

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 Monday, December 21, 2020. Attending from staff were Messrs. Kane, Crovo, Firmin, Rodriguez and Mses. Lewis, Katsiaficas, Clements, Demers and Walker. In attendance from the public were Joe Piccone, Business Agent for Teamsters Local 340. Town of Windham representatives, Barry Tibbets, David Nadeau, Mark Arienti and Tom Bartell. The meeting was convened by President Douglas at 6:01 p.m.

ROLL CALL

The roll was called by the Clerk. Trustee Rich was absent.

CONVENE MEETING

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

ACCEPTANCE OF MINUTES

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

It was voted all in favor to waive the reading and accept the minutes of the Regular Meeting of November 23, 2020 and the minutes of the Workshop Meeting of December 7, 2020.

INVITATION FOR PUBLIC COMMENT

Joe Piccone, Bargaining Agent for the Teamsters Union addressed the Board.

He thanked Carrie Lewis and Mary Demers for their efforts during the pandemic. He noted that they had gone above and beyond what other employers had done for their employees during the pandemic. He thanked them for their caring, and for keeping PWD employees working and with health insurance benefits. He said that no other employer he is involved with had responded like PWD. Mr. Piccone then went on to request that the Board consider changing the terms of the 457 Plan to allow employees to borrow from their plan without a hardship reason. The Board indicated it will discuss this request at its workshop in January.

REPORTS

Operations Committee

Trustee Beck provided a summary of the Operations Committee meeting on December 7, 2020. Staff provided the following recommendations:

- To award an engineering services contract for the North Windham Wastewater Treatment Facility Project. Staff reviewed the project approach and the ranking and negotiation process to select an engineering consultant. Staff pointed out that representatives from the Town of Windham have been very involved throughout development of the RFP and selection of the consultant.
- To award a construction contract and to amend an engineering services contract for construction services for work related to water distribution and a new wastewater pump station in South Windham was presented.
- To award a construction contract and to amend an engineering services contract for construction services for the Westbrook-Gorham-Windham Regional WWTF Aeration and Secondary Clarification Upgrade. Staff emphasized the importance of coordinating the construction with operations of the facility to ensure compliance during the project.

- To amend the existing biosolids management contract for the final optional term of the existing agreement with Casella Organics.

Planning Committee

Trustee Siviski provided a summary of the Planning Committee meeting on December 7, 2020. Staff reviewed with the Committee the proposed 2021 Committee Work Plan. Trustee Willey also requested staff to include on the work plan for the Committee to weigh-in on the Forestry Management Plan's guiding principles and to help prioritize those principles around maintaining high quality water in the lower bay. He also suggested to staff to reach out to the University of Maine to look into modeling the lower bay watershed forest to determine the effects of wildfires on water quality. Trustee Libby suggested that the Committee take some time to review the 2020 census and look at Trustee representation. Staff noted that these items would be scheduled on the 2021 Committee Work Plan.

Trustee Willey asked for information to be reviewed by the Committee related to the apportionment of Trustees on the Board. Staff indicated a package will be provided of information for them to review.

Administration and Finance Committee

Trustee Garrison provided a summary of the Administration and Finance Committee meeting on December 7, 2020. Mr. Kane presented a motion stating the District's intent to issue bonds related to a proposed North Windham Wastewater Treatment facility. This will be taken up under new business tonight.

Mr. Kane noted the District was recently granted an \$8 million grant of which \$4.8 million is targeted to be spent within the next 5 years on purchasing conservation easements on land within the Sebago Lake Watershed. Staff estimates another \$1 million of fee purchased land will be made which the District may be requested to financially contribute. The District's share for both programs is estimated to be at least \$1.4 million. The Committee reviewed alternative ways to fund the District's share. Because of the low interest rates, the Committee requested Staff to consider using long-term bonds financing.

Ms. Demers noted every two years the non-union pay band structure is updated. For 1/1/20202, a proposal to increase the bands by 6% was presented. The proposed increase was recommended by Career Management Associates (CMA) based on national salary data. She noted CMA also conducted a market survey for each non-union position. Non-Union pay band discussed later tonight. The Committee recommended that future pay band adjustments also consider industry and Maine salary data along with the national data when determining the biennial adjustment. They recommended the 1/1/2021 pay band structure be adjusted by 3% now with further adjustment to the band structure done with any recommendation resulting from the market survey.

The last item discussed was a review of the draft 2021 Work Plan.

General Manager's Report

Ms. Lewis reported that there have been 2 positive COVID cases at PWD in the last 30 days, and 18 employees have been in quarantine. Two new laws will go into effect on January 1, 2021. The minimum wage ordinance for the City of Portland, which does not affect PWD and the Earned Paid Leave. The EPL will affect only non-union employees as this time. Bargaining unit employees will be subject to the law when the next contract takes effect.

NEW BUSINESS

Trustee Willey made a motion to move Order 20-035 to the first item of business tonight, seconded by Trustee Garrison, with all in favor.

Order 20-035, authorizing the General Manager to execute a professional services contract with Tighe & Bond.

Pursuant to the Memorandum of Agreement (MOA) approved May 26, 2020 (Order 20-020), PWD issued a request for proposals (RFP) for engineering services for the planning and design of wastewater collection, pumping, treatment, and effluent disposal facilities. This effort includes a holistic assessment of allowable groundwater discharge capacity within the Phase 1 area and an exhaustive review of available groundwater discharge technologies configured to maximize capacity.

The recommended engineering team will build on the wastewater planning work previously completed by the Town. The work will refine and accurately anticipate flows and loads, which will then drive the system sizing and cost factors based on a collaborative effort to evaluate different system extents and configurations that consider maximizing system value from both an affordability and ground water quality perspective.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute a professional services contract with Tighe & Bond in the amount of \$876,000 for preliminary design phase engineering services for the North Windham Wastewater Treatment Facility Project;

BE IT FURTHER ORDERED, that a total project budget is hereby authorized, not to exceed \$961,000; 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.

Resolution 20-019, awarding the Water Bottle Filling Station Grants.

In 2013, the Board of Trustees authorized the development of the Water Bottle Filling Station Grant program and subsequent funding not to exceed \$7,000 annually for water bottle filling equipment. Annually, the Portland Water District awards water bottle filling station grants - maximum value of \$5,000 for outdoor units, \$2,000 for internal units, and \$650 for retrofits - to entities within the service territory.

The Water Bottle Filling Fountain Grant Committee met on December 7 and selected four recipients out of fourteen applications for the Board's consideration. Applications were reviewed and judged primarily on potential exposure and public access and the promotion of healthy tap water. It was decided to propose awards in excess of the maximum budgeted amount because units generally come in less than the maximum, not all recipients decide to install units, and past years' awards have been less than budgeted.

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

It was Voted and unanimously,

BE IT RESOLVED, that the Board of Trustees hereby awards the following Water Bottle Filling Station Grants for the installation year of 2020:

South Portland High School	South Portland, ME	Retro
City of Westbrook, Riverbank Park	Westbrook, ME	Outside
STRIVE	South Portland, ME	Stand Alone
Portland Ballet	Portland, ME	Stand Alone

Resolution 20-020, declaring the Board's intent to issue debt to reimburse costs incurred by the District for design and construction of the North Windham Wastewater Treatment Facility located in Windham.

The Town of Windham requested the District to plan, design, and bid a new North Windham Wastewater Treatment Facility. At the Board's June 22, 2020 meeting the Board authorized the comprehensive method for the procurement of engineering services (Order 20-023). At the December 21, 2020 meeting the Board will consider authorizing a contract for those services. The project may be tax-exempt bond financed so it is recommended an intent to issue bond motion be approved by the Board to assure the costs are eligible to be bonded.

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

It was Voted and unanimously,

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for design and construction of the North Windham Wastewater Treatment Facility located in Windham. 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 20-034, adopting the Non-Union Salary Structure effective January 1, 2021.

The Board adopted the current policy on non-union compensation in 1998. The policy requires a periodic review of the salary structure to ensure that the District's salary ranges are competitive with the regional and industry markets. Additionally, specific positions are reviewed to ensure they are placed in the appropriate pay band.

The salary structure was last reviewed in November 2018 based on a salary survey conducted that year. It has been two years since the pay scales have been revised.

Career Management Association (CMA) reviewed the District's salary structure in comparison to data from the American Water Works Association, Business and Legal Resources Survey representing southern Maine, Maine Municipal Survey of communities in the greater Portland labor market, and Bureau of Labor statistics for the Greater Portland area. Using comprehensive national survey data on compensation planning and practices, supplemented by data reported by clients and/or participants in recent surveys, CMA concludes that annual salary increases have remained at 3%. For the District, this means that since we last updated our non-union compensation structure effective 1/1/19, the average salary increase for executive and

professional/managerial levels was 3% in 2019 and 3% in 2020, and it is projected that salaries will increase by 3% in 2021.

Trustees discussed the intent of the motion and asked questions of the staff.

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

It was Voted and unanimously,

ORDERED, the Non-Union Salary Structure, in substantial form as attached hereto, is hereby adopted to become effective January 1, 2021.

Order 20-036, authorizing actions related to the Depot Street Pump Station Project and the 407 Zone North Transmission Improvements Project.

Depot Street Wastewater Pump Station

At the request of the Town of Windham, the District undertook the design of the Depot Street sanitary sewer pump station, including new gravity pipe and force main. The Town was planning a roadway improvement project along Depot Street and applied for a Community Development Block Grant (CDBG) for the wastewater project. The Town was awarded a \$250,000 grant for the wastewater project, which will replace the existing siphon pipe that limits development along Depot Street and causes continuous maintenance issues.

The Depot Street Pump Station Project was bid with a base bid and one alternate. The base bid work consists of 525 feet of 8-inch and 12-inch gravity sewer pipe, 410 feet of 4-inch force main, and a pump station. The bid alternate consists of a generator.

407 Zone North Transmission Improvements - Depot Street Water Main

The 407 North and 407 South pressure zones were targeted for consolidation in the 2003 Comprehensive Water System Strategic Plan (CWSSP). In order to utilize the Wards Hill Pump Station to serve the 407 North pressure zone, transmission improvements along Main Street and Depot Street in Windham are required.

This project will replace approximately 400 feet of existing 8-inch water main with 24-inch water main along Main Street. The project will also replace 1,425 feet of 8-inch water main with 16-inch water main along Depot Street. The Depot Street water main will include 900 feet of new 16-inch water main to complete the connection to River Road.

The design for each project was completed in October 2020. The projects were bid with the Town's roadway improvements project. The basis of award was the lump sum of the base bid for all three contracts. The intent was to have one Contractor complete all three projects.

The wastewater project received CDBG approval and the projects were put out to public bid on October 20, 2020. Bids were received from five general contractors on November 17, 2020.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute two construction services contracts with D&C Construction Co., Inc., one in the amount of

\$549,561.50 to construct the Depot Street Pump Station (CIP 2019-180/3139) and one in the amount of \$1,140,641 to install 407 Zone North Transmission Water Mains (CIP 2020-307/3066); and

BE IT FURTHER ORDERED, the General Manager is authorized to execute an amendment to the existing professional services contract with Gorrill Palmer in the amount of \$57,592 to provide construction phase engineering services for the Depot Street Pump Station (CIP 2019-180/3139); 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.

BE IT FURTHER ORDERED, that the 2019 Capital Improvement Plan is amended by increasing the Depot Street Pump Station (CIP 2019-180/3139) project from \$560,000 to \$785,000 and that the 2020 Capital Improvement Plan is amended by increasing the 407 Zone North Transmission Improvements – Depot Street, Windham (CIP 2020-307/3066) project from \$1,000,000 to \$1,325,000.

Order 20-037, authorizing actions related to the Westbrook Aeration and Secondary Clarification Upgrade Project.

The existing aeration and secondary clarification systems at Westbrook are comprised mostly of equipment dating back to the original construction of the facility which began operation in 1978. As the loading to the plant has steadily increased in recent years the activated sludge system has struggled to maintain consistent settleability, and the lack of oxygen delivery capacity and control has led to outbreaks of filamentous bacteria. The secondary clarifier sludge withdrawal mechanisms are original equipment and near the end of their useful life.

The design was completed in September 2020. The Project received design review approval from the Maine DEP State Revolving Fund and was put out to public bid on October 7, 2020. Bids were received from three general contractors on November 17, 2020: Apex Construction, Inc., Penta Corporation, and T. Buck Construction, Inc.

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

It was Voted and unanimously,

ORDERED, the General Manager is hereby authorized to execute a service contract amendment with Hazen and Sawyer, in the amount of \$1,420,399 for construction services for the Westbrook Aeration and Secondary Clarification Upgrade (2020-416/3022), (the “Project”); and

BE IT FURTHER ORDERED, a construction contract with Penta Corporation is hereby authorized, in the amount of \$9,464,640 for the Project; 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; and

BE IT FURTHER ORDERED, that a total project budget is hereby authorized, not to exceed \$12,000,000; 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.

Trustee Lunt left the meeting at 7:15 p.m.

Order 20-038, authorizing the General Manager to execute an Amendment to the Agreement with Casella Organics.

The District generates biosolids at its wastewater treatment facilities. In 2006, the District entered into an Agreement with Casella Organics (formally New England Organics) to haul biosolids offsite for either composting or landfilling. This Agreement included four 5-year terms, with the current third term expiring at the end of 2020. With the possible fourth, and final, 5-year term approaching, the District and Casella have developed an Amendment to the current Agreement to continue with the fourth 5-year term.

Due to MEDEP regulatory actions related to a handful of high profile situations brought about by possible issues of the land application of residuals (likely with elevated industrial contributions), the biosolids and residuals management landscape has changed dramatically. The beneficial use of biosolids through both composting and land application has been dramatically reduced. This loss of a major management outlet has diverted more biosolids to landfills in Maine. The limited landfill capacity and logistics related to landfilling biosolids has created additional strains and has resulted in increased restrictions and tipping fees. The amendment with Casella Organics reflects these new realities and amends several provisions of the original Agreement as well as extending the term of the Agreement until December 31, 2025.

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

It was Voted 9-0,

ORDERED, that the General Manager is hereby authorized to execute an Amendment to the Agreement with Casella Organics in substantial form as described herein, and to take such other action necessary to implement the intent of this vote.

OTHER BUSINESS

A motion to allow another item to be added was made by Trustee Siviski, seconded by Trustee Levinsky, with all in favor (9-0).

Resolution 20-021, declaring the Board's support of efforts to include water and wastewater utility staff as essential workers in Phase 1-B of the COVID-19 vaccination distribution.

At the federal level, the CDC has recognized water and wastewater workers as essential workers. Each state must come up with its own classification of essential worker. Discussions are under way at the state level to have at least operation and maintenance employees classified in Phase 1-B, speeding up the accessibility of a Covid vaccine for those employees. Currently the State of Maine has water and wastewater workers in group 4.

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

It was Voted 9-0,

Whereas, the State of Maine is combatting the spread of COVID-19; and

Whereas, Portland Water District is concerned with the health and well-being of its employees; and

Whereas, the Portland Water District has taken, and continues to take, actions to protect the health of its employees; and

Whereas, water and wastewater utility employees have been recognized by the State of Maine CDC as essential workers because of the important water and wastewater services they provide to their communities; and

Whereas, due to the specialized skills and licenses required for utility operations, and the corresponding challenges in finding replacements for staff members who may become ill or exposed, it is essential to mitigate staff members' COVID-19 risks through all possible means, including vaccinations; and

Whereas, with the approval and distribution of vaccine to protect against COVID-19, the State of Maine is beginning the implementation of its vaccine program;

NOW THEREFORE BE IT RESOLVED, that the District Board of Trustees supports efforts to include water and wastewater utility staff as essential workers in Phase 1-B of vaccination distribution, and encourages all District employees to obtain a vaccination against COVID-19 as soon as it is available to them, with the goal of maintaining continuity of drinking water and wastewater services and protecting the health and safety of the employees, their families, and the District's communities.

SECOND INVITATION FOR PUBLIC COMMENT

None

TRUSTEE COMMENTS

President Douglas thank the Board for their patience this year with navigating a new way to conduct meetings and wished everyone happy holidays.

EXECUTIVE SESSION

None

ADJOURNMENT

Meeting adjourned at 7:33 p.m.

Submitted by,

Donna M. Katsiaficas
Clerk