

As voted by the Board of Trustees and in accordance with the notice of the meeting, a Special Meeting of the Board of Trustees of the Portland Water District was held remotely via teleconference, on Monday, April 6, 2020. Attending from staff were Messrs. Kane, Crovo, Firmin, Wallace, and Mses. Lewis, Katsiaficas, Demers and Walker. Mr. Dennis Currier of Little Diamond Island was also in attendance.

The meeting was convened by President Cote at 6:00 p.m.

### **ROLL CALL**

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

### **CONVENE MEETING**

Trustee Siviski made a motion to conduct the special meeting remotely, seconded by Trustee Garrison.

Voted all in favor.

### **ELECTION OF OFFICERS FOR 2020-2021**

Trustee Lunt made a motion to table the annual election of officers until the May 26, 2020 business meeting, seconded by Trustee Levinsky.

Voted all in favor.

### **ACCEPTANCE OF MINUTES**

It was moved by Trustee Beck, seconded by Trustee Burns.

Voted all in favor to accept the minutes of the Regular Meeting of February 24, 2020, the Special Meeting of March 9, 2020 and the minutes of the Workshop Meeting of March 9, 2020.

### **INVITATION FOR PUBLIC COMMENT**

Dennis Currier, a resident of Little Diamond Island expressed his concern regarding the turning on of seasonal mains. He is currently living on the island with no running water. He explained that due to current COVID-19 pandemic he was forced to return from his winter residence earlier than expected. Ms. Lewis explained that it is the District's intent to begin to activate the mains on or about April 27; begin activating water services on or about May 5, with a completion date by June 1. Mr. Currier has filled out the necessary paperwork to have his service activated as soon as possible.

### **NEW BUSINESS**

**Resolution 20-004A**, authorizing the suspension of late fees and change in seasonal activation schedule.

The Governor of the State of Maine has declared a State of Emergency in order to respond to the coronavirus pandemic and its effects on our State. Several Municipalities in the District's service territory have also declared states of emergency and shelter in place orders.

The coronavirus pandemic is having an adverse effect on the economy and as a result on some of the District's ratepayers. In an effort to mitigate these impacts, it is recommended that late fees be waived until such time as the State of emergency and a 30 day period thereafter is over.

With respect to seasonal services and customers, the General Manager has reached out to the Portland City Manager to coordinate the establishment of services. By Agreement, the District

anticipates activating seasonal mains beginning April 27. The activation of seasonal services is anticipated to begin May 5, with a goal of being completed by June 1. This is dependent on staff resources and the status of the pandemic.

The following amends Resolution #20-004 which was on the agenda only as a waiver of late fees.

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

It was Voted and unanimously,

The complete amended and restated Motion:

Whereas, The Governor of the State of Maine declared a Civil State of Emergency on March 15, 2020 as a result of the coronavirus pandemic; and

Whereas, various municipalities in the District's territory have declared similar civil states of emergency; and

Whereas, the Board of Trustees recognizes the financial hardship the coronavirus pandemic is causing for some of its ratepayers; and

Whereas, the District's seasonal customers will be returning to their properties and requesting seasonal water service.

Whereas, the District's Terms and Conditions of Service provide:

#### **4) Late Payment Charges**

Late payment charges are assessed for overdue water bills that are not paid within 25 days from the postmarked date, or 25 days from the e-bill notification date. The interest rate charged will be the interest rate established for delinquent taxes by the State Treasurer.

#### **22) Seasonal Customer**

A seasonal customer regularly takes service for only a portion of the year from either a surface or deep main. A seasonal customer will be subject to seasonal rules and rates. An initial bill will be generated and no additional charges will be assessed unless the consumption, upon closing the account, exceeds the usage allowed in the seasonal rate. When the account is closed the meter must be removed and the water service must be disconnected. Seasonal customers served by a surface main shall be provided water service between May 1 and October 15.

NOW THEREFORE BE IT RESOLVED, that late payment charges provide for in the District's Terms and Conditions are hereby suspended, and that the General Manager is authorized to waive late fees for delinquent water bills owed to the District.

BE IT FURTHER RESOLVED, that the time period provided for in the Terms and Conditions for connecting seasonal customers is hereby suspended, and the General Manager is authorized to establish such dates for services as she deems necessary for the public health and safety and the health and safety of Portland Water District Employees;

BE IT FURTHER RESOLVED, any actions waiving fees or changing dates of seasonal water service taken by the General Manager prior to this vote are hereby ratified.

NOW THEREFORE BE IT RESOLVED, that late payment charges provide for in the District's Terms and Conditions are hereby suspended, and that the General Manager is authorized to waive late fees for delinquent water bills owed to the District.

This suspension and authority is granted from March 25, 2020 until thirty days after the end of the civil State of Emergency declared by the Governor.

Order 20-010, authorizing the final rate schedule for the water rate increase.

This item was tabled until May 26, 2020.

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

It was Voted and unanimous.

Order 20-011, authorizing actions related to the Littlejohn Pump Station Upgrade Project.

The Littlejohn Pump Station Upgrade Project was bid with a base bid and four alternates. The base bid work includes the highest priority upgrades and consists of replacing one original wastewater pump, all original suction and discharge piping within the pump station, and the original electrical and control systems at the pump station in Cape Elizabeth. While originally included in the project cost budget, the four alternates included replacement and upgrades to the level control, HVAC, plumbing, and lighting systems.

The design was completed in December 2019. The Project received design review approval from the Maine DEP State Revolving Fund and was put out to public bid on December 9, 2019.

Tighe & Bond, Inc. performed a due diligence review and has determined that Apex Construction, Inc. has the contracting capacity, relevant project experience, qualifications, and resources to complete the Project.

As approved by Board resolution, the comprehensive method for procuring engineering services was approved for use on this Project, allowing the same firm to be utilized for preliminary and final design as well as construction services. A contract for design services with Tighe & Bond, Inc. was approved by Board resolution in December 2018. The construction engineering and control system integrator services provided under the professional services amendment is \$87,800.

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

It was Voted and unanimously,

ORDERED, the General Manager is hereby authorized to execute a service contract amendment with Tighe and Bond, Inc., in the amount of \$87,800 for

construction services for the Littlejohn Pump Station Upgrades (CIP 2018-51/1360), (the “Project”); and

BE IT FURTHER ORDERED, a construction contract with Apex Construction, Inc. is hereby authorized, in the amount of \$599,999 for the 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 is hereby authorized, not to exceed \$900,000; 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 20-012**, authorizing the General Manager to execute a lease agreement with Portland Trails.

Portland Trails has plans for trails mainly along the Presumpscot River that will require crossing PWD property. The locations are as follows:

- 1) Warren Avenue – Westbrook – 60’ transmission main to Rocky Hill
- 2) East Bridge Street – Westbrook – East Bridge Street Interceptor and Force Main (two parcels)
- 3) Allen Avenue – Portland – Falmouth Feeder transmission main – Allen Avenue into Pine Grove Park.
- 4) West Falmouth Feeder at Presumpscot River Crossing – Falmouth

These trails will be natural walking paths with no changes to grades and will not have any effect on PWD facilities. Staff is proposing a 10-year lease similar to the one we have with Presumpscot Regional Land Trust for the Sebago to the Sea Trail in Standish

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

It was Voted and unanimously,

ORDERED, the General Manager is hereby authorized to execute a 10-year lease agreement with Portland Trails for walking trail crossings in various locations on PWD property; and

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

**Order 20-013**, authorizing a contribution to the Western Foothills Land Trust for property located in the Town of Otisfield.

The Sebago Lake watershed encompasses 450 square miles and includes parts of more than 20 towns. The long term water quality of the lake is in large part a function of the nature and scope of development of the watershed. The District’s Watershed Land Conservation Policy states the District’s commitment to and support for locally-initiated land conservation efforts.

The Edwards parcel is 42 acres and is located in the town of Otisfield. Western Foothills Land Trust plans to purchase the land for the purpose of conservation. With the adjacent parcels already conserved, the acquisition of the Scribner land will create a contiguous area of over 300 acres of protected forest.

It was moved by Trustee Lunt and seconded by Trustee Douglas.

It was Voted and unanimously,

ORDERED, that the General Manager is authorized to contribute up to \$8,610 to the Western Foothills Land Trust, to support the conservation of land known as the Scribner parcel located in the Town of Otisfield.

**Order 20-014**, approving an amendment to the Watershed Land Conservation Outside the Two-Mile Limit Policy.

The District's policy entitled "Watershed Land Conservation Outside the Two-mile Limit," first adopted in 2007, affirms our commitment to and support for locally-based conservation of forests in the watershed. This effort is critical because conserved forest is a natural water treatment method which is far less expensive than a constructed treatment plant.

By working with willing landowners and local partners such as land trusts, conserving forestland supports watershed towns, costs the District less, and leaves the ownership and future stewardship of the land to others. The District uses several different funding methods to support land conservation projects. Some of these sources (such as issuing bonds) require that the District acquire a real estate interest. In other cases (such as with a particularly large property) it may not be required but may be advisable to do so. This amendment to the policy reflects the Board's preferred approach with regard to property interests.

It was moved by Trustee Lunt and seconded by Trustee Levinsky.

It was Voted and unanimously,

ORDERED, that the District's policy "Watershed Land Conservation Outside the Two-mile Limit," which was first adopted in 2007 and amended in 2013 and 2018, is hereby amended with respect to District real estate interest options.

**Resolution 20-005**, authorizing the General Manager to exercise emergency powers.

Pursuant to the bylaws of the District:

The General Manager shall be the administrative head of all activities of the District under the policy guidance and governance of the Board of Trustees, and shall have such other powers and duties as the Trustees from time to time shall prescribe. The General Manager shall keep the Board of Trustees fully informed at all times as to the status of District activities.

The Governor of the State of Maine has declared a State of Emergency in order to respond to the coronavirus pandemic and it effects our State. As a result of this State of Emergency, it may become necessary of the General Manager to take actions that would normally be authorized by

the Board of Trustees because such actions must be taken quickly. In addition, because of the continuously evolving circumstances related to the virus, the General Manager may need to take actions related to the District's employees that will allow operations to continue and allow for the protection of the health and welfare of the employees.

Pursuant to the bylaws, the General Manager will continue to keep the Board of Trustees informed of actions she has taken.

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

It was Voted and unanimously,

Whereas, The Governor of the State of Maine declared a Civil State of Emergency on March 15, 2020; and

Whereas, in order to respond to and implement actions related to the State of Emergency the General Manager may be required to take actions that in the normal course of business would be presented to the Board of Trustees; and

Whereas, the Board of Trustees seeks a smooth continuation of operations at the District during the State of Emergency;

NOW THEREFORE BE IT RESOLVED, that the General Manager is authorized to take whatever actions she deems necessary to continue the operations of the District, to protect public health and safety, and protect the public health, safety and well-being of the District's employees. This authority is granted from March 15, 2020 until thirty days after the end of the civil State of Emergency declared by the Governor.

### **OTHER BUSINESS**

None

### **SECOND INVITATION FOR PUBLIC COMMENT**

None

### **TRUSTEE COMMENTS**

Trustee Willey extended his comment, correctly stated in the March 9, 2020 Workshop minutes, about the Presumpscot River Land Trust's (PRLT) request to have the PWD to support PRLT effort to increase the river's water quality designation. At the Workshop, he referenced the City of Westbrook as a decision maker, but wanted to include the Towns of Gorham and Windham as our treatment facility we operate is a regional wastewater treatment facility.

The Trustees thanked the District employees for all the hard work they have put in during this Pandemic Crisis.

President Cote noted there will be a remote workshop meeting on April 13, 2020.

**ADJOURNMENT**

Meeting adjourned at 6:55 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk