

## **Newington Sewer Commission 12/23/15 APPROVED MINUTES**

**Meeting** called to order at 9:05 am

**Present:** T. Cole Chairman, T.Field, J.Richardson. D.Messier Plant Operator

### **Old Business:**

Discussion on the vote taken at the previous meeting in regards to the creation of a capital reserve account for surplus sewer funds and dissolving the current surplus account overseen by town treasurer. J. Richardson had forwarded the information from the last meeting to A.McEachern, lawyer and to the B.Vachon, town auditor. B.Vachon has reviewed the vote and had concerns with the wording and transferring the oversight of the account to the Trustees of the Trust Funds. He specifically stated a problem in the town of Milton, NH, the Milton Trustees of the Trust Fund refused to meet and did not issue checks as requested by the various town boards. B. Vachon would prefer things left the way they are currently. However, the Sewer Commission recognizes that the current set up does not meet the current sewer law. Discussing the Milton case further it was decided that type of situation could happen with any elected officials or board; Trustees of Trust Funds or the Town Treasurer, and an individual legal case should not dictate how the Commission decides.

Legal advice recommends the creation of a Capital Reserve Account. Expenditures for the Waste Water Treatment Plant cannot exceed what has been appropriated at Town Meeting. The Surplus Fund is not under that appropriation and is for construction, reconstruction, major emergency maintenance, and capital improvements/equipment for the plant. In the event of a major line break the emergency repairs would be covered by the Surplus Fund.

All agreed there should be a proper paper trail of all sewer expenditures and that the commission needs to meet face to face with legal representation, an auditor for the town, a member of the Trustees of the Trust Funds, and the Town Treasurer to set this up correctly with the proper wording and intent.

D.Messier will contact all parties involved to set up a meeting for early January.

J.Richardson made a motion to suspend the action of the votes on December 17, 2015 to ESTABLISH A SURPLUS CAPITAL RESERVE ACCOUNT FOR SEWER and to DISCONTINUE THE ACCUMULATED SEWER SURPLUS ENTERPRISE FUND AND TRANSFER THE ENTIRE ACCUMULATED SURPLUS TO THE SURPLUS CAPITAL RESERVE ACCOUNT FOR SEWER until meeting with the with legal representation, an auditor for the town, a member of the Trustees of the Trust Funds, and the Town Treasurer. T.Field seconded. All in favor, motion passed.

**Adjournment 9:43 pm**