

Burrillville Sewer Commission
Regular Meeting – January 10, 2006
Board Room of the BWWTF

Members Present: Scott P. Rabideau, Vice Chairman
Don C. Wolfe, Secretary
Wallace F. Auclair, Commissioner

Also Present: Walter Kane – Attorney for the Commission
William Skerpan Jr. – Beta Group, Inc.
John Martin III – Superintendent
Richard Bernardo – Director of Public Works
Tom McNulty – Contractor for Mill Pond
John O' Neill – Lynch
David Lynch - Lynch
Peg Franklin – Office Manager
Stacey Richard – Financial Aide

Mr. Scott Rabideau opened the meeting at 11:00 A.M.

The first item on the agenda is the question of accepting the minutes of the Regular Meeting of December 13, 2005, and the question of dispensing with the reading of said minutes. Mr. Don Wolfe made a motion to dispense with the reading of the minutes and accept them as presented. The motion was seconded by Mr. Rabideau, so voted.

Voted: That the minutes of the Regular Meeting of December 13, 2005 be accepted as presented.

The next item of the agenda was the designation of duly authorized person in accordance with Regulations of Dept. of Environmental Management regarding RI Pollutant Discharge Elimination System Permit. Mr. Rabideau asked Mr. Martin to speak about this item. Mr. Martin stated that on the RIPDES permit requirement they are relatively particular on not only having a position but also a name that goes with the position. Mr. Martin also stated the plant superintendent can be designated to sign for the principle executive officer if the Commission so chooses, but you still need a principle officer. Mr. Rabideau stated because there is a void in the position of Chairman at this time, the Vice Chairman will sign for one month.

Attorney's Report: Mr. Walter Kane stated that after a discussion with the plant's engineer and the plant superintendent it was decided a letter be forwarded to the attorney for Laginestra. The letter was to contain a list of things they need to do so they will be ready to officially due the start up process. Mr. Kane stated that was the only business during this past month. Mr. Wolfe asked Mr. Kane if he had heard back from Laginestra. Mr. Kane stated he had not. Mr. Wolfe made a motion to accept the report of our attorney. Mr. Wallace Auclair seconded the motion, so voted.

Voted: To accept the attorney's report as presented.

Engineer's Report: Mr. William Skerpan reported that contract 19A-1 is pretty much shut down for the winter months. All that remains on that job is permanent paving, curb to curb on Victory Highway, and also they are still awaiting the arrival of the generator. The job should be wrapped up in early spring.

Mr. Skerpan then reported on contract 19A-2. Mr. Skerpan stated that although the contractor tried his best to finish all of the pipe work on Victory Highway that did not occur. They are pretty much closed up for the winter as well. Mr. Skerpan reported that as of today they are finishing the temporary pavement on Joslin Road.

Mr. Skerpan also stated there are a few change orders associated with both contracts. Mr. Skerpan stated he does not anticipate, on 19A-2, any additional funds. On 19A-1, Mr. Skerpan reported there is an item he is trying to negotiate with on the overage on the rock, on that job. Mr. Skerpan anticipates any overages on 19A-1 can be paid for with the under runs on 19A-2.

Mr. Skerpan also reported that contract 19B-1 was bid earlier today. There were three bidders. Boyle & Fogarty was the apparent low bidder with a bid of about \$2.96 million. The two other bidders were South Shore at \$3.9 million and CB Utility at \$4.4 million. Mr. Skerpan stated all bids were taken under advisement and he would recommend to the Sewer Commission that over the next 30 days due a little bit of an internal audit as to available monies and to see just what approach we can take in awarding the job. Mr. Rabideau asked what funds are available. Mr. Skerpan stated he believed it is about \$1.9 million. Mr. Skerpan stated the bids have been taken under advisement. There is a 90 day withdrawal of bid provision. Mr. Rabideau asked Mr. Skerpan if he anticipated having a recommendation for the Commission for the February meeting. Mr. Skerpan stated absolutely, if not sooner.

The next item Mr. Skerpan reported on was Harrisville Village. Mr. Skerpan stated that they had started back up as of today.

Mr. Skerpan stated that as of today he has not heard from Smith Estates.

Mr. Skerpan reported that Laginestra is almost, but not completely, done with the underground piping.

The last item Mr. Skerpan reported on was Maplehill. Mr. Skerpan stated he attended a meeting last Thursday for Maplehill. Mr. Skerpan reported that later in the spring or early summer there is the possibility that they will move forward with a sewer contract that will tie in the approximately 130 remaining homes to the sewer system.

Mr. Wolfe made a motion to accept the report of the Engineer. The motion was seconded by Mr. Auclair, so voted.

Voted: To accept the report of the Engineer as presented.

The next item on the agenda was the Superintendent's Report. Mr. Martin suggested, because he was going to be discussing the RIPDES permit that old business be addressed first.

Old Business: The first item under old business was a letter from David Lynch regarding Mill Pond Betterment Assessments. Mr. Lynch asked the Commission to reconsider charging the \$10 per foot instead of \$35 per foot. Mr. Lynch stated he feels that most of

their as-builts were done and all of their infrastructure in. Mr. Lynch stated he has a problem with the timing of the additional increase in fees. Mr. Lynch also stated when they bought this property they had a fee structure in mind and had gone into an agreement with Mr. Tom McNulty and agreed with him on a price for construction fees. Then they found out at the last meeting that the fee has gone from \$10 to \$35. Mr. Lynch asked if there was any way the Commission would consider going back to the old fee. Mr. Skerpan stated that when Mr. Lynch's letter, dated November 22, came before the Commission at the December meeting he received a copy and read through it. Mr. Skerpan stated, it was obvious to him being familiar with the project, that Mr. Lynch's timeline did not exactly correlate with the actual timeline and the way that we indeed have it down in our records and town records on submittal processes. Mr. Skerpan stated he did agree that the work was completed around mid June, but the submissions that took place for the as-builts between June and October, there were dates that were misstated and elements of the work that was misdated. Also the reason why they weren't accepted was not talked about. Mr. Skerpan stated that he felt strongly that since this is a matter and was on the agenda for the board that he provide a timeline that he believes is more accurate. Mr. O'Neil stated the he would like to stress that the road was in and binded prior to June 17th, at least that is what his records show. Mr. Skerpan stated that the roadway binding in no way has no bearing on the Commission's acceptance of the sewer system itself. The sewer system whether the road is there or not is accepted upon completion of all elements of sewer construction, which include the asbuilts. There was further discussion regarding timelines and turn around time. Mr. Wolfe asked about Lot 18 not being a buildable lot. Mrs. Franklin stated she did check on that and could not find anything stating that lot was nonbuildable. Mrs. Franklin stated she did find an older document, maybe when it was Fiddler's Green, that stated that lot was going to be used as recreation but she never saw that it was deeded over. Mr. Kane stated that Lynch needs to provide the Commission with something that proves the lot is nonbuildable. Mr. Wolfe made a motion to accept the letter. Mr. Auclair seconded, so voted. Mr. Wolfe stated the other consideration he would have; would be that for the two existing structures that are built there, charging them the \$10 and for the rest of the structures charging them the \$35. Mr. Wolfe stated he can understand that the structures that are there have a particular price calculation with them. Mr. Kane suggested continuing Mr. Wolfe's issue and finding when the building permits were taken out and how many foot of frontage assessments are affected by the two buildings. Mr. Wolfe made a motion to continue this item until the February meeting and in the meantime have the staff find out when the building permits on the two structures that exist were taken and what frontage is involved. The motion was seconded by Mr. Auclair, so voted.

Voted: To continue discussion of Mill Pond Betterment Assessments until the February meeting.

The next item on the agenda was the Superintendent's Report. Mr. Martin presented the Superintendent's Report for the month of December:

SUPERINTENDENTS REPORT

Month of December 2005

1. OPERATIONS :

A.	<u>Influent to Treatment Facility:</u>	M.G.	Date Occurred
	Average daily flow	0.8890	N/A
	Maximum daily flow	1.0320	01-DEC
	Minimum daily flow	0.7600	24-DEC
B.	<u>Biochemical Oxygen Demand:</u>	Percent removal	Average Concentration
	E.P.A./ D.E.M. requirement	> 85.0%	< 30.0 mg/l
	Facility achieved	97.7%	4.2
C.	<u>Total Suspended Solids:</u>		
	E.P.A./ D.E.M. requirement	> 85.0%	< 30.0 mg/l
	Facility achieved	96.1%	8.6
D.	<u>Total Phosphorus:</u>		
	E.P.A./ D.E.M. requirement	N/A	< 1.00 mg/l
	Facility achieved	90.0%	0.52
E.	<u>Total Ammonia:</u>		
	E.P.A./ D.E.M. requirement	N/A	< 31.5 mg/l
	Facility achieved	0.8%	18.9
F.	<u>Disposed Sludge:</u>		
	Dry Tons disposed of	31.56	
	Number of loads removed	24	
	Average dry tons/load	1.31	

2. COLLECTION SYSTEM OPERATIONS:

There were no call-ins during the month of December.

Mr. Wolfe stated to Mr. Martin that if the copper level is going to be a concern with the new permit he would like to see the levels in his report. Mr. Martin stated he would provide the copper levels.

The next item on the agenda was a memo from Mr. Martin regarding the Draft RIPDES permit review. Mr. Martin gave an overview of the second draft permit. There was some discussion regarding violations and what could be done to prevent them. There was also some discussion regarding the copper level in the new permit. Mr. Rabideau asked if they accept this permit what do they do to treat for copper. Mr. Martin stated he has found no practical application to treat for copper. Mr. Skerpan suggested that the Commission try to work with the water departments on the copper issue. Mr. Martin stated he doesn't

think that there is any question that the Commission is going to have to make a comment about copper. Mr. Rabideau asked if Mr. Martin's comments regarding the RIPDES permit could be on the agenda at the public hearing on the 17th. Mr. Kane suggested scheduling a meeting right after the public hearing, to respond to RIPDES draft permit. Mr. Martin stated he would comment on the BOD and TSS as best he can and ask DEM to at least review it. Mr. Martin stated he would be more critical and try to be more factually and technically elaborate if he can on the copper issue. Mr. Martin also stated he would just put in the reasonable potential item. Mr. Wolfe made a motion to accept the report of the Superintendent. Mr. Auclair seconded the report, so voted.

Voted: To accept the report of the Superintendent.

The last item on the agenda is preparation for Public Hearing regarding the betterment assessments. Mr. Rabideau asked the other Commissioners how they wanted the Public Hearing to run. Mr. Kane stated some Town Council Public Hearings normally run with the Council referring to him as to what the legal basis of it is and then they open for public comment, then if any of the members of the Council want to say anything at the end they say it, close the Public Hearing and then they decide what action they are going to take. Mr. Auclair asked if the Commission just accepts comments without necessarily commenting on them. Mr. Kane stated you do not want to get into a debate. Mr. Auclair suggested becoming familiar with the minutes of the previous public hearing. Mr. Rabideau stated he would open the Public Hearing by saying to the members of the general public that are there, this is a Public Hearing we want all of your public input but do not expect us to engage you in debate. Mr. Kane stated he would say under the law we have a requirement to set an assessment and the assessment is supposed to reflect the betterment that results from that. As a result of the study the Commission had the engineer conduct, a study as to what it is was going to cost to put these pipes in, not necessarily pump stations and all that, he provided some information to the Commission. The Commission's principle objective was to keep the percentage that the people in the Eastern Villages would pay to the cost of the project the same as what was done by the people who were originally assessed when we first put in sewers because they have been paying a tax burden over there to subsidize the other sewers. That is where the recommendation comes up to \$30 per foot. Mr. Kane suggested that the breakdown Mr. Skerpan had previously prepared for the Commission be available to the people at the Public Hearing. Mr. Skerpan asked if the Commission wanted a stenographer there to have a better record of what is said. Mr. Rabideau asked Mrs. Franklin to make arrangements to have a stenographer at the Public Hearing.

Being no further business to come before the Commission Mr. Wolfe made a motion to adjourn. Mr. Auclair seconded the motion, so voted.

Respectfully Submitted,

Stacey Richard
Financial Aide