- Tabbetha gave the board the Harris/Trio Software Agreement with explanations of the different items listed.

Jim Vekasi made a motion to accept the purchase agreement of Harris Local Government for services of Trio.

Donald Lagrange second. Vote 3/0/0

III. Other Business (Appoint)

IV. Next Meeting Date:

- V. *Adjourn Meeting*: Jim Geary made a motion to adjourn meeting and continue to Monday, December 21, 2015 at 3 pm, to complete agenda items L, N, P, Q, R., and S. Donald Lagrange second. Vote 3/0/0

Approved at 12/29/2016 meeting

Vote 3/0/0

Marilyn J. Lowell

Town Clerk