

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, April 25, 2016. Attending from staff were Messrs. Miller, Kane, Johnson, Crovo, Wallace, Firmin and Ms. Clement, Demers and Walker. Attending from the public was Ken Gray from Pierce Atwood. The meeting was convened by President Cote at 6:03 p.m. with the Pledge of Allegiance and a moment of silence.

### **ROLL CALL**

The roll was called by the Clerk. All Trustees were present except Trustees Douglas and Ross.

### **ACCEPTANCE OF MINUTES**

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

Voted all in favor to waive the reading and accept the minutes of the Regular Meeting of March 28, 2016, and the Workshop Meeting of April 11, 2016.

### **INVITATION FOR PUBLIC COMMENT**

None

### **REPORTS**

#### **Operations Committee**

Trustee Lunt, Chair, provided a summary of the Operations Committee meeting. The committee elected William Lunt as committee chair for the next 12 months. Staff reviewed the selection of a firm for engineering services for the Westbrook/Gorham/Windham Regional Wastewater Treatment Facility's dewatering design and construction services. The highest ranked proposal also represented the lowest cost proposal, therefore staff will move ahead with a contract with Stantech per the 2016 Capital Improvement Plan. Staff provided an overview of the installation of a 42" transmission valve near Queens Street in Gorham. Staff also provided updates on a number of current activities.

#### **Planning Committee**

Trustee Levinsky, Chair, provided a summary of the Planning Committee's meeting. The committee elected Ken Levinsky as committee chair for the next 12 months. Staff recommended approving a request for VRAP Subordination Agreement at 1156 Broadway, South Portland. Staff recommended providing a grant of \$2,500 to Lakes Environment Association to purchase equipment to perform milfoil removal in Sebago Lake. The committee voted 3-0 to approve these recommendations and forward to the full board for their consideration. Staff discussed the District's letter of support of a grant that was submitted by the Open Space Institute and the Nature Conservancy to strengthen and grow land conservation efforts for Sebago Lake Watershed. Staff discussed the proposal from Communications Facilities, Inc. to market the District tank sites for leasing to wireless communications companies and requested that staff bring this proposal forward in the form of a recommendation for consideration at the next month's planning committee meeting.

### **Administration and Finance Committee**

Trustee Garrison gave a summary of the Administration and Finance Committee's meeting. The committee elected Seth Garrison as committee chair for the next 12 months. Staff considered and recommended continued support for the 2016 Standish Spectacular by contributing \$300 (Gold Level). Ms. Mary Demers, Employee Services Director, provided an overview of the 2016 training program. Mr. David Kane, Treasurer, provided an overview of the three pension plans. He noted the District has one Deferred Compensation (457) Plan and two defined benefit pension plans – one for Bargaining unit employees and another for Non-Bargaining unit employees. The recently ratified union contract requires the following two plan amendments:

- Deferred Compensation Plan: The District will provide a 150% match of employee's contribution up to 4.5%, with the amount greater than 3% being a voluntary employee contribution.
- Defined Benefit Plan – Bargaining Unit: The monthly benefit per year of service increases by \$1.

The Committee recommended both motions be forwarded to the full Board.

The Committee viewed the 2 commercials promoting the District and the Value of Water and also viewed a video and article related to issuing 'green' bonds to finance projects. The Committee was also informed that customers can now pay their water bill over the phone.

### **General Manager's Report**

In addition to the report provided to the Board, Mr. Miller had 2 presentations for the Board.

Michelle Clement showed the 2 commercials currently running on Channel 8 and Time Warner Cable. Water, What's it Worth? These commercials started running in April and will run through the end of May. We are also running a social media campaign and are asking customers to submit videos on what water means to them. The grand prize winner will receive free water for a year. To date, 2 videos have been submitted.

Jim Wallace gave a short presentation on lead in our water. Lead is not naturally occurring in our source water; however, piping can have lead in it and with our water source being slightly corrosive we do take preventative measures. All known lead piping in our infrastructure was removed in the early 90's. We do adjust the Ph in our water so that once it does reach the customer's house it will not leach lead off interior pipes. We test the water daily and for the last 15 years have tested 50 homes considered to be in a high risk area and those tests have come back satisfactory. If you are concerned about lead in your water we will come out and do a lead test for you and help you interpret the results.

Trustee Libby thanked Jim for the presentation. Trustee Garrison asked about content in joints and meter brass. The new lead standards that came out in 2014 states that all new fittings must be lead free. Lead joints are protected from the inside. Results from our testing shows that lead is not leaching off of this equipment and into our water.

**NEW BUSINESS**

**Order 16-018**, approving Policy 650, Water Main Extension and Service Line Policy. During the process for obtaining exemptions from regulation from the PUC, the District represented that it would utilize Chapters 65 of the Rules of the Maine Public Utilities Commission as a foundation for its water operations. Staff represented to the Commission that the District would be making modifications at some point in the future to those chapters in order to accommodate its business needs. The PUC approved the District's proposal with the stipulation that future modification of Chapter 65 be filed with the PUC within 30 days of adoption by the District. The filing is for informational purposes only.

It was moved by President Cote and seconded by Trustee Dreger

It was Voted and unanimously

ORDERED, that Policy 650 Water Main Extension and Service Line Policy, attached hereto and incorporated herein, is hereby adopted.

**Resolution 16-006**, declaring District support for the Standish Summer Spectacular and authorizing a contribution as an event sponsor.

The District supported the event last year at the Gold Level (\$300).

It was moved by Trustee Garrison and seconded by Trustee Dreger

It was Voted and unanimously

WHEREAS on June 23 through June 25 the Town of Standish will celebrate the rich history of the three villages that make up the Town by hosting the *Standish Summer Spectacular* event, and

WHEREAS the Portland Water District has long had a unique relationship with the Town due to the District's watershed protection efforts and the location of its water treatment facilities in the Town, and

WHEREAS the Portland Water District strives to be a respected corporate citizen of the Town, and values its relationship with the Town;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees expresses its' support and recognition of the Town of Standish in its' celebration of *Standish Summer Spectacular*, and

BE IT FURTHER RESOLVED the Portland Water District demonstrates its' support by contributing as a Gold Level Sponsor of the event.

**Order 16-019**, approving an amendment to the bargaining unit employees' pension plan.

At the March 28, 2016 meeting, the Board ratified the labor agreement between the Teamsters Local 340 and the District. The agreement included an increase for bargaining unit employees

participating in defined benefit pension benefits that retire on or after January 1, 2017. The summary of the changes are listed below:

Pay Grade	Current Benefit	1/1/2017
A-E	\$35.75/year of service	\$36.75
F-L	\$36.75/year of service	\$37.75

It was moved by Trustee Garrison and seconded by Trustee Dreger

It was Voted and unanimously

ORDERED, that the First Amendment to the Portland Water District Bargaining Unit Employees' Pension Plan, effective generally January 1, 2017, in substantially the form presented at this meeting and ordered filed with the minutes hereof, is hereby adopted and approved, with such changes therein, not inconsistent with the general tenor thereof, as the officers of the District, with the advice of counsel, deem necessary or appropriate to carry out the objectives thereof or to obtain the approval of the Internal Revenue Service that the Plan is qualified under Section 401 of the Internal Revenue Code of 1986, as amended (the "Code").

BE IT FURTHER ORDERED, to authorize the General Manager (or other appropriate person) to take any action necessary or appropriate to effectuate the foregoing votes, including but not limited to (i) executing the formal documents, and (ii) communicating plan changes to plan participants and eligible individuals.

AND BE IT FURTHER ORDERED, that all actions heretofore taken by any employee of the District in connection with the transactions authorized by the foregoing resolutions, and all transactions related thereto, are hereby approved, ratified and confirmed in all respects.

**Order 16-020**, approving an amendment to the deferred compensation plan.

At the March 28, 2016 meeting, the Board ratified the labor agreement between the Teamsters Local 340 and the District. The agreement included a change in amount of District's match to employees' contributions. Effective on April 4, 2016, the District will provide a 150% match of the first 4.5% of the employees' contribution with the contribution above 3% voluntary. This change is only available to employees who don't participate in the District's defined benefit pension plans.

It was moved by Trustee Garrison and seconded by Trustee Dreger

It was Voted unanimously

ORDERED, that the First Amendment to the Portland Water District Deferred Compensation Plan, effective generally April 4, 2016, in substantially the form presented at this meeting is hereby adopted and approved.

**Order 16-021**, authorizing the General Manager to contribute a lakescaping grant up to \$2500 to the Lakes Environmental Association.

The Lakes Environmental Association (LEA) has requested a contribution from the District in the amount of \$2,500 to help pay for new equipment that will be used to help control milfoil.

The LEA has budgeted \$67,000 for milfoil control work in 2016. Approximately eighty percent of this time will be spent on Sebago Lake and the remaining twenty percent will be spent doing maintenance on parts of the Songo River where LEA has worked in the past. LEA anticipates \$7,000 in funding to come from the towns surrounding Sebago Lake, as well as a \$15,000 grant from DEP. The remainder is expected to come from contributions by shorefront property owners who will benefit from the work.

It was moved by Trustee Levinsky and seconded by Trustee Lunt

It was Voted and unanimously

**ORDERED**, that the General Manager is authorized to contribute a lakescaping grant up to \$2,500 to the Lakes Environmental Association, to support milfoil mitigation on Sebago Lake.

**Order 16-022**, approving the execution of a subordination agreement related to real estate located at 1156 Broadway, South Portland.

In 1949 and 1950, the District constructed a 30" concrete water transmission main from Westbrook through South Portland to Cape Elizabeth. This main crosses the property at 1156 Broadway in South Portland for a distance of 80'. The Stanmar Corporation, the owner of the property at 1156 Broadway, is selling the property; the closing is scheduled to occur by the end of April. In conjunction with that sale, it obtained a VRAP (Voluntary Response Action Program) No Further Action Letter. The property shows evidence of minimal contamination of petroleum products. As a condition of the VRAP letter, a DEP-approved covenant that addresses excavation on the property will be recorded in the Registry of Deeds. The covenant requires that if digging is done on the property, workers will be advised that petroleum contamination may exist and should minimize soil disturbance and dermal and oral contact with the soil. Because PWD may have occasion to excavate in the area of its easement in the future, either due to maintenance or a main break in the area, PWD is being asked to subordinate its interests to the covenant required by DEP. This would mean that PWD must comply with the terms of the covenant. The risk of the District needing to comply with this covenant is minimized by the fact that the easement crossing the property is so small (80 feet). Further, this covenant only requires notification of the workers who are digging of the potential for contamination, requiring minimization of contact with the soil, and doesn't present any significant operational problems.

Trustee Libby expressed his disappointment that the Board was not brought into the VRAP process earlier on but spoke with corporate counsel and was assured that the appropriate steps have been taken.

It was moved by Trustee Levinsky and seconded by Trustee Lunt

It was Voted and unanimously

ORDERED, the General Manager is authorized to execute a Subordination Agreement related to a VRAP, for property located at 1156 Broadway in South Portland

BE IT FURTHER ORDERED, 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.

It was moved by Trustee Dreger and seconded by Trustee Levinsky that the Second Invitation for Public Comment and Trustee Comments be moved prior to the Executive Session. It was voted and unanimous.

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

None

**EXECUTIVE SESSION**

Trustee Dreger made a motion to go into executive session, pursuant to 1 M.R.S. §405(6)(A) personnel, to discuss the status of the offer made to the candidate for the General Manager's position, seconded by Trustee Libby. All in favor.

The meeting reconvened at 7:35 p.m.

**OTHER BUSINESS**

It was moved by Trustee Libby, seconded by Trustee Dreger, and unanimously passed to add an item to the agenda under Other Business related to the general manager's performance review.

It was then moved by Trustee Dreger, seconded by Trustee Libby to adjust the general manager's salary by 2.5% for 2016. Trustee Libby moved and Trustee Dreger seconded an amendment to the motion to be a 5% adjustment in recognition of the general manager's willingness to postpone his planned retirement by a year in order for the Board to start a new executive search process for his successor. The amended motion was unanimously passed.

**Adjournment.**

Meeting adjourned at 7:40p.m.

Submitted by,

Carrie Walker  
Clerk Pro Tem