

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, on Monday, July 25, 2022. Attending from staff were Messrs. Kane, Crovo, Wallace, Firmin and Ms. Lewis, Katsiaficas, Demers and Walker.

The meeting was convened by President Douglas at 6:03 p.m.

ROLL CALL

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

ACCEPTANCE OF MINUTES

Trustee Levinsky made a motion to accept the minutes of the Regular Meeting of June 27, 2022, seconded by Trustee Cote. It was voted all in favor.

Trustee Shattuck-Heidorn asked to recuse himself from the vote on the workshop minutes as he was not in attendance. Trustee Siviski made a motion to recuse Trustee Shattuck-Heidorn, seconded by Trustee Garrison. It was voted all in favor.

Trustee Cote made a motion to accept the minutes of the Workshop Meeting of July 11, 2022, seconded by Trustee Levinsky. It was voted 10-1 (Trustee Shattuck-Heidorn abstained).

INVITATION FOR PUBLIC COMMENT

None

REPORTS

Operations Committee

Trustee Rich provided a summary of the Operations Committee meeting on July 11, 2022. Staff presented a framework for an amended biosolids management contract. The change is driven by a claimed Force Majeure and possible termination of the contract (per the terms of the contract), if resolution of terms cannot be realized in the near future. This will be taken up under new business. Staff also provided a summary of the District's septage receiving activities and related fees. Based on feedback from the Committee, staff will develop several possible recommendations that may include increases in fees to address rising biosolids management costs while supporting the Sebago Lake watershed protection goals included in the policy.

Planning Committee

Trustee Shattuck-Heidorn provided a summary of the Planning Committee meeting on July 11, 2022. Staff recommended a budget increase to the roof replacement project at Douglass Street along with a reduction in scope. This will be taken up under new business. Staff recommended granting a license to the City of Portland to plow snow onto District property as requested by the City of Portland of the Kansas Ave. developer. The District owns the land in fee because a transmission main goes through the property. After much discussion regarding providing a license to the City, the Committee voted to table the request. The Committee was uncomfortable with the request for several reasons, including potential environmental impacts if snow were plowed onto the property, and the fact that the City had not directly requested from PWD the rights to plow snow onto the property.

Administration and Finance Committee

Trustee Siviski provided a summary of the Administration and Finance Committee meeting on July 11, 2022. Mr. David Kane noted Windham voters authorized the construction of a North Windham sewer system at a cost of up to \$38.9M. Bond Counsel recommends a motion stating the District's intent to borrow up to \$38.9M. By passing the motion, any costs incurred after the motion date would be eligible to be financed by a tax-exempt bond, which have lower borrowing costs than other bonds. Ms. Donna Katsiaficas recommended a motion to repeal the Freedom of Information Law Policy since it is redundant to the Freedom of Information Law requirement. She provided an overview of the process she follows when a request is made for information and responded to a number of questions. 2023 Budget Update: Mr. Kane noted staff has prepared a first draft of the 2023 budget. Water Revenue and Wastewater Assessments are the same or lower than presented to the Board at the June Workshop meeting except for the Westbrook Assessment. The higher Westbrook Assessment is mainly due to additional staff time expected for 2023 than 2022. Staff will be reviewing and making any adjustments during July with a second draft to be produced in August. State Low Income Program Update: Maine Housing program intends to roll out a financial assistance program for customers with low-income and are threatened with disconnection due to non-payment. This pilot program will be rolled out by October 1st.

General Manager's Report

- Trustee Cote indicated 3 applicants for the GM position have been selected for final interviews.
- Ms. Lewis reminded the Board that 2022 is the 50th anniversary of the Clean Water Act. PWD celebrated this with the sale of rain barrels and an outdoor tour of the East End WWTF.
- Friends of Casco Bay held their annual meeting last week and gave Scott Firmin an award - a 2022 Casco Bay Award as a Clean Water Hero. This award was in recognition of his role in reducing nitrogen levels in wastewater discharges.
- Ms. Lewis also updated the Board about PWD efforts to stop the painting of PWD hydrants by unauthorized individuals.

NEW BUSINESS

Resolution 22-013, authorizing an amendment to Resolution 21-019 to reflect the North Windham Sewer System project costs recently approved by the Windham residents.

In compliance with Internal Revenue Service (IRS) regulation, an 'intent to borrow' motion must be approved by the Board before expenditures are incurred on a project that may be financed with tax-exempt financing. At the November 22, 2021 meeting, the Board adopted Resolution 21-019 indicating an intent to borrow up to \$10,610,000 for the projects including the North Windham Wastewater System. The voters of North Windham recently authorized the Town to proceed with the project and bond up to \$38,900,000. The proposed motion amends Resolution 21-019 to reflect the higher amount. The actual amount to be borrowed will be reviewed and authorized by the Board at a future meeting.

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

It was Voted and unanimously,

RESOLVED, the Board hereby amends Resolution 21-019 to reflect the North Windham Sewer System project costs recently approved by the Windham residents. The full form of the Resolution is attached hereto and incorporated herein by reference, and shall be a part of the minutes of this meeting.

Order 22-028, authorizing the repeal of Policy 7.05-05 Freedom of Access Law Requests.

The Portland Water District is a public entity and is subject to the Freedom of Access Law, 1 M.R.S. §401-§414. The District must comply with this law in its response to public records requests.

PWD Policy 7.05-05 Freedom of Access Law Requests was last amended on August 28, 2012. The policy tracks the provisions of Maine Law. The policy is redundant and not needed because Maine state law governs this area, and the law contains all of the detail that is in the PWD policy. The forms that are included in the policy are also discontinued; they are not currently used.

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

It was Voted and unanimously,

ORDERED, that policy 7.05-05 Freedom of Access Law Requests is hereby repealed.

Order 22-029, authorizing the General Manager to execute a contract amendment with Casella.

The treatment of wastewater at our treatment plants generates residuals, or biosolids, that must be managed on a daily basis. PWD is in the final term of an agreement with Casella to accomplish this. Since 2019, all of PWD's biosolids have been landfilled.

DEP and Legislative activity have imposed sudden and substantial restrictions on biosolids management in Maine. This has resulted in the elimination of all options but landfilling for biosolids generated and managed in Maine and has placed significant cost and logistical pressures on the landfills that accept biosolids.

PWD received communication from Casella claiming contract implications related to changes in law and possible Force Majeure events that they state warrant immediate changes to the current agreement. We expect to be able to resolve these issues in a timely manner and to continue through the remaining term of the contract, which ends in 2025.

The most significant items raised by Casella are an increase in the tipping fee and fuel charge indexed adjustment. The total cost per wet ton is anticipated to increase for this year by no more than \$25 per wet ton with a current fuel adjustment of \$2.16 per wet ton. This increase will represent an immediate increase of 27% to our biosolids management costs and increase the total cost by \$282,900 in 2022. The increase for 2023 will be part of this negotiation.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute a contract amendment with Casella consistent with the terms presented to the Board of Trustees on July 25, 2022.

Order 22-030, authorizing an amendment to the 2022 Capital Improvement Plan.

The Douglass St. slate roof replacement was programmed in the 2022 CIP at \$280,000 to complete the final phase of the slate roof (phase 3 of 3). The project was placed out to bid and the District received one bid from The Heritage Company. Their bid came in at \$477,000 which is \$197,000 over the CIP budget. The Heritage Company completed the previous phases of the slate roof and have done excellent work and they noted that their pricing represents significant increases in labor and material cost since the original estimate of work was developed nearly two years ago. Staff reviewed their bid and asked them to provide a cost for reduced scope of work which would address the leaking section of the proposed work. They provided a cost of \$311,000 to complete this work, staff added a contingency of \$4,000 bring the project total to \$315,000.

Staff's recommendation is to amend the original CIP 068-3053 scope and budget from \$280,000 to \$315,000 in order to address the leaking section of the slate roof and reprogrammed the remaining roof replacement in a future year in the Capital Improvement Program.

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

It was Voted and unanimously,

ORDERED, that the 2022 Capital Improvement Plan is amended by adding \$35,000 to 068-3053 - Douglass St Roof Replacement Phase 3 - 2022 for a total budget of \$315,000.

Order 22-031, authorizing the position and hiring of a Project Engineer devoted to the North Windham Wastewater Project.

The North Windham Wastewater Project is a high profile, time sensitive project on which PWD has recently embarked. As described to Trustees during the recent 2023 Budget discussions, a Project Engineer will be needed to absorb this significant workload to keep the project moving forward and on track. It had been anticipated to include this position in the 2023 Capital Improvement Program (CIP) Budget and hire early next year.

There have been two recent resignations in the engineering group, including the Senior Project Engineer who has been overseeing the North Windham Wastewater Project. This has prompted our request to immediately establish and hire an additional Project Engineer to enable the project to keep moving forward and not lose momentum.

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

It was Voted and unanimously,

ORDERED, that an additional position and hiring of a Project Engineer to devote to the North Windham Wastewater Project is hereby approved.

OTHER BUSINESS

None

SECOND INVITATION FOR PUBLIC COMMENT

None

TRUSTEE COMMENTS

None

EXECUTIVE SESSION

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

The Executive Session began at 6:51 p.m. and ended at 7:06 p.m. Motion to come out of Executive Session and adjourn made by Trustee Libby, second by Trustee Cote. And approved unanimously.

ADJOURNMENT

Meeting adjourned at 7:06 p.m.

Submitted by,

Donna M. Katsiaficas
Clerk