

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, November 22, 2021. Attending from staff were Messrs. Crovo, Kane, Wallace, Firmin, and Mses. Lewis, Katsiaficas, and Walker.

The meeting was convened by President Douglas at 6:03 p.m. with the Pledge of Allegiance and a moment of silence.

### **ROLL CALL**

The roll was called by the Clerk. Trustees Cote and Beck were absent.

### **DECLARATION OF ELECTION RESULTS AND INAUGURATION FOR THE TRUSTEES REPRESENTING PORTLAND ELECTED ON NOVEMBER 2, 2021**

Trustee Charles Shattuck-Heidorn, representing Portland, was sworn in as he began his five-year term.

### **ACCEPTANCE OF MINUTES**

It was moved by Trustee Garrison, seconded by Trustee Rich to allow Trustee Shattuck-Heidorn to recuse himself from voting on the regular business meeting minutes. Voted all in favor.

Trustee Levinsky made a motion to accept the minutes of the Regular Meeting of October 25, 2021, seconded by Trustee Garrison. Voted 8-1.

It was moved by Trustee Libby, seconded by Trustee Garrison to allow Trustee Shattuck-Heidorn to recuse himself from voting on the workshop meeting minutes. Voted all in favor.

Trustee Levinsky made a motion to accept the minutes of the Workshop Meeting of November 8, 2021, seconded by Trustee Burns. Voted 8-1.

### **INVITATION FOR PUBLIC COMMENT**

Joe Piccone, Bargaining Agent for Teamsters Local 340 addressed the Board. He acknowledged the efforts of Carrie Lewis and Mary Demers in keeping employees and their families safe during the pandemic. He thanked them for their efforts and for their communication with employees. He noted that of all of the units (40) he represents in Maine, PWD had undertaken the most effort in keeping its employees safe. He noted that contract negotiations were beginning and invited Trustees to attend negotiations if they were so inclined. After his comments, Ms. Lewis thanked the workforce and the Trustees for their support during this difficult year. The Trustees thanked the workforce as well.

### **REPORTS**

#### **Operations Committee**

Trustee Burns provided a summary of the Operations Committee meeting on November 8, 2021. Staff provided a recommendation to amend the existing professional services contract with Tighe

& Bond for hydrogeologic engineering and groundwater discharge pre-permitting related to the North Windham Wastewater Treatment Facility Project.

The Wastewater and Water Services Departments presented their respective 2022 budgets. Water Services reviewed accomplishments from 2021 and noted some of the initiatives planned for 2022. The overall budget increase was \$187,365 or 2.0%. Wastewater Services highlighted the final 2021 recommended budget in the six communities that PWD serves. The overall budget increase was \$740,415 or 7.3%.

After answering all questions to the satisfaction of the Committee members, the Committee agreed to forward these budgets to the full Board for their consideration.

### **Planning Committee**

Trustee Siviski provided a summary of the Planning Committee meeting on November 8, 2021. The Asset Management and Planning Department, which is comprised of Environmental and Engineering Services, presented their respective budgets. They discussed briefly with the Committee the projects and initiatives they accomplished in the previous year and outlined their goals for this coming year. They also discussed their respective financial overviews for their departments.

Committee members noted they were satisfied with this year's budget proposals for Engineering and Environmental Services and they recommended approval and forwarding their recommendation to the full Board for their consideration.

### **Administration and Finance Committee**

Trustee Rich provided a summary of the Administration and Finance Committee meeting on November 8, 2021. Mr. Kane presented an overview of the Administrative Departments' proposed 2022 Budget. The total budget request for 2022 is \$6,331,553, a decrease of \$37,127 or 0.6%. The Committee reviewed the proposed budget orders and recommended they be forwarded to Board for its consideration.

Ms. Meillat, of KMA Human Resources, presented a summary of the Non-Union Salary Survey and proposed a revision to the Broad Band Compensation Structure. The objective of the survey and structure changes include providing competitive pay, ensuring internal pay equity, promoting high performance, allowing for effective recruitment and supporting strong retention. She reviewed the process for updating the salary structure and adapting the structure to the District. After discussion, Ms. Lewis and Ms. Demers agreed to draft a motion to implement the recommendations of the study and to revise the Non-Union Compensation Policy accordingly.

Mr. Kane also provided the following updates to the Committee:

Water Rate Adjustment. Notice of a public hearing on the proposed March 1, 2022 water rate adjustment will be mailed to customers in December. The public hearing is scheduled for January 10, 2022.

Late Fees. The Board adopted waiver expires on December 31, 2021. No action was taken by the Committee to recommend extending the waiver. It was suggested we inform customers of the reinstatement of the fees to give them an opportunity to avoid having to pay those fees.

Mahoosuc Land Trust. On September 27, 2021, the Board approved contributing up to \$600,000 to support the conservation of the Crooked River Headwaters. Staff had indicated that it would bond the full amount through the state revolving loan (SRF) fund. Mr. Kane noted up to \$250,000 of the amount is for due diligence activities that may not be eligible for the state revolving loan fund. There is a sufficient balance in the Watershed Protection Cash Land Fund and it will be used if it is determined the amount cannot be SRF bond financed.

**General Manager’s Report**

The General Manager provided an introduction to the 2022 budget. The budget meets the guidelines established by the Board of Trustees. The Operating Budget is 50.1 Million Dollars; the Capital Budget is 30.6 Million Dollars.

**NEW BUSINESS**

**Order 21-032**, adopting the 2022 Budget and Wastewater Assessments.

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

It was Voted and unanimously,

ORDERED, that the 2022 Budget and Wastewater Assessments as presented by the General Manager are accepted and adopted and shall be filed with the minutes of this meeting; and pursuant to Section 12 of the District’s Charter, to assess for 2022 the participating municipalities for wastewater related costs as follows:

Town of Cape Elizabeth	\$ 2,061,612
Town of Cumberland	1,005,600
Town of Falmouth	314,112
Town of Gorham	1,313,100
City of Portland	13,960,236
City of Westbrook	3,173,124
Town of Windham	518,412

and to assess non-participating municipal corporations for billing-related costs as follows:

City of South Portland	\$ 208,164
Scarborough Sanitary District	12,072

**Order 21-033**, adopting the 2022-2026 Capital Improvement Plan.

The Board was requested to adopt the 2022-2026 proposed capital improvement plan and authorize staff to implement the 2022 projects within the restrictions stated below and in compliance with the purchasing policy guidelines.

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

It was Voted and unanimously,

**ORDERED**, that the 2022-2026 Capital Improvement Plan is hereby adopted and the General Manager is authorized to solicit bids or proposals for the year 2022 projects; excepting CIP# 182, project 3241\North Windham Wastewater system and to authorize the General Manager to award contracts for approved projects to the lowest bidder if the bid is within the project budget; and

**BE IT FURTHER ORDERED**, that the General Manager shall solicit bids or proposals and to partner with Municipalities, MDOT and Developers for the year 2022 for the replacement and extension of water mains, services, valves and hydrants as outlined in the Water Distribution Systems Program and to authorize the General Manager to award and enter into contracts if the bid or partnering proposals are within the overall program budget.

**Resolution 21-016**, declaring the Board's intent to issue debt to reimburse costs incurred for water fund projects identified in the 2022 CIP.

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

It was Voted and unanimously,

**RESOLVED**, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for water fund projects identified in the 2022 CIP. The full form of the resolution is attached hereto and incorporated herein by reference, and shall be part of the minutes of this meeting.

**Resolution 21-017**, declaring the Board's intent to issue debt to reimburse costs incurred for Cape Elizabeth's wastewater fund projects identified in the 2022 CIP.

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

It was Voted and unanimously,

**RESOLVED**, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Cape Elizabeth wastewater fund projects identified in the 2022 CIP. The full form of the Resolution is attached hereto and incorporated herein by reference, and shall be part of the minutes of this meeting.

**Resolution 21-018**, declaring the Board's intent to issue debt to reimburse costs incurred for Portland wastewater fund projects identified in the 2022 CIP.

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

It was Voted and unanimously,

**RESOLVED**, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Portland wastewater fund projects identified in the 2022 CIP. 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.

**Resolution 21-019**, declaring the Board's intent to issue debt to reimburse costs incurred for Westbrook, Gorham and Windham wastewater fund projects identified in the 2022 CIP.

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

It was Voted and unanimously,

**RESOLVED**, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Westbrook, Gorham and Windham wastewater fund projects identified in the 2022 CIP. 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 21-034**, authorizing the General Manager to execute an amendment to the existing professional services contract with Tighe & Bond for the North Windham Wastewater Treatment Facility Project.

The Town of Windham and the District are currently in the process of completing the preliminary design for the North Windham Wastewater Treatment Facilities.

In the process of vetting out locations for groundwater discharge of the clean effluent it was determined the Manchester School area is very favorable due to the hydrogeology of the site. The Town of Windham and RSU 14 have been working together for the past few years on design and construction of athletic fields on the school property. The Town and the District recognize that the construction of these new fields presents a unique opportunity to team up with RSU 14 and utilize these new fields for groundwater disposal by installing a drip dispersal system beneath the fields. The Town, the District and the School agreed that it makes sense to include design and construction the drip disposal system with the ballfield project. The School and town have started design of the ballfield project and anticipate bidding and constructing next year.

The Tighe & Bond team has established the field investigations necessary to facilitate pre-permitting approval from the DEP. This field work is in progress through the allowances in the existing contract approved December 21, 2020 (Order 20-035). To leverage the opportunity to

team with the Town and RSU 14 and maintain desired schedule, it is necessary to advance the hydrogeologic engineering effort beyond preliminary design to facilitate detailed design and permitting. The recommended amendment to the Tighe & Bond contract will address the engineering work needed to analyze the results of the field investigations and complete the modeling and hydrogeologic assessments required to obtain DEP pre-approval for disposal of the treated wastewater.

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

It was Voted and unanimously,

ORDERED, the General Manager is authorized to execute an amendment to the existing professional services contract with Tighe & Bond in the amount of \$257,000 to provide additional engineering services for the North Windham Wastewater Treatment Facility Project; 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.

BE IT FURTHER ORDERED, that a total project budget of \$961,000 is hereby amended by increasing the total project budget by \$257,000 establishing a new budget of \$1,218,000; 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.

**Resolution 21-020**, establishing a Special Election for the Trustee representing Gorham.

A Trustee seat on the Board is vacant due to the resignation of Robert Burns. Pursuant to the District's Charter, the vacancy must be filled by a special election; the District is responsible for the costs of the election.

Mr. Burns' term was set to expire in November, 2022. Unless a special election is held, the Town of Gorham will not have representation on the Board until then.

It is recommended that the District ask the Town of Gorham to hold a special election to fill the Gorham seat on the Board as soon as practicable.

Trustee Lunt and President Douglas asked that it be conveyed to the Town that they hoped a special election could be called quickly so that Gorham had representation on the Board.

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

It was Voted and unanimously,

BE IT RESOLVED, that the Clerk of the Town of Gorham is hereby requested to hold an election for the vacant Trustee position on the Board of the Portland Water District at the earliest possible convenience of the Town.

**OTHER BUSINESS**

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

President Douglas thanked Trustee Burns for his service on the Board. She appreciated his expertise and thanked him for sharing his experience. She also welcomed him to the Assistant Manager position for the Town of Windham. Trustee Lunt echoed her thanks to Trustee Burns. Trustee Lunt also thanked the workforce of PWD for their service this year. Trustee Shattuck-Heidorn thanked the Board for their warm welcome to the Board.

**EXECUTIVE SESSION**

None

**Adjournment.**

Meeting adjourned at 6:56 p.m.

Submitted by

Donna M. Katsiaficas  
Clerk