

DATE: December 2, 2019

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

In Attendance:

Deryl Kipp	John Hennessy
Jim Stormont	Alden Jordan
Sam Morris – via Teleconference	Christian Hoskeer
Chris Higgins	

Regular Business Meeting Called to Order:

Trustee Kipp called the regular business meeting to order at 5:03 PM.

Review of the Minutes of November 18, 2019 Business Meeting

The minutes of the November 18, 2019, meeting was reviewed. After review, Trustee Kipp made motion to accept the minutes as presented. Trustee Stormont seconded the motion. Vote was unanimous.

Review of Warrants 1391

Warrant 1391 was reviewed. Trustee Stormont made motion to execute the warrant. Trustee Morris seconded the motion. After brief discussion, vote to execute the warrant was unanimous.

Execute 60-Day Late Letters: None

Execute Notice and Demand for Payment: None

Execute Lien Certificates: None

Execute Lien Discharges: None

Execute Impending Foreclosure Notice(s): None

Sewer Entrance Applications: None

Old Business:

1. Plant and Collection System Operations: The superintendent reported there were no issues with plant operations since the last meeting. The collections

MC *SAW*

crew has completed work on preparing the seasonal stations and mains for winter.

- a. St. Andrews Village Pump Station Upgrade – The superintendent reported the explosion proof junction boxes have arrived. They will be sent to Midcoast Machine for drilling and tapping.
 - b. The superintendent advised the trustees Emery Lane paving has not been repaired and will more than likely not get repaired now until spring.
 - c. The superintendent advised the office manager reported email customers stand at 272, direct debit customers at 218, for a year-to-date savings of \$524.70. The website had 48 new users with an additional 12 returning to the site.
2. Odor Issues – Plant Odor Systems – Nothing to report.
 3. Plant Influent Hydraulic Study – Plant influent pump runtimes were forwarded and analyzed. The data supports district personnel observations of reduced capacity. The superintendent will follow up with the manufacturer rep to get pricing for new impellers and suction bowls. This equipment is original to the pumps.
 4. Water District Meter Reading Fee - The superintendent reported he has still not received a draft agreement for review yet.
 5. Route 96 Project – The superintendent advised the Route 96 Sewer Replacement Project is going well and the crew is ahead of schedule. The crew is expected to wrap things up for the winter during the week of December 9. A construction meeting is scheduled for December 18 and the first pay requisition should be submitted at that time. A March start-up is expected weather permitting. The Project should be done by May 20, 2020.
 6. Rate Review – The superintendent advised nothing received from Wright-Pierce since the last meeting. Trustee Stormont advised he did not want this project to slide off the back burner. The superintendent advised he will stay on top of the project.
 7. 21 Sea Street Property Line Issue – Alden Jordan and John Hennessy were present to discuss the property line issues (building of driveway on District property, placing of rocks in new district fence, and water runoff).

Trustee Kipp welcomed Hennessy and Jordan to the meeting and offered them both a seat. They both declined and advised they would not be staying long.

BLK *SWH*

Trustee Kipp opened the discussion by summarizing the District's position was for the rocks to be removed from the fence line (on District property) and the water redirected away from District property as outlined in the District's November 21, 2019, letter. Trustee Kipp stated he did not want to make a big deal of the issue, but wanted the issue resolved.

Both Hennessy and Jordan took the opportunity to heavily criticized the superintendent for the way he had handled the situation from the onset and claimed the superintendent was "out of control". Hennessy and Jordan did not acknowledge any culpability in placing material on District property as a result of building a new driveway and installing a drainage swale relieving water from the Hennessy property onto District property. The work by Jordan is over the District property line by as much as 2 feet and the blast rock base that was installed was placed in such a way that it deflected and stretched the bottom of the newly installed security fence by as much as eight inches in several locations.

Trustee Stormont advised Jordan the superintendent was not out of control, the letters written to Hennessy were acceptable business letters and were reviewed by the Board prior to being sent. Trustee Stormont also advised that he and the Board endorsed the superintendent's course of action.

Hennessy criticized the Board for spending funds in establishing the property line (During the 9/3/19 meeting with Jordan and Hennessy, it was agreed that nothing would be done until the line was reestablished). Jordan complained the superintendent took three weeks before bringing the issue to his attention. The superintendent disagreed and advised Jordan that he spoke to his operator the first day they were onsite (documented in the 8/5, 8/19, and 9/3 meeting minutes). The operator was grubbing along the southeast corner of the Hennessy property. The superintendent advised the operator he was near the property pin location. The operator advised the superintendent that he had pulled a four-foot piece of pipe out of the ground in that location. It was assumed that the pipe could have been the property pin. The following day the operator was starting the driveway work. The superintendent advised the operator to stay two feet away from the fence line as the fence was moved two feet inside of the old fence that was removed. The old fence posts were cut off at their bases but were still in the ground and could have been used as a guide for the driveway. The old fence was on the District side of the property line. The superintendent inspected the work the following day and found the operator placed the blast rock on district property and against the fence. The superintendent immediately called Jordan's office, spoke with the receptionist, advised her of the issue. She contacted Jordan and he came down within the hour. The superintendent showed Jordan the issue and showed Jordan the old fence posts that were visible under the newly placed material for the



driveway. Jordan acknowledged material was placed on the District side of the line and that he would have the operator take care of the rock in the fence.

After the superintendent corrected Jordan, Jordan left the meeting and as he was leaving the meeting, he said the issue will be resolved.

Hennessy stayed and listened to the superintendent's explanation of the three historical surveys between the District's property and the Hennessy property and the final Leighton survey which agrees with the last 1994 survey done by Wright-Pierce. The Leighton survey and the WP survey clearly indicated the old fence was on the District side of the property line by approximately six inches. The Leighton survey clearly shows the new fence is 2 plus feet inside of the property line and the improvements made by Hennessy are on district property. Hennessy was not happy with that explanation and left the meeting. As he was leaving the meeting, he stated the issues will be fixed.

Trustee Stormont repeated he had absolutely no problem with anything that has been done by the superintendent or the Sewer District in this whole transaction."

Trustee Morris advised he completely agreed with Trustee Stormont. Trustee Morris advised the District has done three things, we sent three letters, 1) letter one – we think there is a problem, 2) letter 2 – there is a problem come in and see us, and 3) letter 3 – this is what we expect you to do. Trustee Morris reinforced this is all that was done and did not understand the position of Hennessy or Jordan.

Trustee Stormont further advised for the District to do nothing now that Hennessy has agreed to fix the issues and to give them time to do so. All agreed.

Trustee Morris asked to place the following in the record in response to Jordan's text message to the superintendent: "every letter was reviewed, approved, and sent at the direction of the Board of Trustees...the superintendent as earned every raise received, ever working for the sewer district... and Jordan's text message was completely out of line."

Trustee Stormont and Kipp both agreed with Trustee Morris.

The superintendent asked the Board if they wanted to have the text message from Jordan to the superintendent made part of the record. The Board agreed to make the text message part of the record. The text message is attached hereto.

New Business:

1. Certificate of Commitment December 1, 2019, Billing– Trustee Morris made a motion to commit the November 1, 2019, billings to the Treasurer for collection. Trustee Kipp seconded the motion. Vote was unanimous.

2. **November Financial Reports:**

The superintendent distributed the November financial reports. The superintendent advised the revenue section included the December 1 billing to show the actual revenue levels for the year. The expense lines were as of November 30, 2019. The reports were reviewed with no further action.

3. **Maine Power Options Solar Power Availability:**

The superintendent briefly discussed the documentation. The superintendent also advised that he was not up to speed on the content and intent of the emails. After brief discussion, the Board asked the superintendent to contact Maine Power Options for further information and to report back at a later meeting.

Correspondence:

1. Hennessy Letters (3)
2. Alden Jordan Text Message to the Superintendent
3. Email from Kevin Roche dated November 27, 2019.

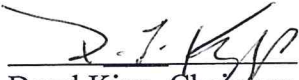
The Board reviewed the letters.

Public Comment:

None.


Adjourn Meeting:

Trustee Morris made motion to adjourn the business meeting. Trustee Stormont seconded the motion. Vote was unanimous. The meeting ended at 1742 hrs.


Deryl Kipp, Chairman

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



Deryl Kipp, Chairman

Sam Morris, Clerk

James Stormont, Treasurer



August 6, 2019

Mr. John R. Hennessy
21 Sea Street
Boothbay Harbor, ME 04538-1879

Dear John:

Re: New Driveway

I am writing to eulogize our conversation regarding the installation of your new driveway adjacent to the District's newly installed north fence.

During that conversation I advised you:

- 1) That I had spoken with the Jordan Construction operator regarding the property line and that the new fence was several feet on the District side of the property line, but Jordan still placed blast rock on District property between the fence and your garage.
- 2) That I had spoken with the Jordan Construction operator regarding the northeast property pin being in very close proximity of the stump he was excavating. The operator told me he removed a metal pipe during his grubbing of the stump. I advised you of that conversation and stressed to you if the metal pipe was the property pin that it needed to be reset. You advised me that you would not pay for that and I advised you should withhold monies from Jordan for replacement of the pin.
- 3) We discussed the fact the driveway base was on district property by several feet and blast rock was placed in against our newly installed fence that was installed on the district side of the old fence. I did call Jordan Construction and Alden came down to look at it, the operator removed some of the rocks that pushed the base of the new fence in and I showed Alden where the old fence posts were that were visible under the base of your new drive. You apologized for the encroachment.
- 4) Since the installation of the new driveway, Jordan Construction installed a water drainage swale in front of your garage and directs the water onto district property, directly onto the corner fence post and at the foundation of our emergency generator.

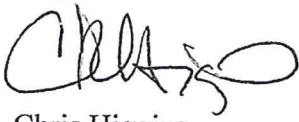
Be advised we have contacted Leighton and Associates to find, and if necessary, replace the northeast property pin. In addition, we have asked Leighton and Associates to locate the westerly property pin that establishes the line from the northeast pin that delineates the property line between you and the District. I expect that work to commence during sometime in the coming weeks. If Leighton finds the northeast pin missing and requires replacement, we expect to be compensated for that work. The pin was there prior to your contractor grubbing in that area

during the stump work. That pin was present during our 1994 survey by Wright-Pierce Engineers. That area has been undisturbed until the grubbing work by your contractor.

When the property line is reestablished and if it is found that you have encroached on District property, a meeting with the Board of Trustees should take place to discuss the ramifications and mitigation of the encroachment. As for the water drainage issue, I would advise that you redirect the water toward Sea Street so it can drain into the drainage culvert that is available there.

The Board of Trustees meet the first and third Monday of each month at 5:00 p.m. at the Sea Street office. If you would like to commence discussions now, please let me know if you would like to discuss the matter with them and I will be happy place you on their agenda.

Regards,

A handwritten signature in black ink, appearing to read "Chris Higgins", with a stylized flourish at the end.

Chris Higgins
Superintendent

cc: District Trustees
Geoff Smith, Town of Boothbay Harbor, CEO



October 21, 2019

Mr. John R. Hennessy
21 Sea Street
Boothbay Harbor, ME 04538-1879

Dear John:

Re: Property Pin Status

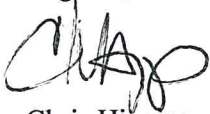
I am writing to you to update the status of the property pin work by Leighton and Associates. As you are aware, we have discussed the placement of the new pin and have had subsequent conversations as to the status of the new pin, which are still unresolved.

After the new pin was set, you came into our office to discuss the new pin. We both went to the new pin and discussed its location. I told you the pin was not in the location as I remembered and that I was going to speak with Leighton and Associates about the pin. It was not long after you left, Alden Jordan showed to look at the pin location. I spoke with Alden and he remembered the old fence to the north of the culvert and the current pin location.

I did speak with Nick Plumer after we spoke. I advised Mr. Plumer I thought the pin was in the wrong place pursuant to the District's previous three surveys and the location of the old fence. The most telling point was our frontage of 150 feet places our front, south, pin in Sample's driveway. This is not accurate. According to our three surveys, the south pin was directly in front of CMP pole #6. In addition, our old fence line was north of the culvert on Sea Street. The new pin is south of the culvert. If the new pin location is correct, then, the previous three surveys are wrong, and the old fence was not on District property. All three of the old surveys clearly show the fence south of the property line and not to the north. Your new driveway now covers the old fence posts, which we cut off and left in the ground. Therefore, it is obvious to me the pin is in the wrong location.

Nick Plumer agrees there is enough discrepancies with the new pin placement to take another look at the north side pins. This is where we are at, at this point. Leighton will be back to verify the pin locations. As I have told you subsequently, I will keep you advised once anything new develops.

Regards,


Chris Higgins
Superintendent

cc: District Trustees
Geoff Smith, Town of Boothbay Harbor, CEO



November 11, 2019

Mr. John R. Hennessy
21 Sea Street
Boothbay Harbor, ME 04538-1879

Dear John:

Re: Property Pin Status

I am writing to you to update the status of the property pin work by Boothbay Region Surveyors. The pins were set on Wednesday, November 6, 2019. It is my understanding you were present for a portion of the BRS work.

The current pin locations concur with the District's last survey performed by Wright-Pierce Engineers, Topsham, Maine, dated July 29, 1994, and recorded in the Lincoln County Registry of Deeds, Book 52, Page 45. This boundary also concurs with the exchange of deeds between the District and Craig Hooper, recorded in Book 2022, Pages 355 and 357 in the Lincoln County Registry of Deeds. We believe the line to be correct.

In my August 6, 2019, letter to you, I discussed the possibility that your contractor may have removed the northeast pin due to his proximity of his work grubbing the stump. The artifact that your contractor removed was not the northeast property pin. The pin was reset adjacent to and southerly of that work area.

Now that the property line is firmly established, the District Trustees wish to cordially discuss the line issues with you. Their next meeting is November 18, 2019, at 5:00 p.m. and extend an invitation to you to discuss the matter. If you have a conflict with this date, please advise if you can attend another meeting. The Trustees meet the first and third Monday of each month at 5:00 p.m.

Regards,

Chris Higgins
Superintendent

cc: District Trustees
Geoff Smith, Town of Boothbay Harbor, CEO



November 21, 2019

Mr. John R. Hennessy
21 Sea Street
Boothbay Harbor, ME 04538-1879

Dear John:

Re: Property Line Status

The District Trustees were hoping that you would have responded to their invitation of November 11, 2019, to be in attendance for their November 18, 2019, meeting, or, at least contacted us to attend a subsequent meeting to discuss the property line issues.

Please take note, the District Trustees discussed the line issues at their November 18, 2019, meeting and have decided that you will be required to remove the rocks that have been placed against the District's new fence line located on District property by your contractor. In addition, the Trustees want you to redirect your newly created water runoff away from District property, also caused by your contractor. The Trustees would like you to mitigate these issues caused by your contractor as soon as possible.

Please advise when this will occur. If you should have any questions or would like to discuss the matter further, please let me know and I can place you on the Trustee's next agenda.

Regards,

Chris Higgins
Superintendent

cc: District Trustees
Geoff Smith, Town of Boothbay Harbor, CEO

From: crhiggins@bbhsd.org
Sent: Tuesday, November 26, 2019 7:48 AM
To: Deryl Kipp; Deryl Kipp; Jim Stormont; Sam Morris
Subject: Alden Jordan Text Message
Attachments: text.txt

Good Morning

I forwarded a text message to you this morning that I received from Alden Jordan last night regarding our last letter to Hennessy. I am not sure if you have seen the message or even if it went through to you all. I sent the message to my email and was able to save the text. That is what is attached. I have save a copy and placed with the last letter to Hennessy and Julie has placed a copy on Hennessy's account along with the other letters.

Chris

From: 2073804663@vzwpx.com <2073804663@vzwpx.com>
Sent: Tuesday, November 26, 2019 7:10 AM
To: crhiggins@bbhsd.org
Subject:

Below is a copy of a text message sent by Alden Jordan to Chris Higgins. The text was received by Higgins on 11/25/19 at 7:00 p.m.

"hey chris, alden here...wtf..read letter , all about me...contractor...i want meeting with you board...did i fuck you in some way...letter is all about me ..no mention of owner.....remember chris...i was always the one that got you raises...now it's like you have some vendetta...this seems like life or death with you...are your bored...i'm really trying to understand your all out vengeful feeling towards my company...how dare you..."

This text was forwarded to the Board of Trustees on November 26, 2019 at 7:48 a.m.