

AGENDA
BOARD OF TRUSTEES
PORTLAND WATER DISTRICT
225 Douglass Street, Portland, Maine
Jeff P. Nixon Training Center
6:00 p.m. on Monday, April 24, 2023

Remote Meeting Participation Available to the Public via Zoom at:
<https://us06web.zoom.us/j/82405742168?pwd=a2MxWHc5a3BkSzV0aFR0YmhOdzZldz09>

1. Convene Meeting with Pledge of Allegiance and moment of silence President Lunt
2. Roll Call Clerk
- 3a. Acceptance of Minutes of the Regular Meeting of March 27, 2023 President Lunt
- 3b. Acceptance of Minutes of the Workshop Meeting of April 10, 2023 President Lunt
4. Invitation for Public Comment President Lunt
5. Reports:
 - Operations Committee Report Trustee McCann
 - Planning Committee Report Trustee Douglas
 - Administration & Finance Committee Report Trustee Cote
 - General Manager's Report General Manager
6. New Business:
 - A. Resolution 23-002 awarding the DiPietro Scholarship for 2023 Scholarship Committee
 - B. Resolution 23-003 declaring the Board's intent to reimburse costs paid by the District from the Portland Wastewater funds Admin. & Finance Committee
 - C. Order 23-017 authorizing an amendment to the Portland Pump Station Renewal and Replacement (R&R) Fund Operations Committee
 - D. Order 23-018 authorizing an amendment to the East End Secondary Clarifier project budget Operations Committee
 - E. Order 23-019 authorizing actions related to the Windham Center Elevated Water Storage Tank Replacement Operations Committee
 - F. Order 23-020 authorizing a license for the Standish Fireboat Planning Committee
7. Other Business An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas. President Lunt
8. Second Invitation for Public Comment President Lunt
9. Trustee Comments President Lunt

10. Executive Session 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. President Lunt

11. Adjournment President Lunt

Donna M. Katsiaficas
Clerk

Portland Water District
Board of Trustees Regular Meeting

April 24, 2023

New Business

Agenda Item 6A-6F



RESOLUTION
PORTLAND WATER DISTRICT
BOARD OF TRUSTEES



WHEREAS the Board of Trustees has established the Joseph A. DiPietro Scholarship in memory of Mr. DiPietro’s fifteen years of dedicated service representing the city of Portland as a Trustee of the District, and

WHEREAS Samuel Clifford Plummer, a resident of Raymond, is pursuing a degree in Marine Science at Saint Joseph's College, and

WHEREAS Mr. Plummer has demonstrated need for the scholarship, and

WHEREAS the Board of Trustees’ Scholarship Committee unanimously recommends Mr. Plummer to be a recipient of the 2023 Joseph A. DiPietro Scholarship,

NOW THEREFORE BE IT RESOLVED that the Board of Trustees recognizes the accomplishments and needs of Mr. Plummer and supports his academic endeavors by awarding him the \$1,500 scholarship for 2023 established in tribute to Joseph A. DiPietro.

Adopted this 24th day of April 2023.

Attest:
Donna M. Katsiaticas
Clerk

William M. Lunt, III, President
Board of Trustees





Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6B Resolution 23-003
Date of Meeting: April 24, 2023
Subject: Portland Wastewater - Intent to Borrow
Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

RESOLVED, the Board hereby declares its intent to reimburse costs paid by the District from the Portland Wastewater funds with the proceeds of a future tax-exempt bond. The full form of the resolution is attached hereto and incorporated herein by reference and shall be part of the minutes of this meeting.

BACKGROUND

The approved 2023 Capital Improvement Plan includes the preliminary engineering for the replacement of the East End Treatment Plant's secondary clarifier sludge rake (21/3147). Construction was scheduled to begin in 2024 but has been expedited to begin this year. The project is not expected to cost more than \$8,800,000.

The project above will be bid and constructed at the same time as the primary sludge handling and primary gallery replacement project. The project was previously approved with a budget of \$5,100,000 (CIP 21-3152 Design \$300,000 in 2021 and Construction \$4,800,000 in 2022). The actual costs are expected to exceed \$5,100,000 but not exceed \$6,000,000.

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. The Board previously adopted 'intent to borrow' motions for the projects. The current motion supplements the prior motions to account for the increase in estimated project costs. 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.

FISCAL REVIEW / FUNDING

Tax exempt financing is 20 to 40 percent lower interest cost than conventional taxable bonds.

LEGAL REVIEW

Corporate Counsel reviewed the proposed motion and approved it as to form.

CONCLUSION(S)

The Administration and Finance Committee reviewed it at their April 10, 2023 meeting and unanimously recommended forwarding it to the full Board for its consideration.

ATTACHMENT(S)

A. Full Form of the Motion

Resolution 23-003
DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2

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 and pay certain of the costs of the Projects prior to the issuance of such bonds or notes and the Issuer expects to reimburse itself for such costs 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 \$14,800,000.

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:

Portland Wastewater Fund CIP Projects

- Renovation, repair and replacement of machinery and equipment and facilities at the East End Treatment Plant, including but not limited to improvements related to the secondary clarifier sludge rake and primary sludge handling and primary gallery.

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 of Official Intent is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.

6. **Supplement to Prior Declarations.** This Declaration of Official Intent supplements the prior Declarations of Official Intent, comprised of Resolutions 20-016, 21-,018 and 22-15 previously adopted by the Portland Water District Board of Trustees, to account for an increase in estimated project costs.



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6C Order 23-017
Date of Meeting: April 24, 2023
Subject: Northeast Pump Station – Pump #4 Rebuild CIP # 23-070-3135
Presented By: Scott Firmin, Director of Wastewater Services

RECOMMENDATION

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

ORDERED, that the project budget for the Portland Pump Station Renewal and Replacement (R&R) Fund is amended by increasing it to \$86,500 for the complete rebuild of Northeast Pump Station - Pump #4; 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

On December 6, 2023, PWD personnel responded to Northeast Pump Station for what appeared to be a clogged pump; the Northeast Pump Station is the main pump station feeding the East End Wastewater Treatment Facility (East End WWTF) in Portland. A faulty wear strip from the bottom of the East End WWTF's primary clarifiers had broken and lodged in the pump, causing a catastrophic failure.

PWD personnel disassembled the pump and then contacted several repair vendors for assistance. Corrosion Products and Equipment (CPE) was chosen for the repair due to the availability of resources, familiarity with the pumps, and schedule. The complete rebuild will cost \$86,500 and will include a new shaft, impeller (which was shown to be worn), bearing repair, mechanical seals, and rehabilitation. Installation is included in the cost. Given the emergency nature of the event, the work has begun under the authority of the General Manager.

The cause of the wear strip failure in the East End WWTF's primary clarifiers is under investigation. PWD personnel have taken steps to prevent any other broken wear strips from damaging the pumps by closing the drains that lead to the Northeast Pump Station.

Project #: 2023-Subprogram 70/ Project 3135

FISCAL REVIEW/FUNDING

The \$86,500 will be paid from a withdrawal from the Portland Wastewater Renewal and Replacement Fund. The fund has \$5.7 million. This project does not impact operational costs but is essential to meet treatment objectives.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed order as to form.

CONCLUSION(S)

Staff recommends adding \$86,500 to complete this expedited repair. The Committee unanimously voted to forward the item to the full Board for their consideration.

SUPPORTING INFORMATION

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6D Order 23-018
Date of Meeting: April 24, 2023
Subject: East End Secondary Clarifier Sludge Rake Replacement - Project Budget Amendment
Presented By: Greg Pellerin, Senior Project Engineer

RECOMMENDATION

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

ORDERED, that the East End Secondary Clarifier project budget is amended by increasing it by \$7,320,000 and that the total budget for the Project is hereby authorized, not to exceed \$7,820,000; 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 three existing secondary clarifiers at the East End WWTF are beyond their useful life, and both the frequency and severity of issues have increased in recent years. The current state of the clarifiers has created what has been classified as an emergency situation, and this project has been initiated on an accelerated schedule. PWD has hired Kleinfelder to provide design phase engineering services, and Woodard & Curran to provide Owners Project Manager (OPM) Services.

Due to the emergency nature of this project, staff is following an expedited procurement process. Staff have worked with the project team to issue an RFP for new secondary clarifier mechanisms, and have made a vendor selection. The next steps will be to finalize a contract and order the equipment. In order to proceed with the detailed design phase engineering services and procurement, the available 2023 CIP budget will need to be increased.

There is currently \$500,000 available in 2023 for this project intended for design, and another \$7,320,000 available in 2024. Due to the emergency nature of this project, it is recommended that the 2023 budget is increased to 7,820,000, incorporating the 2024 funds into the 2023 budget. This will allow the project to proceed on its critical path and insure stable operating conditions for this plant process.

FISCAL REVIEW / FUNDING

The project will be submitted for consideration for the CWSRF project list for funding through Maine Municipal Bond Bank. The anticipated annual operating fund impact (assuming a 2.0% rate from the CWSRF program) would be \$575,000. If the project does not qualify for the CWSRF program the annual impact is estimated to be \$723,000. The multi-year financial plan

provided to the City of Portland assumed the project qualified for the CWSRF program with a bond issue date in 2026. Given the expedited schedule, the bond and financial impact may occur earlier.

LEGAL REVIEW

Corporate Counsel reviewed the proposed motion and approved it as to form.

CONCLUSION(S)

Staff recommends that the Board approve the proposed motion. The Committee unanimously voted to forward the item to the full Board for their consideration.

ATTACHMENT(S)

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6E Order 23-019
Date of Meeting: April 24, 2023
Subject: Windham Center Elevated Water Storage Tank Replacement in Pressure Zone 407 North – Construction Services
Presented By: Adam Sellick, Project Engineer
Greg Pellerin, Senior Project Engineer

RECOMMENDATION

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

ORDERED, the General Manager is hereby authorized to execute an engineering service contract amendment with Hazen & Sawyer, in the amount of \$680,000 for construction services for contract 1 and contract 2 the Windham Center Elevated Water Storage Tank Replacement (the “Project”); and

BE IT FURTHER ORDERED, a construction contract with Woods Excavating, LLC is hereby authorized, in the amount of \$1,272,311 for the Project; and

BE IT FURTHER ORDERED, that a project budget for contract 1 is hereby authorized, not to exceed \$2,432,311; 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 existing elevated water storage tank in Windham was constructed and placed in operation in 1957. The tank was targeted for replacement in the 2003 Comprehensive Water System Strategic Plan (CWSSP). The most recent maintenance on the tank was completed in 2019 when two leaks were repaired on the riser. The tank is beyond its useful life and is due for replacement.

After an extensive engineering analysis and land acquisition search, it was determined that a new one-million-gallon ground-level concrete tank be sited on a hill on land off of Falmouth Road near Nash Road would have the best long-term value to serve both Windham Center and the town of Gorham.

Hazen and Sawyer recommended that the Project be bid and constructed in two phases:

- Phase 1 (contract 1) – construction of a new 1,600 ft road and installation of 20” HDPE water main

- Phase 2 (contract 2) – construction of a one-million-gallon concrete water storage tank and associated site work

Contract 1 described above was publicly bid on February 27, 2023. Bids were received from six (6) contractors, Shaw Brothers, Gorham Sand & Gravel, RJ Grondin, Drew Corporation, Woods Excavating, and DLM Property Care, on March 30, 2023. The bids fell within the project budget estimate. PWD performed a due diligence review of the response and has determined that the apparent low bidder has the contracting capacity and resources to complete the Project. PWD, therefore, recommends that Woods Excavating, LLC be awarded the project.

Pursuant to the Comprehensive Method (approved by the Board in December 2018), staff recommends a professional services contract amendment with Hazen & Sawyer for engineering services during construction.

Please refer to Attachment A for a summary of the contractor bid and a breakdown of the proposed project budget. The proposed project budget for contract 1 is \$2,432,311 and carries a contingency of \$80,000.

Contract 2 of the project is expected to be advertised for bid in a few weeks and will come back to the Board with a recommendation in either May or June. A full project budget will be established at that time. Contract 2 is currently estimated at \$4.5 million which would bring the project budget to \$7 million.

FISCAL REVIEW/FUNDING

The CIP 2018 budget approved by the Board of Trustees for engineering design and land acquisition is \$400,000 (Project #: 2018-Subprogram 307/ Project 2658) and the 2019 CIP budget approved was \$2,500,000. (Project #: 2019-Subprogram 307/ Project 1693). The design and land acquisition qualified for the Maine Drinking Water State Revolving Loan Fund (DWSRF) and was awarded principal forgiveness of \$165,000 this past year. Staff applied for DWSRF funds for the construction phase (\$7 million estimated) of the project and did not receive funding. The District will finance the project over a twenty-year period resulting in an estimated annual debt service of \$700,000. The amount was included in the multi-year water fund forecast included in the 2023 budget document.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed order as to form.

CONCLUSION(S)

Staff recommends awarding contract 1 to the low responsible bidder for the project, Woods Excavating, LLC, and the approval of an amendment to the professional services contract with Hazen & Sawyer to reflect the provision of construction services for the Windham Center Elevated Water Storage Tank Replacement Project. The Committee unanimously voted to forward the item to the full Board for their consideration.

ATTACHMENT(S)

Attachment A

ATTACHMENT A

Bid Summary:

| BASE BID | Item #1 Lump Sum General Construction | Item #2 Lump Sum Cash Allowance - Laydown Area | TOTAL BID |
|---------------------------------|--|---|-----------------------|
| SHAW BROTHERS | \$2,230,577.00 | \$32,000.00 | \$2,262,577.00 |
| GORHAM SAND & GRAVEL | \$1,794,000.00 | \$32,000.00 | \$1,826,000.00 |
| RJ GRONDIN | \$1,653,613.84 | \$32,000.00 | \$1,685,613.84 |
| DREW CORPORATION | \$1,515,570.00 | \$32,000.00 | \$1,547,570.00 |
| WOODS EXCAVATION | \$1,240,311.00 | \$32,000.00 | \$1,272,311.00 |
| DLM PROPERTY CARE | \$1,499,995.00 | \$32,000.00 | \$1,531,995.00 |

Proposed Budget:

| Item | Amount | Board Approval |
|--|--------------------------|------------------------------|
| *Design Phase Engineering and land acquisition | \$400,000 | CIP #2018-307/2658 |
| Construction Phase Engineering Contract 1&2 | \$680,000 | April 2023 (Proposed) |
| Construction – Contract 1 | \$1,272,311 | |
| Project Contingency | \$80,000 | |
| Project Total thru Contract 1 | \$2,432,311 | |
| (estimated) Construction -Contract 2 – | \$4,500,000 estimated | May/ June 2023 (Proposed) |
| Total Project cost (estimated) | \$7,000,000 | |

*The design and land acquisition qualified for the Maine Drinking Water State Revolving Loan Fund (DWSRF) and was awarded principal forgiveness of \$165,000

Project #: CIP 2018 – Subprogram 307, #2658 – \$400,000

Project #: CIP 2019-Subprogram 307/ Project 1693) – \$2,500,000



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6F Order 23-020
Date of Meeting: April 24, 2023
Subject: License Agreement Regarding Standish Fireboat
Presented By: Chad Thompson, Source Protection Coordinator

RECOMMENDATION

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

ORDERED, that the General Manager is hereby authorized to execute a license in substantial form as that attached hereto for the purposes of allowing the Standish Fire Department to dock, its Fireboat at Portland Water District's dock located off the 1952 Pump Station access road.

BACKGROUND

The District has maintained a strong cooperative relationship with the Standish Fire Department for many years. Upon the retirement of the District-owned patrol boat POWADIS, the District sold the boat to the Standish Fire Department. Since acquiring the craft, Standish Fire Department has performed several repairs and upgrades to outfit the 22' Kingfisher with emergency equipment that will allow the boat to function as both a search and rescue and fire-fighting vessel for use on Sebago Lake. Its firefighting capabilities will make it the only fire boat on Sebago Lake. The on-the-water presence of the fireboat will ensure rapid response to potential fires on water quality protection land around the Lower Bay.

The District's dock, located off the 1952 Pump Station access road currently accommodates Marine 7 (the District's current patrol boat), the District's "barge" or work boat, and the Maine Warden Service Patrol boat. Additional space on the existing dock system can accommodate the Standish fireboat without modification.

ANALYSIS

The design of the dock system can accommodate the Standish fireboat with no modifications or additional operational or maintenance costs.

FISCAL REVIEW / FUNDING

No fiscal impact.

LEGAL REVIEW

A revocable license agreement between the District and the Town of Standish, drafted by the District's Corporate Counsel, will serve as the legal permission and liability document governing the docking arrangement.

CONCLUSION(S)

The addition of another emergency-related entity and the response capabilities of the new Standish fireboat will complement our existing relationships and help bolster emergency response on Sebago Lake. The Planning Committee expressed support for allowing the docking of the fireboat at the District's Dock.

ATTACHMENT(S)

Letter of Request from the Standish Fire Chief
License Agreement with the Standish Fire Department



Town of Standish

Public Safety

175 Northeast Rd.
Standish, ME 04084
Bus.207-642-4343
Fax 207-642-5671

Chief Robert Caron

update

Good afternoon,

As you know Standish Fire-EMS purchased the water district's former patrol boat last year, we have been busy updating and reconfiguring things on it for the last 8+ months. We have added radar, side scan sonar, a dive door, and soon a fire pump. This will give us the only boat on the lake with firefighting capabilities, and the ability to perform rescues much easier with the dive door at the water line to get a victim in the boat.

After all this work and the size of the boat we feel it would be a safer avenue if we were able to keep the boat on the water at a dock. We have a lot of members that have limited trailer towing experience and with a boat this size and the added weight we have installed, it just makes sense for us to leave it at a dock. With the fantastic and solid relationship, we have made with the Portland Water District and your security team and the Maine Warden Service, we would like it to grow even stronger and request to keep our boat at the PWD dock along with Marine 7 and the Warden boat.

Respectfully,
Chief Rob Caron
Standish Fire/EMS
175 Northeast Rd
Standish Me, 04084
(207)-252-3075

LICENSE AGREEMENT

THIS LICENSE AGREEMENT made by and between the **PORTLAND WATER DISTRICT**, a quasi-municipal corporation organized and existing under the laws of the State of Maine, and located at P.O. Box 3553, 225 Douglass Street, Portland, Maine 04104-3553 (hereinafter the "**DISTRICT**") and the Town of Standish, a municipality with a place of business at 175 Northeast Road, Standish, ME 04084 (hereinafter **Standish**).

WHEREAS, PWD owns a boat dock located in Sebago Lake in the area of the 1952 Pumps Station Access Road (hereinafter the "Dock"); and

WHEREAS, Standish owns a fireboat ("Boat") and seeks to dock said Boat at the Dock;

WHEREAS, PWD has agreed to allow such usage of the Dock; and

NOW, THEREFORE, in consideration of the foregoing and the covenants herein contained, the **PWD** hereby grants to **Standish** the following rights in and to the Dock:

1. A license to enter in, over and under the Dock at reasonable times for the purposes and on the terms and conditions set forth herein;
 - a) Purpose: The purpose shall be for the docking of the Boat as described herein
 - i. The ability to dock the Boat is in conjunction with the use of the Dock by the Maine Warden's Service for the storage of its boat.
 - ii. **PWD** reserves all other rights not inconsistent or incompatible with the rights granted herein to **Standish**, and will continue to use the dock for its purposes.
 - iii. **Standish** acquires no other rights in and to the Property.
 - iv. **PWD** shall continue to use the Dock for its boat and operations.
 - b) **Standish** will obtain any and all necessary Federal, State or Local permits required in connection with the use of the Dock.
2. **Standish** agrees to keep the Dock in clean and orderly condition and free of all trash and debris.
3. **Standish** shall carry, at its expense, for the benefit of the **PWD**, general liability insurance covering the Premises, said insurance shall name **Standish** and **PWD** as insureds, shall be in the amount of not less than one million (\$1,000,000.00) dollars and shall be written with such company and shall include such other terms as are satisfactory to **PWD**. Any property located at or on the Dock shall be at the sole risk of **Standish**.

PWD shall not be liable to **Standish** or its employees, patrons, agents, visitors or invitees for any loss or damage to person or property, and **Standish** agrees to indemnify and hold the **PWD** harmless from any and all claims, damages, causes and action or otherwise arising out of **Standish's** use of the Dock, including but not limited to reasonable attorney's fees. Nothing herein is intended by either party to waive the immunities, defenses and limits of liability they each have pursuant to the provisions of the Maine Tort Claims Act, 14 MRSA §8101 et. seq.

4. **Standish** may dock the Boat from April 1 to December 1 of each year. This license shall continue on a year-to-year basis unless terminated for any reason by either party with a 30-day written notice. In the event of termination, **Standish** agrees to vacate the Dock, leaving it in the same condition it was found.
5. This instrument is a License and no provision hereof shall be construed as conveying any other interest in the Dock.

IN WITNESS WHEREOF, PWD and Standish have set their hands and seals on this _____ day of _____, 2023.

PORTLAND WATER DISTRICT

Witness

Seth Garrison
Its General Manager

TOWN OF STANDISH

Witness

By: