

Delafield-Hartland
Water Pollution Control Commission
416 Butler Drive, Delafield WI 53018-1871
Phone: 262-646-4364/Fax: 262-646-5187

Commission Meeting Minutes for August 17, 2010
Delafield-Hartland WPCC Treatment Plant Board Room

Time
7:00 PM

Call Meeting to Order

M. DeYoe called the meeting to order at 7:00 p.m.

Roll Call

Delafield

Tim Aicher
Michele DeYoe
Beth Leonard
Gerald MacDougall

Village of Hartland

Karen Compton
Richard Landwehr
Michael Meyers
Rick Stevens

Also Present

Rose Frick
Scott Luczak

Guest

Tim Fenner, Del-Hart's Attorney
Steve Celichowski, St. John's NW Military Academy

ALL ITEMS ON THE AGENDA ARE SUBJECT TO ACTION BY THE COMMISSION EXCEPT WHERE OTHERWISE NOTED:

Approve Minutes of July 20, 2010 Commission Meeting

R. STEVENS MOTIONED TO APPROVE THE MINUTES OF THE JULY 20, 2010 MEETING AS PRESENTED. R. LANDWEHR SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SEVEN WERE IN FAVOR. M. MEYERS ABSTAINED. MOTION CARRIED.

NOTICE OF CLOSED SESSION

Please take notice that following the Approval of Minutes from the Last Commission Meeting, the Commission may convene upon passage of the proper motion into Closed Session pursuant to: Wisconsin Statutes Section 19.85(1)(g), FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL WHO IS RENDERING ORAL OR WRITTEN ADVICE FOR THE COMMISSION CONCERNING STRATEGY TO BE ADOPTED BY THE COMMISSION WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (ST. JOHN'S NORTHWESTERN MILITARY ACADEMY'S APPEAL OF ADDITIONAL USER EQUIVALENTS PURCHASED IN 2008). Following the Closed Session, the Commission will then reconvene into Open Session to continue with Agenda items.

R. STEVENS MOTIONED TO ENTER CLOSED SESSION PURSUANT TO WISCONSIN STATUTES SECTION 19.85(1)(g), FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL WHO IS RENDERING ORAL OR WRITTEN ADVICE FOR THE COMMISSION CONCERNING STRATEGY TO BE ADOPTED BY THE COMMISSION WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (ST. JOHN'S NORTHWESTERN MILITARY ACADEMY'S APPEAL OF ADDITIONAL USER EQUIVALENTS PURCHASED IN 2008). T. AICHER SECONDED THE MOTION. A ROLL CALL VOTE TOOK PLACE: T. AICHER, AYE; K. COMPTON, AYE; M. DEYOE, AYE; R. LANDWEHR, AYE; B. LEONARD, AYE; M. MEYERS, AYE; G. MACDOUGALL, AYE; R. STEVENS, AYE. MOTION CARRIED. CLOSED SESSION WAS ENTERED INTO AT 7:03 P.M.

R. STEVENS MOTIONED TO RECONVENE INTO OPEN SESSION. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE TOOK PLACE: T. AICHER, AYE; K. COMPTON, AYE; M. DEYOE, AYE; R. LANDWEHR, AYE; B. LEONARD, AYE; M. MEYERS, AYE; G. MACDOUGALL, AYE; R. STEVENS, AYE. MOTION CARRIED. OPEN SESSION RECONVENED AT 8:09 P.M.

OPEN SESSION

Action/Discussion, if any, from Closed Session

No action was taken.

GENERAL MANAGER'S REPORT

St. John's NW Military Academy's Appeal of Additional Domestic User Equivalents from 2008

No discussion or action took place.

Revisions to Wisconsin Department of Natural Resources' Phosphorus Limits

On July 28, 2010 S. Luczak attended a Wisconsin Department of Natural Resources (DNR) hearing and heard testimonies both for and against the proposed phosphorus limits. He summarized that the DNR has until the end of 2010 to make a rule and if no ruling is made, the EPA rule would go into effect. Included in the DNR changes to EPA rule was the option that if a municipality cannot afford the update, they would be excused with a variance that lasts for three years (and is possibly renewable). Most of the municipalities will have approximately three five-year permit periods, or up to 15 years. For each permit period, the municipality's phosphorous limit would be decreased further until the end of the third permit period when the required phosphorous limit would be 0.1 mg/liter. The rule's rationale was technology advancements should make the limit affordable and achievable. Additionally, phosphorous limits will be determined by receiving waters. S. Luczak was hopeful that the affordable technology would become available in the near future so that Del-Hart would not be adversely affected by the ruling. It was his understanding that this was the first flexible rule that the EPA had accepted. The head of the DNR stated that they are confident that their rule with variances and time frames will stand. Although small treatment plants would be granted variances, S. Luczak did not think Del-Hart would be considered a "small plant" for this option.

Purchase of BOD Incubator for Lab

Due to the failure of the BOD incubator last Thursday, an emergency purchase of a BOD incubator in the amount of \$3,760 was authorized by M. DeYoe. It was noted that this purchase was already in the budget. To ensure quick delivery, S. Luczak personally picked up the incubator.

FINANCE DIRECTOR'S REPORT

Preliminary 2011 Budget

The Preliminary 2011 Budget was distributed to the Commissioners at the meeting and was reviewed by R. Frick and S. Luczak on a line-by-line basis.

To ensure better accuracy for the revenues from user fees and connections, information was sent to the municipal clerks requesting an estimate of how many connections would be received by the end of 2010 and for the budget year 2011. R. Frick felt the numbers reflected in the budget were good numbers. Of note, and although the Commissioner's meeting fees have not been increased for many years, the Commissioner's consensus was to keep the rate the same.

Re-Structure of Domestic User Equivalents Update

The programs and support schedules completed by R. Frick were reviewed and approved as submitted by John Andres, Partner of Baker & Tilly. A letter expressing approval and comments from him is expected prior to the next meeting. It should be feasible to implement the new Re-Structure of Domestic User Equivalents by January 1, 2011; thus this will be addressed as soon as possible in order to accommodate potential public hearing requirements.

Financial Statements

The financial statements were distributed to the Commissioners with no unusual activity being reported.

Approve Expenses & Disbursements

K. COMPTON MOTIONED TO APPROVE THE EXPENSES AND DISBURSEMENTS. M. MEYERS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Next Commission Meeting's Agenda Items - NO DISCUSSION OF REQUESTED ITEMS
DUE Restructure

Revisions to Wisconsin Department of Natural Resources' Phosphorus Limits
St. John's NW Military Academy's Appeal of Additional Domestic User Equivalents from 2008
Re-Structure of Domestic User Equivalents Update

ADJOURN MEETING

R. STEVENS MOTIONED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:06 P.M.

Respectfully submitted:

Minutes prepared by:

Rosemary Frick, CPA
Finance Director

Accurate Business Communications, Inc.