

**DATE: July 20, 2011**

**Regular Meeting Boothbay Harbor Sewer District Board of Trustees**

**PRESENT:**

Jon Draper  
Jim Stormont  
Chris Higgins

Michael Feldmann  
Lisa Kristoff – Boothbay Register

**Call to Order:**

Jim Stormont called the meeting to order at 6:02 PM.

**Review of the Minutes of July 6, 2011**

The minutes of July 6, 2011, meeting was reviewed. After review, Jon Draper made motion to accept the 7/6/11 minutes as presented. Michael Feldmann seconded the motion. Vote was unanimous.

**Review of Warrant 1192**

Warrant 1192 was reviewed. Jon Draper made motion to execute warrant as submitted. Michael Feldmann seconded the motion. Vote to execute the warrant was unanimous.

**Execute Lien Notices: Scott, Brewer, Worth, Doray, Rubel, Jolley, Farrin, Cusumano, Begley, Macurdy, Bristol Lobster Sales, Beal, and Mitchell**

Jon Draper reviewed and executed the Lien Notices.

**Execute 60-Day Late Letters: Bond, Carolin, Friant, Furbush, Oliphant, and Watts**

Jon Draper reviewed and executed the letters.

**Execute Lien Releases: Hinds, Richard (2)**

Jon Draper reviewed and executed the releases.

**Six-Month Budget Report:**

Chris handed out the budget report for discussion. No questions were asked of the lines. Expenses are under budget for the six-month period.

**Old Business:**

None

**New Business:**

Chris reported that the Massachusetts Road Sewer Company has approached the District about the possibility of assuming ownership of their sewer line. Chris explained that the system was installed during the McKown Point/Juniper Point in 2001. Chris explained that Bill Logan is preparing the required transfer documents. The trustees will vote on acceptance at a later date when all documents are ready.

**Public Comment:**

None

**Correspondence:**

Jon Draper reported that he received a letter from Marc Brewer, 36 Bay Street, complaining of a ready-to-serve fee that is assessed against his property on Summit Road. Marc responded by letter to Jon Draper, but addressed to Michael Feldmann (again not dated). Marc alleged that the sewer was never confirmed to be connected to the District sewer on Campbell Street, a private line was connected illegally, no permits were issued, and the District did not receive a dig-safe notice.

Chris responded to Marc, by certified letter dated July 12, 2011, advising Marc that he would be placed on the agenda of the July 20, 2011, meeting to discuss his concerns. Marc was asked to respond to advise if he would be attending the meeting. Marc, as of meeting time, did not respond.

Chris presented documentation to the Trustees regarding the history of this property (see Brewer Lien Folder RS0500700). Mr. Terry Lewis first contacted the District, via letter, on May 9, 1996, regarding the sewer bill and his intent on not paying it.

Chris reported that he and Warren Page (District Mechanic) inspected the line. The line was found to be as Mr. Lewis described. Chris reported that Warren and he dyed the line and added water. The dye appeared in the second manhole on the Campbell Street cross-country line. The line was connected to the District sewer.

On June 3, 1996, Chris sent Mr. Lewis a letter stating the findings of the investigation. The findings were discussed at the June 5, 1996, Trustee meeting.

Mr. Lewis sent the District a note on March 1, 1997, regarding his previous letters. Mr. Lewis's note was discussed at the March 20, 1997, Trustee meeting. The Trustees



reduced the sewer fee for the property to the Ready-To-Serve retroactive to October 1995. On March 21, 1997, Chris sent Mr. Lewis a letter stating the adjustment.

In October 1997, Mr. Lewis advised that he was going to sue the District for assessment of Ready-To-Serve. This was discussed at the November 5, 1997, Trustee meeting. No suit ever filed.

On April 3, 2000, Mr. Lewis sent a note to the District, again, asking for relief of the Ready-To-Serve fee. Lewis's letter was discussed at the April 5, 2000, Trustee meeting. Chris responded to Mr. Lewis on April 6, 2000.

On July 14, 2006, the District was notified of Mr. Lewis's death on June 22, 2006, by Jill Tupper, ESQ. Tupper advised that the estate had many creditors and that it would take 90 days to settle the estate. The estate did settle all liens on the property.

Mr. Brewer purchased the property in October 2006.

Marc alleges that Jordan Construction connected a private line to the District sewer illegally in September of 1999. William Murphy, 16 Summit Road, hired Jordan to install a sewer from that property to Campbell Street. Mr. Murphy secured an easement from Barbara Pinkham to cross the property. The easement was recorded on October 22, 1998. At that time, no easement was ever recorded from the Lewis property to the Pinkham property for the existing sewer line by previous owners (Schmidtman and Sawyer). Mr. Murphy extended an easement for sewer use to Merylyn Avery of 14 Summit Road. This easement was recorded on September 29, 1999. Mr. Murphy extended a sewer easement to Terry Lewis, 8 Summit Road. This easement was recorded on November 30, 1999.

Mr. Brewer is correct in that Jordan Construction started work before the District received its permits and was not notified in advance of starting the work. However, all the easement work was in progress and the permit forms had been issued but not received. The District received the permits with payment on September 20, 1999. Mr. Brewer is also correct in that he inspected the area. This occurred on September 8, 1999. However, Mr. Brewer failed to take any tie measurements of the work, but did take two pictures. There are no tie drawings for this sewer line as Mr. Brewer states because he did not make any.

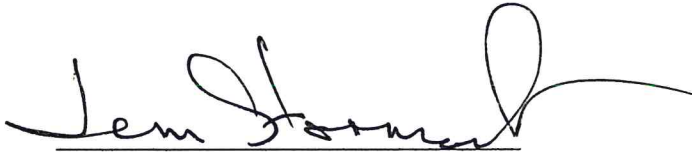
Mr. Brewer alleges that Jordan did not call Dig-Safe. This is correct. However, Maine did not institute Digsafe rules until 2000. The District was not a Digsafe member until 2004.

Jordan Construction was not the only Contractor who did not inform the District of its work. As a result, in May of 2000, the District forwarded a letter to all local Contractors advising of compliance with District rules and regulations.

Based on the documents presented, Jim Stormont offered that no action be taken because there is none to take. Feldmann and Draper concurred. The account is still active and requires payment.

**Adjourn Meeting:**

Jon Draper made motion to adjourn the regular meeting Michael Feldmann seconded the motion. Vote was unanimous. Regular meeting ended at 6:30 pm.

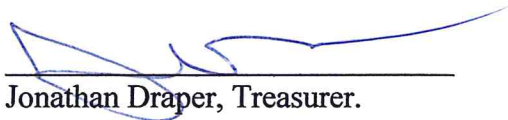
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Jim Stormont, Chairman

We, the undersigned, do hereby waive notice of the above meeting and do agree to the business transacted.

A handwritten signature in black ink, appearing to read "Jim Stormont", written over a horizontal line.

Jim Stormont, Chairman

A handwritten signature in blue ink, appearing to read "Jonathan Draper", written over a horizontal line.

Jonathan Draper, Treasurer.

A handwritten signature in blue ink, appearing to read "Michael Feldmann", written over a horizontal line.

Michael Feldmann, Clerk