

Village of Bellaire

PUBLIC WORKS COMMITTEE

Eldon McPherson, Chairman

Patricia Drollinger

Dave Ciganick

COMMITTEE MEETING MINUTES

July 15, 2019

9:00 a.m.

1. **Call to Order:** Chairman McPherson called the meeting to order at 9:04 a.m.

Attendance

Present: Chairman McPherson, Trustee Ciganick, and Trustee Drollinger

Absent: None.

Staff Present: Lori Luckett, Clerk and Bradley Keiser, DPW Supervisor

Also Present: None.

2. **Approval of Agenda:** The agenda was approved as written.
Motion by Trustee Drollinger, seconded by Trustee Ciganick, to approve the agenda as presented. Motion carried by voice vote.
3. **Approval of the April 1, 2019 Meeting Minutes:** The minutes of the April 1, 2019 were approved.
Motion by Trustee Drollinger, seconded by Trustee Ciganick, to approve the minutes of the April 1, 2019 meeting as presented. Motion carried by voice vote.
4. **Public Comment on Agenda Items:** None presented.
5. **Old Business:** Chairman McPherson asked if there was any work being done at the former Semrau Estates. Trustee Ciganick noticed activity across the road.
6. **New Business:**

a) Adoption of Water Lines: Supervisor Keiser reported that there was a water main break on Cedar Street. The water main was dug up and fixed. The lead gooseneck going into the residence was three inches from the water main. The decision was made to replace the line into the home. This is the third one done this year. The village has not decided how to handle line replacement. The village may decide to maintain the status quo and own to the curb stop; in which case the village would have to pay a plumber to run the lines from the curb stop to 18" inside the home. This would be very expensive in emergency situations. The other option is for the village to adopt the lines to inside the homes. The village would be responsible for the line through the yard and into the home. With DEQ's permission, the village DPW crossed into a gray area and installed lines into two homes. The village council has to decide whether to adopt the lines and if adopted, the village must check with the insurance carrier to determine the scope of liability coverage. Trustee Ciganick said in an emergency situation, the village DPW can make repairs less expensively. Could the village require the homeowner to authorize work then sign off? There was discussion about adoption of the line and then relinquishing ownership. Because the village DPW are not licensed plumbers they cannot do the work without the lines being adopted. There was discussion about adoption of all the lines and expanded liability for other than lead line replacement. Chairman McPherson wondered about the liability. If a plumber does work, their work is not guaranteed for a lifetime. Supervisor Keiser, stated that plumbing code is different from DEQ standards and regulations. Water lines fall under DEQ standards and regulations. Plumbing code, according to a local plumber, now requires the village to repair lines from the curb stop into the home. There was discussion about adoption of lines in sections. The problem is that the emergencies have been outside the areas designated to start. There was discussion about development of a form that authorized the work by adopting the line from the curb stop to 18 inches in the home; and after repairs are made, turning the line back over to the homeowner. The property owners, not tenants have to authorize the work. Trustee Ciganick

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expressed concerned about blanket adoption because of lines freezing. A form must be drafted, approved by village council and legal counsel. Supervisor Keiser stated that any kind of water leak is an emergency according to the DEQ. The form should contain permission to enter the home, permission to repair the water line and “un-adoption” of water line when repairs are completed. A question is whether the lines can be returned once adopted. Repair of the water lines is at the village cost. Supervisor Keiser stated that the rules are in place now. If a line breaks, as three have done this summer, the village is making repairs. DEQ says any pipe in ground with a hole is a cross-contamination hazard. Chairman McPherson requested a motion for emergency services. Trustee Ciganick noted that according to the state, the village is responsible for replacing from the main to 18 inches in the house. If there is a broken line 3’ outside of a house, who is responsible for repairing it? Supervisor Keiser stated that the homeowner can do partial replacement. According to the attorney general, a homeowner can make partial replacement; the municipality cannot. According to village code, the village owns to the curb stop. The adoption is being suggested by the state. Trustee Ciganick asked who is responsible for leak repairs from the main to the meter inside? Supervisor Keiser stated that as currently written, if on the village side, the village must replace all the way in; if on the homeowner side, the homeowner can replace to the curb stop. Clerk Luckett asked about the cost difference between the village making repairs and a plumber. Supervisor Keiser recounted the cost of boring a new line through the swamp behind Captain’s Choice. Trustee Ciganick made the motion to recommend to the village council that we draft a document for use in case of emergency, any leak as defined by the DEQ, of water service from the main to a point 18 inches inside the house. The latitude of use of the document is afforded to the DPW Supervisor. This document would permanently relinquish ownership and responsibility of the line to the village.

Motion by Trustee Ciganick, seconded by Trustee Drollinger, to recommend to village council that the we draft a document for use in the case of emergency, an emergency is any leak as defined by the DEQ, of water service from the main to a point 18 inches inside the house. The latitude of use of the document is afforded to the DPW Supervisor. This document would permanently relinquish ownership and responsibility of the line to the village. Motion carried by voice vote.

Discussion continued after passage of the motion. Chairman McPherson clarified location of the line. Trustee Ciganick asked about future leaks down the road. If there was some neglect on the homeowner’s side, i.e. homeowners plowing snow off the line, would the village be responsible? Who is responsible according to the state? Trustee Drollinger asked about temporary adoption, 30 days, that could default after 30 days or upon completion of the work.

After discussion the committee agreed that the recommendation should change. Trustee Ciganick made a motion to rescind the recommendation to village council.

Motion by Trustee Ciganick, seconded by Trustee Drollinger, to rescind the recommendation to village council. Motion carried by voice vote.

There was discussion about the items to include in the motion and form to temporarily adopt water lines. Items included in the form: a temporary adoption of water lines, defined as 30 days (with 30-day extensions as needed), for emergency water line repairs and state-mandated lead line replacement, with the expiration of municipal ownership, and the return of ownership to the property owner, upon completion of the work.

Motion by Trustee Ciganick, seconded by Trustee Drollinger, to recommend to village council a form that authorizes the temporary adoption of the water lines, defined as 30 days (with 30-day extensions as needed), for emergency water line repairs and state-mandated lead line replacement, with the expiration of municipal ownership, and the return of ownership to the property owner, upon completion of the work. Motion carried by voice vote.

Supervisor Keiser reported that he has to provide proof of line replacement. A video was approved, pictures were questioned. The village camera should be used to document the repairs. Supervisor Keiser reiterated that

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if the village does not temporarily adopt the lines, the village can only repair to the curb stop. A plumber would have to be hired to replace the line from the curb stop to 18 inches inside the home. DPW staff water licenses covers the connection to the water meter.

b) Rules for Leak Repair: Supervisor Keiser reported that a homeowner was notified about their water leak in January. The homeowner recently requested six months forgiveness on the bill because the water did not go into the sewer. The leak still has not been repaired. The question is how long an owner has to make repairs once he/she is notified of the leak. Supervisor Keiser has spoken with Michigan Rural Water and has been informed that 30 to 45 days from date of notice of leak is usual.

Motion by Trustee Drollinger, seconded by Chairman McPherson, to recommend to village council that a homeowner/property owner has 30 days from the notification of a leak to make repairs. Motion carried by voice vote.

There was discussion about the abnormal consumption report and the staff time allotted to check high usage, no current reads, and meter issues. Trustee Ciganick provided an estimate of the time involved in abnormal consumption reporting and investigation.

c) Notice of Lessee Responsibility: Clerk Luckett reported that there has been discussion about unpaid water bills and code violations being placed on the tax bills. There are provisions in the water and sewer sections of the village code that provide if the village receives written notice from the landlord that the tenant is responsible for the water bill, the water bill cannot become a lien on the property. The bill follows the tenant. There are a number of people with rental properties. Some owners continue to pay the water bill, others have the tenant pay and put the bill in their name. No one has ever provided written notification. Clerk Luckett presented a form that could be used. There was discussion about whether the form should be approved. Could the provision in the code be modified so that the owner is responsible for the water bill regardless of notice? Trustee Ciganick suggested that the ordinance be amended to remove the section that provides for the notice. If the ordinance cannot be amended and if the form is signed, a deposit amount must be paid. There was discussion about the amount of security deposit if notice of tenant responsibility is provided. \$150.00 was suggested. Clerk Luckett was asked to contact legal counsel. A motion was made by Trustee Ciganick that the water payment responsibility stays with the ownership of the property. If this cannot occur, the notice form should be adopted with the addition of a \$150.00 security deposit to the village.

Motion by Trustee Ciganick, seconded by Trustee Drollinger, to recommend to village council that the water payment responsibility stays with the ownership of the property after code has been amended; if that cannot occur, the committee recommends the adoption of the notice form presented today with the addition of a \$150.00 security deposit to the village. Motion carried by voice vote.

d) On-line payment and Shut Off Policy: Clerk Luckett explained that the on-line bill payment had been implemented and seemed to be going well. She noted that payment reports are received each evening. Payments must be imported into utility billing the following day. This means that shut off for non-payment will be delayed a day or two. Clerk Luckett asked about the three-telephone call contact policy prior to shutting off. She requested clarification on the policy. There was discussion about the procedure and practice. Trustee Drollinger suggested that once shut off, customers would make timely payment. Clerk Luckett stated that unfortunately that is not the case. Supervisor Keiser reported that some do not pay until they see the water truck coming to shut the service off. Not only is there staff time in making contact, there is time and expense in shutting service off. Trustee Ciganick suggested that just as the village has the responsibility to provide safe drinking water, the customer has the responsibility to pay in a timely manner for the services provided. Chairman McPherson suggested that the village could provide a list of organization names and numbers that provide payment assistance. There was brief discussion about the number of calls and the granting of payment extension. Trustee Ciganick made the motion to recommend that after three courtesy telephone calls for late

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payment, no additional grace period be allotted before shut off occurs. Chairman McPherson asked that the offer of a list of assistance telephone numbers for local agencies be included in the motion.

Motion by Trustee Ciganick, seconded by Trustee Drollinger, to recommend to village council that after three courtesy telephone call for late payment, no additional grace period be allotted before shut off occurs. A list of assistance telephone numbers for local agencies shall be offered. Motion carried by voice vote.

e) Water Damage Issue: Supervisor Keiser reported that Don Lash's building on Willow Drive had water in the building. Mr. Lash is claiming that a water line leak is the reason for the building recently flooding. His insurance company is denying coverage. He would like the village to pay. The village insurance company stated that absent negligence, the village has immunity. It was noted that there is a swampy area behind the building. Water from surrounding buildings drains to this area. Mr. Lash had contacted the village this past winter about shutting off the water because the pipes inside the building had frozen and burst. A DPW employee shut off the water but suggested there still might be a problem. A week later, Mr. Lash wondered why the village was not working on the line. Supervisor Keiser spoke with the owner. Supervisor Keiser noted that this area is low and the building has a history of flooding. A local excavator was contacted. He dug a retention basin further off in the swamp that pulled the water away from the building. Whether the old line had a leak could not be determined because it is in the swamp. A new service line was bored and installed. Mr. Lash is now asking the village to help pay for repairs to the building. There was discussion about the pipes bursting, the history of the property flooding and the comment to the owner. Committee member said no to the request.

7. **Discussion Items:** Supervisor Keiser stated that he has received positive comments about the on-line payment. There was a question about the fees for service. Clerk Luckett noted a fee of 3% with a \$2.00 minimum.
8. **Communications/Informational:** None presented.
9. **Member/Public Comment:** None presented.
10. **Adjournment:** Chairman McPherson requested a motion to adjourn. Motion was made by Trustee Ciganick and supported by Trustee Drollinger. Meeting adjourned at 10:34 a.m.

Minutes compiled by Lori Luckett, Clerk
Minutes are subject to approval.

Approved: _____
Eldon McPherson, Chairman

Date: _____