

May 26, 2020

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 remotely via teleconference, on Tuesday, May 26, 2020. Attending from staff were Messrs. Kane, Crovo, Wallace, Firmin, and Mses. Lewis, Katsiaficas, Demers and Walker. The meeting was convened by President Cote at 6:01 p.m.

ROLL CALL

The roll was called by the Clerk. All Trustees were present.

CONVENE MEETING

Trustee Siviski made a motion to conduct the special meeting remotely, seconded by Trustee Levinsky. Voted all in favor.

ELECTION OF OFFICERS for 2020-2021

The Clerk requested nominations for President.

It was moved by Trustee Siviski and seconded by Trustee Levinsky to nominate Trustee Douglas 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 Willey and seconded by Trustee Cote to nominate Trustee Lunt 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.

It was moved by Trustee Lunt, seconded by Trustee Siviski that the Board vote, David Kane, for Treasurer, Donna Katsiaficas, for Clerk and Carrie Walker, for Assistant Clerk. Voted all in favor.

ACCEPTANCE OF MINUTES

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

Voted all in favor to waive the reading and accept the minutes of the Regular Meeting of April 27, 2020, Workshop Meeting of May 11, 2020 and the Joint Meeting with the Town of Windham of May 19, 2020.

INVITATION FOR PUBLIC COMMENT

None

REPORTS

Operations Committee

Trustee Siviski provided a summary of the Operations Committee meeting on May 11, 2020. Staff discussed the Wastewater Network #2 project and provided a recommendation to use the Comprehensive Engineering Method for procurement for the upcoming project. Staff also reviewed the activation of Seasonal Services, including seasonal mains and meters, and reviewed the schedule, which was delayed for two weeks due to COVID-19.

Planning Committee

Trustee Lunt provided a summary of the Planning Committee meeting on May 11, 2020. Two items discussed, the Estate of Stephen Brown and a contribution to the Western Foothills Land Trust will be taken up under new business tonight. Staff discussed soliciting proposals to lease a portion of the District's property at Rocky Hill for a solar farm development. After much discussion, the Committee directed staff to reach out to the City of Westbrook and to gauge their interest in participating in the purchasing of solar credits related to the project and in participating in the project. If the City is interested, the Committee instructed staff to bring back a proposal to them next month from the District's energy consultant to assist the District and Westbrook in procuring a solar development for this site. Staff also discussed interest from Verizon to lease space on the Cumberland Tank for cellular antennas. The Committee confirmed with staff that a public meeting with abutters outside of the permitting process will be required by Verizon. Staff noted that the District's communications consultant will be handling this going forward.

Administration and Finance Committee

Trustee Garrison provided a summary of the Administration and Finance Committee meeting on May 11, 2020. Representatives of Wipfli LLC, presented the results of the 2019 financial audit. They noted they issued an unqualified opinion on the District's financial statement, noted no significant internal control issues and reviewed the single audit report. Ms. Demers presented to the Committee a proposed motion to amend the Bargaining Unit Pension plan to reflect the changes in the pension plan benefits included in the new labor contract. Mr. David Kane presented a motion to increase the amount authorized to be bonded to finance HVAC upgrades at the Cape Elizabeth and East End Treatment plants. Mr. David Kane also presented information on the Water Fund's billing and financial results for 2020.

General Manager's Report

Ms. Lewis provided several updates to the Board. She thanked Trustee Cote for his service as President.

- PWD is concentrating on providing essential services to its communities, with a focus on employee health and safety.
- Financial update, indicating that for the month of May, billed consumption was down 14%; residential consumption was up, with other classes of customers showing a decrease in consumption.
- 84% of seasonal meters have been installed; 4% have been requested but not installed yet.
- The Sebago Lake buoy will not be deployed this year due to concerns about social distancing required of employees who would need to deploy and maintain it, and due to fiscal constraints causing the District to focus on essential services.

Trustee Willey commented that he was glad to read that the East End WWTF is able to continue to reduce effluent nitrogen. He also commended the District on the recent email that was sent out updating our customers.

OLD BUSINESS

Order 20-010, authorizing the final rate schedule for the water rate increase.

This item was tabled from the April 6, 2020 business meeting.

It was moved by Trustee Garrison and seconded by Trustee Burns to table this order until the October business meeting.

It was Voted 7-3 (Trustees Cote, Libby and Lunt opposed)

NEW BUSINESS

Public Hearing, regarding amendments to two existing bond authorizations.

A public hearing was held on the proposed authorizing to amend two previously authorized bonds to be issued for the Cape Elizabeth and Portland East End Wastewater Treatment Facilities HVAC systems.

President Douglas opened the public hearing, no members of the public wished to speak. President Douglas closed the public hearing.

Resolution 20-007, authorizing an amendment to the authorization of sewer bonds to be issued for the Cape Elizabeth and Portland East End Wastewater Treatment Facilities HVAC systems.

At the February 24, 2020 meeting, the Board authorized an amendment of the construction budget of the projects upgrading the heating, ventilation and air condition systems at the Cape Elizabeth and East End Wastewater Treatment Plants. The project has been approved by the Maine DEP as eligible to be bond financed through the State Revolving Loan fund. The Board previously authorized \$275,000 for the Cape Elizabeth project and \$425,000 for the East End project.

The 2020 Budget had assumed a Cape Elizabeth bond amount of \$375,000. The proposed bond amount is only \$18,000 higher, which increases the annual assessment by an estimated \$1,000. For the East End project, the budget assumed a bond of \$525,000. The proposed motion is \$87,000 lower, which lowers Portland's annual assessment by an estimated \$5,200.

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

It was Voted and unanimously,

RESOLVED, Resolution 18-002 is hereby amended to authorize the issuance of up to \$393,000 in Sewer Bonds to finance heating, ventilation and air condition systems upgrade at the Cape Elizabeth Treatment Plant in Cape Elizabeth. The full form of the Resolution attached hereto is hereby approved and shall be attached to and incorporated as part of the minutes of this meeting, and

RESOLVED, Resolution 18-002 is hereby amended to authorize the issuance of up to \$438,000 in Sewer Bonds to finance heating, ventilation and air condition systems upgrade at the East End Treatment Plant in Portland. The full form of the Resolution attached hereto is hereby approved and shall be attached to and incorporated as part of the minutes of this meeting.

Resolution 20-008, accepting the Audit Report for 2019.

On May 11, 2020, Wipfli LLC presented the results of the 2019 audit to the Administrative and Finance Committee. Among the items presented were the:

- Auditors Communication to the Board of Trustees;
- Financial Report for the year ending December 31, 2019;
- Single Audit Report.

It was moved by Trustee Garrison and seconded by Trustee Willey.

It was Voted and unanimously,

WHEREAS, the Bylaws of the District require that an annual audit report on the financial affairs of the District be presented to the Board of Trustees for acceptance, and

WHEREAS, the Board of Trustees previously appointed the accounting firm of Wipfli LLC to conduct the audit of 2019 financial affairs, and

WHEREAS, Wipfli LLC has conducted the audit of 2019 and presented their unqualified opinion to the Board of Trustees,

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees accepts the Audit Report for 2019 and authorizes its distribution as required by Section 21 of the Charter of the District.

Order 20-016, approving an amendment to the bargaining unit's pension plan consistent with the recently signed union contract.

At the September 16, 2019 meeting, the Board ratified the labor agreement between the Teamsters Local 340 and the District. The agreement included an increase for bargaining unit employees participating in defined benefit pension benefits that retire on or after November 4, 2019. The summary of the changes are listed below:

<u>Pay Grade</u>	<u>Current Benefit</u>	<u>11/1/2019</u>	<u>11/1/2020</u>
A-E	\$36.75/year of service	\$37.75	\$38.25
F-L	\$37.75/year of service	\$38.75	\$39.25

The proposed Bargaining Plan amendment incorporates these changes.

It was moved by Trustee Garrison and seconded by Trustee

It was Voted and unanimously,

ORDERED, that the Third Amendment to the Portland Water District Bargaining Unit Employees' Pension Plan, effective generally January 1, 2017, in substantially the form presented at this meeting and ordered filed with the minutes hereof, is hereby adopted and approved, with such changes therein, not inconsistent with the general tenor thereof, as the officers of the District, with the advice of counsel, deem necessary or appropriate to carry out the objectives thereof or to obtain the approval of the Internal Revenue Service that the Plan is qualified under Section 401 of the Internal Revenue Code of 1986, as amended (the "Code").

BE IT FURTHER ORDERED, the General Manager (or other appropriate person) is authorized to take any action necessary or appropriate to effectuate the foregoing votes, including but not limited to (i) executing the formal documents, and (ii) communicating plan changes to plan participants and eligible individuals.

AND BE IT FURTHER ORDERED, that all actions heretofore taken by any employee of the District in connection with the transactions authorized by the foregoing resolutions, and all transactions related thereto, are hereby approved, ratified and confirmed in all respects.

Order 20-017, authorizing the comprehensive method for the procurement of engineering services for the Wastewater Network #2 Upgrade Project.

The PWD's SCADA system utilizes four individual radio networks to communicate data from remote sites to the SCADA servers. As the network hardware is approaching the end of its lifecycle, the District is in the process of upgrading each network over time. This CIP project will include an upgrade to Wastewater Network #2 which services a regional area including Windham, Gorham, Westbrook, and Cumberland.

This project will include a hardware alternatives analysis to determine the most cost effective, reliable radio system within the project budget. The project will also include a radio path study, pilot testing and a network path diagram to be utilized during the installation. The installation of the new radio system is expected to begin in Q4 of 2020 or Q1 2021. Staff estimates that the cost for the design phase portion of this project to be \$80,000-\$100,000.

Once the Method is approved, staff will issue a request for proposals. It is expected that a recommendation will be offered to the Board at the July or August meetings.

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

It was Voted and unanimously,

ORDERED, that the Comprehensive Engineering Method is authorized for the procurement of engineering services for the Wastewater Network #2 Upgrade 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 20-018, authorizing the General manager to execute a release of the District's interest in an option to purchase property located in the Town of Waterford.

Through his will, Stephen Brown of Norway, Maine, provided to the District an option to purchase a 75 acre parcel he owned in the Town of Waterford. A portion of the property is on the Crooked River. He believed that the District was interested in the property for the preservation of water quality. The parcel has some buildings on it, including a mobile home, and a portion was previously used as a harness racing track.

The District has reached out to the Western Foothills Land Trust to determine if they are interested in the parcel, with the thought being the District could assist them in acquiring the parcel. The Trust does not have the financial capability to acquire the parcel at this time.

It should be noted that the parcel will likely require some clean up and the Trust has stated that there is no funding for restoring it to a state suitable for the public.

Because the parcel is not presently in its natural state, and because the Land Trust is not able to pursue the purchase at this time, staff recommends declining to exercise the option to purchase and allowing the General Manager to execute a release of the District's rights to allow the Estate of Mr. Brown to move forward to dispose of the property.

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

It was Voted and unanimously,

ORDERED, that the General Manager is authorized to execute a release of the District's interest in an option to purchase property bequeathed to the District by Stephen Brown.

Order 20-019, authorizing a contribution to the Western Foothills Land Trust for property located in the Town of Waterford.

The City Brook conservation project is a 16-acre parcel located in the town of Waterford. The Western Foothills Land Trust will accept the donated land with the purpose of conserving it in perpetuity. The land will be owned and managed by Western Foothills Land Trust. The District's contribution will stipulate that in accepting the grant the WFLT will ensure that land be legally protected from development in perpetuity. Maintaining the forest on the property will contribute to the water quality of Bear Pond and ultimately, Sebago Lake.

It was moved by Trustee Lunt and seconded by Trustee Burns.

It was Voted and unanimously,

ORDERED, that the General Manager is authorized to contribute up to \$4,675 to the Western Foothills Land Trust, to support the conservation of the 16-acre City Brook parcel in Waterford.

Order 20-020, authorizing the General Manager to execute a Memorandum of Understanding with the Town of Windham.

Over the past 20-years the town of Windham has been working to develop a wastewater management system in North Windham to solve groundwater pollution that has occurred due to over-development and a lack of a wastewater disposal system in the area. In 2012, the Town had a failed referendum for a \$38M bond to construct a 175,000 gallon conveyance system to connect to the Westbrook Gorham Windham regional wastewater treatment system. Since that time, the Town has been focusing on the removal of nitrogen from the groundwater by investigating localized advanced treatment and subsurface disposal systems that the Department of Environmental Protection (DEP) could permit.

The Town has involved District staff in reviewing various studies along with inviting our participation in three meetings with the DEP over the last couple of years. The Town, District staff, DEP and the Town's consultant (Wright Pierce) believe that providing advanced treatment through a Membrane Bioreactor (MBR) wastewater facility and subsurface disposal system would provide the Town the needed treatment to mitigate the groundwater pollution and provide the Town the ability to expand the system for the future growth of the area.

At the request of the Town, the District developed a Memorandum of Understanding (MOU) outlining the Town's and District's respective responsibilities for the design, construction, operation and maintenance of a decentralized wastewater treatment, interception and collection system as described in the MOU.

President Douglas is pleased that the Town of Windham is moving forward with this project and believes this is the right direction for the town.

It was moved by President Douglas and seconded by Trustee Lunt.

It was Voted and unanimously,

ORDERED, that the General Manager is authorized to execute a Memorandum of Understanding with the Town of Windham in substantial form as attached hereto, related to a North Windham Wastewater Treatment Facility. This authorization is contingent on the Town of Windham approving said agreement.

OTHER BUSINESS

None

SECOND INVITATION FOR PUBLIC COMMENT

None

TRUSTEE COMMENTS

Trustee Cote thanked the Board for the privilege of serving as President of the Board and wished the new President, Louise Douglas, well. President Douglas thanked Trustee Cote for his service.

Trustee Lunt asked that the public - especially in Windham - be kept informed of developments related to the wastewater treatment facility being planned for North Windham.

May 26, 2020

EXECUTIVE SESSION

Pursuant to 1 M.R.S. §Section 405(6)(A), the Board went into executive session to finalize the General Manager's annual performance review.

A motion was made by President Douglas and seconded by Trustee Cote to go into executive session to finalize the General Manager's annual performance review.

The Executive Session began at 7:00 p.m. and ended at 7:27 p.m. Motion to come out of Executive Session and adjourn made by Trustee Lunt, second by Trustee Siviski.

Submitted by,

Donna M. Katsiaficas
Clerk