

ORLEANS, BREWSTER, EASTHAM GROUNDWATER PROTECTION DISTRICT

BOARD OF MANAGERS MEETING

JANUARY 16, 2013

'13 FEB 21 3:11PM
K. D. Kelly, Asst.
ORLEANS TOWN CLERK

Board Present: John Kelly, Chairman, Orleans; Charles Sumner, Brewster; Martin McDonald, Eastham.

Others: Jay Burgess, Chief Operator; Cyndi Bachman, District Secretary; Beverly Carney, Orleans resident.

1. Meeting called to order at 9:10 a.m..
2. **A motion was made by Martin McDonald to approve the Board of Managers Minutes dated December 12, 2012. This motion was seconded by John Kelly and unanimously approved and passed.**
3. **Further discussion on Jim Nowack's buy back letter to Barnstable County Retirement:**
 - John Kelly stated he was very concerned when he received a revised letter to Barnstable County Retirement regarding Jim Nowack's buy back years dated November 14, 2012 from what the Board had previously received. The Board had been assured we were submitting an application letter for Jim based on the services he provided the District for four years and nothing more. Based on that, Jim had worked less than ten hours a week for each of the four years as a quarter time employee. Charlie Sumner had talked to Mark Zelinski at Barnstable County Retirement, and we were assured there was no cost to the District, and voted to support the letter. However, the letter had since been changed with a sentence being added at the end, which I have objection to, which states: "Jim has worked the maximum time required, therefore we consider this a full-time position." This sentence resulted from a conversation between Jim and Deb Cohen of Barnstable County Retirement and written this way in order for Jim to receive the maximum credit for those four years. Clearly Jim was a quarter time employee and we never discussed this aspect of it. I called Mark Zelinski and spoke with him yesterday to provide me with some clarification. Mark explained at the time Jim was working for the District, he was not eligible to join Barnstable County Retirement because he did not have enough time in weekly on a year round basis. Once Jim went to work for the Nauset School District and became a member of the retirement system, he had the right to buy back time. On that basis, Mark said in no way is the Retirement Board telling the Board of Managers to make a determination that Jim's position was full-time. It seems to me if the Board of Managers makes that determination and it entitles Jim to be considered for additional service credit, it will not change the amount that he has earned but will change the number of years from one year part-time to four years full-time. Since he is no longer an employee of the District, and the Nauset School District's retirement is based upon what he is earning from the school, who pays for that additional amount? Mark stated the additional amount gets absorbed by either being charged back to the District, which was not what we were told, or the retirement system will absorb it.


4. A motion was made by John Kelly to reconsider the Board's previous vote in sending the November 14, 2012, letter specifically stating the Board will only support the letter with the deletion of the final sentence on the revised draft which says, "Jim has worked the maximum time required, therefore, we consider this a full-time position." Further the Board maintains that Jim had a quarter time, part-time position, and that is the extent that we will certify any work for the District. This motion was seconded by Martin McDonald and unanimously approved and passed.
 - Martin McDonald stated he thought the last sentence that was added to the letter was misleading. The interpretation was that he worked as much time as was required for that particular task but it could be read differently. It seems to me the first paragraph clearly states what he worked and enough for the Retirement Board to make its own decision, so I agree with your suggestion.
5. **Chief Operator Updates – Jay Burgess:**
 - **Process** – Nitrates are running 25 – 30 mg/l which is well within the State permit rate. All other parameters are single digits. We did our semi-annual VOC and semi-VOC in nutrient testing on all the government and town owned wells. The nitrates are showing a downward trend. Nothing has changed since the plant opened, except for the wells that are affected by the plume and they are showing elevated nitrate levels.
 - **Maintenance** – Septage Receiving Tank No. 1 was cleaned by the new company, Inland Waters. It took more time than they expected. They bid \$3,800 for a one day job, but before the contract was signed I negotiated an hourly rate of \$380 in case it went over the one day, which it did. Additionally, I had to hire one laborer, rent three containers, as well as \$800 worth of lab testing before they would accept it at the landfill. Other maintenance items include replacing the brakes on the dump truck and repairing the plant's snow plow. We are postponing some maintenance jobs for March or April before the flows increase.
 - **Draft FY14 Budget** – Jay reviewed the Draft FY 14 Budget with the Board which will be further reviewed at the February Board of Managers meeting.
6. John Kelly stated the Orleans Board of Selectmen have taken their vote not to extend the Intermunicipal Agreement. Letters went to the three Boards of Selectmen, as well as a copy sent to the plant. I expect the Orleans Board of Selectmen will contact the other two Boards in the future about setting up a meeting. The Intermunicipal Agreement will expire on May 31, 2015. The expected cost of demolition of the plant is a million dollars, shared between the three towns.

Jay asked if May 31, 2015 is the end date of this plant of no longer taking septage?

John Kelly stated right now what that means is the Intermunicipal Agreement and the District ceases to exist on that date. The three Boards of Selectmen will have to meet to discuss the winding down and ending date. The only thing the Orleans Selectmen have done is sent out the required notices of the IMA. I expect they are going to reach out and try to set up an initial discussion in the very near future, and that will be a public meeting.

7. The Board reviewed the District's bank balances.
8. **A motion was made by Martin McDonald to approve Treasury Warrant Nos. 7 & 8 for payment. This motion was seconded by Charles Sumner and unanimously approved and passed.**
9. **A motion was made by Martin McDonald to adjourn the meeting at 9:55 a.m.. This motion was seconded by Charles Sumner and unanimously approved and passed.**

Respectfully submitted,


Cyndi Bachman
District Secretary