

AGENDA
MEETING OF THE BOARD OF TRUSTEES
PORTLAND WATER DISTRICT
225 Douglass Street, Portland, Maine
Jeff P. Nixon Training Center
6:00 p.m., Monday, November 22, 2021

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| 1. | <u>Convene Meeting</u> with Pledge of Allegiance and moment of silence. | President Douglas |
| 2. | <u>Roll Call</u> | Clerk |
| 3. | <u>Declaration of Election Results and Inauguration</u> for the Trustee representing Portland, elected on November 2, 2021. | Clerk |
| 4a. | <u>Acceptance of Minutes</u> of the Regular Meeting of October 25, 2021. | President Douglas |
| 4b. | <u>Acceptance of Minutes</u> of the Workshop Meeting of November 8, 2021. | President Douglas |
| 5. | <u>Invitation for Public Comment</u> | President Douglas |
| 6. | <u>Reports:</u> | |
| | ▪ Operations Committee Reports | Trustee Burns |
| | ▪ Planning Committee Reports | Trustee Siviski |
| | ▪ Administration & Finance Committee Reports | Trustee Cote |
| | ▪ General Manager’s Report | General Manager |
| 7. | <u>New Business</u> | |
| | A. <u>Order 21-032</u> adopting the 2022 Budget and Wastewater Assessments. | Administration & Finance Committee |
| | B. <u>Order 21-033</u> adopting the 2022-2026 Capital Improvement Plan. | Administration & Finance Committee |
| | C. <u>Resolution 21-016</u> declaring the Board’s intent to issue debt to reimburse costs incurred for water fund projects identified in the 2022 CIP. | Administration & Finance Committee |
| | D. <u>Resolution 21-017</u> declaring the Board’s intent to issue debt to reimburse costs incurred for Cape Elizabeth wastewater fund projects identified in the 2022 CIP. | Administration & Finance Committee |
| | E. <u>Resolution 21-018</u> declaring the Board’s intent to issue debt to reimburse costs incurred for Portland wastewater fund projects identified in the 2022 CIP. | Administration & Finance Committee |
| | F. <u>Resolution 21-019</u> declaring the Board’s intent to issue debt to reimburse costs incurred for Westbrook, Gorham and Windham wastewater fund projects identified in the 2022 CIP. | Administration & Finance Committee |

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| <p>G. <u>Order 21-034</u> authorizing the General Manager to execute an amendment to the existing professional services contract with Tighe & Bond for the North Windham Wastewater Treatment Facility Project.</p> | <p>Operations Committee</p> |
| <p>H. <u>Resolution 21-020</u> establishing a Special Election for the Trustee representing Gorham.</p> | <p>President Douglas</p> |
| <p>8. <u>Other Business.</u> An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas.</p> | <p>President Douglas</p> |
| <p>9. <u>Second Invitation for Public Comment.</u></p> | <p>President Douglas</p> |
| <p>10. <u>Trustee Comments.</u></p> | <p>President Douglas</p> |
| <p>11. <u>Executive Session.</u> A motion may be made to go into Executive Session at any time during the meeting to discuss, pursuant to 1 M.R.S. §405(6)(A) personnel, 1 M.R.S. §405(6)(C) real estate, 1 M.R.S. §405 (6)(D) labor negotiations, or 1 M.R.S. §405(6)(E) legal matters.</p> | <p>President Douglas</p> |
| <p>12. <u>Adjournment.</u></p> | <p>President Douglas</p> |

Donna M. Katsiaficas
Clerk

Portland Water District
Board of Trustees Regular Meeting

November 22, 2021

New Business

Agenda Item 7A-7H



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Items: 7A-F Orders 21-032 through 21-033 and
Resolutions 21-016 through 21-019
Date of Meeting: November 22, 2021
Subject: Proposed Budget Orders
Presented By: Carrie Lewis

The Administration and Finance, Operations and Planning Committees reviewed the 2022 Budget and CIP for which they have jurisdiction. Below are the recommended motions to be considered.

The proposed motion accepts the 2022 budget and authorizes billing the municipalities for wastewater and billing services.

7A Order 21-032

ORDERED, that the 2022 Budget and Wastewater Assessments as presented by the General Manager are accepted and adopted and shall be filed with the minutes of this meeting; and pursuant to Section 12 of the District’s Charter, to assess for 2022 the participating municipalities for wastewater related costs as follows:

Town of Cape Elizabeth	\$ 2,061,612
Town of Cumberland	1,005,600
Town of Falmouth	314,112
Town of Gorham	1,313,100
City of Portland	13,960,236
City of Westbrook	3,173,124
Town of Windham	518,412

and to assess non-participating municipal corporations for billing-related costs as follows:

City of South Portland	\$ 208,164
Scarborough Sanitary District	12,072

The motion accepts the proposed capital improvement plan and authorizes staff to implement the 2022 projects within the restrictions stated below and in compliance with the purchasing policy guidelines.

7B Order 21-033

ORDERED, that the 2022-2026 Capital Improvement Plan is hereby adopted and the General Manager is authorized to solicit bids or proposals for the year 2022 projects; excepting CIP# 182, project 3241\North Windham Wastewater system and to authorize the General Manager to award contracts for approved projects to the lowest bidder if the bid is within the project budget; and

BE IT FURTHER ORDERED, that the General Manager shall solicit bids or proposals and to partner with Municipalities, MDOT and Developers for the year 2022 for the replacement and extension of water mains, services, valves and hydrants as outlined in the Water Distribution Systems Program and to authorize the General Manager to award and enter into contracts if the bid or partnering proposals are within the overall program budget.

In compliance with Internal Revenue Service (IRS) regulation, an ‘intent to borrow’ motion must be approved by the Board before expenditures are incurred on a project that may be financed with tax-exempt financing. Resolutions 21-016 to 21-019 are intent to borrow motions for each fund. Before a bond is actually authorized or issued, a public hearing will be held. Subsequent to the hearing, the Board will consider authorizing the bond.

7C Resolution 21-016

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for water fund projects identified in the 2022 CIP. The full form of the resolution is attached hereto and incorporated herein by reference, and shall be part of the minutes of this meeting.

7D Resolution 21-017

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Cape Elizabeth wastewater fund projects identified in the 2022 CIP. The full form of the Resolution is attached hereto and incorporated herein by reference, and shall be part of the minutes of this meeting.

7E Resolution 21-018

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Portland wastewater fund projects identified in the 2022 CIP. The full form of the Resolution is attached hereto and incorporated herein by reference, and shall be a part of the minutes of this meeting.

7F Resolution 21-019

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Westbrook, Gorham and Windham wastewater fund projects identified in the 2022 CIP. The full form of the Resolution is attached hereto and incorporated herein by reference, and shall be a part of the minutes of this meeting.

Resolution 21-016
DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2
(Water Fund)

WHEREAS, the Portland Water District (the “Issuer”) intends to proceed with the projects described in section 2 below (the “Projects”); and

WHEREAS, the Issuer intends to finance some or all of the costs of the Projects through the issuance of tax-exempt bonds or notes in anticipation thereof; and

WHEREAS, the Issuer may incur certain of the costs of the Projects prior to the issuance of such bonds or notes and the Issuer expects to be reimbursed from the proceeds thereof; and

WHEREAS, Treasury Regulation §1.150-2 requires that the Issuer declare its official intent to reimburse itself for such expenditures with the proceeds of such bonds or notes.

NOW, THEREFORE, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse itself for expenditures made on the Projects with the proceeds of tax-exempt bonds or notes in anticipation thereof to be issued by the Issuer to finance the costs of the Projects in the maximum principal amount of \$10,610,000.
2. **General Description of Property to which Reimbursement Relates.** The following is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursements will be made:
 - Construction or installation of new water mains, valves, hydrants, services and meters;
 - Acquisition of vehicles, leak detection and related equipment;
 - Renovation of various water facilities, including the Windham Pump Station;
 - Acquisition and installation of various computer-related equipment; and
 - Building improvements at the Douglass Street facilities including the HVAC system and roof.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.
4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.

Resolution 21-017
DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2
(Cape Elizabeth Sewer Fund)

WHEREAS, the Portland Water District (the “Issuer”) intends to proceed with the projects described in section 2 below (the “Projects”); and

WHEREAS, the Issuer intends to finance some or all of the costs of the Projects through the issuance of tax-exempt bonds or notes in anticipation thereof; and

WHEREAS, the Issuer may incur certain of the costs of the Projects prior to the issuance of such bonds or notes and the Issuer expects to be reimbursed from the proceeds thereof; and

WHEREAS, Treasury Regulation §1.150-2 requires that the Issuer declare its official intent to reimburse itself for such expenditures with the proceeds of such bonds or notes.

NOW, THEREFORE, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse itself for expenditures made on the Projects with the proceeds of tax-exempt bonds or notes in anticipation thereof to be issued by the Issuer to finance the costs of the Projects in the maximum principal amount of \$600,000.
2. **General Description of Property to which Reimbursement Relates.** The following is a reasonably accurate general functional description of the type and use of the property located in the Town of Cape Elizabeth with respect to which reimbursements will be made:
 - Replacement of obsolete assets or installation of new equipment at various pump stations, including the Ottawa pump stations;
 - Acquisition and installation of security and SCADA equipment; and
 - Replacement or installation of equipment at the treatment plant.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.
4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.

Resolution 21-018
DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2
(Portland Sewer Fund)

WHEREAS, the Portland Water District (the “Issuer”) intends to proceed with the projects described in section 2 below (the “Projects”); and

WHEREAS, the Issuer intends to finance some or all of the costs of the Projects through the issuance of tax-exempt bonds or notes in anticipation thereof; and

WHEREAS, the Issuer may incur certain of the costs of the Projects prior to the issuance of such bonds or notes and the Issuer expects to be reimbursed from the proceeds thereof; and

WHEREAS, Treasury Regulation §1.150-2 requires that the Issuer declare its official intent to reimburse itself for such expenditures with the proceeds of such bonds or notes.

NOW, THEREFORE, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse itself for expenditures made on the Projects with the tax-exempt proceeds of bonds or notes in anticipation thereof to be issued by the Issuer to finance the costs of the Projects in the maximum principal amount of \$7,235,000.
2. **General Description of Property to which Reimbursement Relates.** The following is a reasonably accurate general functional description of the type and use of the property located in the City of Portland with respect to which reimbursements will be made:
 - Renovation and repair of equipment and facilities at the East End and Peaks Island Treatment Plant, including projects related to the return sludge piping, primary sludge handling, standby generator, rotary press and locker room;
 - Replacement of obsolete assets or installation of new equipment and force main at various pump stations, including Stroudwater, Westbrook Street and Baxter Boulevard pump stations; and
 - Acquisition and installation of SCADA equipment.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.
4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.

Resolution 21-019
DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2
(Westbrook, Gorham and Windham Sewer Funds)

WHEREAS, the Portland Water District (the “Issuer”) intends to proceed with the projects described below (the “Projects”); and

WHEREAS, the Issuer intends to finance some or all of the costs of the Projects through the issuance of tax-exempt bonds or notes in anticipation thereof; and

WHEREAS, the Issuer may incur certain of the costs of the Projects prior to the issuance of such bonds or notes and the Issuer expects to be reimbursed from the proceeds thereof; and

WHEREAS, Treasury Regulation §1.150-2 requires that the Issuer declare its official intent to reimburse itself for such expenditures with the proceeds of such bonds or notes.

NOW, THEREFORE, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse itself for expenditures made on the Projects with the proceeds of tax-exempt bonds or notes in anticipation thereof to be issued by the Issuer to finance the costs of the Projects in the maximum principal amount of \$10,280,000.
2. **General Description of Property to which Reimbursement Relates.** The following is a reasonably accurate general functional description of the type and use of the property located in the City of Westbrook with respect to which reimbursements will be made:
 - Construction of a new wastewater treatment plant and related infrastructure in the North Windham area of Windham; and
 - Renovation and repair of equipment and facilities at the Westbrook Regional Treatment Plant and various pump stations in Gorham, Westbrook and Windham.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.
4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7G Order 21-034
Date of Meeting: November 22, 2021
Subject: North Windham Wastewater Treatment Facility Project -
Professional Services Contract and Budget - Amendment
Presented By: Paul Rodriguez, Sr. Project Engineer

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, the General Manager is authorized to execute an amendment to the existing professional services contract with Tighe & Bond in the amount of \$257,000 to provide additional engineering services for the North Windham Wastewater Treatment Facility Project; and that the General Manager, and the Treasurer, each acting singly, are authorized to take such steps as may be necessary to accomplish the intent of the vote.

BE IT FURTHER ORDERED, that a total project budget of \$961,000 is hereby amended by increasing the total project budget by \$257,000 establishing a new budget of \$1,218,000; and that the General Manager, and the Treasurer, each acting singly, are authorized to take such steps as may be necessary to accomplish the intent of the vote.

BACKGROUND ANALYSIS

The Town of Windham and the District are currently in the process of completing the preliminary design for the North Windham Wastewater Treatment facilities. This effort included a holistic assessment of allowable groundwater discharge capacity within the Phase 1 area and an exhaustive review of available groundwater discharge technologies configured to maximize capacity.

In the process of vetting out locations for groundwater discharge of the clean effluent it was determined the Manchester School area is very favorable due to the hydrogeology of the site. The Town of Windham and RSU 14 have been working together for the past few years on design and construction of athletic fields on the school property. The Town and the District recognize that the construction of these new fields presents a unique opportunity to team up with RSU 14 and utilize these new fields for groundwater disposal by installing a drip dispersal system beneath the fields. The Town, the District and the School agreed that it makes sense to include design and construction the drip disposal system with the ballfield project. The School and town have started design of the ballfield project and anticipate bidding and constructing next year.

The Tighe & Bond team has established the field investigations necessary to facilitate pre-permitting approval from the DEP. This field work is in progress through the allowances in the existing contract approved December 21, 2020 (Order 20-035). To leverage the opportunity to team with the Town and RSU 14 and maintain desired schedule, it is necessary to advance the hydrogeologic engineering effort beyond preliminary design to facilitate detailed design and permitting. The recommended amendment to the Tighe & Bond contract will address the engineering work needed to analyze the results of the field investigations and complete the modeling and hydrogeologic assessments required to obtain DEP pre-approval for disposal of the treated wastewater. The Town will be considering the proposed amendment to Tighe & Bond's contract in the coming weeks and a response is expected prior to the PWD BOT meeting November 22, 2021.

Project #: This project is proposed as an amendment to the 2020 CIP, Project 3241.

FISCAL REVIEW/FUNDING

Preliminary Engineering Phase	Project Budget
Tighe & Bond Current Contract (Order 20-035)	
Base contract	\$650,000
Hydrogeologic Evaluation of Additional Sites	\$70,000
Site evaluations outside of initial focus area	\$70,000
Preliminary design development outside the focus area	\$78,000
Assistance with public outreach	\$8,,000
<i>Current Contract - Total</i>	<i>\$876,000</i>
Tighe & Bond Proposed Contract	
Phase 2 hydrogeologic analysis of the Manchester School site, field investigations, mounding analysis, groundwater modeling, DEP coordination and discharge permit application	\$257,000
<i>Proposed Contract - Total</i>	<i>\$257,000</i>
Total Tighe Bond costs	\$1,133,000
PWD Expenses (Order 20-035)	
Staff labor budget	\$85,000
Total Preliminary Design and Pre-Permitting Budget	\$1,218,000

LEGAL REVIEW

Corporate Counsel has reviewed the proposed order as to form.

CONCLUSION(S)

Staff recommends amending the budget and the contract for preliminary design engineering services North Windham Wastewater Treatment Facility Project with Tighe & Bond. The item is being forwarded for consideration by the full Board.

ATTACHMENT(S)

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7H Resolution 21-020
Date of Meeting: November 22, 2021
Subject: Special Election for the Trustee Representing Gorham
Presented By: President Louise Douglas

A Trustee seat on the Board is vacant due to the resignation of Robert Burns. Pursuant to the District's Charter, the vacancy must be filled by a special election; the District is responsible for the costs of the election.

Mr. Burns' term was set to expire in November, 2022. Unless a special election is held, the Town of Gorham will not have representation on the Board until then.

It is recommended that the District ask the Town of Gorham to hold a special election to fill the Gorham seat on the Board as soon as practicable.

The following motion is proposed:

BE IT RESOLVED, that the Clerk of the Town of Gorham is hereby requested to hold an election for the vacant Trustee position on the Board of the Portland Water District at the earliest possible convenience of the Town.