

As voted by the Board of Trustees and in accordance with the notice of the meeting, the Regular Meeting of the Board of Trustees of the Portland Water District was held at the Jeff P. Nixon Training Center, 225 Douglass Street, Portland, Maine, on Monday, March 28, 2022. Attending from staff were Messrs. Kane, Crovo, Firmin, Wallace, Sellick and Ms. Lewis, Katsiaticas, Demers and Walker.

The meeting was convened by President Douglas at 6:01 p.m. with the Pledge of Allegiance and a moment of silence.

### **ROLL CALL**

The roll was called by the Clerk. Trustees Garrison and Levinsky were absent.

*Invitation for Public Comment was taken out of order.*

It was moved by Trustee Beck and seconded by Trustee Libby to move the first invitation for public comment to be before the elections of officers; the Board approved unanimously.

### **INVITATION FOR PUBLIC COMMENT**

Joe Piccone, Business Agent for Local 340, addressed the Board, reminding them that he had previously complimented management for their good handling of COVID and now wanted to acknowledge the essential employees for continuing to work hard for PWD during this time. He wanted to be sure that Trustees were aware of the status of negotiations, in particular the 3% wage offer and the proposed change to contract language relating to health insurance which he described as “non-starters”. Mr. Piccone asked to meet with Trustees.

President Douglas assured Mr. Piccone that the Trustees keep fully informed and care very much. She clarified that the 3% wage offer was the largest initial offer ever made by the District and that both sides understood that the offer was just a starting point for negotiations. The parties are not continuing to negotiate now, because the Business Agent suggested and then filed for Fact Finding and that as a result, all negotiations are put on hold pending the completion of that process. The Trustees respect that decision and remain comfortable with allowing the statutory contract resolution process to play out, especially since we are honoring what the Union requested.

### **ELECTION OF OFFICERS for 2022-2023**

The Clerk requested nominations for President.

It was moved by Trustee Rich and seconded by Trustee Cote to nominate Trustee for President.

Hearing no further nominations for President, the Clerk closed the nominations and it was unanimously

Voted to elect Trustee Douglas as President.

The Clerk requested nominations for the position of Vice President

It was moved by Trustee Cote and seconded by Trustee Rich to nominate Trustee for Vice President.

Hearing no further nominations for Vice President, the Clerk closed the nominations and it was unanimously

Voted to elect Trustee Lunt as Vice President.

The Clerk requested nominations for the position of Treasurer

It was moved by Trustee Cote and seconded by Trustee Siviski to nominate David Kane for Treasurer.

Hearing no further nominations for Treasurer, the Clerk closed the nominations and it was unanimously

Voted to elect David Kane as Treasurer.

The Clerk requested nominations for the position of Clerk

It was moved by Trustee Siviski and seconded by Trustee Libby to nominate Donna Katsiaficas for Clerk.

Hearing no further nominations for Clerk, the Clerk closed the nominations and it was unanimously

Voted to elect Donna Katsiaficas as Clerk.

The Clerk requested nominations for the position of Assistant Clerk

It was moved by Trustee Siviski and seconded by Trustee Cote to nominate Carrie Walker for Assistant Clerk.

Hearing no further nominations for Assistant Clerk, the Clerk closed the nominations and it was unanimously

Voted to elect Carrie Walker as Assistant Clerk.

### **ACCEPTANCE OF MINUTES**

It was moved by Trustee Beck, seconded by Trustee Cote.

Voted all in favor to waive the reading and accept the minutes of the Regular Meeting of February 28, 2022.

### **REPORTS**

#### **Operations Committee**

Trustee Shattuck-Heidorn provided a summary of the Operations Committee meeting on March 14, 2022. Staff provided a recommendation to utilize the Design-Build Method for the procurement of engineering services for the North Windham Wastewater Treatment Facility Project. Staff also provided a recommendation to update Policy 620 - Water Service Standards. Both of these items will be taken up under new business.

#### **Planning Committee**

There was no meeting of the Planning Committee on March 14, 2022.

### **Administration and Finance Committee**

Trustee Cote provided a summary of the Administration and Finance Committee meeting on March 14, 2022. Mr. Adam Sellick, Project Engineer, presented changes to the Water Terms and Conditions. He noted the T&C sections were reorganized into major categories. An index was added to the document. The changes should enable customers and staff to more easily locate the information they need. Mr. Sellick also proposed to add a sewer manhole/main inspection fee to the Non-Water Tariff Service Fee Schedule. He noted the fee would be assessed in the communities the District is responsible for sewer collection system. Both of these items will be taken up new business.

### **General Manager's Report**

Ms. Lewis provided several updates to the Board.

- Following CDC guidelines, masking requirements have been relaxed due to a reduction in transmission rates in Cumberland county.
- At the end of February, there were 13 open positions at PWD. It is not as bad as it looks because two positions are open for re-evaluation, and others were as a result of a combination of internal transfers and retirements.
- Bidding for water main replacement projects has become more challenging due to a 24 week lead time for standard size ductile iron and pvc pipes.
- DiPietro scholarship applications are being accepted until March 31 via PWD website.
- The Standish Steering Committee will meet on March 31.

### **NEW BUSINESS**

**Resolution 22-005**, authorizing revisions to and restatement of the District's Terms & Conditions.

During a recent review of the Portland Water District (PWD) Terms & Conditions (T&C), the District's Main Extension and New Services (MEANS) Group recognized that several of the fees and deposits associated to the MEANS process are not defined. This prompted a review of the T&C at large, and in coordination with the several PWD Department Heads, a revision of the document has been prepared for review by the Board.

It was moved by Trustee Cote and seconded by Trustee Siviski.

It was Voted and unanimously,

**RESOLVED**, the revisions to the District's Terms & Conditions of water service, attached hereto as Exhibit A, are hereby adopted with an effective date of April 1, 2022, and

**RESOLVED**, the restated District's Terms and Conditions of water service, attached hereto as Exhibit B, are hereby adopted with an effective date of April 1, 2022.

**Order 22-010**, authorizing revisions to the Fee Schedule for Non-Water Tariff Services.

At the July 23, 2018 meeting, the Board adopted a schedule of fees assessed to customer and other entities for services provided. For water services that customers are required to obtain from the District, any fees are incorporated in the Terms and Conditions. For other services, the fee schedule was created to consolidate all such fees in one document.

The proposed amendment defines an existing fee for inspection of sewer manholes and mains. This fee is collected through the MEANS process for new sewer mains in the District's wastewater service areas.

It was moved by Trustee Cote and seconded by Trustee Siviski.

It was Voted and unanimously,

ORDERED, the revision to the Fee Schedule for Non-Water Tariff Services, attached hereto as exhibit A, is hereby adopted with an effective date of April 1, 2022.

**Order 22-011**, authorizing the method of procurement for engineering services for the North Windham Wastewater Treatment Facility Project

The District has been working with the Town to evaluate wastewater treatment facilities to serve the North Windham area per the Memorandum of Understanding (MOU) approved May 26<sup>th</sup>, 2020 (Order 20-020). PWD is nearing completion of the Preliminary Engineering Report which completes the scope of services recommended in the December 2020 (Order 20-035) professional services contract. Going forward, the Town has expressed their desire to expedite project schedule as much as possible, with a target system startup date of 2026.

Staff is requesting that future engineering services procurements utilize the Design-Build Method instead of the Comprehensive Method. Per the MOU, additional engineering contracts would require Town and Board approval prior to proceeding. Staff is requesting authorization of the Design-Build Method at this time based on discussions with the Town and to prepare for the next steps toward successful implementation of the project; however, issuance of a formal request for proposal would be pending Town authorization to proceed, which is expected in the coming months.

It was moved by Trustee Shattuck-Heidorn and seconded by Trustee Beck.

It was Voted and unanimously,

ORDERED, that the Design-Build Method is authorized for the procurement of engineering services for the North Windham Wastewater Treatment Facility Project, pursuant to the District's Purchasing Policy, and that the General Manager and the Treasurer, each acting singly, are authorized to take such other steps as may be necessary to accomplish the intent of this vote.

**Order 22-012**, authorizing revisions to the District's Policy 620 Water Service.

During the process for obtaining exemptions from regulation from the PUC, the District represented that it would utilize Chapter 62 of the Rules of the Maine Public Utilities Commission as a foundation for its water operations. By Order dated November 23, 2015, the

Board of Trustees adopted Board Policy 620 for use as its own, effective by January 1, 2016. Staff reviewed the Chapter in detail and provided recommendations to the Board for modifications which were adopted at the March 28, 2016 meeting (Order 16-013).

Staff recommends the following changes:

- Section 2 General Provisions. Section to be amended by adding the word material.
  - o The word Material has been proposed to be added to Section 2 on recommendation by PUC. PUC recommends that Water Utilities include somewhere in their T&C and/or Policies that they may dictate the material of new services and mains (e.g., copper, PVC, ductile iron, etc.). Policy 620 does not explicitly grant PWD the ability to determine the material of new services in the current revision.
- Section 4 Conditions of Service. Section to be amended by revising the references to Sections of the District Terms & Conditions.
  - o A Restatement of the District Terms & Conditions (T&C) is being proposed to the District Board of Trustees alongside this proposed revision of Policy 620. This proposed change aligns Policy 620 with the Restated T&C.
- Section 5 Water Supply Emergency. Add new section addressing how the District would respond to an emergency requiring the restriction of water use.
  - o The Maine Public Utilities Commission recently enacted emergency rule-making to amend its Service Standards for Water Utilities Rule. The purpose of the amendments was to provide guidance and procedures for water utilities who need to curtail customer water usage during a water supply emergency.

For the past several years, Maine has been experiencing drought conditions throughout the state, and this is impacting the ability of some water utilities to provide water. Currently the District does not have clear authority and procedures in place to address an immediate threat to its ability to provide service. Without the adoption of necessary procedures, any District action steps may occur too late to address an immediate issue.

The addition of a Water Supply Emergency section to District Policy 620 will expressly allow the District to declare a “water supply emergency” to curtail water supply under certain circumstances, including insufficient supply to meet water demand, compliance with orders of the Maine or federal Centers for Disease Control, maintenance and repair, and other conditions which substantially limit the District’s ability to supply sufficient water to its customers.

It was moved by Trustee Shattuck-Heidorn and seconded by Trustee Beck.

It was Voted and unanimously,

ORDERED, the revised District’s Policy 620 Water Service, in substantial form as attached hereto as Exhibit B, is hereby adopted with an effective date of April 1, 2022.

## OTHER BUSINESS

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

None

**EXECUTIVE SESSION**

Pursuant to 1 M.R.S. §405 (6)(D) labor negotiations, the Board went into Executive Session to discuss the status of labor union contract negotiations with Teamsters Local Union #340.

A motion was made by Trustee Siviski and seconded by President Douglas to go into executive session. Voted all in favor.

The Executive Session began at 6:58 p.m. and ended at 7:40 p.m. Motion to come out of Executive Session and adjourn made by Trustee Siviski, second by Trustee Rich, and approved unanimously.

**ADJOURNMENT**

Meeting adjourned at 7:40 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk