

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, on Monday, August 23, 2021. Attending from staff were Mr. Crovo and Mses. Lewis, Katsiaticas and Walker.

The meeting was convened by President Douglas at 6:04 p.m. with the Pledge of Allegiance and a moment of silence.

ROLL CALL

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

ACCEPTANCE OF MINUTES

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

It was voted all in favor to waive the reading and accept the minutes of the Regular Meeting of July 26, 2021.

INVITATION FOR PUBLIC COMMENT

None

REPORTS

Operations Committee

No report this month.

Planning Committee

Trustee Siviski provided a summary of the Planning Committee meeting on August 9, 2021. Staff recommended an easement swap and easement modification with 5-India Street and an easement swap with the developers of the South Windham Fire Station lot. Both items will be taken up under new business tonight.

Administration and Finance Committee

No report this month.

General Manager's Report

Ms. Lewis reported that PWD is taking extra measures to keep employees safe as virus case numbers rise. These measures include delaying full return to offices at Labor Day, masking in public areas, and a requirement that employees that have not been vaccinated submit to weekly testing and provide a negative test result in order to be able to work; the union business agent has agreed to it and we are waiting for him and our employment lawyer to sign an agreement with the terms of this change It will be implemented in the near future. She also reported that the Finance staff had once again received a GFOA Distinguished budget presentation award for 2021.

NEW BUSINESS

Order 21-023, authorizing the General Manager to execute an easement deed to J. Alfred Poor Block, LLC.

In 2006, the District entered into a Memorandum of Understanding (Agreement) with Riverwalk LLC, et al outlining improvements to be made to the India Street Pump Station and the District's use of adjoining Developer-owned properties for the construction, operation and maintenance of the odor control stack and radio communication antennas.

Subsequent to the Agreement, the District granted easements to the developer allowing access for building and property maintenance, snow removal, deliveries, etc. Since the MOU was signed and the easements were granted, the properties have changed ownership and the condominium project that was supposed to be built adjacent to the India Street Pump Station was not built. The District and the current developer of 5 India Street (J. Alfred Poor Block, LLC) have reached an agreement regarding the obligations of the MOU.

The developer has requested an easement over the District's property approximately seven feet by twenty-five feet with access from India Street for vehicular use related to building maintenance, deliveries, etc. In return, the developer has agreed to grant the District an easement extending from the property line to the building face approximately five feet in width along the entire property line. This will ensure District access to the sewer force main for any necessary repairs or maintenance needs.

In addition, the developer has agreed to make financial contributions to be used by PWD for landscaping, roof for the India Street Pump Station and for protection of PWD's sewer infrastructure totaling \$85,000. In return, the developer and PWD will each be released of obligations from the Agreement as they may pertain to the 5 India Street Lot.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute an easement deed to J. Alfred Poor Block, LLC for vehicular access at its India Street Pump Station in Portland in return for an adjacent easement granted to the District to access its underground infrastructure, and a release of obligations as described in Attachment A to this order; and

BE IT FURTHER ORDERED, the General Manager and the Treasurer, each acting singly, are authorized to take such other steps and execute such documents as may be necessary to accomplish the intent of this vote.

Order 21-024, authorizing the General Manager to execute an easement deed to Great Falls Construction.

Great Falls Construction is proposing to purchase the abandoned South Windham Fire Station from the Town of Windham and develop the property into an eatery and micro-brewery. The adjacent property is a District-owned sewer pump station. The proposed layout of the restaurant would require that restaurant patrons and employees cross over the paved portion of the District's property while entering and exiting the parking lot.

Historically, District staff have used the Town's fire station property to access its infrastructure with pumper trucks and maintenance vehicles. The developer will grant the District an easement to continue using its parking lot for pump station access and will also provide an easement to the District to install a generator to serve the pump station.

The approximate square-footage of the easements will be approximately equal in size and can be assumed to be equal in value.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute an easement deed to Great Falls Construction for property at its South Windham Pump Station in Windham for vehicular access in Windham in return for an adjacent easement(s) granted to the District to install and access its infrastructure.

BE IT FURTHER ORDERED, the General Manager and the Treasurer, each acting singly, are authorized to take such other steps and execute such documents as may be necessary to accomplish the intent of this vote.

Donna Katsiaficas, Corporate Counsel provided a presentation to the Board to review the proposed Remote Meeting Policy.

The policy is based on state law which is very specific in what is allowed. Trustees must be physically present for meetings. A meeting may be FULLY remote – All Trustees and Public – if there is an emergency or urgent issue that must be considered by the Board. This determination can be made by the President or Vice President of the Board, in consultation with other Trustees, if possible.

A meeting may be "HYBRID" and a Trustee may be allowed to participate remotely only in event of illness, or a temporary absence of a member that causes difficulty traveling to the meeting location (like a vacation). At this time, the District does not have the technology to allow hybrid meetings.

Unless a meeting is fully remote, the public must have the ability to attend the meeting in person. If a meeting is fully remote or hybrid the public must have the ability to hear everything and interact with the Board where the rules allow it (business meetings). In order to participate remotely, video is not required. Audio means are acceptable. Trustees have indicated that they will take up in 2022 the topic of remote participation by the public.

PUBLIC HEARING regarding the issuance of five bonds.

President Douglas opened the public hearing for comments. No one from the public was in attendance. President Douglas closed the public hearing.

Order 21-025, authorizing the Remote Meeting Policy.

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

It was Voted and unanimously,

ORDERED, that the Remote Meeting Policy for the conduct of public meetings of the Board of Trustees and its committees, attached hereto and incorporated herein by reference, is hereby approved by the Board of Trustees.

OTHER BUSINESS

None

SECOND INVITATION FOR PUBLIC COMMENT

None

TRUSTEE COMMENTS

Trustee Willey asked if a report regarding the current census will be provided to the Trustees. The report is being prepared by Mr. David Kane. Trustee Willey also let the Board know that he will not be running for reelection in November.

Trustee Levinsky let the Board know that his neighbor, Mr. Charles Shattuck-Heidorn has taken out papers and will be running for the open Portland seat.

EXECUTIVE SESSION

None

ADJOURNMENT

Meeting adjourned at 6:49 p.m.

Submitted by,

Donna M. Katsiaticas
Clerk