

TOWN OF RANDOLPH
BOARD OF SELECTMEN
Tuesday, September 14, 2010
9:30 A.M.

BOS PRESENT:

Edward F. Gorham, Chair
Alfred A. Seymour, Jr.
Peter K. Hanley

OTHERS PRESENT:

Lynn R. Mealey, Town Clerk
Janet Richards, Treasurer
John Crocker, Public Works
Charlie Smith – AE Com
Chuck Applebee – City of Gardiner
Gloria Fitzherbert
Darryl Fitzherbert
Marjorie Gilman, Resident

Meeting was called to order at 9:45.

The Town received a warning letter from John True at the DEP regarding an Implementation Schedule for CSO Abatement Project to the Town. This states that the Town is non-compliant with one of the Special Conditions that was placed in the Maine Pollutant Discharge Elimination Systems permit/Maine Waste Discharge License for the discharge of untreated combined storm water and sanitary wastewater from the Combined Sewer Overflow structure on Water Street. Mr. True was unable to be at the meeting.

Chuck Applebee, the town's consultant on this project and Charlie Smith from AE Com, the town's engineering firm for the project were both at the meeting to talk about the implementation of a schedule and to help the Town frame a response to the DEP and lay out a course of action for the Town to be in compliance.

Chuck suggested putting a schedule together quickly based on \$52,000 worth of work that was identified. The town treasurer stated that there is approximately \$10,998 left in account and another \$4900 in the town's account for infiltration.

Charlie discussed the results of the flow meters and the smoke testing that was done last year to identify any problems with infiltration etc.

Master plan was submitted in February and the findings identified 5 areas of leaks in the system. There was not a schedule put to it and they did a rough cost estimate of the abatements and sent it off to DEP. It is not the engineers position to put a time schedule for the town.

Location #4 – catch basin that is directly tied into the sewer system

Location #5 – north of bridge on Water Street – there is a pipe going through a pipe which is a drain line and, when smoking the sewer pipe, smoke came out in a catch basin as a result of this drain which shows that the drain is not tight. This never should have been constructed this way but it is not known who did the work.

The other 3 locations all came up on Lewis Avenue and one was a service connection. There may also be an illegal drainage pipe at 38 Lewis Avenue between houses and in a ditchline and it could be some sort of drain line in the ditch that was maybe tied to the sewer as opposed to a house service.

There were also leaks around the pipes in the wet well that were discovered. The DEP needs a schedule on these 5 projects. The Board did not act on setting up a schedule which resulted in the Warning Letter from DEP.

These can be treated as 5 small projects. The DEP wants a schedule of the work. Charlie indicated that these are small projects that may be able to be done this fall. It was suggested that the Town use a local drain layer from Randolph or Gardiner and have them do some experimental excavation on a time and material basis. These are not recommended to go out to bid because it is not certain what the problems are and therefore specs would be difficult to develop beforehand.

The Board should vote to set up a schedule for fixing these projects and there may be some appropriations needed and may involve a town meeting. The Board must move ahead with a realistic schedule with existing funds.

Not providing the schedule was the problem. Chuck said this is what the Board needs to do. He suggested that Charlie write up a rough draft, identify the State issue first and at the same time have the treasurer look and see what might be available for funds. Charlie and Chuck will work out a schedule in the next day or two.

Next meeting is not scheduled for two weeks and this is due by October 1st. Once a schedule is reached, they will be pushing for the town to stay on the schedule so the Town will want to set up a schedule that can be reasonable.

John Crocker stated that Harold Warren Construction may be the one to use. Two of the problems on Lewis Avenue are on private property. Permission will have to be granted from the homeowner. The catch basin project is estimated at \$28,000 all by itself and we will try to work with the State.

Chuck suggested that the 3 on Lewis Avenue be done first if there is money available (\$9,000.00). The treasurer stated that the town has \$4,900 in the infiltration account and the other half could be taken out of the public works/sewer account which has \$18,000 in it.

There may be some money left after this project and it could be applied to this project here. Charlie Smith said he would like to check with John Larouche about the legalities of using this money.

Schedule – first 3 projects should be done by December 1, 2010. These are small projects that can be done by a local drain layer on Lewis Avenue.

A letter will go out to the State of Maine regarding those projects and issues on Water Street to get them addressed, fixed and out of the town's sewer system.

Charlie will summarize what has been accomplished at this meeting in an e-mail to Chuck and the Town and then Chuck will prepare the letter to the DEP for the Town.

Peter Hanley made a **motion** to proceed with the **3 smaller projects immediately** to be completed by the end of November and continue discussion with the State on the two other projects with the timeline to start immediately. This will use existing funds for these first three projects. Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

Charlie Smith suggested that the town use a timeline of the end of November to give the town and any contractors a little breathing room. He also suggested that it be added to the motion that the Town would be in contact with the State of Maine/DOT. John stated that he had talked with someone at the DOT already and that they had indicated that this would take approximately 6 months because they would have to get easements from the landowners involved.

Sonny James stated that he thinks it is a good idea to possibly use a camera on the Lewis Avenue issues. If the pipe was laid properly at the time there should not be these issues occurring.

DEP visited the site for an initial inspection. The operations group from DEP will come out and visit the station because under State rules it is required that the Town do daily inspections and/or readings of the station. The only real change in the operations is the removal of the danger of confined space. The State will probably want the Town to continue to do the daily inspections.

Peter Hanley asked when the automation will come into play. He was under the assumption that the every day inspection would not be necessary but Charlie explained that the danger was eliminated but that it would not be automatic. DEP will be letting the Town know in an operations manual what is required for the certification of the stations.

Sonny James addressed Peter Hanley as to why his salary was set up the way it was to cover the jobs he does in conjunction with the pump station. He is doing daily inspections and answering alarms. Sonny said that he will sit down the Board to renegotiate his salary if need be after the station is completed and it is made clear what is required from the Town.

Ed Gorham asked Charlie when he expected the operations manual may be forthcoming. Charlie stated that he believes that the contractor will not be meeting the schedule and the contract indicates that the contractor has some liability to the Town called "liquidated damages." On the anticipation of this, he suggested that the Board vote that if it appears that the deadline is not going to be met that the town write some letters imparting the requirements of the specifications including the liquidated damages upon the contractor if the completion date deadline is not met. Charlie stated that these letters cannot be sent out until they are at the deadline and he will contact the town attorney at that time to craft the letters.

Peter Hanley made a **motion to write letters** imparting the requirements of the specifications including the liquidated damages upon the contractor if the deadline is not met. Al Seymour seconded the motion. **VOTE – UNANIMOUS.**

E-mail from **Ron Cunningham** regarding the Board passing a **Resolution in Opposition to the PSAP Consolidation Proposal**. Ron gave the Board a sample resolution passed by the City of Waterville as a guide. The Selectboard members read the proposed resolution.

Al Seymour made a **motion to pass the Resolution**. Peter Hanley seconded the motion. **VOTE – UNANIMOUS.** A resolution naming the Town of Randolph was presented and the Chairman signed said resolution.

Cemetery complaint with pictures from **Tamra Pierce** was discussed by the Board. She stated that several plastic planters in the cemetery on her loved ones graves were destroyed supposedly by the weed whacker used by cemetery personnel. She was asking that reimbursement be made to the family and the laborer be spoken to about this problem.

John Crocker the **cemetery sexton** stated that he believed that the cemetery ordinance prohibited these kinds of planters on the graves. John said he will get the ordinance out and will contact Ms. Pierce about the issue. Ed Gorham asked John to urge his workers in the cemetery to be more careful when doing maintenance.

The Board discussed the **schedule of meetings** for the Board as the Chairman will be leaving on the 27th of September and not back until October 13, 2010. The next meeting will be on Tuesday, **September 28, 2010 @ 10:00 a.m.** with just Peter and Al and the following meeting which was scheduled for October 12, 2010 will be moved to **Thursday, October 14, 2010 @ 10:00 a.m.**

Greg Lumbert was recognized by the Board. Mr. Lumbert presented his snowplowing contract to the Board as he does annually for the upcoming winter season. He plows & sands the Town Office and the Fire Department. Bid is for the same amount as last year which is \$45 per storm for plowing and sanding the Fire Department and \$50 per storm for plowing and sanding the Town Office. He would like to line up his plowing season and pointed out that this has been done at the same price for the past 3 years.

Ed Gorham asked if they could get back to him and Greg asked for a timeline on when this would be. The Town Treasurer asked if she could speak. It was stated that we had used other contractors to the job in the past and the job was unsatisfactory. Greg can always be counted on to have the plowing and sanding done in a timely fashion.

Al Seymour made a motion to accept the plowing/sanding bid from Greg Lumbert. Peter Hanley seconded the motion. **VOTE – UNANIMOUS.**

Resident **Darryl Fitzherbert** asked Mr. Lumbert how to go about getting something done for people driving the wrong way on **South Maple Street**. Greg suggested video and/or plate numbers. It could require the complainants going to court. John mentioned the need to put up weight restriction signs on the street to keep large trucks from using this street as a short cut.

Marge stated that she had found the offenders of the **noise law**. She said that it was coming from Trussell's Garage. Greg said he would speak to Steve Trussell about it.

Al Seymour made a motion to accept the **minutes of the August 31, 2010 meeting**. Ed Gorham seconded the motion. **VOTE – UNANIMOUS.**

Marge asked Ed Gorham if he had talked to the **Code Enforcement Officer** about the Garbage Ordinance and Ed said that he had not spoken with Bob St. Pierre.

Sonny James asked if he understood correctly that his position was not going to be eliminated. It was agreed that this could not be done at this time but they would sit down and talk about it when everything is completed on the sewer project and the **DEP** tells the Town how this should be handled as far as daily inspections and readings.

Al Seymour made a **motion to adjourn the meeting**. Ed Gorham seconded the motion. **VOTE – UNANIMOUS.**

Meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Lynn R. Mealey
Town Clerk