

As voted by the Board of Trustees and in accordance with the notice of the meeting, the monthly Workshop Meeting of the Board of Trustees of the Portland Water District was held in the Nixon Training Center at the general offices of the District, 225 Douglass Street, Portland, Maine on Monday, February 10, 2020. In attendance from staff were Messrs. Crovo, Kane, Firmin, Hunt, and Ms. Lewis, Katsiaticas, Jackson and Demers. President Cote convened the Workshop at 6:40 p.m.

All Trustees were present except Trustee Garrison.

1. PWD Property Interests on Conserved Watershed Lands

Paul Hunt, Environmental Services Manager, and Laurel Jackson, Water Resource Specialist, discussed and explained the questions that have arisen in the past year regarding the District's need and/or approach to holding property interests on conserved watershed lands.

Mr. Hunt began the discussion by reminding the Board as to why PWD has a watershed protection program. PWD's waiver of filtration requires a watershed control program which includes maximizing land ownership and controls land use in the watershed. Approximately 234,000 acres exists in the watershed; 84% of it is forested. Less than 1% is owned or controlled by PWD. PWD's goal is to keep the watershed greater than 76% forested, with 25% conserved by others.

Ms. Jackson explained the existing water conservation program and explained why PWD partnered with land trusts. She explained the role played by the land trusts and described the trusts' responsibilities. PWD has been supporting the efforts of land trusts. PWD only works with willing land owners. It reviews requests from trusts for funding assistance using a formula approved by the Board of Trustees. A grant commitment letter is issued for approved grants, and then the grant goes to closing. On average PWD contributes 12.6% of funding needed for the real estate transactions.

Staff is looking to the Board for guidance as to which type of interest PWD should take when making a financial contribution. When PWD uses bond money to contribute to the transaction, a real estate interest is required. Having a real estate interest strengthens protection and allows PWD to assure the property will remain conserved.

Ms. Katsiaticas provided options of real estate ownership and they were explained to the Board. Options included owning a fee in the real estate, obtaining a conservation easement, or placing a deed restriction requiring that the land remain in conservation.

Ms. Jackson then provided a proposal to the Board for consideration which described the financial levels of participation by PWD in transactions and the accompanying real estate interest. A copy of the proposal is in the PowerPoint provided to the Board. In general, the larger the participation of PWD, the more likely PWD would take a real estate interest.

Mr. Hunt asked the Board if it supported the described approach to land conservation. Trustees asked questions, including whether the value of the property's conservation to PWD by proximity to the watershed was considered. Trustee Willey stated he supported the staff's approach. President Cote asked if conservation efforts would be sped up if PWD contributed more money. Mr. Hunt said the present participation rate by PWD is working and should stay as

is. Trustee Rich voiced support for the staff's recommendations and wanted assurance that if a land trust went away, the property would still be protected. Trustee Lunt pointed out that if PWD did nothing, it would likely lose its waiver of filtration at some future date, as it might anyway. PWD's efforts in keeping the water clean now would make the water easier to filter because the water wouldn't be as dirty.

Next steps were discussed. A policy will be developed by staff along the same lines as presented to the Board at the Workshop. It will be presented to the Planning Committee.

Mr. Hunt then mentioned more funds that might be coming through the federal Farm Bill from 2018. The Drinking Water Program approached PWD to ask if PWD will be applying for the funding. The money could potentially supplement the District's contribution; it could be as much as 4-6 million dollars over the next 5 years. PWD could be the grantee of the funds directly.

2. Discussion of LD 2090

Carrie Lewis, General Manager, provided information to the Board on LD 2090 and discussed PWD's position on the bill.

Ms. Lewis gave an update to the Board on labor legislation. She first mentioned LD 900 - the public employee right to strike bill. She explained the position she took with the legislature and is pursuing an exemption of water and wastewater employees from the effect of the bill.

LD 1177 related to arbitration was passed last year and vetoed by the Governor.

LD 2090 combines the public strike bill and the arbitration bill. Ms. Lewis explained she will use the same arguments as she has previously on the strike issue and the arbitration issue and plans to use them on LD 2090.

Trustee Beck explained that he believed it is not a level playing field during negotiations and that the management team holds all the cards. Trustee Libby agreed and said he would support a different position on the bills.

President Cote asked about binding arbitration. The proposed legislative language is that the arbitrator will have jurisdiction over all issues including salaries, pensions and insurance.

Trustee Lunt voiced support for exempting water and wastewater employees from the effect of the strike bill. President Cote agreed.

3. Other Business

Discussion occurred as to whether the Board should have a legislative update at the workshop; it will not.

Chris Crovo mentioned that PWD has been approached by a developer to lease land for solar development. Staff will need professional assistance to explore the offer. Staff will get more info and bring it back to the Trustees.

4. Executive Session regarding the General Manager's performance review

Pursuant to 1 M.R.S. §Section 405(6)(A), the Board went into executive session to conduct the General Manager's annual performance review.

A motion was made by Trustee Willey and seconded by Trustee Libby to go into executive session to conduct the General Manager's annual performance review.

The Executive Session began at 7:55 p.m. and ended at 9:00 p.m. Motion to come out of Executive Session and adjourn made by Trustee Siviski, second by Trustee Beck.

Submitted by,

Donna M. Katsiaficas
Clerk