

Edward Farrar Utility District
Commissioners' Meeting
Wednesday August 11, 2021
4:30 P.M.
Minutes

Present: P.H. Flanders, R. Finucane, C. Parks, N. Sherman, L. Sayah, Commissioners; J. Paul Giuliani, Joe McLean, attorneys; W. Woodruff, W. Shepeluk, staff

Chair Flanders called the meeting to order at 4:30 p.m.

R. Finucane made a motion to approve the agenda as printed, seconded by C. Parks. It was approved unanimously.

Public-no public was in attendance.

R. Finucane moved to find that premature general public knowledge of pending or probable litigation and of confidential attorney-client communications would clearly place the District at a substantial disadvantage by disclosing possible litigation strategy to party opponents and potentially waiving attorney-client privilege through the disclosure of confidential communications to third parties. This motion was seconded by N. Sherman. The vote was 5-0 in favor.

R. Finucane then moved to enter executive session to consider pending or probable litigation and to consider attorney-client communications made for the purpose of providing professional legal services to the District. An invitation was included in the motion to have attorneys J. McLean and P. Giuliani join the executive session discussion along with staff members Woodruff and Shepeluk. This motion was seconded by L. Sayah. The vote was 5-0 in favor. The board and guests entered executive session at 4:40 p.m.

The board returned to open session at 6:02 p.m., having taken no action during executive session.

In executive session, the board discussed an alleged violation by the Ice Center of Washington West of the Utility District's water rules and regulations. The commissioners found that the leaking cooling tower at the Ice Center should be considered a waste of water and R. Finucane made a motion to direct the Utility District Manager to issue a Notice of Violation to the Ice Center of Washington West, dated August 12, 2021, directing the Ice Center to correct the violation within 45 days of the date of the notice. L. Sayah seconded the motion and it was approved unanimously, 5-0.

The commissioners discussed the compensation of the municipal manager and his work as District Manager. They directed Chairperson Flanders to pass along to the select board its appreciation for the work performed by the manager and to advocate for a compensation

adjustment that reflects the work and their satisfaction with it. W. Shepeluk expressed appreciation for the sentiments expressed and recommended to the commissioners the reimbursement of wages to the public works director that were voluntarily waived by W. Woodruff in 2020. R. Finucane made a motion to reimburse W. Woodruff for his voluntarily reduced wages for the period April into August 2020. C. Parks seconded the motion. It was approved without dissent.

P.H. Flanders updated the rest of the board about pending allocations of hydraulic and BOD capacity for businesses that are likely to discharge high strength waste to the wastewater system. W. Shepeluk interjected to explain this is an issue involving customers planning brewing operations. By consensus, the commissioners agreed to have Flanders work with the PWD to return with a recommendation to the rest of the board as to how to determine whether charges—one time or on going should be assessed against these types of businesses.

P.H. Flanders reported to the board about the potential transfer of ownership from EFUD to the Town of Waterbury of real property owned by EFUD that is not necessary for the operation of the water or sewer systems. He has discussed the issue with the chair of the select board who has expressed interest in the concept. Flanders expects to meet with the select board about the issue on August 23rd.

Upon the request of K. Petrovic, Utility Billing Clerk, the commissioners gave consideration to extend the \$5.00/unit reduction in quarterly water base charges, as well as the reduction in late penalties and interest that were all put in place a response to COVID-19. N. Sherman moved to extend all these reductions into 2022, noting the charges would all return to the former levels for water and sewer bills due March 20, 2022. C. Parks seconded the motion. After some additional discussion, the motion was approved 5-0.

The commissioners considered the minutes of the meeting held July 14, 2021. Upon a motion made and duly seconded (R. Finucane-C. Parks), the board voted unanimously to approve those minutes.

R. Finucane made a motion to adjourn. It was seconded by N. Sherman and the vote was 5-0 in favor. The meeting ended at 6:40 p.m.