



LISBON WATER DEPARTMENT

639 Lisbon Road

Lisbon Falls, Maine 04252

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Marie Hale, Chairman, James Lemieux & Roger Bickford Commissioners

Commissioners' Meeting Minutes for November 10, 2020

Members Present: Marie Hale, Roger Bickford, James Lemieux

Staff Present: Bill Alexander Jr, Shellie Reynolds, Cindy Schafer, Cody Currier, Donald Stevens

Audience: Don Fellows – Liaison for Town of Lisbon Council, Debra Ingersoll, Curtis Harris and Tom Davis (Contractor for Ingersoll project), Nick Henry joined at 6:16pm

Meeting called to order by Ms. Hale at 5:05pm

I. AUDIENCE PARTICIPATION

- A. Audience participation is with Ms. Ingersoll, Mr. Harris and Mr. Davis regarding new water service to 16 Sunset Street
 - 1. Mr. Alexander started conversation: To summarize it Deborah Ingersoll applied for service on 10/15/2020. I went out to the site, met with their contractor, Mr. Davis and um because the application had said it's a lot location of current service at the corner of Sunset Avenue and Josephine Street, we talked about bringing water, there's a garage on the uphill side of 14 Sunset. We talked about bringing the water service up to that building because they are going to remodel it. So after I met and talked about coming down to Josephine, part of my evaluation comparing the estimate to serve the property, I check the town's tax maps to find out where the property, you know, where it is, what lot it is just to make sure that we are talking about the correct lot. That's when I discovered that the garage actually sits on 16 Sunset is what the town has the address at. So what happens is the Maine Public Utility Commission (MPUC) Rule Chapter 65 specifically states that water service has to be brought from the property that the, it fronts. So in this particular case, it front Sunset so by rule, water service has to come from Sunset. I do know that talk about bringing an easement down across 14, the back of 14 Sunset property but it doesn't meet the rule set by the PUC and the proper development of the system and how we have to serve the property. So they want to talk, I told them I couldn't do anything that I had gone as far as I can and suggested bringing it to the board to talk to the board about it and they have.
 - 2. Mr. Harris replies: The reason we are here is to request a waiver or exception to this rule and it was driven by the fact the initial survey made sense to go to Josephine versus Sunset (audio not clear here) then the property (audio not clear here) is situated on Sunset but the ledge and the difficulty of running water I understand, were not a contractor, but what I understood was more difficult to run water service over to Sunset. The convenience of running it from Josephine made a lot of sense and we was given indication that is the way we were going to go but with the

- discovery of the PUC requirement put a halt to what our plans were so the remedy that we are looking for is an exception or waiver to this PUC policy for addressing the location.
3. Mr. Bickford stated that the only way to get a waiver is to go to the PUC, you can go in front of the PUC and ask and they can do that, they can but whether they will or not is up for question; we cannot waiver, they can.
 4. Mr. Harris replies: Well we were under the impression that this body could but I guess that was incorrect.
 5. Mr. Bickford asks "Can we?"
 6. Ms. Reynolds replies: You would start with this board to see if they would even accept your access onto Josephine if the waiver was granted so I guess that is where we would start here; if they are in favor of that then you need to pursue to the PUC to see if they will allow it in a variance from the rule and it doesn't usually happen. But we have to start here first before we take it to the PUC.
 7. Mr. Harris states "OK, well, let's start here".
 8. Ms. Hale states that she has some questions for your contractor: Were there any holes bored on Sunset to see just how high the ledge is?
 9. Mr. Davis replies: No, it was just showing in places you know like 75' off the road and you can see where it runs along right here.
 10. Ms. Hale asks: So you never dug a hole on Sunset what so ever?
 11. Mr. Davis replies: No, it was (audio not clear) trying to keep everything right along coming off the gypsum within a small strip, you know underground power, the water, the driveway, all within a tiny little strip right there to try to stay in that easement. Evidently is was a problem with the you know, I put paperwork in well ahead of time, you know, I came here, I talked with you guys prior to us even doing the job and I came and filled out the paperwork. Bill's been out there 3 or 4 times, Don's been out there 2 or 3 times, they've marked the road previously. On Tuesday night, I told Don, I said Don the ditch is done, the water line is done, you know, can we set up an appointment to hitch up. Now we're all seeded over, the water, the foundation is drilled, the pipe is in, it's all coiled up and there is an 8' opening, I cut the tar, I cut the curbing, and ah we had set up an appointment for me and him Tuesday that you guys would be out Wednesday morning and you know could come Wednesday, he said look we are shutting down some of the town Wednesday but I can get over here Thursday, so we were all set for Thursday. Then Wednesday afternoon I get a call from Bill saying "hey you know uh"; I just it find it hard to believe that all this time can go by and 24 hours before we're ready to hook up is when you do the research. You know, I just ah you know, I just. I, you know, you know even the expenses is not, is no small thing. They marked the road with blue arrows, still no research, 226' of ditch is all dug, 226' of pipe is all in, water line all complete, 226' of ditch is all filled and backfilled, 226' feet of the whole ditch is now all seeded, fertilized, hayed, backed over, tar work is all cut, house foundation is all drilled meaning the line is all in, ah, you know just that Bill Alexander is on site in time for him and I to talk. I was assuming that me and Don you know had talked 2 or 3 different times on site. Um, I had already gone ahead and I you know we had met on site many times, uh, I just find it hard to believe that the last 24 hour minute this research is done when we get ready to hook up; I feel a little bit blindsided by the whole, the whole, the whole thing. I, I would think, you know when I did the paperwork the first 2 days, you guys would do the research and say hey look, you know I understand you not trying to go up over the hill and the ledge, you know you're trying to go across here with everything but this is the clause that we find. You know, I just find it a little bit negligent; I don't know if this is how it is done (audio unclear at 9:33). But I thought I had done everything right, you know I come and talked to Bill

- even before I was on site; I said Bill I don't want to do the paperwork now because I don't even know if I'll be doing the job. Looking at Mr. Alexander he asks "Correct?";
12. Mr. Alexander responds "Correct".
 13. Mr. Davis continues: And that, he then, I knew we were going to do it so I did the paperwork, you know and ah, you know I thought I had an understanding you know, ah, that's you know (trails off).
 14. Mr. Alexander responds: The last time you and I talked about this, I told you I would call you with a cost for the estimate for the job, I didn't call you, you went ahead and did the work before I got around to doing the estimate.
 15. Mr. Davis replied: I had talked to you prior and you told me "Tom, it's going to be about 300 bucks". I said "that's alright"; and you asked me "well whose going to pay it, the customer or you", I said "just bill it to me, I'll take care of it" and I don't care it was 420 or 260, that didn't bother me and I had, I had made that very observant to you. I just didn't, you, you know you at any time in the 3 weeks you know could've said "Tom, you know we just gotta do our research, you know before you go ahead". I thought that's why we met up there and that's why you marked the road cause we was all on the same page. You know I mean I (audio unclear at 10:49).
 16. Mr. Alexander replies: We were basing it on the way this application was filled out; it's incorrect.
 17. Mr. Davis replies: Yup, yup, you know I mean the address was down, and it just you know for location you know I just put reference Josephine corner and Sunset because the address is actually up above so if that's something I should have done; I just figured everybody would know, you know where it you know (trails off).
 18. Mr. Alexander replies: Well for somebody that didn't know the area and hadn't looked at a tax map, when I see a garage in somebody's back yard I assume it's all lot, one lot and that's what I did based on the description on this application and your right, I did not get right on it to do the estimate. When I did was when I discovered it, it was a day or so before you called up to do the work that's correct but I didn't just arbitrarily...
 19. Mr. Davis cuts in here to say if you had just said Tom, hold off, I've got to do a little bit of research; that would have made a big difference, I mean I'm not, you are the professional, this is what you do for a living, this whole operations thing; I'm just doing work in your town. I totally apologize, you know, I'm not you know knocking the way you guys do stuff, I just I really don't think that was un(?). Mr. Harris asked if the issue is the lot or the connecting to a street address?
 20. Mr. Alexander replied that it is the lot; the rule says that you have to serve the property from the road that it fronts or where 16 Sunset fronts Sunset;
 21. Mr. Harris then says so it is not the lot it's the address.
 22. Mr. Alexander says right, there's a lot on this; Mr. Harris states it is a corner lot. The two lots and (Mr. Davis states her father owns) it's not 2 separate lots, there's 2 lots but if the issue is the address and it was 14 versus 16, would you be able to access Josephine?
 23. Mr. Alexander; if it was all the same property.
 24. Mr. Harris; so it would make a difference for the lot, the address is the issue.
 25. Mr. Alexander; right, as it stands right now according to the tax maps and everything there are 2 separate lots.
 26. Mr. Harris; but what my understanding it's the address, not the lot.
 27. Mr. Alexander; it's the lot.
 28. Ms. Reynolds; we called assessing and got the address for that lot and the address for that lot is 16 Sunset, so and because that's in 2 separate owner's names it has to be considered 2 separate lots and that lot only fronts Sunset.
 29. Mr. Harris; the property we are trying to get water to is part of 14, not 16.
 30. Ms. Reynolds; on the tax map it is not, it shows that it is on 16.

31. Mr. Harris; the property map, I don't know if you are using the tax map or the property map.
32. Ms. Reynolds; we called assessing, we called and talked to Kathy Malloy to help us figure out just where this was.
33. Mr. Davis; just so you guys know the actual lot next to it is her father's house.
34. Ms. Reynolds; we do know that.
35. Mr. Davis; her mother passed away.
36. Mr. Harris; he has that building and the ability to access that lot (Mrs. Ingersoll; from 10' around it, we have a deed) so this address maybe we just put it to 14 Sunset because it is part of 14 Sunset property. That's why we want to know if its address or lot.
37. Ms. Reynolds; we need to know which lot that building is actually on, the town is seeing that as being on 16 so maybe you need to clear it up with them to say this is part of this.
38. Mr. Harris; we have a deed that so that building is part of 14, the lot that connects with the corner lot on Josephine and Sunset but if there's an issue with the address, that's a whole other issue.
39. Ms. Reynolds; do you have a photo description or a (Mr. Harris; I have a deed) I understand, well we'll take a copy of that, sure.
40. Mr. Harris; the number on the deed matches the property line. It explains how it is structured but if it's not locked, this address, it's not about the deed, it's about the address of the lot.
41. Mr. Alexander; yes, if we can see the deed.
42. Mr. Harris; we're trying to figure out what the issue is.
43. Ms. Reynolds; right and that is the issue, we were told that that building was part of the lot that is 16 that does not about anything on Josephine so if what you're saying is that building is actually part of 14 then we just need to make sure of that and we can proceed.
44. Mr. Harris; I can give you a copy of that.
45. Ms. Reynolds; sure.
46. Mr. Davis; Debbie's mother had passed away but prior she had already done the easement of the building.
47. Mr. Harris gives Ms. Reynolds the deed.
48. Ms. Reynolds; do you mind if I make copies of that?
49. Mr. Harris; yes, go ahead.
50. Ms. Reynolds; okay, I'll be right back. I don't think this is something that we can review tonight but we can get back to you about if this is true and if our attorney agrees that that is part of 14 then we won't have a problem at all. Does that make sense?
51. Mr. Harris; well, but (Ms. Reynolds; we're not going to interpret a deed, we don't have that capacity.) if it's about the; I am hearing the address, it has to be hooked up the address of the lot but the property is not part of that lot.
52. Ms. Reynolds; the building that you want to tie access to, has to have access or frontage on Josephine to tie into Josephine, not by an easement.
53. Mr. Harris; that's what that is.
54. Ms. Reynolds; but it's not by easement so if it's just a utility easement.
55. Mr. Harris; no, it is not a utility easement, it is an access easement; it's part of their, her control, they still control that building.
56. Ms. Reynolds; ok, we'll take a copy and we'll send it and if they can agree that's what that is, then there isn't an issue.
57. Mr. Davis; they did that years ago to make sure, you know that.
58. Ms. Reynolds; ok, let me go make a copy. Ms. Reynolds leaves the room to make copies of the deed.
59. Mr. Bickford; 20 or 30 years ago this would have been so much simpler.
60. Ms. Schafer and Ms. Ingersoll spoke about a personal connection.
61. Ms. Reynolds returns: We will get our attorney to look at this and see if it meets the rule, if it does, we'll get back to you as soon as we can.

62. Mr. Davis; can I just say one thing; you know and I know you guys do this all the time but is there a way you can do the research as soon as the bid for it comes in (Ms. Reynolds; no) you know before you go to the site and say hey.
63. Ms. Reynolds; we do it as we can get to it and this looked cut and dry in the beginning until we found it was not part of the same lot so then we had to back up and confirm and see if it would meet the rule and that's where we're stalled.
64. Mr. Davis; yeah, I just, I figured.
65. Ms. Reynolds; at face value it looked great because it said 14, we knew 14 was on the corner but then found out or so assessing says that that building is on 16 so then we have to drop back to the PUC rule that tells us how we can connect to our system.
66. Mr. Davis; cause, you know if you had caught it, you know then I would have known, you know and I.
67. Ms. Reynolds; I know, its.
68. Mr. Davis; I just, on my end.
69. Ms. Reynolds; we know you want to get it done as soon as possible with temperatures and all of that, yeah.
70. Ms. Ingersoll; thank you for your time.
71. Ms. Hale; thank you.
72. Ms. Ingersoll, Mr. Harris and Mr. Davis left the meeting at this point.

II. WARRANTS

- A. Warrant# 42020 (Oct 21, 2020)
- B. Warrant# 43020 (Oct 28, 2020)
- C. Warrant# 44020 (Nov 4, 2020)

III. OLD BUSINESS

- A. Minutes
 1. 10/14/2020 – Meeting Minutes
 2. Ms. Hale made a motion, Mr. Bickford 2nd followed by a 3/0 vote to accept minutes
- B. Budget
 1. Board discussed budget for 2021 with Nick Henry
 - I. \$1.648 million available from revenue
 - II. \$1,683,517 budgeted expenses
 - i. Addition of 4th Employee (Assistant Superintendent), Part-Time Summer help, Part-Time Office help
 - III. Surplus of \$3474
- C. Temporary Office Help
- D. Unresolved Issues (tabled)
 1. Master Plan Update
 2. Corrosion Control
 3. Chlorination at stations
 4. Memorial for Bill Bauer
 5. Legislative Bill for PFO's and PFA's
 - 6.
- E. Any Other Old Business
 1. Holiday Dinner – Canceled due to Covid-19 Restrictions
 - I. Lunch in office with Commissioners instead; date to be decided
 - II. Yankee Swap; \$25 limit

IV. NEW BUSINESS

- A. Superintendent's Report
 1. Tank and Wetwell Cleaning & Inspection
 - I. 10/29 & 30 - Liquid Engineering cleaned Lisbon, Lisbon Falls and Moody tanks - \$6080 for all 3

- i. Lisbon Standpipe is going to need attention in the future
 - ii. Organic matter in the tank; hatch on top of tank broken off
 - iii. Welds need repair, seems need to be repaired
 - II. Inside walls need to be pressure washed
 - III. Mr. Alexander gave out handouts with complete reports on each location
 - IV. We received a reply from the field inspector; excellent job
- 2. Valve Repairs
 - I. Berry & South - Leaking
 - II. Addison & South – Broken closed
 - III. Blethen & Davis – Valve open 2-3” out of 6”
 - i. Piping was bad as well
 - IV. Aceto and Sons repaired all 3 - \$12,039
 - i. Don and Cody were on site
- 3. Leak Repair on Canal Street
 - I. MRW came in to correlate to confirm leak
 - II. St. Laurent came in to excavate - \$8516.40
 - i. Found a circumferential shear
 - ii. Also removed a gooseneck from an abandoned service
 - III. Don and Cody tried shutting down, broke the valve at Main Street & 196, and had to chase it back to Union, Maple and Main, shut it down there and in the process, the valve at Main and Maple now leaks. They got it shut down enough to complete the work that day. Shutting down Main Street was not planned so customers were not notified in advance. Both valves are scheduled to be replaced this month.
- 4. Valve Repair Scheduled
 - I. Union & Maple
 - II. Main & Rt 196
- 5. Hydrant Replacement
 - I. Bowdoin & Rt 196
 - i. MRW was correlating main and picked up the leak
 - ii. Chance they will have to replace the hydrant and the valve; this would mean having to shut down part of Rt. 196
- 6. Submitted the paperwork for the Capacity Development Grant for Master Plan (even though not complete)
 - I. Sara Flanagan (Maine Drinking Water Program) accepted it so we can be reimbursed \$15,000 of the \$30,000 bill
 - i. Once the Master Plan is completed, we just need to get a copy to the Maine Drinking Water Program
- B. Business Manager’s Report
 - 1. None
- C. Commissioner Communication/Requests
 - 1. Ms. Hale – None
 - 2. Mr. Bickford – Asked for information on needed truck
 - 3. Mr. Lemieux – None
- D. Customer Communication
 - 1. Complaint Log
 - I. 11/3/2020 – Blethen Street – Air in water
 - i. Due to shut down day before even though operators ran hydrant and blow off
 - ii. Operators went back, ran hydrant again and were able to clear the air
 - 2. Customer Comments
 - I. None

E. Any Other New Business

1. None

F. Set next meeting date

1. Tuesday, December 8, 2020 at 5:30pm at Lisbon Water Department.

V. EXECUTIVE SESSION

A. Ms. Hale made motion to enter executive session, Mr. Bickford 2nd motion, followed by 3/0 vote in favor; entered executive session at 7:17pm

B. MRSA § 13 405 (6) (A) Personnel

C. Ms. Hale made motion, Mr. Bickford 2nd motion followed by 3/0 vote to end executive session; back from executive session at 7:47pm

1. No decisions made, No votes taken

VI. ADJOURNMENT

A. Mr. Lemieux made motion to adjourn, Mr. Bickford 2nd, followed by a 3/0 vote in favor. Adjourned at 7:48pm.