

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, April 26, 2021. Attending from staff were Messrs. Kane, Crovo, Firmin, Wallace and Mses. Lewis, Katsiaficas, Clements, Demers and Walker. Attending from the public was Simon Bourque of South Portland. The meeting was convened by President Douglas at 6:00 p.m.

**ROLL CALL**

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

**CONVENE MEETING**

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

**ACCEPTANCE OF MINUTES**

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

It was voted all in favor to waive the reading and accept the minutes of the Regular Meeting of March 22, 2021 and the minutes of the Workshop Meeting of April 12, 2021.

**INVITATION FOR PUBLIC COMMENT**

None

*This New Business Agenda Item 6A was taken out of order.*

It was moved by Trustee Lunt and seconded by Trustee Garrison to move the awarding of the DiPietro Scholarship to be before the committee reports; the Board approved unanimously.

**Resolution 21-004**, awarding the Joseph A. Di Piertro Scholarship.

The Joseph A. DiPietro Memorial Scholarship was established in 2003 in memory of respected businessman and longtime Portland Water District Trustee, Joe DiPietro. It serves students in the Portland Water District's service area who are striving towards the same mission as PWD – protecting public health and the environment.

Trustee Lunt spoke about Mr. DiPietro and his own experience at SMCC; Trustee Libby spoke about Joseph DiPietro and his commitment to the community and the value of education. Mr. DiPietro had a lifelong interest in public service; this scholarship award is in his memory.

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

It was Voted and unanimously,

WHEREAS the Board of Trustees has established the Joseph A. DiPietro Scholarship in memory of Mr. DiPietro's fifteen years of dedicated service representing the city of Portland as a Trustee of the District, and

WHEREAS Simon Bourque, a resident of South Portland, is pursuing a degree in Heating, Air Conditioning, and Refrigeration at Southern Maine Community College, and

WHEREAS Mr. Bourque has demonstrated need for the scholarship, and

WHEREAS the Board of Trustees' Scholarship Committee unanimously recommends Mr. Bourque to be a recipient of the 2021 Joseph A. DiPietro Scholarship,

NOW THEREFORE BE IT RESOLVED that the Board of Trustees recognizes the accomplishments and needs of Mr. Bourque and supports his academic endeavors by awarding him the \$1,500 scholarship for 2021 established in tribute to Joseph A. DiPietro.

## **REPORTS**

### **Operations Committee**

Trustee Burns provided a summary of the Operations Committee meeting on April 12, 2021. Trustee Burns was unanimously elected the 2021 Committee Chair. Staff provided an update on the 2020 CSO Annual Report that was submitted to DEP. The discussion included an overview of the CSO system, PWD efforts to monitor the system, and a general overview of ongoing efforts to reduce overflows. Staff also reviewed a draft of the Committee's 2021 Work Plan. In addition, Committee members expressed interest in topics related to procedures, follow-up on significant events, along with management's efforts towards employee development and retention.

### **Planning Committee**

Trustee Beck provided a summary of the Planning Committee meeting on April 12, 2021. The election of the annual chair was postponed to next month due to the lack of a quorum. Staff requested a match to support an erosion control grant from the State's 319 program. Rod Beaulieu, Chief of Security, gave a review of Lower Bay Security activity for the previous year. Despite COVID the security staff were on duty for every day of the year except the first day of the COVID shutdown. Employees followed COVID protocols all year and continue to do so.

### **Administration and Finance Committee**

Trustee Cote provided a summary of the Administration and Finance Committee meeting on April 12, 2021. The Committee elected Trustee Guy Cote Committee Chair for the next 12 months. Ms. Shannon Johnson, Employee Services Consultant, provided an overview of absence management during the past year. She stated the overall goal was to 'enable PWD to continue to provide essential services by stopping, reducing, minimizing exposure to others at work' using 'a very conservative and cautious' approach. She reviewed the various tools used during the various pandemic stages. The Committee reviewed a proposed motion to amend the deferred compensation plan to allow employees to take a loan against their 457 Plan balance and for three plan provisions included in the recent federal legislation. This will be taken up under new business. Mr. Kane presented a motion to transfer the 2020 annual net income of Gorham and Portland to the Renewal and Replacement fund. This will also be taken up under new business.

Payment Lock Box Service. The current service provider, Deluxe (formerly called FISC) has informed the District they are moving their Lewiston processing center to Philadelphia by August 2021. To limit changes for customers around the Cayenta billing system go live date in

October, payments will continue to go to the Lewiston address and forwarded to Philadelphia center. After the computer upgrade, staff will consider alternative service providers. Trustee Libby raised concern about customers receiving late fees to due to the extra time it will take for payments to go from Lewiston to Philadelphia. Mr. Kane noted that we will be monitoring the payments to ensure no late fees are incurred.

Renewable Energy Credits. As part of the renewable energy projects, the District is granted renewable energy credits. Those credits can be sold or retained for the carbon reduction credit. CES has requested the District declare its intention. Staff intends to sell the credits. The decision can be revoked in the future.

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

Ms. Lewis reported that the 2021 annual financial audit is proceeding smoothly, and a report will be given to the Board at the May workshop. Seasonal services are being activated this week. The District's service area is being considered as abnormally dry by the State of Maine drought indicator. She also reported that the Lake buoy is being prepared for being deployed. May 2-8 is National Drinking Water Week, and PWD will be doing a virtual tour and talk at its facilities. Lastly, Ms. Lewis reported that Portland, Oregon has decided to build a filtration plant; it will cost an estimated \$712 Million Dollars. That District is bigger than PWD, and serves more customers, but Ms. Lewis noted that it drove home the significant cost of building a filtration plant, and how lucky the District has been in not having to build a plant due to the pure nature of Sebago Lake.

Trustee Willey noted that in all the time the District has had the filtration waiver, cryptosporidium has not been detected in the water.

### **NEW BUSINESS**

**Order 21-011**, authorizing amendments to the District's Deferred Compensation Plan.

At the December 21, 2020 Board meeting, Joe Piccone, Bargaining Agent for the Teamsters Union, requested the Board to consider changing the terms of the 457 Plan to allow employees to borrow from their plan without a hardship reason. At the February 8, 2021 meeting, staff provided background information on a loan program and recommended not offering the program. A number of Board members expressed support for offering the program and requested Staff to provide additional detail information on the program. The information was provided to the Board at their April 12, 2021 Workshop meeting.

The recent legislation required minimum distribution to begin at 72 and eliminated so-called 'stretch' distribution. An option allowed under the new law is the \$5,000 penalty-free plan distribution for the birth or adoption of a child. The motion authorizes that four amendments be made to the plan.

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

It was Voted and unanimously,

**ORDERED**, amendments to the District's Deferred Compensation Plan (the "457 Plan" or "Plan"), as recommended by legal counsel, are hereby authorized to:

- Permit Participant loans from all Participant Salary Deferral Contributions, Salary Reduction Contributions, Transfer Contributions, and Rollover Contributions under the Plan, subject to standard IRS policies and procedures for Participant loans from qualified plans under Internal Revenue Code §72(p), effective January 1, 2021;
- Permit in-service Plan withdrawals for birth or adoption in accordance with §113 of the SECURE Act, effective January 1, 2020;
- Increase the Required Beginning Date age for Plan distributions from 70½ to 72 in accordance with SECURE Act §114, effective January 1, 2020, for distributions required to be made after December 31, 2019 with respect to individuals who attain age 70 ½ after December 31, 2019;
- Eliminate so-called “stretch” Required Minimum Distributions for many Beneficiaries as required by SECURE Act §401, effective January 1, 2022, with respect to Participants who die after December 31, 2021; and

BE IT FURTHER ORDERED, that the General Manager and the Treasurer, or each acting singly, is hereby authorized and directed to take any actions necessary or appropriate to effectuate the foregoing Order, including but not limited to: (i) finalizing the language of and executing one or more formal Plan Amendments; (ii) communicating Plan changes to Plan participants and eligible individuals; and (iii) working with legal counsel or the Plan’s administrator to develop appropriate policies and administrative forms for loans and withdrawals for birth or adoption; and

BE IT FURTHER ORDERED, that all actions heretofore taken by any employee of the District in connection with the transactions authorized by the foregoing resolutions, and all transactions related thereto, are hereby approved, ratified and confirmed in all respects.

**Order 21-012**, authorizing the transfer of the 2020 annual operating fund change for Gorham and Portland wastewater funds.

Due to 2020 expenses being less than the budget, the Gorham, Portland and Windham wastewater funds had a positive annual operating net change.

The Gorham and Portland funds had an annual net income and have Operating Contingency Balances in excess of the targeted balance. It was recommended the excess balances over the targeted balance be moved to the Renewal and Replacement Fund and to finance future capital projects. Both the Town and City have indicated they accept the transfer.

Though the Windham fund had an annual net income, their current Operating Contingency Balance is below the targeted balance and therefore no transfer of funds is recommended.

The Cape Elizabeth fund had an annual net loss primarily due to higher allocation of treatment costs from South Portland due to the Cape Elizabeth’s rising relative percent of flow being treated at the South Portland treatment facility.

The Westbrook fund had an annual net loss primarily due to additional cost related to the Presumpscot River mudslide.

The Cumberland funds had a small annual net loss and no action is requested.

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

It was Voted and unanimously,

ORDERED, that a portion of the 2020 annual operating fund excess balances over the targeted balances in the Operating Contingency Fund for each of the Gorham and Portland Wastewater Funds is hereby transferred to their Capital Renewal and Replacement Fund.

**Order 21-013**, authorizing an in-kind contribution of up to \$40,622 to support the Sebago Lake Watershed Protection Project – Phase IV.

The District is partnering with Cumberland County Soil and Water Conservation District (CCSWCD) on a watershed protection project that will be funded by a federal Clean Water Act grant (319 grant) and supported by numerous watershed partners. This project will help to protect the water quality of Sebago Lake by reducing the amount of soil and sediments that enter the lake. The Watershed Erosion Control Funding Policy (formerly the Watershed Survey, Watershed Protection Plan, and Implementation Project Grant Funding Policy) outlines the District’s support for erosion control projects in the watershed and the minimum match that we require from other sources.

The District will serve as the project sponsor for the grant and will enter into a contract with DEP. CCSWCD will serve as the administrator of the grant and the project lead. The project work plan has been approved by the Maine DEP and EPA and will improve eight significant public and private erosion sites around the lake. Major project partners will include the Sebago Lake State Park, Camp O-AT-KA, and the town of Standish.

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

It was Voted and unanimously,

ORDERED, that the District shall make an in-kind contribution of up to \$40,622 to support the Sebago Lake Watershed Protection Project – Phase IV; and

BE IT FURTHER ORDERED, that the 2021 Water Fund Budget be amended by \$132,828 for the revenues and expenses related to revenues and expenses passing through the District from the federal 319 grant.

**OTHER BUSINESS**

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Meeting adjourned at 6:51 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk