

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, January 24, 2022. Attending from staff were Messrs. Kane, Crovo, Firmin, Wallace and Meses. Lewis, Katsiaticas, Clements, Demers and Walker. The meeting was convened by President Douglas at 6:05 p.m. Peter Bennett and Pawel Binczyk were in attendance from The Bennett Law Firm.

### **ROLL CALL**

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

### **ACCEPTANCE OF MINUTES**

It was moved by Trustee Lunt, seconded by Trustee Rich to allow Trustee Siviski to recuse himself from voting on the workshop meeting minutes. Voted 9-1 (Siviski abstained).

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

It was voted all in favor to waive the reading and accept the minutes of the Regular Meeting of December 20, 2021.

It was moved by Trustee Cote, seconded by Trustee Shattuck-Heidorn.

It was voted 9-1 (Siviski abstained) in favor to waive the reading and accept the minutes of the Workshop Meeting of January 10, 2022.

### **INVITATION FOR PUBLIC COMMENT**

None

### **REPORTS**

#### **Operations Committee**

Trustee Shattuck-Heidorn provided a summary of the Operations Committee meeting on January 10, 2022. Staff discussed the Comprehensive Infrastructure Asset Management Plan project and provided a recommendation to use the Comprehensive Engineering Method for procurement for the project. Due to time constraints, the overview of Water Services will be rescheduled for a future meeting.

#### **Planning Committee**

Trustee Siviski provided a summary of the Planning Committee meeting on January 10, 2022. A lease extension of 10 years for PWD property located on Broadway near the Pape lot was presented to the Committee; the present lease is scheduled to expire in April, 2022. Staff discussed The Trickey Pond Protection Project. The primary purpose is to improve Trickey Pond's declining water quality trends by limiting the export of sediment and phosphorus into the lake and increasing vegetated shoreline buffers. The project is receiving federal funding and is requesting a contribution for the required match. Both items will be taken up under new business.

**Administration and Finance Committee**

Trustee Cote provided a summary of the Administration and Finance Committee meeting on January 10, 2022. The Committee was provided a status report on the Net Billing Credit Program. This will be taken up under new business. At the December 2021 committee meeting, the Committee approved a cost-of-living adjustment (COLA) for current pensioners and requested additional information on what other entities provide for annual pension increases. The information provided a list of alternative COLA with financial implication. The Committee requested additional information on the impact of inflation on PWD retirees be provided at a future meeting. Due to time constraints, the review of the annual Administration and Finance Committee Workplan was postponed to a future meeting.

**General Manager’s Report**

Ms. Lewis reported that PWD was being impacted by positive COVID tests and provided the numbers of employees affected. PWD continues to enforce distancing and masking and looks forward to the current surge abating.

PWD continues to sample wastewater at East End and Westbrook for signs of COVID in the wastewater. Information is being provided to Maine CDC. Results have been found to be a leading indicator of the prevalence of COVID in the community.

Cold weather has impacted water operations with about a dozen frozen services and 3 water main breaks over the weekend.

The Standish Steering Committee will be reconstituted at the request of Town Councilor Macri. Trustee Lunt will be contacting him.

**NEW BUSINESS**

**Resolution 22-001**, awarding Water Bottle Filling Station Grants.

The water bottle filling fountain grant committee met on January 10 and is recommending awarding two more grants for the installation year of 2022 and to further review community relations outreach and giving prior to recommending any permanent changes to the program.

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

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 2022:

Windham Fire & Rescue	Windham	Stand Alone	\$2,000
Memorial Middle School	South Portland	Retro	\$650

**Order 22-001**, authorizing the final rate schedule for the water rate increase.

The Board approved the 2022 Budget at their November 23, 2021 meeting. The budget assumed a 3.7% water rate adjustment would be effective March 1, 2022. Pursuant to Board rules, a public hearing was held on January 10, 2022. All 54,000 customers received notification of the meeting to review the proposed rate adjustment. Supporting documentation was posted to the

District's website. One comment was received prior to the meeting and no member of the public made comments at the public hearing.

The filing includes a rate increase differential between residential and commercial/ industrial rates resulting in an increase of residential customer rates by 3.4% and commercial customers by 4.3% and industrial customers by 4.6%. Fire protection charges increase by 3.6%.

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

It was Voted and unanimously,

ORDERED, that the final rate schedule for the water rate increase, attached hereto and incorporated herein by reference, is hereby approved.

Order 22-002, authorizing an amendment to the Bill Credit Agreement contracts with renewable energy providers.

A new state law approved in 2019 provides incentives to promote the construction of renewable energy production. The incentives consist of receiving billing credits on the electricity bill. In 2020, the District entered into 20-year contracts with up to 26 renewable energy projects for approximately 10,000,000 kwhs but not to exceed 11,000,000 kwhs. The District's purchase was 5% of the total estimated amount (200,000,000 kwhs) of electricity generated by the renewable energy providers. The contracts are expected to generate annual savings in excess of \$200,000 plus an additional \$250,000 a year in sales of Renewable Energy Certificates (REC). The District is considering one project along with the City of Portland that is outside of the Consortium, that will increase the District's participation to just under 11,000 MWHs, and is expected to deliver savings consistent with other projects being built in 2022.

At the January 10, 2022 meeting, the Administration and Finance Committee was provided with a program update. Several projects have been canceled and replacement projects have been proposed. Those replacement projects result in an average price to exceed the 9 cent average. Because the projects would generate savings to the District at the higher per kwh charge, the Administration and Finance concurred with staff's recommendation to amend the Board's motion to increase the average price allowed to be up to 10 cents per kwh.

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

It was Voted and unanimously,

WHEREAS, the Board authorized the execution of Bill Credit Agreements with an average price not to exceed 9 cents per kilowatt hour at their January 27, 2020 meeting; and

WHEREAS, several proposed solar projects have been terminated, with replacement projects offered, as well as project amendments proposed that if, approved by the District, would cause the average price to exceed 9 cents per kilowatt hour, and

WHEREAS, the bill credit rate has increased resulting in net savings consistent with initial projections,

NOW THEREFORE:

BE IT ORDERED, the motion approved on January 27, 2020 is amended to increase the allowable average price to not exceed 10 cents and read as follows:

Bill Credit Agreement contracts with renewable energy providers are hereby authorized for a capacity not to exceed 11,000,000 kilowatt hours (kwhs) with an average price not to exceed 10 cents per kilowatt hour; 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.

**Order 22-003**, authorizing the comprehensive method for procuring engineering services for the Comprehensive Infrastructure Asset Management Plan Project.

Pursuant to the District's purchasing policy, staff is seeking approval from the Board of Trustees to procure engineering services (Comprehensive Method) for the continued development and expansion of PWD's asset management program for both water and wastewater assets. The effort will produce documentation and tools that will allow PWD to continuously improve and fine tune project prioritization as new information is learned. The Comprehensive Method for engineering would result in one professional services procurement for delivery of this project (plan development) as well as follow-up process refinement and system optimization efforts.

The project will develop asset management plans for several critical asset classes (including water mains), develop condition based monitoring plans, and determine an optimized financial strategy. Staff estimates that the cost for the Plan to be \$750,000. It is anticipated that this effort will recommend additional planning efforts that will be included in future CIPs. If approved by the Board, the intent of this Order is to negotiate professional services with the firm selected for this Project.

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 April meeting.

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

It was Voted and unanimously,

ORDERED, that the Comprehensive Method is authorized for the procurement of engineering services for the Comprehensive Infrastructure Asset Management Plan 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 22-004**, authorizing a lease agreement with FWP Realty LLC.

FWP Realty LLC, owner of Pape Automotive, has a lease with Portland Water District to use a portion of the District's fee-owned land located on Broadway in South Portland as a driveway entrance to the car dealership. The current lease expires in April 2022 and FWP Realty LLC has requested a new lease and to expand the leased area to include a paved vehicle display area.

Staff recommended that the agreement be in the form of a ten year lease beginning April 2022. The lease will include an option to extend the lease after the initial lease term and can be terminated if necessary by either party upon 30 days written notice. Staff also recommended an annual payment of \$11,000 for the first five years of the lease term to increase 10% in each subsequent five-year term.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute a new lease agreement with FWP Realty LLC for a driveway and parking area on PWD land located on Broadway in South Portland in accordance with the terms described herein; and

BE IT FURTHER ORDERED, 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 22-005**, authorizing a contribution to support Cumberland County Soil and Water Conservation District's Trickey Pond Protection Project.

Trickey Pond is a 315-acre lake located in the Town of Naples. The Trickey Pond Watershed covers 870 acres and is part of the indirect watershed of Sebago Lake.

The primary purpose of the project is to improve Trickey Pond's declining water quality trends by limiting the export of sediment and phosphorus into the lake and increasing vegetated shoreline buffers. Conservation practices that reduce erosion and polluted runoff will be installed at 20 high and medium erosion impact sites identified in the 2019 watershed and shoreline survey. In addition, the project will raise public awareness through public notices and educational flyers, one-on-one technical assistance site visits, and a series of educational videos on lake protection practices.

Additional match for the project will be provided by the Town of Naples, the Trickey Pond Environmental Protection Association, Lakes Environmental Association, landowners, and the Stormwater Compensation Fund.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to make a cash contribution of up to \$8,000 and an in-kind contribution of \$1,350 to support Cumberland County Soil and Water Conservation District's Trickey Pond Protection Project.

**Resolution 22-002**, appointing a representative to the Southern Maine Regional Water Council Board of Directors.

The Board of Trustees must annually appoint a representative to serve on the Southern Maine Regional Water Council. Presently, Chris Crovo is the District's representative.

Pursuant to the Council's bylaws, the District's appointment would be confirmed by the membership at the next annual meeting, which will occur in May 2022. The period of appointment as PWD's representative will be for the period January 1, 2022 through December 31, 2022.

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

It was Voted and unanimously,

BE IT RESOLVED, that Christopher Crovo is appointed as Portland Water District's representative to the Board of Directors of the Southern Maine Regional Water Council.

**Order 22-006**, authorizing a compensation adjustment for the General Manager.

The 2021 annual review of the General Manager's performance has been completed. Due to the General Manager's extraordinary job performance and exemplary leadership of the District during the challenging conditions of the COVID-19 pandemic, the successful implementation of a significant computer billing system and asset management upgrade, and the results of a market study showing that the general manager position at the District was significantly underpaid.

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

It was Voted and unanimously,

ORDERED, that the General Manager shall receive a one-time bonus of \$10,000, and

BE IT FURTHER ORDERED, that the General Manager's annual compensation shall increase to \$192,000 effective January 3, 2022.

**OTHER BUSINESS**

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

Trustee Cote asked whether remote meetings would be continued given the mask mandates enacted by other communities. President Douglas indicated a decision will be made by February 4 as to whether the workshop will be held remotely.

**EXECUTIVE SESSION**

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

A motion was made by Trustee Cote and seconded by Trustee Garrison to go into executive session to meet with legal counsel to discuss the status of labor union contract negotiations with Teamsters Local Union #340. Voted all in favor.

The Executive Session began at 7:04 p.m. and ended at 7:52 p.m. Motion to come out of Executive Session and adjourn made by Trustee Lunt, second by Trustee Cote. And approved unanimously.

**ADJOURNMENT**

Meeting adjourned at 7:52 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk