

Office of

AUBURN SEWERAGE DISTRICT

Office Telephone # 784-6469

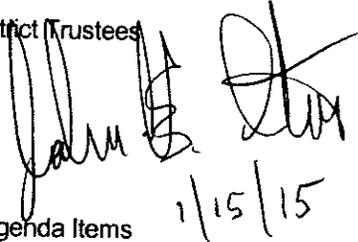
The regular monthly meeting of the Trustees of the Auburn Sewerage District will be held at the office of the Auburn Sewerage District, 268 Court Street, on Wednesday, January 20, 2015 at 4:00 P.M.

AGENDA

1. Approve Minutes of Regular Meeting of December 16, 2014.
2. Approve Minutes of Special Joint Meeting of December 17, 2014 with Auburn Water District Trustees.
3. Approve Minutes of Public Hearing of December 17, 2014 regarding proposed 2015 Budget.
4. December Monthly and 2014 Year-end Financial Report Update - *Greg Leighton*.
5. Ratify Payment of Bills.
6. Open session.
7. Activity Report - Sid Hazelton.
8. New Business
 - 2014 Audit Questionnaires - complete by Trustees.
 - Agenda items for 2015?
 - LAWPCA Apportionment.
 - 2016 Budget Discussion.
 - FOAA waiver request.
 - Other?
9. Old Business
 - Policy Updates
 - Bill stuffers
 - Purchasing
 - Code of Conduct
10. Adjourn Regular Meeting.

Memo

To: Water & Sewerage District Trustees
From: John Storer
CC: Files
Date: January 15, 2015
Re: Clarification on some Agenda Items



Handwritten signatures and the date 1/15/15.

Minutes of Meetings

The December meetings produced 3 sets of minutes: there was the regular Monthly Trustee Meeting; the joint meeting between both Boards; and the formal Public Hearing for Budget Adoption.

Additionally – Water has the Minutes from their November 2014 Meeting to formally approve. The Minutes were tabled in December to allow for some minor edits.

2014 Audit Questionnaires

The firm of Horton, Mc Horton McFarland & Veysey LLC (HMV) was selected to perform 2014 Audits for both Districts. One of their standards protocols is to issue a questionnaire to all Trustees. A 2-page form is attached that needs to be completed. If you have any questions, the lead auditor Nick Henry provided his contact information on the bottom of the 2nd page. Diane Drinkwater can provide envelopes and we can mail the responses back to HMV. Nick Henry would likely follow up individually with you if he had any further questions or concerns.

2015 Agenda Items

As we begin a new year, wanted to check to see if there were any issues that we should plan to address in the next few months? The Agenda included discussion of the 2016 Budget, as we should plan a process for reviewing any substantive changes to wages and benefits for the next year.

LAWPCA – Year-End 2014 Apportionment

Over the last 3 months of 2014 we started to close the gap on the apportionment deficit at LAWPCA, but we still ended 2014 with a \$25,546.03 deficit, which reflected a cost apportionment of 46.36% in comparison to Lewiston's 53.64%. The 2014 Budget included an apportionment ratio of 45.50%, so we went 0.86% over projections.

The 2015 Budget included what we hope will be a conservative estimate of 46.50%. Fluctuations in the cost apportionment are difficult to predict as they are not entirely dependent on Auburn customers. The loss of volume or industrial users in Lewiston can actually drive up our apportionment percentage.

For a bit of good news, the LAWPCA Net Operations Budget projects to be stable for the next few years. 2015 Operations is projected to be \$4.62 million and out in 2019 it is projected to be \$4.63 million.

Water – Brackett House, Mortgage to Volunteer Lake Monitoring Program

The Water District sold the property known as the "Brackett House" to the Volunteer Lake Monitoring Program (VLMP) in 2010. The Water District directly holds the mortgage and the VLMP seeks relief from payment obligations of the mortgage. A formal request letter should be forthcoming from the Executive Director of the VLMP and we will forward a copy as soon as we receive it.

For some history – long time Auburn City Manager Woodbury Brackett and his wife Barbara built a home at 24 Maple Hill Road, which is right off Lake Shore Drive. Upon Mrs. Brackett's passing in 2001, her Will stated *"I give my house and the parcel of land on which it is located in Auburn, Maine, to the Auburn Water District in memory of my husband, Woodbury E. Brackett. The real property is not be used as a residence but is to be used for educational purposes or environmental protection."*

The Water District explored several options to comply with Mrs. Brackett's wishes. In 2003, a lease agreement was executed with the Volunteer Lake Monitoring Program. Lease payments were set at \$300 per month and went into a dedicated account for maintenance and upkeep on the property. The house dated back to 1946 and required extensive and consistent maintenance. The Water District acted as a landlord and over the years we performed electrical upgrades, replaced the septic system, installed a new roof, painted the exterior, and responded to several calls related to the heating system or basement flooding. In 2007, the VLMP made a one-time \$7,000 payment to help cover ongoing maintenance issues.

Sometime in 2009, conversations were initiated regarding the VLMP purchasing the property from the Water District. Files indicate an appraisal was conducted by Amerifirst Appraisal in 2009, which determined a value of \$100,000. In early 2010, the Water Trustees authorized the sale of the property to the VLMP. Payment terms were \$5,000 upon closing, with \$5,000 annual payments due by Dec 31 or each year up through 2018. Then by December 2019 a balloon payment of \$50,000 was required.

To date we've received \$25,000 in payment. The 12/31/14 payment is past due. The terms of the promissory note did not include any interest payments. An amount of \$75,000 is still outstanding.

The sale agreement included a clause in the Warranty Deed that the Water District would maintain a right of first refusal should the VLMP ever try to sell the parcel.

Looking at potential options – there are probably 3 possibilities. There is the do-nothing option, whereby the existing payment terms would remain in effect. With another option the terms of the mortgage could be renegotiated to either reduce or extend the payment terms. Or you could forgive the remaining mortgage balance entirely.

If the mortgage balance is modified or forgiven, I'd suggest modifying the contract language such that the property would automatically revert back to the Water District upon possible dissolution of the VLMP. If the VLMP decided to sell the property, perhaps we could include a clause that the property would be "sold" back to the Water District for whatever amount they had already paid – which is currently at \$25,000.

Lake Auburn Update

The intake cleaning project went extremely well. Mike Broadbent did an outstanding job managing the project and kept operations running while relying on a temporary backup system. Mike noticed that since the cleaning we have not needed to clean the intake screens. They had been on a cleaning cycle every 2 weeks, but they've remained clean since the intake work was completed.

Lake Water quality remains very good. Turbidity levels are running at historically normal levels.

FOAA Waiver Request

Included in the Agenda Packets are a couple of pieces of correspondence from Dan Bilodeau on behalf of his LAWNA organization. The first request is an email dated January 6, 2015, in which he requests that any related costs for responding to FOAA requests be waived. In another piece of correspondence he provides a letter dated January 14, 2015, which requests a refund of \$210 for what he believes is either an overcharging for FOAA efforts, or a misapplication of the FOAA fee allowances.

For some background, current FOAA law allows a requester to be granted 1 hour of free staff effort in complying with a FOAA request. Time spent after 1 hour can then be charged at a rate of \$15 per hour. Over the years I don't have a record of the Sewerage District ever receiving a FOAA request. The Water District received 2 FOAA requests related to water consumption records, then we've received somewhere in the vicinity of 180 requests from Dan Bilodeau or his LAWNA organization. The number has crept up rapidly as he requests my emails each week.

In spring 2013, Mr Bilodeau would request my emails each week and then mix in requests for messages from either Mary Jane Dillingham, Sid Hazelton, or Lynne Richard. When including messages from other parties, the FOAA response effort would easily exceed 1 hour, thus resulting in some expense back to the requester.

Beginning in June 2013, Mr Bilodeau began requesting only my emails weekly, but at the same time, Doug Stone, who is currently listed as the LAWNA Treasurer, began simultaneously asking for Mary Jane Dillingham's emails. This appeared to be a deliberate process to circumvent the recovery of expenses related to the FOAA compilations, since each request would be allowed 1 free hour of time.

Maine's Public Access Ombudsman, Brenda Kielty, weighed in with an opinion (email dated August 5, 2013) that recommended the separate requests be combined into a single request. Ms. Kielty acknowledged trying to strike a balance between ease of use for FOAA, while also allowing a responding agency to charge for reasonable fees and expenses for responding.

Into 2014, the weekly requests for my emails were received and processed without any issues. But in the summer of 2014, requests began to expand for inclusion of emails for Mary Jane Dillingham, Sid Hazelton, Lynne Richard, and even Mike Broadbent. In consultation with some attorneys, we were provided with the opinion *"that when someone makes what amounts to a standing request for documents of the same category and type (e. g., e-mails) produced periodically it is in effect one request"*.

To use an example, an attorney suggested that if it was going to take 4 hours to review and redact a 200 page report, the requester wouldn't be allowed to break the request into multiple requests essentially going page-by-page. The recommendation was that the email request should be viewed as a "standing request".

I am requesting that both Trustee Boards weigh in with their recommendations. If Water wants to waive the fees, Sewer should consider whether they are willing to subsidize the loss of staff time. With FOAA requests coming in weekly, there would likely be a minimum of 52 hours of free time granted each year.

Policies – Purchasing, Code of Conduct & Bill Stuffers

My original intention was to provide DRAFT versions this month of 3 separate policies for Purchasing, Code of Conduct and our Bill Stuffers. Our Office Manager, Tanya Johnson, has been reaching out to various other municipalities and entities to obtain copies of their policies. There is quite a hodge-podge to choose from. Some are rather brief, while others are much more detailed such as Portland Water District's Purchasing Policy which runs 20 pages.

Hopefully we can spend some time this month to highlight key provisions that should be included in the development of a specific policy for the Districts. Unfortunately I think we will need to develop a Bill Stuffer Policy from scratch, but that should not be a complicated effort.

It appears Tanya was able to track down purchasing information from the following: City of Auburn, City of Lewiston, Auburn Housing Authority, Portland Water, Kennebunk Water, Bangor Water, and Maine Water Company.

Appears we have some form of Ethics policy from the City of Auburn, Portland Water, Bangor Water, Caribou Utilities District, ICMA, and the National Society of Professional Engineers.

December 16, 2014

The regular monthly meeting of the Trustees of the Auburn Sewerage District was held at the Office of the Auburn Sewerage District, 268 Court St. on Tuesday, December 16, 2014 at 4:00PM.

Members present: Robert Cavanagh (President), Tizz Crowley (Mayor's Representative), Joseph DeFilipp, Raymond Fortier, Heidi McCarthy (Treasurer), Stephen Ness and Jeffrey Preble. Also present: John Storer, Superintendent (arrived late at 4:45pm), Sid Hazelton, District Engineer and Greg Leighton of Maine Water Company.

On motion of Joseph DeFilipp, seconded by Raymond Fortier, it was unanimously voted: **To approve the minutes of the Regular Meeting of November 18, 2014.**

On motion of Heidi McCarthy, seconded by Raymond Fortier, it was unanimously voted: **To approve the minutes of the Public Hearing for the Sewer Rate Increase of November 18, 2014.**

FINANCIAL REPORT –Revenues reflect the timing of the rate increase. Expenses are good. Legal fees are related to the vactor truck claim. There is good news in that the LAWPCA deficit will be lower than anticipated.

RATIFY PAYMENT OF BILLS

On motion of Heidi McCarthy, seconded by Joseph DeFilipp, it was unanimously voted: **To ratify the payment of bills in the amount of \$ 288,252.56 as shown on the printout dated November 15, 2014 – December 12, 2014.**

OPEN SESSION – K.C. Geiger, Water District Trustee, was in attendance. K C Geiger wanted the Trustees to know that he has driven by Cascades Auburn Fiber on several occasions and that the odor was still very noticeable.

ACTIVITY REPORT –The November Activity Report was presented by Sid Hazelton. Tizz Crowley thought that detour signs at the work site of High St. and Academy St. would have been helpful. She also thought that a Street Closing Notice on the District's website would also have been helpful. Sid Hazelton explained that the District did have some signs at the site in effort to direct traffic.

NEW BUSINESS

LAWPCA APPORTIONMENT – The month of December is looking good showing a lower than anticipated deficit at year end.

OLD BUSINESS

CONANT AVE - The work has been completed by Morin Excavation. Sewer service stubs were installed. The homes on the left side of the road will be re-plumbed and will be hooked up to the new sewer line in the Spring of 2015. The old line will be used as a storm line.

REVISIONS TO 2015 DRAFT BUDGET

On motion of Tizz Crowley, seconded by Stephen Ness, it was unanimously voted: **To move into Executive Session per 1 M.R.S.A. § 405 (6) (D) to discuss 2014 Budget Items as they pertain to personnel and benefits.**

December 16, 2014

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On motion of Joseph DeFilipp, seconded by Heidi McCarthy, it was unanimously voted: **To come out of Executive Session.**

On motion of Raymond Fortier, seconded by Heidi McCarthy, it was unanimously voted: **To recommend to the Water Trustees that a Workshop be scheduled in 2015 to discuss adjusting the employee insurance plan.**

On motion of Tizz Crowley, seconded by Joseph DeFilipp, it was unanimously voted: **To accept the 2015 sewer meeting schedule as presented.**

On motion of Stephen Ness, seconded by Heidi McCarthy, it was unanimously voted: **To enter into Executive Session per 1 M.R.S.A. § 405 (6) (E) to discuss the vector truck litigation.**

On motion of Heidi McCarthy, seconded by Joseph DeFilipp, it was unanimously voted: **To come out of Executive Session.**

On motion of Tizz Crowley, seconded by Heidi McCarthy, it was unanimously voted: **To adjourn the meeting**

December 17, 2014

A Special Joint Meeting on the FY 2015 Water District Budget and FY 2015 Sewerage District Budget was held by the Trustees of the Auburn Water District and the Auburn Sewerage District at the office of the Auburn Water & Sewerage Districts on Wednesday, December 17, 2014 at 5:30pm.

Present:

Auburn Water District

Auburn Sewerage District

James Wilkins
Preston Chapman
Rick Whiting
K.C. Geiger
Robert Cavanagh
Lee Upton
Tizz Crowley
Sid Hazelton
John Storer
Greg Leighton

Raymond Fortier
Heidi McCarthy
Stephen Ness
Robert Cavanagh
Jeffrey Preble
Joseph DeFilipp
Tizz Crowley
Sid Hazelton
John Storer
Greg Leighton

REVIEW AWD PROPOSED BUDGET CHANGES

REVIEW ASD PROPOSED BUDGET CHANGES

REVIEW OF SHARED BUDGET CAPITAL ITEMS

On motion of Joseph DeFilipp, seconded by Stephen Ness, the Sewerage District unanimously voted: **To match the Water District budget increase to \$20,000 for Professional Development.**

EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES

On motion of Preston Chapman, seconded by Robert Cavanagh, the Water Trustees unanimously voted: **To move into Executive Session per 1 M.R.S.A. § 405 (6) (D) to discuss personnel issues.**

On motion of Jeffrey Preble, seconded by Heidi McCarthy, the Sewerage Trustees unanimously voted: **To move into Executive Session per 1 M.R.S.A. § 405 (6) (D) to discuss personnel issues.**

On motion of Preston Chapman, seconded by Tizz Crowley, the Water Trustees unanimously voted: **To come out of Executive Session.**

On motion of Stephen Ness, seconded by Heidi McCarthy, the Sewerage Trustees unanimously voted: **To come out of Executive Session.**

On motion of Preston Chapman, seconded by Tizz Crowley, the Water Trustees voted: **To approve the 1.7% wage increase and up to 9% health premium increase with the existing 85/15% split.** The vote was 5-2 (James Wilkins and KC Geiger were opposed).

December 17, 2014

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On motion of Tizz Crowley, seconded by Stephen Ness, the Sewerage Trustees unanimously voted: **To approve the 1.7% wage increase and up to 9% health premium increase with the existing 85/15% split.**

ADJOURN THE MEETING –

On motion of Tizz Crowley, seconded by Preston Chapman, it was unanimously voted: **To adjourn the Water District meeting.**

On motion of Joseph DeFilipp, seconded by Jeffrey Preble, it was unanimously voted: **To adjourn the Sewer District meeting.**

December 17, 2014

A Public Hearing on the FY 2015 Water District Budget and FY 2015 Sewerage District Budget was held by the Trustees of the Auburn Water District and the Auburn Sewerage District at the office of the Auburn Water & Sewerage Districts on Wednesday, December 17, 2014 at 6.00PM.

Present:

Auburn Water District

Tizz Crowley
Preston Chapman
James Wilkins
K.C. Geiger
Robert Cavanagh
Rick Whiting
Sid Hazelton
Lee Upton
John Storer
Greg Leighton

Auburn Sewerage District

Tizz Crowley
Robert Cavanagh
Heidi McCarthy
Jeffrey Preble
Joseph DeFilipp
Sid Hazelton
John Storer
Stephen Ness
Raymond Fortier
Greg Leighton

DISCUSSION OF PROPOSED WATER & SEWERAGE DISTRICT BUDGETS

PUBLIC HEARING FOR DISCUSSION OF BUDGETS

As no one from the public was in attendance, the public hearing was closed.

Greg Leighton provided updated 2015 budget numbers that included a consensus on wages, benefits, and joint projects and equipment.

ADOPTION OF FY 2015 WATER DISTRICT BUDGET -

On motion of Preston Chapman, seconded by Rick Whiting, it was unanimously voted: **To adopt the Auburn Water District 2015 Budget in the amount of \$3,200,383.**

ADOPTION OF FY 2015 SEWERAGE DISTRICT BUDGET -

On motion of Stephen Ness, seconded by Jeffrey Preble, it was unanimously voted: **To adopt the Auburn Sewer District 2015 Budget in the amount of \$3,856,621.**

On motion of Preston Chapman, seconded by James Wilkins, it was unanimously voted: **To adjourn the Water District meeting.**

On motion of Heidi McCarthy, seconded by Jeffrey Preble, it was unanimously voted: **To adjourn the Sewer District meeting.**

**AUBURN SEWERAGE DISTRICT
OPERATING STATEMENT - TRUSTEES' REPORT
TWELVE MONTHS ENDED DECEMBER 31, 2014**

	December	Y-T-D THRU DECEMBER 2014		
	YTD - 2013	ACTUAL	BUDGET	VARIANCE
<u>REVENUES:</u>				
Metered Income	\$3,125,862	3,150,574	\$3,241,614	(\$91,040)
Industrial Surcharge	523,699	544,343	538,774	5,569
Public Basins	53,893	53,893	53,892	1
Jobbing & Mdse.	25,237	18,762	20,000	(1,238)
Sewer Assessments	30,912	20,599	26,031	(5,432)
Finance Charges	14,717	17,069	14,913	2,156
Interest Income	1,953	1,718	2,119	(401)
Industrial Treatment Sampling	46,200	46,200	46,200	0
Capacity Fees (SDS)	23,750	16,500	12,125	4,375
TOTAL REVENUES	3,846,223	3,869,658	3,955,668	(86,010)
		97.83%	100.00%	< Standard
<u>EXPENSES:</u>				
Payroll	361,347	371,635	370,559	1,076
Employee Benefits	179,802	173,520	191,868	(18,348)
Maint. of Sewers	69,761	52,804	61,110	(8,306)
Lift Stations	99,915	98,197	92,814	5,383
Maint. of Buildings	35,738	38,942	34,649	4,293
Maint. of Trucks	14,407	22,017	16,556	5,461
Office Expense	27,863	26,752	27,754	(1,002)
Collection Expense	(5,513)	(18,225)	(5,182)	(13,043)
General Expense	18,175	3,916	14,326	(10,410)
Insurance	40,788	54,142	54,276	(134)
Legal & Accounting Fees	32,139	51,320	32,462	18,858
Billing Expense	67,363	68,833	62,996	5,837
L.A.W.P.C.A.	2,086,645	2,098,085	2,129,957	(31,872)
SUB-TOTAL	3,028,430	3,041,940	3,084,145	(42,205)
Interest	98,973	97,070	90,412	6,658
TOTAL EXPENSES	3,127,403	3,139,009	3,174,557	(35,548)
		98.88%	100.00%	< Standard
Bonds - Principal Payments	462,852	467,744	467,743	1
SURPLUS FROM OPERATIONS	255,968	262,905	313,368	(50,463)

**Auburn Sewerage District
Accounts Payable Alpha Check Register
December 13, 2014 thru January 14, 2015**

1/15/2015

<u>Check #</u>	<u>Date</u>	<u>Per</u>	<u>Vendor</u>	<u>Invoice Date</u>	<u>Inv #</u>	<u>Description</u>	<u>Amount</u>
3734	1/2/2015	12	Andros. Registry Of Deeds	12/31/2014	1848	place liens	44.00
Vendor Total:							44.00
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	566.68
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	89.03
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	3,436.09
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	310.07
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	155.02
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	1,055.00
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	274.82
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	293.08
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	1,155.00
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	175.00
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	114.61
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	228.86
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	24.00
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	147.89
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	55.66
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	945.34
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	283.50
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	2,277.12
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	436.82
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	246.98
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	122.49
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	197.50
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	335.00
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	29.33
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	33.92
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	9.74
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	29.88
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	37.56
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	-1,009.62
3727	12/26/2014	11	Auburn Water District	12/10/2014	Bk26Pg	November	3,891.84
Vendor Total:							15,948.21
3730	12/26/2014	12	Constellation NewEnergy, Inc	12/6/2014	202722	Worthley Brook	296.35
Vendor Total:							296.35
3735	1/2/2015	12	Constellation NewEnergy, Inc	12/12/2014	204269	Moose Brook	236.88
3735	1/2/2015	12	Constellation NewEnergy, Inc	12/11/2014	203786	Lewiston Jet	279.75
3735	1/2/2015	12	Constellation NewEnergy, Inc	12/11/2014	203783	Marrow Rd	14.65
3735	1/2/2015	12	Constellation NewEnergy, Inc	12/11/2014	203786	River Station	396.59
3735	1/2/2015	12	Constellation NewEnergy, Inc	12/18/2014	205890	Washington St	188.65
Vendor Total:							1,116.52
3731	12/26/2014	12	Dube Gravel Co, Inc.	12/11/2014	11660	sewer line-Academy	1,182.50
Vendor Total:							1,182.50
3733	12/26/2014	12	E.J. Prescott, Inc.	12/3/2014	489112	vas usage	952.07

**Auburn Sewerage District
Accounts Payable Alpha Check Register
December 13, 2014 thru January 14, 2015**

1/15/2015

<u>Check #</u>	<u>Date</u>	<u>Per</u>	<u>Vendor</u>	<u>Invoice Date</u>	<u>Inv #</u>	<u>Description</u>	<u>Amount</u>
						Vendor Total:	952.07
3738	1/9/2015	12	Eastern Fire Services, Inc.	12/31/2014	739346	gas monitor calibration	<u>110.00</u>
						Vendor Total:	110.00
3736	1/2/2015	12	Gagne & Sons	12/19/2014	48487	Minot-concrete riser	<u>113.14</u>
						Vendor Total:	113.14
3739	1/9/2015	12	Gagne & Sons	12/29/2014	48812	mortar mix	<u>12.00</u>
						Vendor Total:	12.00
3716	12/19/2014	12	Graybar	12/1/2014	976140	E-3	<u>761.50</u>
						Vendor Total:	761.50
3717	12/19/2014	11	Kennebec Equip. Rental	11/26/2014	230185	sewer lining-broom	<u>50.00</u>
						Vendor Total:	50.00
3718	12/19/2014	11	L.A.W.P.C.A.	11/24/2014	625	vactor load	<u>185.00</u>
						Vendor Total:	185.00
3732	12/26/2014	12	L.A.W.P.C.A.	12/2/2014	476	Dec	<u>123,291.66</u>
						Vendor Total:	123,291.66
3725	12/19/2014	12	M. Stanley Excavation	11/21/2014	1845	Sherman Ave	<u>1,450.00</u>
						Vendor Total:	1,450.00
3720	12/19/2014	12	Morin Excavating, Inc.	12/5/2014	09-1334	CSO-Conant St	<u>80,000.00</u>
						Vendor Total:	80,000.00
3721	12/19/2014	12	Morrison & Sylvester Inc.	12/11/2014	T38473	vac tk seat covers&fuel treat	<u>157.26</u>
						Vendor Total:	157.26
3722	12/19/2014	12	New England Truck Tire	12/2/2014	58612	tk # 27 -two tires	<u>381.80</u>
						Vendor Total:	381.80
3723	12/19/2014	12	Rent-It Of Maine, Inc.	12/4/2014	38406	E-2 excavator	<u>231.48</u>
						Vendor Total:	231.48
3687	1/12/2015	1	Sun Journal	10/31/2014	1827A	void check #3687	<u>-211.05</u>
						Vendor Total:	-211.05
3715	12/19/2014	12	Travis Frye	12/17/2014	1844	customer refund	<u>24.96</u>
						Vendor Total:	24.96
3719	12/19/2014	12	Treasurer, State of Maine	12/15/2014	1843	Desjardins w/e 12/14	<u>82.00</u>
						Vendor Total:	82.00
3726	12/26/2014	12	Treasurer, State of Maine	12/22/2014	1846	Desjardins w/e 12/21	<u>82.00</u>
						Vendor Total:	82.00
3737	1/2/2015	12	Treasurer, State of Maine	12/29/2014	1847	Desjardins w/e 12/28	<u>82.00</u>
						Vendor Total:	82.00
3742	1/9/2015	1	Treasurer, State of Maine	1/5/2015	1850	Desjardins w/e 1/4	<u>82.00</u>

**Auburn Sewerage District
Accounts Payable Alpha Check Register
December 13, 2014 thru January 14, 2015**

1/15/2015

<u>Check #</u>	<u>Date</u>	<u>Per</u>	<u>Vendor</u>	<u>Invoice Date</u>	<u>Inv #</u>	<u>Description</u>	<u>Amount</u>
						Vendor Total:	82.00
3724	12/19/2014	11	UNITIL ME	12/2/2014	1839	Green Turtle	<u>62.05</u>
						Vendor Total:	62.05
3741	1/9/2015	12	Vantagepoint Transfer Agent-12/31/2014	1852	Dec ICMA 401		<u>1,793.50</u>
						Vendor Total:	1,793.50
3740	1/9/2015	12	Vantagepoint Transfer Agent-12/31/2014	1851	Dec-ICMA 457		<u>827.58</u>
						Vendor Total:	827.58
<u>Grand Total:</u>							<u>229,108.53</u>

NET Payroll + Taxes

\$ 30,401.40

\$ 259,509.93

ASD BILLS PAID
12/31/2014

VENDOR	REF	AWD G/L #	ASD G/L #	Amount
Auburn Water District	shared employees benefit allocation - dec	1604-000	2604-000	\$ 1,225.13
Auburn Water District	shared employees wage allocation - Dec	1685-000	2601-600	\$ 2,722.51
Auburn Water District	petty cash-Nov & Dec mileage, tolls, office supplies	1142-300	2675-800	\$ 58.06
Auburn Water District	petty cash-Nov & Dec vac truck miles to lawyer, tolls, messers	1142-300	2675-500	\$ 71.85
City of Auburn	gas for month of - Nov	1142-300	2650-120	\$ 80.79
City of Auburn	gas for month of - Nov	1142-300	2650-121	\$ 230.38
City of Auburn	gas for month of - Nov	1142-300	2650-124	\$ 323.44
City of Auburn	gas for month of - Dec	1142-300	2650-120	\$ 88.35
City of Auburn	gas for month of - Dec	1142-300	2650-121	\$ 328.37
City of Auburn	gas for month of - Dec	1142-300	2650-124	\$ 155.18
City of Auburn	fire alarm # 19 Court Street	1142-300	2675-500	\$ 212.50
City of Auburn	road opening permit - conant cso project	1142-300	2105-877	\$ 500.00
City of Auburn	road opening permits accrued for year end	1142-300	2620-800	\$ 1,375.00
Bell Simons	make up for water	1142-300	2620-500	\$ 167.89
Beltone Answering Service	answering service - Dec	1142-300	2675-800	\$ 27.50
Beltone Answering Service	answering service - panic buttons - Dec	1142-300	2675-800	\$ 4.98
Bisson Enterprises, Inc.	office cleaning - Dec	1142-300	2675-500	\$ 282.50
Central Maine Power	power @ 268 Court Street - Dec	1142-300	2615-500	\$ 104.28
Central Maine Power	power @ 268 Court Street - Dec	1142-300	2615-800	\$ 52.14
Constellation NewEnergy	energy charge @ 268 Court Street - Dec	1142-300	2615-500	\$ 155.98
Constellation NewEnergy	energy charge @ 268 Court Street - Dec	1142-300	2615-800	\$ 77.98
Critical Alert	paggers Dec to Feb	1142-300	2675-600	\$ 96.92
Curry Printing	courtsey door hangers	1142-300	2620-800	\$ 53.66
Dig Safe System, Inc.	estimated cost - Dec	1142-300	2675-600	\$ 311.51
DirigoNet	domain fee - email spam - Dec	1142-300	2675-800	\$ 25.00
Firesafe Equipment	fire extinguisher training	1142-300	2620-500	\$ 75.00
Great American Financial	Konica Digital Copier - lease - Dec	1142-300	2675-800	\$ 107.61
Home Depot	screws, batteries, hex drilling, trash cans, rock salt	1142-300	2620-500	\$ 55.88
International Door Corp	barn door roller	1142-300	2601-600	\$ (47.60)
City of Lewiston	wages and benes - Dan Rodrigue - Nov	1142-300	2604-000	\$ (16.56)
City of Lewiston	wages and benes - Dan Rodrigue - Nov	1142-300	2658-000	\$ 11.22
City of Lewiston	wages and benes - Dan Rodrigue - Nov	1142-300	2601-600	\$ 1,630.50
City of Lewiston	wages and benes - Dan Rodrigue - Dec	1142-300	2604-000	\$ 611.42
City of Lewiston	wages and benes - Dan Rodrigue - Dec	1142-300	2658-000	\$ 55.05
City of Lewiston	wages and benes - Dan Rodrigue - Dec	1142-300	2620-500	\$ 38.34
Maine Oxy	propane for shop	1142-300	2604-000	\$ 33.92
Maine State Retirement System	retirement contribution - Dec	1142-300	2241-030	\$ 79.79
Maine State Retirement System	retirement contribution - Dec	1142-300	2604-000	\$ 1,404.90
Maine State Retirement System	retirement contribution - Dec	1142-300	2632-800	\$ 1,980.00
Maine Water Company	accounting services - Greg Leighton - Dec	1142-300	2620-500	\$ 8.78
WB Mason	small trash bags	1142-300	2620-500	\$ 65.99
WB Mason	45 gal trash bags	1142-300	2620-800	\$ 129.68
WB Mason	green bar paper, binders, banker boxes, file folders	1142-300	2620-800	\$ 177.23
WB Mason	binders, tabs, daily planner for Sid	1142-300	2620-500	\$ 37.48
Napa	windshield wash, armor all, floor dry	1142-300	2604-000	\$ 121.09
Napa	safety gloves, respirators	1142-300	2620-204	\$ 140.50
Ness Oil	River Station	1142-300	2620-500	\$ 46.85
Ness Oil	Court St	1142-300	2620-201	\$ 168.60
Ness Oil	Worthley Brook	1142-300	2620-206	\$ 236.04
Ness Oil	Moose Brook	1142-300	2620-207	\$ 348.44
Ness Oil	Washington St	1142-300	2620-600	\$ 175.55
Ness Oil	diesel at pump	1142-300	2675-700	\$ 1,241.12
Northern Data Systems	customer billing - Dec	1142-300	2677-840	\$ 855.00
Northern Data Systems	annual operating software	1142-300	2677-840	\$ 1,008.00
Northern Data Systems	annual license renewal	1142-300	2677-840	\$ 193.50
Northern Data Systems	qtrly h/w maint renewal	1142-300	2620-800	\$ 49.63
Northern Data Systems	W2's & 1099's	1142-300	2676-800	\$ 120.57
Oxford Networks	telephone service - Dec	1142-300	2675-500	\$ 58.89
Pine Tree Waste	bulk waste - Dec	1142-300	2620-800	\$ 16.99
Pitney Bowes	postage machine ink pad set	1142-300	2675-700	\$ 600.00
Pitney Bowes	postage	1142-300	2675-800	\$ 400.00
Pitney Bowes	postage	1142-300	2416-000	\$ 126.44
EJ Prescott	elbows & bends - charge out	1142-300	2675-500	\$ 302.82
Rochester Midland Corp	yearly restroom hands free	1142-300	2105-874	\$ 1,465.75
Spencer Group	sewer lining - Academy St	1142-300	2620-600	\$ 42.24
Spiller's	blue & white paint	1142-300	2675-600	\$ 97.00
St. Mary's (Workmed)	respiratory testing	1142-300	2675-600	\$ 356.50
St. Mary's (Workmed)	safety training	1142-300	2675-500	\$ 175.00
John Storer	business mileage reimbursement - Dec	1142-300	2676-500	\$ 249.37
U.S. Cellular	cell phones - Dec	1142-300	2241-000	\$ 30.00
United Way	employee contribution - Dec	1142-300	2620-500	\$ 1,313.45
Unitil	268 Court Street - Dec	1142-300	2675-800	\$ 38.50
US Postmaster	po box 414 rent for 6 months	1142-300	2620-500	\$ 155.29
Zep Sales	penetrant, grease	1142-300		

\$25,336.79

SERVICES

Location	Ck'd	Comments	New	OK	Misc.	Cut
Wrights Landing	1	Trace out sewer services			1	
44 Fern St	1	Back up - on owner		1		
15 Church St	1	Sewer back up		1		
1300 Minot Av	1	New sewer connection	1			
71 South Main St	1	Video cave-in on sewer service			1	
27 Sherman Av	1	Service plugged with wet wipes on owner		1		
27 Vernon St	1	Back up - on owner		1		
Monthly Totals	7		1	4	2	0
2013 Monthly Totals	5		0	3	1	1
YTD Totals	80		8	40	31	1

LIFT STATIONS

Location	No.	Comments
E-2	1	Reset pump #1
All Stations	1	Periodic checks
E-2	1	Pull pump #1 - fully clogged with wet wipes/tampons
W-3	1	Alarm
E-1	1	High wet well alarm
E-1	1	Pull pumps #1 & #2 - clogged with wet wipes
E-1	1	Troubleshoot failed sewer pumps
Monthly Totals	7	
2013 Monthly Totals	16	
YTD Totals	101	

OVERFLOWS

Item		Comments
CSO #001 and #005	1	Check during heavy rain
		Not overflowing
Monthly Totals	1	
YTD Totals	3	

WEATHER*

Month	Precipitation					Temperature			
	Snowfall (in.)	Total (in)	Heating Degree Days	Normal Precip	Days of Precip.	Max. (°F)	Min. (°F)	Avg. (°F)	Dep. from Norm
January	8.0	3.53	1336	3.26	9	50	-18	19	-0.5
February	30.2	4.86	1261	2.55	14	48	-7	20	-2.9
March	17.0	3.47	1265	3.64	13	48	-7	24	-8.5
April	0.0	2.99	683	3.78	11	71	19	42	-1.7
May	0.0	5.41	342	3.9	14	80	32	54	-1.4
June	0.0	2.81	112	3.58	9	87	41	62	-2.4
July	0.0	8.94	1	3.43	15	89	50	69	-1.1
August	0.0	5.23	38	3.25	11	88	46	68	-0.7
September	0.0	0.42	238	3.6	5	84	32	58	-1.9
October	0.0	3.14	447	4.04	9	75	28	51	2.2
November	15.1	2.34	913	3.81	12	60	5	35	-3.2
December	6.7	4.55	1103	3.5	13	55	3	29	3.3
YTD Totals	77.00	47.69							

* From www.wunderground.com

DIG SAFE

Month	Total	Contractors	MDOT	AHD	School Dept.	Lewiston Water	Fairpoint	LAWD	CMP	ASD	GAS	MTA
January	60	21	1	15	0	0	0	12	10	0	1	0
February	38	13	1	2	0	0	0	9	12	0	1	0
March	49	25	1	18	0	0	0	1	2	0	2	0
April	166	72	2	37	0	0	0	6	9	2	34	4
May	156	95	2	21	0	0	6	5	10	0	17	0
June	182	91	0	60	0	3	7	3	8	0	9	1
July	160	77	3	22	10	0	1	3	7	4	33	0
August	123	69	0	25	0	1	2	4	7	0	14	1
September	151	70	2	30	0	0	0	4	7	0	38	0
October	145	72	0	13	2	1	1	9	9	0	37	1
November	88	53	0	7	0	0	0	5	0	2	21	0
December	68	25	17	9	0	0	2	9	0	0	6	0
YTD Totals	1386	683	29	259	12	5	19	70	81	8	213	7
2013 Totals	1383	620	31	296	2	9	15	65	139	5	200	1

DUTY FOREMAN CALLS

(Overtime)

Districts	Total	High/Low Pressure	Water Quality	Alarms	Sewer Service	Leak	Misc.	Locates	Hydrants	Meter	Fire Calls
Sewerage District	4			2	1	0	1	0	0	0	0
Water District	9	0	0	3		0	4	2	0	0	0
Monthly Totals	13	0	0	5	1	0	5	2	0	0	0
2013 Monthly Totals	18	0	2	9	1	0	4	0	0	0	2
YTD Totals	181	1	24	50	19	11	51	16	1	0	8

OTHER ACTIVITIES

1. LAWPCA - Empty vector truck from River Station
2. Safety training
3. Hearing testing
4. Fire safety training
5. Center St - remove flow meters from manholes
- 6.

John Storer

From: Nick Henry <nick@hmvcpas.com>
Sent: Monday, December 01, 2014 3:30 PM
To: John Storer
Subject: ASD Engagement Letter and Trustee Questionnaires
Attachments: Boardmember Questionnaires.doc; AUB-SEW-ENG-LTR14.pdf

Hi John,

Attached is the engagement letter for the Auburn Sewerage District 2014 audit. Please sign on the "management" line and have a trustee sign on the "governance" line and send a copy back to me.

Also attached are two questionnaires that I need every Trustee to complete and return to me.

If you have any questions, please let me know.

Nick Henry, CPA
Horton, McFarland & Veysey, LLC
P.O. Box 543
Ellsworth, ME 04605
Phone: 207-667-5529
Fax: 207-667-9915
Toll Free: 800-499-9108

pertains to
2014 Audit

This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies from your system, and notify the sender. If you are not the intended recipient, any dissemination or copying is strictly prohibited.

Circular 230: As a result of certain perceived abuses, the Treasury Department has promulgated regulations that require all attorneys and accountants who provide certain written communications to a client to include an extensive analysis and disclosure in such written communication.

To comply with our obligation under these regulations, we wish to inform you that this communication does not contain all of such analysis and disclosure and was not written or intended by us to be used, and may not be used, by any taxpayer for the purpose of avoiding any tax penalty that may be imposed on the taxpayer. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction.

**AUBURN SEWERAGE DISTRICT
TRUSTEE QUESTIONNAIRE - FRAUD
DECEMBER 31, 2014**

As part of standard auditing procedures, we are required to discuss the possibilities of fraud risk with Board Trustees. Please answer the following questions and provide additional comments if you feel needed. Thank you.

Are you aware of any actual instances of fraud within the District?

YES _____
NO _____

Do you have any reason to suspect fraud may be occurring within the District?

YES _____
NO _____

Have you received any communications alleging fraud?

YES _____
NO _____

Have you identified any specific risks of fraud within the District?

YES _____
NO _____

Is the District in compliance with all laws, regulations, contracts and grant agreements, if applicable?

YES _____
NO _____

What policies, procedures and controls are utilized by the District to help mitigate the risk of fraud?

NAME _____

SIGNATURE _____

DATE _____

Questions or comments can be directed to Nick Henry, CPA at 207-667-5529 or nick@hmvcpas.com.

**AUBURN SEWERAGE DISTRICT
 TRUSTEE QUESTIONNAIRE – RELATED PARTY
 DECEMBER 31, 2014**

As part of our standard auditing procedures, we are required to discuss related parties with Board Trustees. Please answer the following questions and provide any additional comments you feel are needed. Thank you.

Have you or any related party of yours had any material interest, direct or indirect, in any of the following transactions or pending transactions since January 1, 2014 to which the Auburn Sewerage District was, or is to be, a party?

	YES	NO
Sale, purchase, exchange, or leasing of property?	_____	_____
Receiving or furnishing of goods, services, or facilities?	_____	_____
Transfer or receipt of income or assets?	_____	_____
Other transactions?	_____	_____

Have you or any related party of yours been indebted to or had a receivable from the Auburn Sewerage District at any time since January 1, 2014?

YES **NO**

Are you aware of, or a party to, any other related party transactions involving the Auburn Sewerage District, or its related parties other than yourself or one of your related parties?

YES **NO**

NAME _____
 SIGNATURE _____
 DATE _____

Lewiston - Auburn Water Pollution Control Authority

Cost Apportionment Summary - First Half of 2014

Month	Lewiston Sewer Division			Auburn Sewerage District			Difference \$				
	Initial %	Initial \$	Op Data %	Op Data \$	Difference \$	Initial %		Op Data %	Op Data \$	Difference \$	
January	56.00%	\$138,086.66	56.90%	\$140,305.91	(\$2,219.25)	0.0	44.00%	\$108,496.67	43.10%	\$106,277.42	\$2,219.25
February	56.00%	\$138,086.66	55.09%	\$135,842.76	\$2,243.91	0.0	44.00%	\$108,496.67	44.91%	\$110,740.57	(\$2,243.91)
March	56.00%	\$138,086.66	58.83%	\$145,064.97	(\$6,978.31)	0.0	44.00%	\$108,496.67	41.17%	\$101,518.36	\$6,978.31
April	56.00%	\$138,086.66	54.79%	\$135,103.01	\$2,983.66	0.0	44.00%	\$108,496.67	45.21%	\$111,480.32	(\$2,983.66)
May	56.00%	\$138,086.66	55.89%	\$137,815.42	\$271.24	0.0	44.00%	\$108,496.67	44.11%	\$108,767.91	(\$271.24)
June	56.00%	\$138,086.66	50.40%	\$124,278.00	\$13,808.67	0.0	44.00%	\$108,496.67	49.60%	\$122,305.33	(\$13,808.67)
Six Month Adjustment			55.32%		\$10,109.92				44.68%		(\$10,109.92)

cmr 1/6/2015

Cost Apportionment Summary - Second Half of 2014

Month	Lewiston Sewer Division			Auburn Sewerage District			Difference \$				
	Initial %	Initial \$	Op Data %	Op Data \$	Difference \$	Initial %		Op Data %	Op Data \$	Difference \$	
July	56.00%	\$138,086.66	50.06%	\$123,439.61	\$14,647.05	0.0	44.00%	\$108,496.67	49.94%	\$123,143.72	(\$14,647.05)
August	56.00%	\$138,086.66	51.02%	\$125,806.81	\$12,279.85	0.0	44.00%	\$108,496.67	48.98%	\$120,776.52	\$12,279.85)
September	56.00%	\$138,086.66	50.43%	\$124,351.97	\$13,734.69	0.0	44.00%	\$108,496.67	49.57%	\$122,231.36	(\$13,734.69)
October	50.00%	\$123,291.67	50.45%	\$124,401.29	(\$1,109.62)	0.0	50.00%	\$123,291.67	49.55%	\$122,182.04	\$1,109.62
November	50.00%	\$123,291.67	54.74%	\$134,979.71	(\$11,688.05)	0.0	50.00%	\$123,291.67	45.26%	\$111,603.62	\$11,688.05
December	50.00%	\$123,291.67	55.04%	\$135,719.46	(\$12,427.80)	0.0	50.00%	\$123,291.67	44.96%	\$110,863.87	\$12,427.80
Six Month Total Adj			51.96%		\$15,436.12				48.04%		(\$15,436.12)
Average to date			53.64%						46.36%		
Adjustments to date					\$25,546.03						(\$25,546.03)
Average / Adjustments year end			53.64%		\$25,546.03				46.36%		(\$25,546.03)

All data in large font are 2014 data, Data shown in smaller, italicized font are 2013 data used for estimation/illustration purposes only.

Auburn Cost Apportionment for December 2014				Based upon actual December 2014 operations data
Flow Ratio (A)	0.34387	153,172,000 gallons		
BOD Ratio (B)	0.61936	418,613 pounds		
TSS Ratio (C)	0.52706	253,376 pounds		
Cost Center	Factor	Budget Amount	Auburn Share	
Labor	0.389738	\$1,514,000.00	\$590,063.33	
Power	0.568736	\$208,000.00	\$118,297.09	
Heat	0.34387	\$71,000.00	\$24,414.77	
Maintenance	0.440151	\$602,600.00	\$265,234.69	
Chemicals	0.513638	\$150,000.00	\$77,045.70	
Residuals	0.527342	\$894,500.00	\$471,707.42	
TOTAL OP COST		\$3,440,100.00	\$1,546,763.00	44.96%
Bond and Interest	Factor	Princ & Interest	Auburn Share	
1998(2003A)	0.4389	\$201,936.21	\$88,629.80	
2001	0.4389	\$134,159.47	\$58,882.59	
2005	0.4389	\$123,646.64	\$54,268.51	
2008	0.4389	\$75,901.58	\$33,313.20	Percent B&I Share
2010	0.4389	\$164,128.36	\$72,035.94	
2011	0.4389	\$920,913.00	\$404,188.72	
Bond+Int Totals		\$1,620,685.26	\$711,318.76	
Total Expense		\$5,060,785.26		
Miscellaneous Revenue		\$481,100.00		
Total Cost After Miscel Rev		\$4,579,685.26		
Less Prev Year Carryover		\$0.00		
Yearly Ops Cost to Apportion		\$2,959,000.00	\$1,330,447.29	Ops Cost Share
Monthly Ops Cost to Appor		\$246,583.33	\$110,870.61	44.96%

John Storer

From: Dan Bilodeau <anotherdanbilodeau@gmail.com>
Sent: Tuesday, January 06, 2015 6:17 PM
To: John Storer
Cc: KC Geiger (kcgeiger@roadrunner.com); Brenda Kielty; Judy Meyer; Jonathan LaBonte; Tizz Crowley; dan@auburnwatershed.org
Subject: FOAA waiver request

Mr. John Storer,

As the president of the Lake Auburn Watershed Neighborhood Association (LAWNA), a 501c3 charitable organization, located on the tax exempt property at 115 North Auburn Rd. In Auburn, Maine in Androscoggin County respectfully requests a waiver of fees for the standard processing of weekly FOAA email requests.

This request is made under section 8 below.

As you may know the information frequently requested by the LAWNA is used to help the general public and watershed property owners understand the unusual circumstances attributed to the Auburn Water District's unfiltered surface water supply and it's goal to avoid EPA surface water filtration requirements.

Recreational opportunities, responsible residential development and environmental education has never been better since the LAWNA has shared operational emails with the lake community and city officials and has contributed to a significant increase in public understanding of unfiltered water protection requirements. As you know there has never been a commercial interest by the non profit LAWNA.

Thank you for this consideration.

Sincerely,

Dan Bilodeau
LAWNA president.

11. Waivers. The agency or official having custody or control of a public record subject to a request under this section may waive part or all of the total fee charged pursuant to subsection 8 if:

A. The requester is indigent; or [2011, c. 662, §5 (NEW).]

B. The agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2011, c. 662, §5(NEW).]

Dan Bilodeau
PO Box 1493
Auburn, ME 04211-1493

Mr. John Storer, Superintendent
Auburn Water District
PO BOX 414
Auburn, ME 04210

1/14/2015

RE: Request for Refund \$210.00

Dear Mr. Storer:

Since September, 14 2014 you have been erroneously over charging our Lake Association (LAWNA) with regard to FOAA fees. As a result of you not applying the first hour for free on 14 regular weekly requests this error now totals \$210.00. Prior to this you have been successfully taking one hour to complete the standard weekly request for your emails without charge to the non-profit LAWNA per the law. Multiple correspondences since then with the Assistant AG have indicated you don't feel I should be getting any processing time for free and you have even joined the Right to Know Committee in favor of changing legislation in an attempt to burden frequent requesters financially. You have also asked the Maine Water Utility Association to lobby on your behalf and they have been doing that.

I think the letter from Ms. Kielty, the Assistant AG back in 2012 sums up a suggested protocol for handling FOAA requests, however a very important section of FOAA law **STILL ALLOWS** the first hour to be free. This apparently ended when you probably *assumed* additional requests were associated with the regular requests. When you combined these requests, which were emailed separately at different intervals and clearly unrelated with regard to personnal, you were in violation of FOAA law and were not considering Brenda's suggestions (below.)

In addition, and even more recently, you have been delaying weekly requests and combining requests so as to provide records approximately once a month which has been contrary to why I began weekly requests in order to get records in a timely manner. This has not been a reasonable time according to the law. Prior to September 14, 2014 I had access to operational records within two weeks of actual occurrence. Now the records are no longer timely by over a month and sometimes six weeks aged making it more difficult to keep watershed property owners and Community Forest recreations informed of government operations and regulation.

Again, I believe you are in violation of the law and you may be subject to fines, per occurrence, by the Androscoggin County Superior Court.

Dan Bilodeau

Please arrange for a refund check as soon as possible, Please respond to the weekly requests in a timely manner. I intend to file a complaint summary with the court in short time if a credit and refund is not processed immediately. Please feel free to call my cell 650-2398 to let me know a check will be forthcoming.

Regards,

Dan Bilodeau, President LAWNA

From Ms. Kielty's letter, reference item 4

4. Each request will be billed separately for expenses, including the cost of the thumb drive and time spent to complete.
 - FOAA provides that a good faith, non-binding estimate of the amount of time needed to respond and the cost of such response be given. The average time spent per week has been two hours per single request for e-mails. If Mr. Bilodeau's weekly requests are substantially similar to past requests, Mr. Storer estimates that the cost per request will include one hour free, one hour billable at \$15 and a thumb drive of about \$5 to \$7.
 - Requests that appear to be submitted as subsets or parts of a single request will not be separated for billing purposes and will be responded to as a single request.

Public Access Ombudsman's Response

John Storer

From: Kielty, Brenda <Brenda.Kielty@maine.gov>
Sent: Monday, August 05, 2013 6:18 PM
To: anotherdanbilodeau@gmail.com; John Storer; Doug Stone (sticksnstone20@yahoo.com)
Subject: Bilodeau/Stone Auburn Water District FOAA

Mr. Bilodeau, Mr. Stone and Mr. Storer,

I appreciate your patience while I reviewed the question of whether Mr. Bilodeau's and Mr. Stone's weekly FOAA requests for emails should be considered separately for billing purposes.

Mr. Bilodeau asserts that Mr. Stone has a distinct use for the information and thus his requests should be considered separate. Mr. Storer views the requests for emails as joint and most efficiently and fairly dealt with as a single combined weekly request.

If considered to be separate weekly requests, each requiring about one hour to fulfill, there will be no fee due to the first free hour per request. There is some impact due to the additional internal tracking and communication required for Mr. Storer, as well as the creation of a separate disc.

If considered to be a single combined weekly request, the past practice for billing would continue, resulting in about a one hour charge after the first hour or \$15 per week for Mr. Bilodeau. There would be no additional administrative impacts except the possible production of a copy disc.

As there is no bright line rule to guide this determination, we must rely on the facts and the underlying intent of the FOAA. Based on the information that I have reviewed, the following is a summary of the facts in this case:

Since at least January 5, 2013 Mr. Bilodeau submitted weekly FOAA requests to Mr. Storer, public access officer for the Auburn Water District, for the emails of Mr. Storer (JBS) and Mary Jane Dillingham (MJ). Each weekly request covered the prior Sunday to Saturday. These were single requests that resulted in a weekly billing of approximately \$15.

This past practice changed with the 5/28/13 request in which Mr. Bilodeau sent separate requests, one to JBS for his emails and the other to MJ for her emails. Per internal policy, MJ forwarded the FOAA request to the public access officer and it was responded to as a single request, on one disc and with one bill.

The following week, Mr. Bilodeau submitted a request to JBS for his emails and Mr. Stone submitted a request to JBS for MJ's emails. The requests were for the same time period, in the same format that Mr. Bilodeau typically used. Mr. Stone stated that he borrowed the format from Mr. Bilodeau and was informed to send his requests directly to Mr. Storer as separate communications. Mr. Storer responded as though this was a single request, put all the records onto one disc, billed Mr. Bilodeau and made an additional copy of MJ's emails for Mr. Stone.

The practice of two requests coming separately from Mr. Bilodeau and Mr. Stone, with Mr. Storer responding as with one bill for a single request continued for two more weeks.

This practice changed the week of June 23rd, when Mr. Bilodeau made his customary request for emails from Sunday to Saturday but Mr. Stone skipped three days and altered the period requested to Wednesday to Tuesday

Also, Mr. Bilodeau and Mr. Stone objected to Mr. Storer about combining these requests that Sunday, 6/30. I was contacted on July 4th.

There are several facts that create a nexus between Mr. Bilodeau, Mr. Stone and LAWNA undermining the argument that these are purely distinct and individual requests that should be billed separately. Mr. Bilodeau and Mr. Stone are officers of record for the Lake Auburn Watershed Neighborhood Association (LAWNA). The long term past practice involved Mr. Bilodeau procuring all of these emails and even if Mr. Storer had not taken the step of producing a second disc, there is no assertion that the recipients did not share the information, regardless of what the purpose may have been.

The FOAA allows for ease of use. It also provides for reasonable fees and expenses incurred by the responding agency. Under this statutory scheme, access to public records is not free. It strikes me as unfair to divide what had been considered a single request into two when the information is essentially being collected by a single organization. The result would circumvent the billing provisions of the FOAA and likely result in no compensation for the staff time required to compile the information.

I recommend that these requests for the emails of JBS and MJ be considered a single request. Mr. Storer can provide a separate disc for Mr. Stone and bill either Mr. Bilodeau or the LAWNA. The time frames should match up as this minimizes the administrative tracking issues and Mr. Storer could provide an email notification when the CDs are ready.

I understand that Mr. Storer has some backlog due to waiting for my comments. He indicates that this will be remedied.

Please let me know if I may be of further assistance.

Brenda

Brenda L. Kielty

Assistant Attorney General

Public Access Ombudsman

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