

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, July 22, 2019. Attending from staff were Messrs. Kane, Crovo, Wallace, Firmin, Johnson and Mses. Lewis, Katsiaficas, Demers and Walker. The meeting was convened by President Cote at 6:00 p.m. with the Pledge of Allegiance and a moment of silence.

### **ROLL CALL**

The roll was called by the Clerk. Trustee Grant arrived at 6:25 p.m.; all other Trustees were present.

### **ACCEPTANCE OF MINUTES**

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

Voted all in favor to waive the reading and accept the minutes of the Regular Meeting of June 24, 2019 and the Workshop Meeting of July 8, 2019.

### **INVITATION FOR PUBLIC COMMENT**

None

### **REPORTS**

#### **Operations Committee**

Trustee Siviski provided a summary of the Operations Committee meeting on July 8, 2019. Staff discussed the current biosolids program which manages the residuals, or biosolids, generated in the treatment of wastewater. The use and disposal of this material has been impacted by MEDEP's recent activity related to the emerging compounds called PFAS. Staff shared the current developments, including the addition of a \$2.10 fee per wet ton from our contractor, Casella Organics. This fee will result in an increase of approximately \$42,000 to our costs of around \$2,000,000 per year. Staff also provided a summary of PWD efforts to manage odors from pump stations and treatment plants. The update included a demonstration of the odor reporting form included on PWD's website.

Trustees Willey and Garrison asked questions of Mr. Firmin regarding the biosolids contract and PFAS testing.

#### **Planning Committee**

Trustee Lunt provided a summary of the Planning Committee meeting on July 8, 2019. Staff recommended a lease extension with the Town of Cape Elizabeth for the treatment plant property. This will be taken up under new business. Andrew Welch, Facilities Services Manager reviewed with the Committee recently completed, ongoing and future project upgrades for the Douglass Street Facility and facilities across the District. This included security improvements, roof replacements, HVAC projects and recently completed renovations. He highlighted the District's Roof Inspection Program that is utilized by our departments for planning and budgeting future roof replacements. Trustee Lunt commended Mr. Welch for all work he has done.

**Administration and Finance Committee**

Trustee Garrison provided a summary of the Administration and Finance Committee meeting on July 8, 2019. Ms. Mary Demers presented a summary of the employee job turnover rate for the past few years. She noted the turnover rate is relatively low compared to other water utilities. Mr. David Kane presented a motion authorizing a \$750,000 bond be issued to finance the primary clarifier rehabilitation at the East End Wastewater Treatment Facility. This will be taken up under new business. At the request of the Committee, Mr. David Kane presented additional information on investment options for the District’s Operating Funds. The Committee recommended the full Board review the investment policy at a future Board Workshop and decide whether or not to expand the list of eligible investments for any excess cash to include corporate or municipal bonds and commercial paper. A copy of the press release on the upcoming ‘green’ water bond was reviewed by the Committee. The Committee also reviewed a recently published survey of wastewater rates.

**General Manager’s Report**

Ms. Lewis provided the Board with the following:

- July 20, 2019 the District pumped 32.7 Million Gallons of water; the most pumped this year to date.
- The Lucity contract has been signed, and the project has begun.
- The District is now accepting water bottle filling station grant applications. They will be accepted until October 31.
- The Board was shown a picture of pipe that was manufactured in 1883 and installed in Commercial Street in 1884. She noted that the 12 inch pipe was still in excellent shape, and if left undisturbed could continue to serve the District for some time to come.

**NEW BUSINESS**

**Public Hearing**, regarding the issuance of wastewater bonds.

A public hearing was held on the proposed authorizing bond. A \$750,000 bond to finance the upgrades to the primary clarifier systems and related infrastructure at the East End Wastewater Treatment Facility.

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

**Resolution 19-011**, authorizing issuance of up to \$750,000 of Portland Wastewater Bonds to finance upgrades to the primary clarifier systems and related infrastructure at the East End Wastewater Treatment Facility

The proposed motion provides funding for projects included in the 2019 Capital Improvement Plan (CIP):

2019 CIP	2019 21-3013	Primary Clarifier Rehabilitation	\$	750,000
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The bond is planned to be issued through the Maine Municipal Bond Bank’s General program. The estimated debt service indicates that the first full year’s debt service payment would be

\$61,892. The financial impact was incorporated into the Portland Wastewater fund and assessment forecast provided to the municipalities.

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

It was Voted and unanimously,

RESOLVED, the issuance of up to \$750,000 of Portland Wastewater Bonds is hereby authorized to finance upgrades to the primary clarifier systems and related infrastructure at the East End Wastewater Treatment Facility located in Portland. The full form of the Resolution is attached hereto and incorporated as part of the minutes of this meeting.

**Order 19-027**, authorizing the General Manager to execute a lease extension agreement with the Town of Cape Elizabeth.

In May, 1985 the District entered into a lease with the Town of Cape Elizabeth for land located on Spurwink Avenue. The lease was for a period of 40 years, expiring May 1, 2025.

The District is performing improvements on the site which include the installation of a UV system and HVAC upgrades. PWD is required to have an interest in the property for at least as long as the financing is outstanding – 20 years. For this reason, the lease with Cape Elizabeth must be extended.

The proposed lease extension would extend the lease term to May 1, 2055. It would increase the rental to \$4,000 per year, effective May 1, 2020. The rental fee is actually charged back to Cape Elizabeth as part of its wastewater assessment. Pursuant to the terms of the Thomas Jordan will, through which the Town received the property it is leasing to PWD, proceeds from the lease payments are used to benefit the poor of the Town.

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

It was Voted and unanimously,

ORDERED, that the General Manager is authorized to execute a lease extension in substantial form as attached hereto with the Town of Cape Elizabeth for parcels located on Spurwink Avenue in Cape Elizabeth.

**Order 19-028**, authorizing changes to the Portland Water District Board of Trustees Standing Rules.

On occasion, a Committee of the Board does not have a quorum of its members to conduct business. Pursuant to the Standing Rules of the Board, the President is an ex-officio member of all Committees, and has no vote. The proposed amendment to the Board's Rules provides that both the President and Vice President shall be ex-officio members of any Committee, and that they shall have no vote unless there are insufficient members present at any Committee to act on an item. This will allow items to proceed through the Committee process without delay due to lack of attendance of Committee members.

Trustee Willey commented that this is a welcomed change and will be helpful for future Committee meetings.

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

It was Voted and unanimously,

**ORDERED**, that Section 25 of the Standing Rules of the Portland Water District Board of Trustees are hereby amended to provide that the President and Vice President of the Board can vote in Committee in certain circumstances, as described in the Amendment attached hereto and incorporated herein by reference.

**Order 19-029**, authorizing the appointment of an Assistant Clerk.

On occasion, the Clerk is not available to execute documents on behalf of the District for bond transactions or to sign other documents related to the business of the District. Appointing an Assistant Clerk to fulfill the Clerk's duties assures that someone will be available to sign documents on behalf of the District.

Trustees Libby and Lunt asked that the Clerk research if the Assistant Clerk needs to be elected at the annual meeting every year.

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

It was Voted and unanimously,

**ORDERED**, that the District's Executive Administrative Assistant is hereby appointed as the District's Assistant Clerk;

**BE IT FURTHER ORDERED**, in the absence of the Clerk, the Assistant Clerk shall perform the duties of the Clerk as they are defined in the Bylaws or by law, or as directed by the Board of Trustees or by the Clerk. Any Action performed by the Assistant Clerk shall have the same force and effect as if performed by the Clerk.

### **OTHER BUSINESS**

It was moved by Trustee Lunt and seconded by Trustee Willey to add an additional item to the agenda. Voted all in favor.

**Resolution 19-012**, establishing a Special Election for the Trustee Representing Gorham.

A Trustee seat on the Board is vacant due to the resignation of Thomas Grant. 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.

In order to minimize the costs of the election to the District, and to assure a higher voter turnout, it is suggested that the special election occur in November, 2019 at the same time as the municipal and state elections.

It was moved by President Cote and seconded by Trustee Rich.

It was Voted and unanimously,

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 municipal election scheduled in November, 2019.

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

Trustee Grant tendered his resignation effective July 22, 2019. Donna Katsiaficas recommended the Board take a vote at the meeting under Other Business, to request that the Clerk of the Town of Gorham hold an election for the vacant position at the municipal election scheduled in November 2019.

Trustees Libby, Lunt and Rich thanked Trustee Grant for his service.

**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.

A motion was made by President Cote and seconded by Trustee Rich to go into executive session to discuss the status of labor union contracts negotiations. Executive session began at 6:45 p.m.

A motion was made by Trustee Garrison and seconded by Trustee Willey to come out of executive session.

**Adjournment.**

The Board came out of executive session and adjourned the meeting at 7:29 p.m.

Submitted by

Donna M. Katsiaficas  
Clerk