

ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT MINUTES

18 January 2019

A quorum was present.

Water Board: Ron Schiffman, President
 Debra Birkby, Vice-President & Treasurer
 Dan Seifer
 Virginia Birkby

Excused Absent: Linda Murray

Sanitary Board: Casey Short (non-voting)

Public: Jeff Colantino, Centerline Solutions
 Ben Dair, Sustainable Northwest
 Mary Olson, Community Forest Outreach Coordinator
 Gage Olson, Community Forest Outreach Coordinator Assistant
 Dale Mosby
 Mike Manzulli
 Rick Gardner
 Eeva Lantella
 Marsha Huss
 David & Jeannie Stockton

Staff: Phil Chick, District Manager
 Steve Hill, Secretary

Mr. Ron Schiffman opened the meeting at 6:00pm.

Public Comments: None.

Agenda: Add reconsideration of the Neuburg billing relief request and election terms of office for the coming May 21st local election. Mr. Seifer moved acceptance of the agenda as amended which was seconded by Ms. Debra Birkby. All in favor. Motion carried.

Consent Agenda: Mr. Seifer moved acceptance of the consent agenda which was seconded by Ms. Debra Birkby. All in favor. Motion carried.

Old Business:

Proposed T-Mobile Cell Tower at Water Treatment Plant: (Information) Mr. Jeff Colantino of Centerline Solutions presented a rough outline of T-Mobile's proposal for a cell tower at the district's water treatment plant. The tower would be one hundred (100ft) feet in height in the general area of the removed old redwood water tank. There would be a lease in five year increments for a total of twenty-five to thirty (25 – 30) years including provisions for a monthly payment to the district, permission for additional service providers to add their equipment on the tower and following all regulatory requirements to include all set back provisions.

A general discussion took place with questions of public safety, a desire to examine the actual lease language, the potential need for a conditional use permit and existing zoning provisions. A question was raised as to whether the board would be permitted to review and approve of any additional service providers utilizing T-Mobile's tower as well as for each of the five year lease extensions. Mr. Colantino indicated that there was a two to one set back rule tied to pole height and that he would take the director's questions back to T-Mobile for answers. Additional issues were raised regarding existing easement access to the site and potential timing for a public hearing on the proposal. Mr. Colantino wasn't able to answer questions regarding signal strength for the tower and indicated that the proposed lease did not specify signal strength. Interest was shown for graphics to reflect tower appearance, whether there would be lights on the tower as well as forecast construction time and needed access to the plant. He indicated that the operational frequency was controlled by the FCC and was within a very narrow range. The tower would also have multiple copper grounding rods.

Mr. Colantino invited those interested in learning how these towers functioned to visit an industry web site <https://howmobileworks.com> and that T-Mobile might be interested in alternative tower locations in Arch Cape. With the assistance of Phil Chick, he intended to investigate other possible locations.

There were expressions of concern regarding safety issues of operation and that existing cell connectivity was sufficient for emergency use offset by others who felt that radio frequency exposure was stronger with the proximity of cell phone use to a users head than that emitted from a cell tower and that users were not in a good position to judge between differing safety studies and should rely on regulatory agencies oversight on behalf of the public.

There was a general agreement to have easement issues resolved prior to additional consideration by the board and the benefit of community involvement in any decision made.

Ms. Virginia Birkby moved the inclusion of a notice of public hearing concerning the execution of a lease for a cell phone tower on district property with district quarterly billing which was seconded by Mr. Seifer. Ms. Debra Birkby, Ms. Virginia Birkby, and Mr. Seifer voted yes. Mr. Schiffman voted no. Motion carried.

Watershed Update:

IFA Source Water Protection Contract – HP 19G Project: (Information) Mr. Chick said there was nothing new to report on the 19G project and that he would provide an update at the next regular meeting.

Memo of Understanding for the Arch Cape Community Forest with the North Coast Land Conservancy (NCLC): (Information) Mr. Chick indicated that he would be working with Jon Wickersham on a memo of understanding between the district and the NCLC regarding the management of the proposed six hundred (600) acre acquisition within our watershed.

A question was raised about the ability of individuals or institutions to make tax qualified donations for the purchase through the NCLC. It was agreed that having a clear understanding of how that would work would be beneficial.

Mr. Chick pointed out that the terms of the potential Forest Legacy grant wouldn't allow an easement to be held by a non-government entity.

Mr. Ben Dair said that the recently released Community Forest Handbook had useful lessons learned regarding funding. Ms. Mary Olson said that the handbook would be added to the Arch Cape Community Forest web site.

The discussion ended with a call to specifically outline our funding plans for the acquisition.

Outreach Coordinator Report: (Information) Ms. Mary Olson said the recent public information meeting went well and that another was scheduled for March 15th. She is working with Micah Cerelli on a billing insert for communicating with the public and is drafting an article for the next release of Tunnel Echoes. She also said that she would be providing an update to the community forest web site. A recent tour of the watershed was instructive and she looked forward to working with Ms. Linda Murray in developing photos she could use in her outreach efforts.

There would be a local effort at recruiting volunteers to remove Scotch Broom from watershed property.

Natural Hazard Mitigation Planning (NHMP) Opportunity: (Action) There will be a NHMP meeting on January 29th in Astoria. Mr. Chick reported that we had not been provided with an IGA draft by Ms. Tiffany Brown due to the recent government shut down. She did indicate that there was potential interest in Arch Cape being a naval beach landing site to test a post tsunami situation. The Navy will be considering Arch Cape along with other north coast locations for such a landing sight.

New Business:

Budget Timeline & Budget Committee Membership: (Information) Mr. Chick reported that existing community members (attached) intended to serve this year and that he would approach Mr. Carl Matson as a possible new member.

The draft budget timeline (attached) would add one non regular meeting date for the committee on Friday May 3rd.

Neuburg Billing Relief Request: (Information) This agenda item was moved to next month for action with a request to Mr. Chick to notify Ms. Gail Neuburg.

May 21st Local Board of Directors Election: (Information) Mr. Chick said he would be providing key dates and election guidance from the county to directors when the packet becomes available from the clerk's office.

Reports:

Accounts Receivable: Water district receivables were reported to be in good condition.

District Managers Report: (attached)

Treasurer's Report: None.

Board of Directors' Comments and Reports:

Mr. Seifer said he found the Community Forest Handbook to be an excellent document. Mr. Schiffman said that those he had spoken with were excited about our community forest project.

February Agenda Items: (Information) Possible cell tower public hearing date established, personnel review in March, and Neuburg billing appeal.

Public Comment: Mr. David Stockton said that everyone benefited from cell phone service that a potential cell tower would provide but that it didn't make sense to get everyone 'pumped up' if access to the treatment plant sight was in question or even think of setting a public hearing until that issue was resolved. Ms. Jeannie Stockton felt that this board was dedicated in it's efforts. Ms. Debra Birkby mentioned that it was not necessary to be an Arch Cape resident to attend a public hearing.

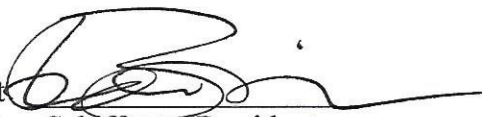
The meeting was adjourned by Mr. Ron Schiffman at 7: 52pm.

Respectfully submitted,



Steve Hill

Attest



Mr. Ron Schiffman, President

Hello Phil, hope your week is going well.

T-Mobile has selected the Water District property as their "Primary" candidate for their Arch Cape site; before we officially start the process though, they asked if it'd be possible to build a structure that is 100' tall in order to ensure that it'll clear the nearby trees.

Due to the County's requirement for a 2:1 setback from residential property lines, we'd need to relocate the tower from the north corner of the parcel (where we originally discussed the site location) to the east corner, tucked behind the abandoned water tank foundation (see attached picture). We should also be able to place the equipment cabinets along the southern fence line, near the location of the tower. Please let us know if this would be acceptable to the District.

Thanks again for all your time and help on this proposal, and have a great day!

Jeff Colantino

Site Acquisition Manager

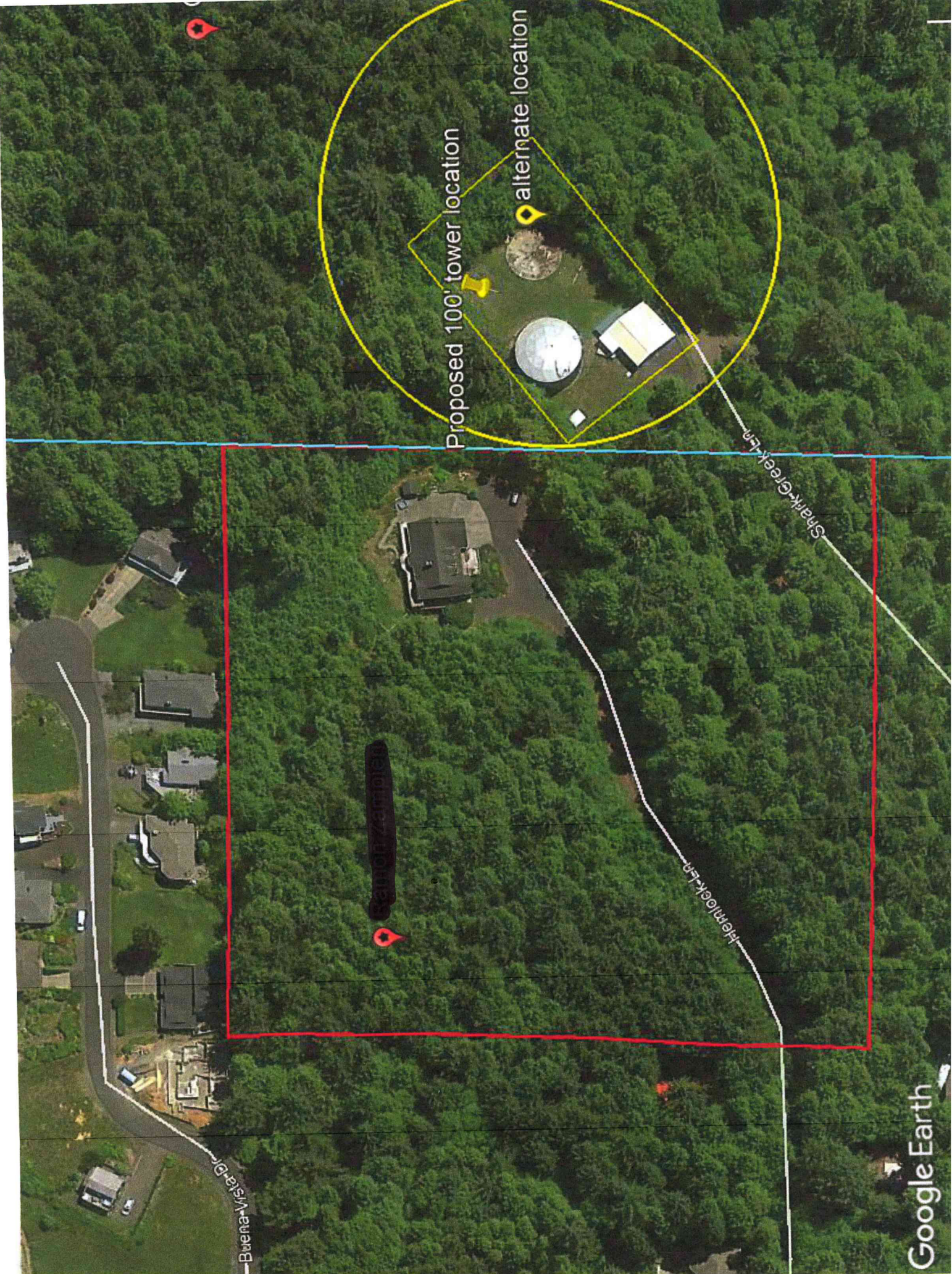
CENTERLINE SOLUTIONS

6623 NE 78th Court, Suite B-1

Portland, OR 97218

Mobile: 360-450-8697

Web: www.centerlinesolutions.com



Proposed 100' tower location

alternate location

Buena Vista

Hemlock Ln

Shark Creek Ln

Google Earth

CEDAR

LOVE LLC

PO Box 650 Tolovana, OR 97145

cedarlove@protonmail.com

December 20, 2019

Board of Directors
ACDWSO
32065 E. Shingle Mill Ln.
Arch Cape, OR 97102

Sent via Email

Re: Cellphone Tower

Dear ACDWSO Directors:

We are writing today asking you not to lease property at the water plant for the construction of cellphone towers.

We applaud the District's diligent work to supply clean, safe, and affordable drinking water to Arch Cape residents and visitors. There are few things if any more important than clean drinking water. The District's state of the art water filtration plant and community forest work are a testament to your efforts to make Arch Cape a healthy place to live and visit.

The District's efforts emboldened us to purchase the twenty acres surrounding the water plant and upper intake. The previous owner was threatening to clear-cut the entire property. After appreciating the forest and creek for many years, we stepped in to stop the clear-cut by purchasing it. We are so thankful we did. We have completed our forest restoration thinning project and enjoy nothing more than being up there watching the sunlight hit the forest floor, providing the energy needed to regrow a native and natural understory in what was previously a rather lifeless tree farm. We like you are trying to make Arch Cape a healthy place where the trees grow big and old, sequestering significant carbon while trapping fog and adding water to our stream flows.

We believe the cell tower T-Mobile would like to construct and operate on the District's property stands in stark contrast to our respective goals and even has the potential to reverse the positive work we are doing on the land. To better explain the situation, we have quoted passages from the Physicians for Safe Technology website and included links to the studies referenced. Please see: <https://mdsafetech.org/environmental-and-wildlife-effects/> We believe this material demonstrates the problems cell towers wreak on our health and environment.

1. Cell Towers Emit Wireless Radiation Over Dozens of Miles of Terrain.

Stationary cell and radio towers create a circle of high power wireless radiation (1500 feet) around them, with a much larger radius (dozens of miles) of lower power radiation, which scientists have found can contribute to environmental disturbances.

2. Cell Towers are Bad for Wildlife.

Biologists have noted that wildlife is susceptible to harm from manmade ambient electromagnetic fields. Researchers are now attributing radiofrequency radiation

(RFR) from cellular telecommunications to be a contributing cause of bee “colony collapse disorder”, insect disappearance, the decline in house sparrows in London, as well as the steady deterioration of the world's bird population with now than 40% of bird species under critical threat. Scientists note a serious lack of radiation monitoring and protocols to study the impacts and call for precaution in the placement of cell towers and further expansion of wireless broadband.

Adverse responses from radiofrequency radiation that have been identified include abnormal behavior, developmental abnormalities, diminished reproduction and increased mortality. Birds, bees, turtles, dolphins, salamanders, salmon, amphibians and other animals use the earth's weak magnetic field and their own internal magneto-receptors to navigate. Birds have feathers that can act as antenna and amplify the negative effects of RF radiation. Insects, the base of the food chain, appear particularly susceptible to radiofrequency radiation, especially 5G millimeter wavelengths which are the size of the insect and create a damaging resonance effect.

*Mammals, like humans, have similar reproductive organs, immune systems and nervous systems, thus are susceptible to molecular and cellular harm from artificial wireless radiofrequency wavelengths. Katie Singer, in her extensively referenced book *Electronic Silent Spring*, highlights that the earth's living systems evolved their own internal and external signaling systems in the presence of the earth's low electromagnetic environment and thus are vulnerable to the much higher levels of artificial pulsed electromagnetic radiation experienced today.*

3. Government Agencies Highlight Cell Tower Risks to Wildlife.

The US Fish and Wildlife Service and the Department of Interior (DOI) has had concerns for many years about the adverse impacts of cell towers and electromagnetic radiation on migratory birds and other wildlife. It is conservatively estimated that 4 to 5 million birds die each year in cell tower and guy-wire collisions. (Government-[Manville](#) 2005, 2009). The DOI noted that there were 241 species of birds whose populations merit special protection. Balmori has documented wildlife effects after cell towers were constructed including nest and site abandonment, plumage deterioration, locomotion problems, and death in [many bird] species.

4. Trees are Harmed by Radiofrequency Radiation.

In Colorado, Aspen trees have been on the decline and experiments have pointed to radiation from cell towers causing poor growth and smaller leaves. A 4-year experiment by Waldmann-Selsam et al (2016) clearly demonstrated, with accurate RF emission testing, cell tower radiation causing the death of nearby trees over time. He notes, “These results are consistent with the fact that damage afflicted on trees by mobile phone towers usually start on one side, extending to the whole tree over time.” These are truly alarming findings and serve as a dire warning on further wireless expansion, especially with regards to agricultural rural zones or wildlife areas with sensitive species. Research also raises the question of wildfires sparked by dead or dying trees near cell towers.

5. Plants, Bacteria and Fungi are Affected by Microwave Radiation.

Numerous studies on plants, bacteria and fungi have shown adverse or enhanced growth patterns with exposure to varying levels of microwave radiation. We do not consider the influence of RF on infections in animals, humans or plants and how this alters patterns of human and plant infectious diseases. Among the research, a recent project of the California Science and Engineering Science Fair by [Joshi and Omer](#) compared the effects of UVR versus

radio frequency radiation (RFR) on lima beans, basil seeds and yeast. They found that RFR reduced growth of lima beans, increased the growth of yeast and had no effect on Basil. On the other hand UV light increased the growth of lima beans and basil but did not affect yeast.

Halgamuge (2017) reviewed the available science on non-thermal, weak, radiofrequency electromagnetic fields (RF-EMF) and their influence on living plants. After examining 45 peer reviewed publications with 169 experiments on 29 species of plants he found significant physiological and/or morphological effects. He concluded that “maize, roselle, pea, fenugreek, duckweeds, tomato, onions and mungbean plants seem to be very sensitive to RF-EMFs.” In addition he noted, “plants seem to be more responsive to certain frequencies, especially the frequencies between (i) 800 and 1500 MHz ($p < 0.0001$), (ii) 1500 and 2400 MHz ($p < 0.0001$) and (iii) 3500 and 8000 MHz ($p = 0.0161$).”

6. Bird Migration is Disrupted More by Weak Magnetic Fields.

Biologists have noted that birds magnetic compass orientation appears more susceptible to weak broadband electromagnetic fields. **Schwarze et al (2016)**, note in their paper that weak magnetic fields can have much more powerful influence on bird migration than strong fields. They state, “Our results indicated that the magnetic compass orientation of European robins could not be disrupted by any of the relatively strong narrow-band electromagnetic fields employed here, but that the weak broadband field very efficiently disrupted their orientation” **Pakhomov (2017)** and **Wiltshko (2015)** both confirmed this effect.

7. Cell Towers Affect Human Health.

The majority of published studies in different countries have shown a relationship between distance from base stations and a variety of health complaints. They have found that the closer to the towers people live there is an increase incidence of reported symptoms including those below. These are the same symptoms that people who have electrosensitivity experience.

- headaches
- insomnia
- dizziness
- irritability
- fatigue
- heart palpitations
- nausea
- loss of appetite
- feeling of discomfort
- loss of libido
- poor concentration
- memory loss
- neuropsychiatric problems such as depression.

In a recent study from India by Zothansiama et al (2017), researchers examined abnormalities in blood samples in people living at different distances from cell towers. They identified a significant increase blood cell damage in those living within 80 meters of a cell tower versus those living greater than 300 meters from a cell tower. They found 1) A significant increase in micronuclei, which are small remnants of DNA nuclear material appearing within blood cells and a sensitive indicator of genotoxicity and chromosomal abnormalities 2) An increase in lipid peroxidation indicating free radical formation and cell membrane damage 3) A reduction in levels of internally produced antioxidant capacity (glutathione, catalase and superoxide dismutase).

The author concluded: "The present study demonstrated that staying near the mobile base stations and continuous use of mobile phones damage the DNA, and it may have an adverse effect in the long run. The persistence of DNA unrepaired damage leads to genomic instability which may lead to several health disorders including the induction of cancer." As more base stations are deployed with higher density and with ubiquitous wireless devices at home it will be difficult to find control groups that have not been significantly exposed. The Antenna Search website allows people to identify registered cell towers in their area.

<https://mdsafetech.org/cell-tower-health-effects/>

8. Researchers with the renowned Ramazzini Institute (RI) in Italy announce that a large-scale lifetime [study](#) of lab animals exposed to environmental levels of cell tower radiation developed cancer. *Scientists from around the world recently called on the World Health Organization International Agency for Research on Cancer to re-evaluate the carcinogenicity of cell phone radiation after the Ramazzini Institute and US government studies report finding the same unusual cancers. <https://ehtrust.org/worlds-largest-animal-study-on-cell-tower-radiation-confirms-cancer-link/>*

Conclusion

Unlike many areas in our country, Arch Capers are in a fortunate position. We can drink clean local tap water and choose to live without being bombarded by radiation. We encourage you to keep it that way. In our opinion, leasing land to a foreign international for-profit corporation so it can not only disrupt the healthy ecosystem we are locally rebuilding but also negatively affect the health of the District's employees and customers, fails to meet the District's mission and is not in the best interest of our Arch Cape community. For these reasons, we ask you not to lease property at the water plant for construction of cell towers.

Thank you for reading this lengthy letter and for your volunteer service to Arch Cape.

Sincerely,

/s/ Michael Manzulli

/s/ Nadia Gardner

Michael Manzulli & Nadia Gardner

Cedar Love LLC

December 21, 2018

Board of Directors
ACDWSD
332065 E. Shingle Mill Lane
Arch Cape, OR 97102

Dear Board of Directors:

Please accept the following comments in regard to the emplacement of a cell tower(s) on District property. My wife and I have owned a residence at Arch Cape for the last five years, and therefore have a vested interest in this matter and the Arch Cape community.

Yesterday we received an email notice from Mr. Steve Hill regarding the cell tower being considered at a Board meeting scheduled for 6PM today, December 21, 2018. The notice included a lengthy statement by CedarLove LLC, concluding with its recommendation that the proposed cell tower(s) placement was not within the "best interests of the Arch Cape community." While we cannot presume to speak on behalf of the "Arch Cape community," please enter into the record the support of cell tower placement by these two individual members of the community.

1. On such short notice, we have not had sufficient time to independently review the research and "science" cited by CedarLove LLC to support their assertions of the negative consequences of cell tower placement. As with any emerging technology, there are typically as many supporters as there are alarmists. Scientific studies (of variable quality) often differ significantly in their conclusions about the positive, negative or neutral effects of such technology. Many of the studies referenced are nebulous in their conclusions. Much of the of the reference material cited by CedarLove LLC, is also unrelated to the specific issue of cell towers in the Arch Cape community.
2. Given the proposed location and the minimal demonstrated impact of cell towers per se, we cannot accept CedarLove LLC's conclusion that the proposed tower(s) would either "disrupt our healthy local ecosystem" or "negatively affect" the health of District employees and customers. The studies cited by CedarLove LLC, besides offering questionable evidence of specific negative impacts, suggest that distance from the towers mitigates any presumed effect. That said, the District's facility is sufficiently distant from the majority of the community that any presumed negative effects would be negligible on both an unspecified "healthy ecosystem," as well as on human health.
3. On a personal note, my wife's professional employment necessitates efficient cell phone connection as she works at our home in Arch Cape. Currently, we do not have reliable cell phone connection, and have heard the same observations

from many of our neighbors. To the extent cell tower proximity relates to cell phone reception (it does), we strongly support having adequate cell tower placement near our electronically disadvantaged Arch Cape community.

4. Finally, on a somewhat philosophical note, it is inconsistent to single out something like cell towers as purveyor of such reputedly grave societal consequences. We choose to live in houses of wood and stone, the production of which has despoiled forests and natural resources, and has irreparably damaged our surrounding "ecosystem." We choose to drive our automobiles on a major asphalt highway running through, and throughout, our Arch Cape community. We power our community and our homes from an electrical grid, connected to a hydropower system which has vastly and negatively altered the environment in which we live. Weighing the relative negative impact which might be associated with cell tower(s), compared to the vast infrastructure that supports our comfortable daily lives, we conclude that having decent cell reception in Arch Cape is favorable for our community.

It is the opinion and request of these two community members that the District should support, and on our behalf profit, from the placement of cell tower(s) on District property.

Our thanks for your consideration.

Michael Drais and Deborah Burton
31894 Oceanview Lane
Arch Cape, OR 97102

January 14, 2019

Dale Mosby
31897 Oceanview Ln
Arch Cape, OR 97102
dale@archcape.com

To: Arch Cape Water District board members
Re: Proposed cell tower

I support the proposal to place a cell tower on Arch Cape Water District property and urge you to give permission for this. I would like to request that you ask that a co-location agreement be put in place such that multiple cell carriers could use the same tower.

Benefits to Arch Cape residents

Having reliable cell service in Arch Cape would be very welcome. I consider myself fortunate to have cell service however the quality is poor and a high percentage of calls either drop within a few seconds or go immediately to voice mail without having the phone ring. Across the highway on the east side of Oceanview there is no service. The last time I was at the fire station I also had no cell service. My job requires that I be available on-call 2 weeks out of every 5 weeks. Cell phones are the technology used for paging. Lack of good cell service and the chance of a missed page is a constant worry.

The current cell technology provides for rapid data transmission when within reasonable range of a cell tower. This allows cell service to act as a backup for Internet service, something I would consider very useful. The present level of service available in Arch Cape does not allow this. The next generation cell sites will improve on the data transfer speeds improving competition for Internet access.

Locating a tower on district property would provide additional revenue to the district, a benefit to rate payers.

Cell service is desired by the majority of the population

Eighty four percent of American households contain at least one smart phone and one third of Americans live in a household with three or more smart phones.¹ This was in the latter half of 2016, the numbers are likely higher now.

There has been a huge shift from traditional wired land line to cell phone use. Over fifty percent of households have only cell phones, having given up traditional land lines.

Clearly cell phone technology has been embraced by the American population. There is no reason to think that the population of Arch Cape is not similar in the use of cell phone technology and desire for good service.

¹ Pew Research Center <http://www.pewresearch.org/fact-tank/2017/05/25/a-third-of-americans-live-in-a-household-with-three-or-more-smartphones/>

Safety

The Internet is full of competing studies as to the safety of all manners of technology, not just for cell phones. There are impressive appearing studies claiming harmful effects of microwave ovens, smart power meters, WiFi routers, etc. The board of directors was not chosen for their expertise in RF engineering and should not be tasked with judging the validity of articles making safety claims. When it comes to making safety decisions about our drinking water quality I expect the board to adhere to government guidelines. If there is any safety concern over a cell site I expect the board to refer to government safe exposure guidelines. The FCC has the same thought, leaving it to the FCC to make the rules for RF safety. Section 332(c) of the Communications Act “*preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules*”.²

RF field intensity decreases rapidly with distance from the antenna. “*Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are hundreds to thousands of times less than the FCC's limits for safe exposure.*”³

The power level at which the phone transmit depends on the cell signal quality. The farther the cell tower the lower the signal quality the higher the power output of the user’s cell phone. “*In rural areas where base stations are sparse, the output power level used by mobile phones are on average considerably higher than in more densely populated areas.*”⁴ This is why a cell phone battery lasts longer in an urban setting with a good cell signal than in an area with poor signal. Given that the cell phone I carry on my hip, that sits on my night stand 2 feet from my head, and that I press against my head when talking will be operating at a much lower output power with a good quality cell signal I feel that I will have less RF exposure with a cell tower in the community than without.

Regards,

Dale Mosby

2 <https://www.fcc.gov/wireless/bureau-divisions/competition-infrastructure-policy-division/tower-and-antenna-siting>

3 <https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety#Q15>

4 BJM Journals Occupational & Environmental Medicine <https://oem.bmj.com/content/61/9/769>

Proposed Budget Schedule for FY 2019-20 Budget Committee Meetings
Arch Cape Water and Sanitary Districts

Regular Board Meetings March 15, 2019:

Appointment of Committee Members
Determination of Terms

Friday April 19th 4pm Budget Committee:

Election of Budget Chair
Appoint Budget Officer
Publishing of Budget Message
Present Proposed Budgets and Long Range Financial Plans (LRFP's)

Friday May 3rd 4pm: Budget Committee:

Continue budget review and development

Friday May 17th 4pm Budget Committee:

Establish budget approval from budget committee.
Hold Budget Hearing and submit budgets to Districts Boards at regular meeting

May 17th 6pm: WD and SD Regular Meetings:

Boards hold Public Hearing for budget appropriation and approve budget by Board Resolution
Hold a Public Hearing and enact a proposed ordinance with rate changes effective July 1, 2018 (*if the Board determines such changes advisable.*)

| 2018 Arch Cape Domestic Water Supply District Budget Committee | | |
|--|------------------------|-----------|
| Board | Community | Term |
| 1. Debra Birkby | | |
| 2. Virginia Birkby | | |
| 3. Ron Schiffman | | |
| 4. Dan Seifer | | |
| 5. Linda Murray | | |
| | 1. Heather Newman | 2018-2021 |
| | 2. Richard D'Onofrio | 2017-2020 |
| | 3. Chris Anderson | 2018-2021 |
| | 4. Catherine D'Onofrio | 2015-2018 |
| OPEN POSITION | 5. | 2018-2020 |

| 2018 Arch Cape Sanitary District Budget Committee | | |
|---|------------------------|-----------|
| Board | Community | Term |
| 1. Debra Birkby | | |
| 2. Virginia Birkby | | |
| 3. Ron Schiffman | | |
| 4. Casey Short | | |
| 5. Darr Tindall | | |
| | 1. Richard D'Onofrio | 2017-2020 |
| | 2. Catherine D'Onofrio | 2015-2018 |
| | 3. Heather Newman | 2018-2021 |
| | 4. Chris Anderson | 2018-2021 |
| OPEN POSITION | 5. | 2018-2020 |

(Gail Neuburg Acct#2000 : 80046 Pacific)

Clark Binkley

Fri, Jan 11, 2:50 PM (3 days ago)

to me, Gail

Thanks for the note, Phil, especially given your recent illness. I do hope it was not serious even if it took you out of action for a bit of time.

Regarding the appeal, I honestly thought that the case for relief on the sanitary charges was pretty clear. I thought I showed that the overage was surely due to the irrigation system which would not burden the sanitary system. I guess I did not explain my thinking very well.

The Board's response suggested that the absence of the annual inspection report is why they rejected the appeal in total. So, now that we have produced the annual inspection report, I would hope that the Board would accept our appeal on both the water and the sanitary sides of the bill. If not, we will appreciate relief on the sanitary side, which, as I noted above, I thought was pretty well documented.

Thanks again for your help on this matter. We are forging ahead with Mike and Rita Fraley to redo the irrigation system this spring to avoid any more of these mishaps!

Best regards,

Clark

Attachments

Jan 5, 2019, 8:13 AM (6 days ago)

to me, Gail

Phil,

I hope your holidays were pleasant and that the New Year is starting well for you.

Larry Thompson of Edgewater Landscaping FINALLY responded to my request for a copy of the report he did last year certifying our irrigation system at 80046 Pacific Rd in Arch Cape. I know that the lack of this report was an important consideration in the Board's rejection of our appeal of the excess water use charges of last summer. I wonder if we can re-submit the appeal along with this report.

Thanks in advance for your advice on this matter.

With best regards,

Clark

Clark S. Binkley

**Arch Cape Domestic Water Supply District
And
Arch Cape Sanitary District
Annual Irrigation Maintenance and Operations Report Form
Due May 1st of Each Year**

Type of Irrigation Controller: Rain Bird ESP;
Date of Last Inspection: 3-27-18;

Number of Zones: 3 Lawn 2 shrub;

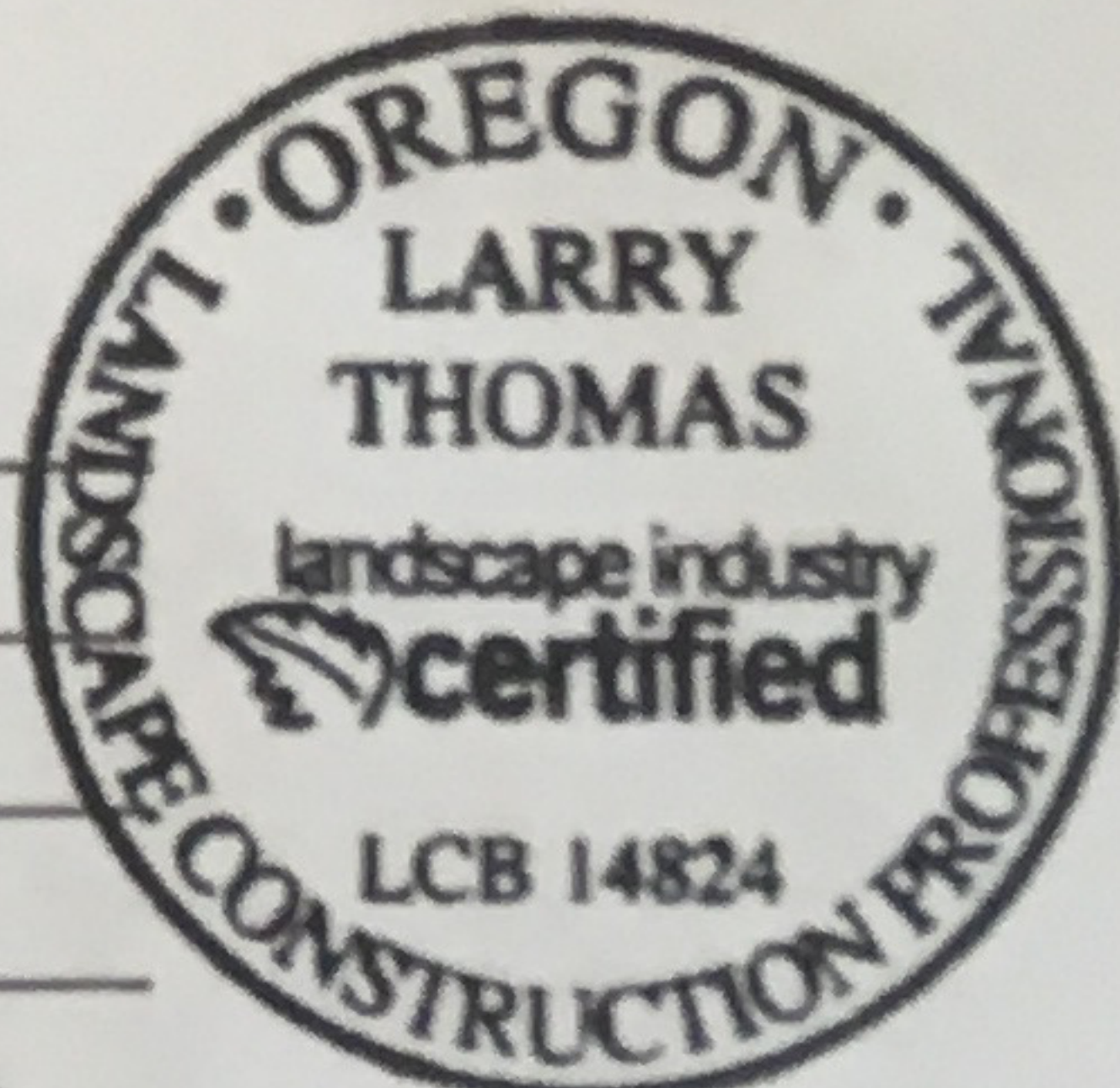
Time of Day Each Zone is Used:
1 8 2 8 3 8 4 8 5 8 6 _____ 7 _____ 8 _____

Rate of Use for Each Zone: GPM
1 5.2 2 5.0 3 5.0 4 5.8 5 5.8 6 _____ 7 _____ 8 _____

Total Gallons Used per Minute (GPM): ~~_____~~ See Above;

Report and Repairs: Checked System: No Leaks,
No over spray, Controller in good working
order.;

Homeowners Name: Clark Binkley
Homeowners Telephone Numbers: 617-816-7902
Homeowners Email Address: csbinkley@comcast.net
Homeowners Other Emergency Contact: _____



Irrigation Contractors Name: Edgewater
Irrigation Contractors Telephone Numbers: _____

Edgewater
Landscape Construction, Inc. LCB# 8165
P.O. Box 1016
Astoria, OR 97103
503-338-8398 cell

Please submit this report on or before May 1st:
Arch Cape Sanitary District
32065 E Shingle Mill Ln
Arch Cape, OR 97102

FAILURE TO TIMELY SUBMIT THIS REPORT WILL FORFEIT YOUR RIGHT TO A CLAIM FOR RELIEF IN THE EVENT OF A SYSTEM LEAK

(Homeowners Signature) Date: _____

APPEAL REQUEST FORM
Arch Cape Water and Sanitary Districts
32065 East Shingle Mill Lane
Arch Cape, OR 97102
503-436-2790

NOTE: Dwelling Leak, Irrigation Leak, and Billing Appeal Policies for the Water and Sanitary Districts may be found at archcape.com

Name: Gail Newburg / Arch Cape Beach House

Mailing Address: 282 NW Maywood Drive, Portland OR 97210

Property Address: 80046 Pacific Rd. Arch Cape, OR 97102

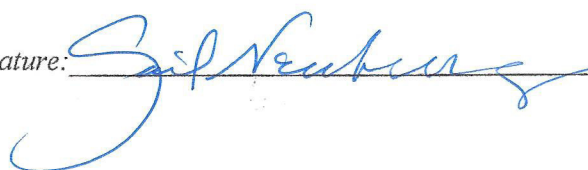
Contact Info (phone/email) 617 816 4902. csbinkley@comcast.net
(for Clark Binkley, Gail's husband and co-owner)

Date(s) of charge you are appealing: June 2018 - August 2018

Please describe in detail the reason for your appeal:

Please see attached documents

REMINDER: Attach Supporting Documents (plumbing repair receipts, etc.)

Signature:  Date: 6 November 2018

APPEAL REQUEST ADDENDUM

6 November 2018

Gail Neuburg/Clark Binkley
Arch Cape Beach House
80046 Pacific Rd.
Arch Cape, OR 97102

Our water and sewer bills for the period June-August 2018 were unusually high. This happened once before (August 2013) so we have tried to be particularly attentive to our usage. We determined that the high water usage for the quarter in question was due to irrigation. Because the excess water was used in irrigation, the water did not enter the sewer system. We therefore request that the "Excess Usage" fee of \$5,237.25 on the Quarterly Sewer Bill (attached) be abated. The following provides the details of our investigation and how we reached this conclusion.

After receiving our bill, we asked Cannon Beach Landscaping ("CBL") to take a look at the system and see if they could determine what was happening. They visited the house. They did not see any apparent leaks as evidenced by wet spots in the lawn. To help us track down the problem, they turned off the water to the irrigation system at the back-flow valve so we were certain that no water was entering the irrigation system.

This allowed us to check on problems related to domestic (i.e. non-irrigation) use. To do so, we found the water meter and observed it while all domestic devices were off. The meter was still and not turning, indicating no water flow and therefore no leakages in the domestic system or in the feed from the meter into the house. We confirmed that the meter was working by turning on some water in the house and observed the meter dial turning over.

Phil Chick provided us with both hourly flow records for the summer quarter and the monthly flows for the last five years. Domestic usage—the usage in the non-irrigation months—averaged 2,235 gallons/month (please refer to the attached table). This level of water use is below the threshold for excess usage charges. We conclude from this that the domestic usage this summer—and flow into the sewer system—was unlikely to have exceeded the threshold for "excess usage" charges.

To try to verify that the irrigation usage was the culprit, we examined the hourly water flows. The *timing* of the flows was consistent with the irrigation schedule. We could not absolutely confirm that that *quantity* of water was consistent with the amount that the irrigation system is supposed to deliver. CBL advised that this would require a complete "Irrigation Audit" (more on this later). Instead, we simply converted the gallons of flow into acre-inches of water and determined that the flows were in the range of what would be required to maintain the landscaping alive and green.

In short, we have concluded that we very likely DID use excessive water. But, the water was used for irrigation and did not enter the sewer system and did not contribute to the cost of operating that part of the District's infrastructure.

As mentioned above, we have tried to be especially attentive to our water usage. We have had the irrigation system regularly checked by irrigation professionals—for a couple of years by CBL and last year by Larry Thomas of Edgewater Landscaping in Astoria. Larry's report certified that the system was operating correctly and in good condition. CBL's reports are on file, but Phil Chick advised us that this year's, from Edgewater, was not. We changed computer systems this fall and cannot find a copy of Larry's report. Larry is retiring this year. As a result, he has purged much of his past information. He informed us that he has been unable to locate a copy of his report. We have attached a copy of the check to Edgewater for this service as evidence that we did indeed have the system inspected. If you would like to verify our account, you can reach Larry on his mobile, (503) 325-3180.

What are we doing to reduce our irrigation usage? We contracted with Rita Fraley at CBL to conduct a thorough review of the system in the spring before we turn it back on. We will replace the controller to be sure it is functioning properly and add remote internet access so we can monitor usage on a regular basis. We have asked her to check each zone and determine if we can replace sprinkler heads with ones that are more efficient in water use, and/or convert sprinklers to more water-efficient drip lines. We will also either shorten the watering time or cut back a day of irrigation. We will take other steps as you might advise.

Thanks in advance for your consideration of our request to abate the \$5,237.25 excess usage charge on the June-August sewer bill. We are happy to respond to any questions you might have.

Gail Neuburg



Clark Binkley





ARCH CAPE SANITARY DISTRICT

32065 East Shingle Mill Lane
Arch Cape, OR 97102

Invoice

| | | | |
|--------------|------------|------------|--------------|
| INVOICE DATE | DUE DATE | DELINQUENT | INVOICE # |
| 9/10/2018 | 11/10/2018 | 11/30/2018 | 38513 |

| |
|--|
| BILL TO |
| Gail Neuburg Arch Cape Beach House PO Box 4001 Portland, OR 97208 Acct. # 2000 |

THANK YOU for providing the INVOICE #
on your check or reference portion of
your online banking bill pay disbursement

| | |
|---------------------------|-----------|
| Arch Cape Service Address | Account # |
| 80046 Pacific | 2000 |

| QUARTERLY SEWER BILL | | AMOUNT | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------------|--------------------------------|------------|-----------------------|--------|------------|------------------------------|--------|--------|--------|-------------------------------|--------|---------|---------|--------------------------------|--------|----------|----------|--------------------------------|--------|----------|------------|----------------------|---------|--|--|
| Quarterly Bill Base Charges: Oct - Dec 2018 | | 174.00 | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Excess Usage: June 2018 thru August 2018</u> | | 5,237.25 | | | | | | | | | | | | | | | | | | | | | | | | |
| Debt Service: Irrigation Site Land \$12, Facility Engineering \$15, I&I, & Salley's Alley \$14 Loan Surcharge | | 41.00 | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Sanitary bills are due 60 days past invoice date and accounts do not become delinquent and subject to service shut off for 80 days.</p> <p>Monthly service charge on all late bills which are 90 days past the invoice date is 2% of the outstanding balance or \$5.00, whichever is greater.</p> <p>Please remit separate checks for Sanitary and Water Districts. For sewer bills, make checks payable to Arch Cape Sanitary District.</p> <p>Sanitary and Water checks can be mailed in one envelope to: Arch Cape Water and Sanitary Districts 32065 East Shingle Mill Lane Arch Cape, OR 97102</p> <table border="1"> <thead> <tr> <th>Usage</th> <th>Price per 100 gallons</th> <th>Amount</th> <th>Cumulative</th> </tr> </thead> <tbody> <tr> <td>Tier 1 5,001 - 8,000 gallons</td> <td>\$0.25</td> <td>\$7.50</td> <td>\$7.50</td> </tr> <tr> <td>Tier 2 8,001 - 12,000 gallons</td> <td>\$0.75</td> <td>\$30.00</td> <td>\$37.50</td> </tr> <tr> <td>Tier 3 12,001 - 16,000 gallons</td> <td>\$5.00</td> <td>\$200.00</td> <td>\$237.50</td> </tr> <tr> <td>Tier 4 16,001 - 25,000 gallons</td> <td>\$9.00</td> <td>\$810.00</td> <td>\$1,047.50</td> </tr> <tr> <td>Tier 5 25,000 and up</td> <td>\$15.00</td> <td></td> <td></td> </tr> </tbody> </table> <p>Sanitary Excess Usage charges are one half (1/2) of the calculated water excess charges for Tiers 1 & 2 and one hundred (100%) percent on Tiers 3 thru 5</p> <p>Go to www.archcape.com for additional Sanitary District information. Questions? Please call 503-436-8565 or e-mail archcapebilling@gmail.com.</p> | | | Usage | Price per 100 gallons | Amount | Cumulative | Tier 1 5,001 - 8,000 gallons | \$0.25 | \$7.50 | \$7.50 | Tier 2 8,001 - 12,000 gallons | \$0.75 | \$30.00 | \$37.50 | Tier 3 12,001 - 16,000 gallons | \$5.00 | \$200.00 | \$237.50 | Tier 4 16,001 - 25,000 gallons | \$9.00 | \$810.00 | \$1,047.50 | Tier 5 25,000 and up | \$15.00 | | |
| Usage | Price per 100 gallons | Amount | Cumulative | | | | | | | | | | | | | | | | | | | | | | | |
| Tier 1 5,001 - 8,000 gallons | \$0.25 | \$7.50 | \$7.50 | | | | | | | | | | | | | | | | | | | | | | | |
| Tier 2 8,001 - 12,000 gallons | \$0.75 | \$30.00 | \$37.50 | | | | | | | | | | | | | | | | | | | | | | | |
| Tier 3 12,001 - 16,000 gallons | \$5.00 | \$200.00 | \$237.50 | | | | | | | | | | | | | | | | | | | | | | | |
| Tier 4 16,001 - 25,000 gallons | \$9.00 | \$810.00 | \$1,047.50 | | | | | | | | | | | | | | | | | | | | | | | |
| Tier 5 25,000 and up | \$15.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>The Public is invited to attend Regular Board of Director Meetings taking place every 3rd Friday of each month : 6:00pm at the Arch Cape Fire Hall - 79279 Hwy 101</p> | | <p>Total \$5,452.25</p> | | | | | | | | | | | | | | | | | | | | | | | | |

ANALYSIS OF ACBH WATER USAGE


Clark S. Binkley
18-Oct-18

NON IRRIGATION USAGE

| | OCT | NOV | DEC | JAN | FEB | MAR | AVERAGE |
|----------------|------------|------------|------------|------------|------------|------------|----------------|
| 2017 | 6320 | 20 | 860 | 3070 | 4390 | 5060 | 3287 |
| 2016 | 1850 | 3100 | 20 | 1800 | 400 | 250 | 1237 |
| 2015 | 3320 | 2530 | 140 | 1220 | 1070 | 3410 | 1948 |
| 2014 | 7840 | 3510 | 480 | 1350 | 870 | 350 | 2400 |
| 2013 | 2520 | 4450 | 3400 | 1550 | 1380 | 3230 | 2755 |
| AVERAGE | 4370 | 2722 | 980 | 1798 | 1622 | 2460 | 2325 |

Details

Description:
Check
Date:
4/26/2018
Type:
Debit - Check 1185

| | | | | |
|---|------------------------|---|--|--|
| ARCH CAPE BEACH HOUSE, LLC 1231 NW HOYT ST SUITE 202 PORTLAND, OR 97209 503-289-3300 | |  | BRIDGE BANK FARMERS GROUP 1-800-897-7762 | 1185 M-000112 @2015 PFB 4-10-18 |
| PAY TO THE ORDER OF | <i>Edgewater</i> | | \$135 ⁰⁰ | DOLLARS |
| | | <i>one hundred thirty five and 00/100</i> | | |
| MEMO | <i>80046 Principal</i> | <i>[Signature]</i> AUTHORIZED SIGNATURE | | |
| | | ⑈001185⑈ ⑆123205054⑆ 4862859784⑆ | | |

Gail Neuburg

80046 Pacific

9 Years Water Usage : Gallons

Sanitary District

| Inv# | Date | Invoiced | Excess | Excess Amount | Tier | Incremental Additional Gal | Act Excess Gal Used | Excess Billed |
|------------|-----------|-------------|--------|---------------|--------|----------------------------|---------------------|---------------|
| Inv# 22842 | 9/10/2018 | \$ 5,453.50 | Excess | \$ 5,293.50 | Tier 1 | 3,000 | 9,000 | \$ 22.50 |
| Inv# 21517 | 9/10/2017 | \$ 3,713.55 | Excess | \$ 3,573.55 | Tier 2 | 4,000 | 12,000 | \$ 90.00 |
| Inv# 20217 | 9/10/2016 | \$ 4,341.20 | Excess | \$ 4,201.20 | Tier 3 | 4,000 | 12,000 | \$ 600.00 |
| | | | | | Tier 4 | 9,000 | 27,000 | \$ 2,430.00 |
| | | | | | Tier 5 | above 25K | 14,340 | \$ 2,151.00 |
| | | | | | | 74,340 | \$ 5,293.50 | |

| 2017 Oct | 2017 Nov | 2017 Dec | 2018 Jan | 2018 Feb | 2018 Mar | 2018 Apr | 2018 May | 2018 Jun | 2018 Jul | 2018 Aug | 2018 Sep |
|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 6,320 | 20 | 860 | 3,070 | 4,390 | 5,060 | 10 | 520 | 27,610 | 30,290 | 31,440 | 14,480 |
| 2016 Oct | 2016 Nov | 2016 Dec | 2017 Jan | 2017 Feb | 2017 Mar | 2017 Apr | 2017 May | 2017 Jun | 2017 Jul | 2017 Aug | 2017 Sep |
| 1,850 | 3,100 | 20 | 1,800 | 400 | 250 | 220 | 180 | 8,340 | 27,340 | 32,450 | 22,490 |
| 2015 Oct | 2015 Nov | 2015 Dec | 2016 Jan | 2016 Feb | 2016 Mar | 2016 Apr | 2016 May | 2016 Jun | 2016 Jul | 2016 Aug | 2016 Sep |
| 3,320 | 2,530 | 140 | 1,220 | 1,070 | 3,410 | 2,510 | 8,150 | 22,630 | 29,780 | 28,700 | 20,210 |
| 2014 Oct | 2014 Nov | 2014 Dec | 2015 Jan | 2015 Feb | 2015 Mar | 2015 Apr | 2015 May | 2015 Jun | 2015 Jul | 2015 Aug | 2015 Sep |
| 7,840 | 3,510 | 480 | 1,350 | 870 | 350 | 910 | 3,060 | 14,430 | 21,450 | 17,120 | 31,690 |
| 2013 Oct | 2013 Nov | 2013 Dec | 2014 Jan | 2014 Feb | 2014 Mar | 2014 Apr | 2014 May | 2014 Jun | 2014 Jul | 2014 Aug | 2014 Sep |
| 2,520 | 4,450 | 3,400 | 1,550 | 1,380 | 3,230 | 640 | 1,770 | 3,360 | 20,060 | 11,620 | 7,830 |
| 2012 Oct | 2012 Nov | 2012 Dec | 2013 Jan | 2013 Feb | 2013 Mar | 2013 Apr | 2013 May | 2013 Jun | 2013 Jul | 2013 Aug | 2013 Sep |
| 19,950 | 15,310 | 940 | 1,050 | 450 | 1,720 | 1,690 | 1,350 | 14,370 | 32,920 | 42,640 | 23,440 |
| 2011 Oct | 2011 Nov | 2011 Dec | 2012 Jan | 2012 Feb | 2012 Mar | 2012 Apr | 2012 May | 2012 Jun | 2012 Jul | 2012 Aug | 2012 Sep |
| 10,810 | 750 | 510 | 1,050 | 1,820 | 2,640 | 10 | 2,590 | 6,960 | 10,130 | 24,910 | 20,040 |
| 2010 Oct | 2010 Nov | 2010 Dec | 2011 Jan | 2011 Feb | 2011 Mar | 2011 Apr | 2011 May | 2011 Jun | 2011 Jul | 2011 Aug | 2011 Sep |
| 1,020 | 1,570 | 50 | 1,360 | 80 | 210 | 1,290 | 1,330 | 7,390 | 14,850 | 13,880 | 13,960 |

District Update Information Form

Contact Information - update as needed

Phone (503) 436-8565
Fax
Email ARCHCAPESERVICEDISTRICT@GMAIL.COM

ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT

ATTN: PHIL CHICK
32065 E. SHINGLE MILL LANE
ARCH CAPE, OR 97102

Very Important! If a vacancy has occurred the position will appear at the next election.

Next Election : MAY 21, 2019

This form must be received by the election officer by : FEBRUARY 5, 2019

Send completed, signed form to : CLATSOP COUNTY ELECTIONS
820 EXCHANGE ST STE 220
ASTORIA, OR 97103

PHONE (503) 325-8511
FAX 503-325-9307

- The information below is correct as given
 Additions or corrections to the information below should be made as indicated
 All appointments have been verified as qualified to hold the office

Signature & Title of Contact Person _____ **Date** _____

CLATSOP COUNTY WILL BE PUBLISHING A VOTERS' PAMPHLET FOR THE MAY 21, 2019 ELECTION.

PLEASE SPECIFY YES OR NO IF ANY SALARY, OR OTHER COMPENSATION BEYOND EXPENSES IS ATTACHED TO THESE POSITIONS.

Part I: Current Position Holder

| Position | Name | Start Date | Status | Term Expires | Next Election |
|--|--|------------|--------|--------------|---------------|
| ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT, COMMISSIONER, POSITION 1 | RONALD P SCHIFFMAN 32016 E SHINGLE MILL LN ARCH CAPE, OR 97102 (503) 436-2229 | 07/01/2015 | E | 06/30/2019 | 2019 |
| ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT, COMMISSIONER, POSITION 2 | VACANT | | | | 2019* |
| ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT, COMMISSIONER, POSITION 3 | VIRGINIA BIRKBY 79829 GELINSKY ARCH CAPE, OR 97102 (503) 436-2780 | 07/01/2017 | E | 06/30/2021 | 2021 |
| ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT, COMMISSIONER, POSITION 4 | DEBRA BIRKBY 79829 GELINSKY ARCH CAPE, OR 97102 | 07/01/2017 | E | 06/30/2021 | 2021 |
| ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT, COMMISSIONER, POSITION 5 | DANIEL JOHN SEIFER 79916 CANNON RD ARCH CAPE, OR 97102 (503) 436-3033 | 07/01/2015 | E | 06/30/2019 | 2019 |

Part II: Complete the following for appointments or vacancies only

| Name of Replaced Position Holder and/or Position Number | Name of Appointee | Appointment Date |
|--|-------------------|------------------|
|--|-------------------|------------------|

Manager Report January 18, 2019

WATER:

The water plant produced 621,000 gallons in December. Overall the plant is running well; aside from recently having to send in our Skid 2 Citric Acid pump in for repair for a software issue.

Notices have been sent out to all customers with backflow devices and/or irrigation systems to have their systems tested. The deadline for returning the backflow report is March 1st, and Irrigation system reports are due May 1st each year.

Meter accuracy testing in the district has begun. 10% of the District meters will be tested, as per the District's Water Management and Conservation Plan.

Don Vogl, of Arch Cape, has begun providing temporary labor help to us through Seaside Temps. We will use his service for a few hours per week, as needed, to assist with required maintenance tasks.

MONTHLY LOG : ARCH CAPE WATER & SANITARY DISTRICTS

December 2018

| | | | |
|------------------|---------------|---------------|---------------|
| Total Hours | 336.00 | 145.25 | 190.75 |
| Percentage Split | | 43% | 57% |
| Total Accounts | 633 | 291 | 342 |
| Percentage Split | | 46% | 54% |