

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, November 28, 2022. Attending from staff were S. Garrison, C. Crovo, D. Kane, S. Firmin, J. Wallace, D. Katsiaficas, M. Clement, M. Demers and C. Cote.

The meeting was convened by President Douglas at 6:00 p.m. with the Pledge of Allegiance and a moment of silence.

### **ROLL CALL**

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

### **DECLARATION OF ELECTION RESULTS AND INAUGURATION FOR THE TRUSTEES REPRESENTING PORTLAND, GORHAM, WINDHAM AND RAYMOND ELECTED ON NOVEMBER 8, 2022**

Trustee Gary Libby, representing Portland, was sworn in as he began his five-year term. Trustee Frederick McCann, representing Portland, was sworn in as he began his one-year term. Trustee Daniel Willett, representing Gorham, was sworn in as he began his five-year term. Trustee Louise Douglas, representing Windham and Raymond was sworn in as she began her five-year term.

### **ACCEPTANCE OF MINUTES**

Trustee Libby made a motion to accept the minutes of the Regular Meeting of October 24, 2022, seconded by Trustee Siviski. It was voted all in favor.

Trustee Beck made a motion to accept the minutes of the Workshop Meeting of November 14, 2022, seconded by Trustee Siviski. It was voted all in favor.

### **INVITATION FOR PUBLIC COMMENT**

None

### **REPORTS**

#### **Operations Committee**

Trustee Beck provided a summary of the Operations Committee meeting on November 14, 2022. The Wastewater and Water Services Departments presented their respective 2023 budgets. Highlights of each department's operational budgets include the following: The overall budget increase for Water Services was \$1,129,527 or 12.0%. The majority of the increases are in the areas of wages and benefits, chemicals, transportation, contracted services and heat/fuel oil. The overall budget increase for Wastewater was \$2,267,466 or 19.6%. The majority of the increase related to biosolids management due to continued regulatory and legislative actions. Additionally, chemical costs, heating, salaries and contracted services all increased.

#### **Planning Committee**

Trustee Shattuck-Heidorn provided a summary of the Planning Committee meeting on November 14, 2022. Staff provided an overview of the Environmental and Engineering Services proposed 2023 budget. They discussed briefly with the Committee the projects and initiatives they accomplished in the previous year and outlined their goals for this coming year. They also discussed their respective financial overviews for their departments. Water Resources and Laboratory budgets noted that the proposed budget was increasing approximately 18% over the

previous year. The primary reason for the increase over the previous year’s budget was due to adding a position and needed funding to meet the regulatory requirements of the recently promulgated Lead and Copper Rule. Facility, Asset Engineering, and Instrumentation Services budgets proposed a budget of 14% over the previous year’s budget. The largest budget increase is due to adding a Project Engineer’s position to assist in capital project delivery primarily for the North Windham Sewer project.

**Administration and Finance Committee**

Trustee Siviski provided a summary of the Administration and Finance Committee meeting on November 14, 2022. Mr. Kane noted the Board annually considers granting a cost-of-living adjustment (COLA) to the monthly pension. The pension plan document limits the increase to 50% of the consumer price index (CPI). Since CPI increased by 8.64%, an increase of up to 4.32% maybe granted. This will be taken up under new business tonight. Mr. Kane presented an overview of the administrative departments’ proposed 2023 Budget. The total budget request for 2023 is \$7,188,767, an increase of \$857,214 or 13.5%. Most of the increase relates to higher salaries and benefit costs, which increased by \$712,054.

**General Manager’s Report**

Mr. Garrison noted the following:

- PWD celebrated the 50th anniversary of the Clean Water Act with tours of the East End.
- The District celebrated Woodland Owner Appreciation Day.
- Water sales are up 5.6% above budget, and will hopefully help offset price increases PWD is experiencing.
- The budget guidelines were reviewed with the Board.

**NEW BUSINESS**

**Order 22-044**, adopting the 2023 Budget and Wastewater Assessments.

It was moved by Trustee Siviski and seconded by Trustee

It was Voted and unanimously,

ORDERED, that the 2023 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 2023 the participating municipalities for wastewater related costs as follows:

Town of Cape Elizabeth	\$ 2,300,004
Town of Cumberland	1,184,904
Town of Falmouth	314,112
Town of Gorham	1,566,816
City of Portland	15,798,744
City of Westbrook	3,723,096
Town of Windham	515,808

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

City of South Portland	\$ 228,984
Scarborough Sanitary District	13,284

**Order 22-045**, authorizing the final rate schedule for the water rate increase.

The proposed 2023 Budget assumes a water rate adjustment with an average increase of 5.6% effective January 1, 2023. Pursuant to Board rules, a public hearing was held on November 14, 2022. All customers received notification of the meeting to review the proposed rate adjustment. Supporting documentation was posted to the District's website. No public comments were received.

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

It was Voted and unanimously,

ORDERED, that the final rate schedule for the water rate increase, attached hereto and incorporated herein by reference, are hereby adopted with an effective date of January 1, 2023.

**Order 22-046**, accepting the revisions to the District's Terms and Conditions.

The District reviews and updates the Water Terms and Conditions (T&C) periodically and updates the fees to reflect current costs. The last fee update was approved on April 23, 2018 (Order 18-005). Because the District was granted a waiver from the Public Utilities Commission from rate-related filings, the T&C changes need only Board approval.

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

It was Voted and unanimously,

ORDERED, that the revisions to the District's Terms & Conditions of water service, attached hereto and incorporated herein by reference, are hereby adopted with an effective date of January 1, 2023.

**Order 22-047**, authorizing revisions to the Fee Schedule for Non-Water Tariff Services.

The District assesses fees for services provided. The Fee Schedule for Non-Water Tariff Services schedule of fees outlines miscellaneous fees not include in the Water Schedule of Rates and Terms & Conditions. Staff is requesting the following two changes:

- Incorporating changes to the septage and tank holding waste fees charged septage haulers discharging waste at the wastewater treatment plan that were approved by the Board at the September 19, 2022 meeting (Order 22-038).
- Increasing the monthly fee charged customers requesting their private hydrant be inspected to \$4 from \$3.

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

It was Voted and unanimously,

ORDERED, that the revision to the Fee Schedule for Non-Water Tariff Services, attached hereto and incorporated herein by reference, is hereby adopted with an effective date of January 1, 2023.

**Order 22-048**, adopting the 2023-2027 Capital Improvement Plan.

The Board was requested to adopt the 2023-2027 proposed capital improvement plan and authorize staff to implement the 2023 projects within the restrictions stated below and in compliance with the purchasing policy guidelines.

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

It was Voted and unanimously,

ORDERED, that the 2023-2027 Capital Improvement Plan is hereby adopted and the General Manager is authorized to solicit bids or proposals for the year 2023 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 2023 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.

**Resolution 22-015**, declaring the Board's intent to issue debt to reimburse costs incurred for the Water Fund and Portland, Westbrook, Gorham, and Windham wastewater fund projects identified in the 2023 CIP.

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

It was Voted and unanimously,

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Water fund, and the Wastewater funds for Portland, Westbrook, Gorham and Windham projects identified in the 2023 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.

**Order 22-049**, authorizing an adjustment in pension benefits for eligible retirees and annuitants.

Since 1989, the Board of Trustees has authority to grant an annual adjustment in pension benefits equal to one-half of the previous year's consumer price index (CPI) increase up to a maximum of 5%. The adjustment is not automatic; it is subject to the Board's approval each year.

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

It was Voted and unanimously,

ORDERED, an adjustment of 4.32% in pension benefits is authorized for eligible retirees and annuitants, effective January 1, 2023, in accordance with Article X of the District's pension plans.

**Resolution 22-016**, adopting the Board of Trustees meeting schedule for 2023.

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

It was Voted and unanimously,

RESOLVED, to adopt the proposed Board of Trustees' meeting schedule for 2023, attached hereto and incorporated herein by reference.

**OTHER BUSINESS**

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

Trustee Lunt thanked the staff for its comprehensive approach to putting together the budget and explained that a thorough review by staff and Trustees occurred prior to the budget votes being taken this evening.

**EXECUTIVE SESSION**

Pursuant to 1 M.R.S. §405 (6)(E) legal matters, the Board went into Executive Session to meet with legal counsel.

A motion was made by Trustee Siviski and seconded by Trustee Libby to go into executive session to meet with legal counsel. Voted all in favor.

The Executive Session began at 6:50 p.m. and ended at 7:05 p.m. Motion to come out of Executive Session and adjourn made by Trustee Lunt, second by Trustee Siviski. And approved unanimously.

**ADJOURNMENT**

Meeting adjourned at 7:05 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk