

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, and via Zoom, on Monday, March 27, 2023. Attending from staff were S. Garrison, C. Crovo, D. Kane, J. Wallace, S. Firmin, D. Katsiaficas, M. Demers, and C. Cote.

The meeting was convened by President Douglas at 6:07 p.m.

**ROLL CALL**

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

**ELECTION OF OFFICERS FOR 2023-2024**

The Clerk requested nominations for the position of President

It was moved by Trustee Beck and seconded by Trustee Siviski to nominate Trustee Lunt for President.

Hearing no further nominations for President, the Clerk closed the nominations and it was unanimously

Voted to elect Trustee Lunt as President.

The Clerk requested nominations for the position of Vice President

It was moved by Trustee Beck and seconded by Trustee Cote to nominate Trustee Siviski for Vice President.

Hearing no further nominations for Vice President, the Clerk closed the nominations and it was unanimously

Voted to elect Trustee Siviski as Vice President.

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

**ACCEPTANCE OF MINUTES**

Trustee Willett made a motion to accept the minutes of the Regular Meeting of February 27, 2023, seconded by Trustee Cote. It was voted all in favor.

Trustee Cote made a motion to accept the minutes of the Workshop Meeting of March 13, 2023, seconded by Trustee Beck. 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 March 13, 2023. Staff recommended an amendment to the India Street Pump Station Roof Replacement project budget, as the roof bids were higher than expected. One cause was a more aesthetic material due to the location of the facility and the elimination of archaic hatches on the roof that have chronically leaked.

Staff recommended an amendment to the project budget to include the replacement of the fire alarm control panel in the Peaks Island Wastewater Treatment Facility. Part of the budget issue is related to the rating of the area as a potentially explosive atmosphere and the need to have the proper equipment installed to accommodate this rating.

Staff reviewed the recommendations from the Biosolids Master Plan that was shared with the Board in October 2022, including the near-term improvements, mid-term recommendations, and long-term technologies. Staff recommended amending Brown and Caldwell's current contract to further develop the Biosolids Master Plan to further define and develop potential solutions for long-term management that will likely involve regional solutions to the challenges.

Staff provided an update on the Secondary Clarifier Sludge Rake Replacement project and schedule. Clarifier mechanisms have been specified and will likely be ordered in the coming month with installation beginning by the end of the year.

### **Planning Committee**

Trustee Shattuck-Heidorn provided a summary of the Planning Committee meeting on March 13, 2023.

Staff sought guidance from the Committee as to how it wanted to proceed regarding the possible disposal of the Munjoy Hill Reservoir property. A history of the property and encumbrances were discussed with the Committee. Silver Street Development Corp. is potentially interested in purchasing the property for use for affordable housing. In order to proceed, it is necessary to have a structural analysis of the tank, which may be possible using TV cameras. The Committee voted to table the item for up to 3 months to allow Seth Parker, who represents Silver Street Development Corp., to obtain a structural analysis and to allow for further review to see if affordable housing on that site is feasible. Discussion of a possible sale price was deferred by the Committee to a future date.

Staff recommended an additional contribution of \$119,500 to the Board approved amount of \$200,000 to conserve 361 acres in the Sebago Lake watershed in the town of Naples with 2,500 feet of shore frontage on Sebago Lake. The reason for the additional funding request is due to a key funder became unqualified to participate, which created a shortfall for the project funding of \$700,000.

Staff recommended going into Executive Session to discuss real estate acquisition - Pursuant to 1 M.R.S. §405(6)(C).

The Committee went into Executive Session at 6:15 p.m. to discuss real estate negotiations for real estate located in Standish and came out of executive session at 6:25 p.m.

Kirsten Ness, Education and Outreach Coordinator, provided an update to the Committee on what the District has done in the past to support pollinator populations, what we can easily do in 2023, and what projects could be budgeted in 2024 and beyond.

### **Administration and Finance Committee**

Trustee Siviski provided a summary of the Administration and Finance Committee meeting on March 13, 2023.

Mr. David Kane noted the Board previously authorized issuing bonds to finance the following items:

- |    |   |              |
|----|---|--------------|
| 1. | 2023 Water Main Projects & 2022 407 Zone Water Main | \$ 8,300,000 |
| 2. | 2018 Windham Water Tanks                            | \$ 3,000,000 |
| 3. | 2013 Water Bond Refunding                           | \$ 4,400,000 |

It is intended to issue a consolidated bond in August 2023. Previously, the Board declared item 1 as a 'Green' bond. A proposed motion will be brought to the Board tonight to declare items 2 and 3 as 'Green' and will allow the consolidated bond to be promoted as a 'Green' bond, hopefully resulting in a lower interest rate.

The Public Utilities Commission (PUC) recently adopted a rule – Chapter 616: Specific Exemptions from Regulatory Requirements for Consumer-Owned Water Utilities. The proposed motion going before the Board tonight eliminates the need to do the public notice in the newspaper as long as all customers receive a notice in the mail and at least two of the following notification methods are completed at least 14 days prior to the public hearing:

1. **Email.** Email notice is made individually to each customer. Email notice may be included in electronic customer bills;
2. **Conspicuous posting.** Posting a notice in the main office;
3. **Website.** Posting notice on the District's website;
4. **Social media.** Posting notice on the District's social media accounts; or
5. **Other.** Any other method reasonably calculated to provide broad notice to the utility's customers.

The above standard is consistent with other consumer-owned water utilities' standards.

The new utility bill payment options approved by the Board on February 27, 2023, will be implemented in the coming weeks and announced in the coming months. Those options include American Express, Apply Pay, Google Pay, Pay Pal, Venmo, and Discover.

### **General Manager's Report**

Mr. Garrison reported that there is a significant EPA proposal for new PFAS limits. The limits are 4 parts per trillion. Luckily, PWD testing of its water has yielded a level of 2 PPT. He also provided information regarding a program administered by the Maine State Housing Authority for those struggling to pay their water bills; assistance is available. On April 1, benefits will be expanded under this program, and the program will sunset in September of 2023.

**NEW BUSINESS**

**Order 23-011**, authorizing the issuance of “Green Bonds”.

The Board authorized the issuance of \$3.0 million of water bonds on June 25, 2018 (Resolution 18-007) to finance the construction of a new Windham 407 Zone water tank. The \$3.0 million bonds to be issued in 2023 (the “Water Tank Bonds”) will finance the preliminary and construction costs of the tank. Additional bonds will be issued in the future to finance additional construction costs.

The Board authorized the issuance of \$8.0 million of water bonds on July 25, 2011 (Resolution 11-013) (the “2013 Bonds”), and the 2013 Bonds were issued on November 4, 2013. The District’s Financial Advisor recommends the District consider issuing refunding bonds (the “Refunding Bonds”) to refinance the remaining \$4.4 million principal amount outstanding of the 2013 Bonds, resulting in an estimated present value savings of \$375,788 and estimated cash flow savings of \$426,156.

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

It was Voted and unanimously,

ORDERED, that the \$3.0 million in water bonds authorized on June 25, 2018 (Resolution 18-007) are designated as ‘Green Bonds’, with the proceeds to be used for ‘Green’ purposes; and

ORDERED, that the water bonds issued to refund and refinance the remaining balance of the District’s 2013 \$8.0 million water bonds authorized on July 25, 2011 (Resolution 11-013), are designated as ‘Green Bonds,’ with the proceeds to be used for ‘Green’ purposes.

**Order 23-012**, authorizing an amendment to Policy 6.30-15, Procedure to Enact Water Rate Change.

The Public Utilities Commission (PUC) recently adopted a rule – Chapter 616: Specific Exemptions from Regulatory Requirements for Consumer-Owned Water Utilities. The rule eliminates the requirement of doing a legal ad in a newspaper for the public hearing on water rate adjustments as long as notice is provided in at least two of the alternative ways described in the policy. The alternative ways would be a more visible and effective method than a legal ad in the newspaper and would reduce costs.

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

It was Voted 8-2 (Trustees Beck and Libby opposed) and,

WHEREAS, on September 22, 2015 the Public Utilities Commission (PUC) approved exemptions from certain regulations for the Portland Water District, effective January 1, 2016; and

WHEREAS, on November 23, 2015 the Board of Trustees adopted Policy 6.30-15 Procedure to Enact Water Rate Change, and

WHEREAS, the PUC recently amended their water rate change procedures;

ORDERED, that Policy 6.30-15 is hereby amended incorporating the revised procedures attached hereto and incorporated herein by reference, effective July 1, 2023.

**Order 23-013**, authorizing an increase to the project budget for the India Street Pump Station Roof.

The India St. Pump Station Roof is the original roof that was last installed in 1979. Some patches and a portion of the roof were replaced in 2006. A recent inspection in 2021 determined that the roof was in need of replacement and the project was programmed in the Capital Improvement Program to be replaced in 2023. The project was bid in January and the lowest bidder came in at \$199,000 which is \$24,000 over the Board approved CIP budget of \$175,000. The additional \$35,000 requested will cover the budget deficit and includes a contingency of \$11,000 for unknowns encountered while in construction.

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

It was Voted and unanimously,

ORDERED, that the project budget for the India Street Pump Station Roof is amended by increasing it by \$35,000 and that the total budget for the Project is hereby authorized, not to exceed \$210,000; 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.

**Order 23-014**, authorizing an increase to the project budget for the Peaks Island Wastewater Treatment Facility Fire System.

In the 2023 Capital Improvement Program the Peaks Island Wastewater Treatment Facility Fire Alarm monitoring system was programmed and budgeted at \$30,000. The current monitoring system was determined not to meet the Portland Fire Code regulation and was programmed to be replaced this year. Staff bid the project and the bid came back at \$31,827 which is \$1,827 over the approved Capital Improvement Program budget. Staff is recommending amending the Capital Improvement Program by \$5,000 to cover the budget deficit and provide a construction contingency of \$3,172.

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

It was Voted and unanimously,

ORDERED, that the project budget for the Peaks Island Wastewater Treatment Facility Fire System is amended by increasing it by \$5,000 and that the total budget for the Project is hereby authorized, not to exceed \$35,000; 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.

**Order 23-015**, authorizing an amendment to the engineering services contract for the Biosolids Master Plan.

The Biosolids Master Plan was completed for PWD by Brown and Caldwell in October 2021. That plan identified a series of immediate and longer-term projects to manage PWD's biosolids. This effort will develop a Basis of Design Report to develop the expected scope and budget for upgrades at the East End Facility and enhancements at the Westbrook/Gorham and operated in treatment plants for years.

This effort will also continue to develop the mid and long-range elements of the Master Plan. The plan will develop siting requirements for the systems, review air pollution permitting opportunities and challenges, and recommend specific drying technologies with possible digestion (including co-digestion with food waste) to support the sludge dryers, and thermal processes like pyrolysis. This study will develop planning level costs and will further our understanding of applicable technologies and a path forward to implement those technologies.

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

It was Voted and unanimously,

**ORDERED**, that the engineering services contract for the Biosolids Master Plan with Brown and Caldwell is hereby amended in an amount not to exceed \$264,500; 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 23-016**, authorizing an amendment to Order 23-001; a contribution to Loon Echo Land Trust.

The Board previously approved a contribution of \$200,000, which was the amount requested by the Loon Echo Land Trust. One source of funding totaling \$700,000 has not been realized. They are now returning to the existing funders to see if the pledged amounts can be increased as well as contacting new possible funders to try to close this funding gap. They believe that, with this increase in funding from PWD, they can raise the rest of the funds and close in 2023.

The contribution of \$313,950 requested in this order is the amount calculated by the District's site-specific assessment. The appraised value of the easement is \$1,495,000. The recommended contribution represents about \$554 per acre of protected land within the watershed. The District's contribution is to be used towards the purchase of the easement.

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

It was Voted and unanimously,

**Whereas**, The Board of Trustees authorized a contribution to Loon Echo Land Trust on January 23, 2023, in the amount of \$200,000 for the purposes of conserving the 361-acre property known as Sebago Cove; and

**Whereas**, a key source of funding for the transaction approved by the Board has now become unavailable to the land trust; and

Whereas, after review of the revised transaction, the Board deems it is in the best interest of the District to continue to contribute to the purchase of a conservation interest at a greater funding level;

NOW THEREFORE BE IT ORDERED, that Order 23-001 is hereby amended and that the General Manager is authorized to contribute up to \$313,950 to Loon Echo Land Trust to support the conservation of land known as Sebago Cove, located along the shore of the lake in Naples.

**OTHER BUSINESS**

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

Trustee McCann thanked the staff for their efficient handling of the biosolids issue.

Trustee Douglas thanked Carrie Cote and Donna Katsiaficas for their assistance while she was President. She noted the challenges of shifting between remote meetings and in-person meetings. She thanked all of the staff for their assistance.

President Lunt thanked Trustee Douglas for her service as President and noted that he had enjoyed working with her.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Meeting adjourned at 7:15 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk