



MEMORANDUM PORTLAND WATER DISTRICT

TO: Board of Trustees

FROM: Carrie Walker

DATE: July 5, 2022

RE: **Workshop Meeting – Monday, July 11, 2022**

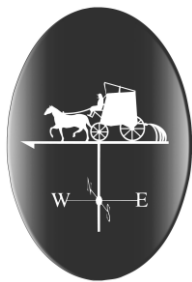
There will be a remote Workshop Meeting of the Board of Trustees of the Portland Water District on Monday, July 11, 2022, at 6:30 p.m. Please go to www.pwd.org for specific meeting access information or call 207-523-5266.

The Workshop will be preceded by meetings of the following Board committees:

<u>Committee</u>	<u>Room / Location</u>	<u>Time</u>
Pension	Remotely	5:15 p.m.
Administration & Finance	Remotely	5:30 p.m.
Operations	Remotely	5:30 p.m.
Planning	Remotely	5:30 p.m.

AGENDA – WORKSHOP

- 1. State of Casco Bay**
Curtis Bohlen, Director of the Casco Bay Estuary Partnership at University of Southern Maine, will provide an update on the State of Casco Bay.
- 2. Executive Session**
Pursuant to 1 M.R.S. §405 (6)(D) labor negotiations, the Board will go into Executive Session to discuss the status of labor union contract negotiations with Teamsters Local Union #340.
- 3. Other Business**
- 4. Adjourn**



MEMORANDUM PORTLAND WATER DISTRICT

TO: Pension Committee / Board of Trustees

FROM: Mary Demers, Director of Employee Services

DATE: July 1, 2022

RE: **Pension Committee Meeting – July 11, 2022**

A meeting of the Pension Committee of the Portland Water District Board of Trustees will be held on Monday, July 11, 2022. The meeting will begin at 5:15 p.m. via teleconference. The public may access the meeting by dialing 408-418-9388, access code 2632 835 3592, meeting password 99985777.

AGENDA

1. **Approval of Pension Distributions**
Staff will present a request to approve benefits for two retirees.
2. **Other Business**



MEMORANDUM PORTLAND WATER DISTRICT

TO: Administration and Finance Committee / Board of Trustees

FROM: David Kane, Director of Administration
Mary Demers, Director of Employee Services

DATE: July 1, 2022

RE: **Administration and Finance Committee Meeting – July 11, 2022**

A meeting of the Administration and Finance Committee of the Portland Water District Board of Trustees will be held on Monday, June 11, 2022. The meeting will begin at 5:30 p.m. via teleconference. The public may access the meeting by dialing 408-418-9388, access code 2634 758 2366, meeting password 92679576.

AGENDA

1. North Windham Sewer Project Bond

The voters authorized the construction of a North Windham sewer system at a cost of up to \$38.9M. Bond Counsel recommends a motion stating the District's intent to borrow up to \$38.9M. (See attached memo)

2. Freedom of Information Law Policy

A request will be reviewed to repeal the Freedom of Information Law Policy since it is redundant to the Freedom of Information Law requirement. (See attached memo)

3. Other Business

- A. 2023 Budget Update
- B. State Low Income Program Update



Portland Water District
From Sebago Lake To Casco Bay

ADMINISTRATION AND FINANCE COMMITTEE / AGENDA ITEM SUMMARY

Agenda Item: 1
Date of Meeting: July 11, 2022
Subject: North Windham Sewer System – Intent to Borrow
Presented By: David Kane, Director of Administration and Finance

RECOMMENDATION

The following language is proposed for the Board’s Consideration:

RESOLVED, the Board hereby amends Resolution 21-019 to reflect the North Windham Sewer System project costs recently approved by the Windham residents. 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

BACKGROUND ANALYSIS

In compliance with Internal Revenue Service (IRS) regulation, an ‘intent to borrow’ motion must be approved by the Board before expenditures are incurred on a project that may be financed with tax-exempt financing. At the November 22, 2021 meeting, the Board adopted Resolution 21-019 indicating an intent to borrow up to \$10,610,000 for the projects including the North Windham Wastewater System. The voters of North Windham recently authorized the Town to proceed with the project and bond up to \$38,900,000. The proposed motion amends Resolution 21-019 to reflect the higher amount. The actual amount to be borrowed will be reviewed and authorized by the Board at a future meeting.

FISCAL REVIEW / FUNDING

The intent to borrow allows any costs incurred on the approved project to be tax-exempt bond financed. At this time, the actual amount to be bonded is unknown so the fiscal impact is not known. Per the Windham/PWD Memorandum of Understanding, Windham understands any debt service cost incurred will be included in their annual wastewater assessment.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed motion and approved as to form.

CONCLUSION(S)

Staff recommends the motion be forwarded to the full Board for its consideration.

ATTACHMENTS

Full Form of the Resolution

**DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2
(Amending and Restating Resolution 21-019)**

WHEREAS, pursuant to Treasury Regulation §1.150-2, the Portland Water District (the “Issuer”) in Resolution 21-019 previously adopted a declaration of intent with respect to the projects described below (the “Projects”); and

WHEREAS, the Issuer now anticipates that the costs of the Projects will exceed its original expectation of \$10,280,000 to a new anticipated cost of \$38,900,000 and therefore desires to amend its prior declaration of intent as provided herein;

NOW, THEREFORE, the Issuer does hereby amend and restate Resolution 21-019 as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse itself for expenditures made on the Projects with the proceeds of bonds or notes in anticipation thereof to be issued by the Issuer to finance the costs of the Projects in the maximum principal amount of \$38,900,000.
2. **General Description of Property to which Reimbursement Relates.** The following is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursements will be made:
 - Construction of a new wastewater treatment plant and related infrastructure in the North Windham area of Windham; and
 - Renovation and repair of equipment and facilities at the Westbrook Regional Treatment Plant and various pump stations in Gorham, Westbrook and Windham.
3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.
4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations § 1.150-2.
5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.



Portland Water District
From Sebago Lake To Casco Bay

ADMINISTRATION AND FINANCE COMMITTEE/ AGENDA ITEM SUMMARY

Agenda Item: 2
Date of Meeting: July 11, 2022
Subject: Repeal of FOAA Policy
Presented By: David Kane, Director of Administration and Finance
Donna Katsiaficas, Corporate Counsel

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, that policy 7.05-05 Freedom of Access Law Requests is hereby repealed.

BACKGROUND ANALYSIS

The Portland Water District is a public entity and is subject to the Freedom of Access Law, 1 M.R.S. §401-§414. The District must comply with this law in its response to public records requests.

PWD Policy 7.05-05 Freedom of Access Law Requests was last amended on August 28, 2012. The policy tracks the provisions of Maine Law. The policy is redundant and not needed because Maine state law governs this area, and the law contains all of the detail that is in the PWD policy.

FISCAL REVIEW / FUNDING

There is no fiscal impact in repealing this policy, as state law governs the fees that can be charged for response to records requests.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed motion and approved as to form.

CONCLUSION(S)

Staff recommends that PWD's Freedom of Access Law Requests Policy be repealed.

ATTACHMENTS

Freedom of Access Law Requests Policy

POLICY NUMBER: 7.05-05

SUBJECT: Freedom of Access (“Right to Know”) Law Requests
1 M.R.S.A. § 401 et. seq.

EFFECTIVE DATE: 08-28-12

SUPERSEDES: 05-07-07

APPROVED BY: PT/RM

Purpose: To ensure that all citizens have access to public records in the possession of the District and that the time and method of providing public records to members of the public both complies with their rights under the law and allows for the smooth functioning of the District’s departments.

Definitions: Definition of the term “public records” can be found in 1 M.R.S.A. §402(3). The District is required by law to provide access to public information within five business days of a request but is prohibited by law and Public Utilities Commission’s rules, from releasing information classified as confidential.

Scope: This policy gives the right to all citizens to access public records in the possession of the District.

Responsibility: The interpretation of this policy will be the responsibility of General Manager.

Policy: Rules for Access to Public Records

1. The District’s Corporate Counsel is designated as the District’s Public Access Officer pursuant to 1 M.R.S.A. §413. Requests for access to public records shall be routed through said officer.
2. Persons requesting to see or copy public records may be requested to fill out the attached form and present it to the District in order to facilitate production of records that appropriately answer the request. Completion of the form shall not be required in order to have access to records.
3. The Public Access Officer shall acknowledge receipt of a request for access to records within a reasonable time.
4. Access to public records shall be provided within a reasonable time.. Public records may be inspected during reasonable hours at a time and in a manner that ensures protection of the records and does not disrupt or obstruct the smooth functioning of the department that is the custodian of the records.

- a. Protection of Records. To protect records, the District may require that an employee or official of the District be present during inspection and/or copying of documents.
- b. Scheduling. When the presence of an employee or official is required to ensure the protection of any record, the inspection or copying shall be scheduled as promptly as possible during regular business hours provided that the scheduling shall minimize disruption of the function of the department.
- c. Copying. Any record that is copied by the District shall be copied during regular business hours on a schedule that does not disrupt the functioning of the department.
- d. Payment of Costs. If District copiers are used, the charge to the person requisitioning the copies shall be \$1.00 for the first page and \$.50 for each additional page. Postage costs may be charged if the document(s) is mailed to the requestor. The District may also charge a fee to cover the actual cost of searching for and retrieving and compiling the requested public record of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes review and redacting confidential information. If translation or conversion into a form susceptible of visual or aural comprehension or into a usable format is necessary, the District may charge a fee to cover the actual cost of translation or conversion.
- e. Estimate. The District shall provide to the requester an estimate of the time necessary to complete the request and of the total cost. If the estimate of the total cost is greater than \$30, the District shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection f applies.
- f. Payment In Advance. The District may require a requester to pay all or a portion of the estimated costs to complete the request prior to the translation, search, retrieval, compiling and copying of the public record if:
 - a. The estimated total cost exceeds \$100; or
 - b. The requester has previously failed to pay a properly assessed fee under this policy in a timely manner.

g. Waiver. The District may waive part of all of the total fee if:

- a. The requester is indigent; or
 - b. Release of the public record requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.
3. Any denial by the District of a request to see a public record shall be made in writing within five working days of receipt of the request with an explanation for the denial.

Complaint Procedure: Any concerns about this policy should be made to the General Manager.

The Portland Water District

Request for Access to Public Records

I request to review the following public records of the Portland Water District:

Date

Signature

Print Name

This Space for Official Use Only

_____Request Approved

_____Request Denied

Reason
Denied_____

Date

Approved By

**Portland Water District
Asset Management and Planning Department
PLAN / DOCUMENT REQUEST FORM**

Date: _____

Requestor Name: _____

Company: _____

Phone #: _____

Photo ID #: _____

Project Name: _____

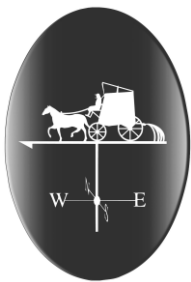
Project /Contract#: _____

Specific documents requested and the purpose of the request:

**PLEASE DO NOT WRITE IN SHADED AREA
DEPARTMENTAL APPROVAL**

Email this request to: _____

Department	Person Granting Approval	Date/Time
		<input type="checkbox"/> Granted <input type="checkbox"/> Denied
TOTAL COST:		
Comments:		



MEMORANDUM PORTLAND WATER DISTRICT

TO: Operations Committee / Board of Trustees

FROM: Scott Firmin, Director of Wastewater Services
James Wallace, Director of Water Services

DATE: July 1, 2022

RE: **Operations Committee Meeting – July 11, 2022**

A meeting of the Operations Committee of the Portland Water District Board of Trustees will be held on Monday, July 11, 2022. The meeting will begin at 5:30 p.m. via teleconference. The public may access the meeting by dialing 408-418-9388, access code 2634 439 8739, meeting password 82927474.

AGENDA

1. Biosolids Management Contract

Staff will present a framework for an amended biosolids management contract. The timing and need to amend the current contract is in response to recent regulatory actions affecting biosolids management. (See attached memo)

2. Septate Receiving Update

Staff will provide a summary of the District's septage receiving activities and related fees.

3. Other Business



OPERATIONS COMMITTEE / AGENDA ITEM SUMMARY

Agenda Item: 1
Date of Meeting: July 11, 2022
Subject: Biosolids Management Contract
Presented By: Scott Firmin, Director of Wastewater Services

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, the General Manager is authorized to execute a contract amendment with Casella consistent with the terms presented to the Board of Trustees on July __, 2022.

BACKGROUND ANALYSIS

The treatment of wastewater at our treatment plants generates residuals, or biosolids, that must be managed on a daily basis. PWD is in the final term of an agreement with Casella to accomplish this. Since 2019, all of PWD's biosolids have been landfilled.

DEP and Legislative activity have imposed sudden and substantial restrictions on biosolids management in Maine. This has resulted in the elimination of all options but landfilling for biosolids generated and managed in Maine and has placed significant cost and logistical pressures on the landfills that accept biosolids

PWD received communication from Casella claiming contract implications related to changes in law and possible Force Majeure events that they claim warrant immediate changes to the current agreement. We expect to be able to resolve these issues in a timely manner and to continue through the remaining term of the contract, which ends in 2025.

The most significant items raised by Casella are an increase in the tipping fee and fuel charge indexed adjustment. The total cost per wet ton is anticipated to increase for this year by no more than \$25 per wet ton with a current fuel adjustment of \$2.16 per wet ton. This increase will represent an immediate increase of 27% to our biosolids management costs and increase the total cost by \$282,900 in 2022. The increase for 2023 will be part of this negotiation.

The biosolids management in Maine is extremely volatile and despite these increases, which directly address real and significant costs related to managing biosolids, Casella continues to provide a vital service in an otherwise limited market.

FISCAL REVIEW/FUNDING

The proposed tipping fee and current estimated fuel surcharge will result in an increased cost of \$282,900 in 2022.

LEGAL REVIEW

Corporation Counsel has reviewed the proposed order as to form.

CONCLUSION(S)

Staff recommends that the Board authorize the General Manager to negotiate terms of a contract amendment to continue with Casella in 2022 and the remaining term of the current agreement.

ATTACHMENT(S)

None



MEMORANDUM PORTLAND WATER DISTRICT

TO: Planning Committee / Board of Trustees

FROM: Christopher Crovo, P.E., Director of Asset Management and Planning

DATE: July 1, 2022

RE: **Planning Committee Meeting – July 11, 2022**

A meeting of the Planning Committee of the Portland Water District Board of Trustees will be held on Monday, July 11, 2022. The meeting will begin at 5:30 p.m. via teleconference. The public may access the meeting by dialing 408-418-9388, access code 2631 553 1204, meeting password 49479324.

AGENDA

1. **CIP Amendment Request - Douglass Street Slate Roof replacement.**
Staff will recommend a budget increase to the roof replacement project along with a reduction in scope. (See attached memo)
2. **License Request - Kansas Ave, Portland**
Staff will recommend license to City of Portland to plow snow onto District property as requested by City of Portland to the Kansas Ave. developer. (See attached memo)
3. **Other Business**



Portland Water District
From Sebago Lake To Casco Bay

PLANNING COMMITTEE / AGENDA ITEM SUMMARY

Agenda Item: 1
Date of Meeting: July 11, 2022
Subject: Douglass Street Slate Roof Replacement
Presented By: Joshua Hudak, Administrative Facilities Chief Operator

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, that the 2022 Capital Improvement Plan is amended by adding \$35,000 to 068-3053 - Douglass St Roof Replacement Phase 3 - 2022 for a total budget of \$315,000.

BACKGROUND ANALYSIS

The Douglass St. slate roof replacement was programmed in the 2022 CIP at \$280,000 to complete the final phase of the slate roof (phase 3 of 3). The project was placed out to bid and the District received one bid from The Heritage Company. Their bid came in at \$477,000 which is \$197,000 over the CIP budget. The Heritage Company completed the previous phases of the slate roof and have done excellent work and they noted that their pricing represents significant increases in labor and material cost since the original estimate of work was developed nearly two years ago. Staff reviewed their bid and asked them to provide a cost for reduced scope of work which would address the leaking section of the proposed work. They provided a cost of \$311,000 to complete this work, staff added a contingency of \$4,000 bring the project total to \$315,000.

Staff's recommendation is to amend the original CIP 068-3053 scope and budget from \$280,000 to \$315,000 in order to address the leaking section of the slate roof and reprogrammed the remaining roof replacement in a future year in the Capital Improvement Program.

FISCAL REVIEW / FUNDING

The estimated balance in the Douglass Street R&R reserve fund as of 12/31/2022 - \$495,265. The requested \$35,000 will be taken from this reserve.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed Motion and has approved as to form.

CONCLUSION(S)

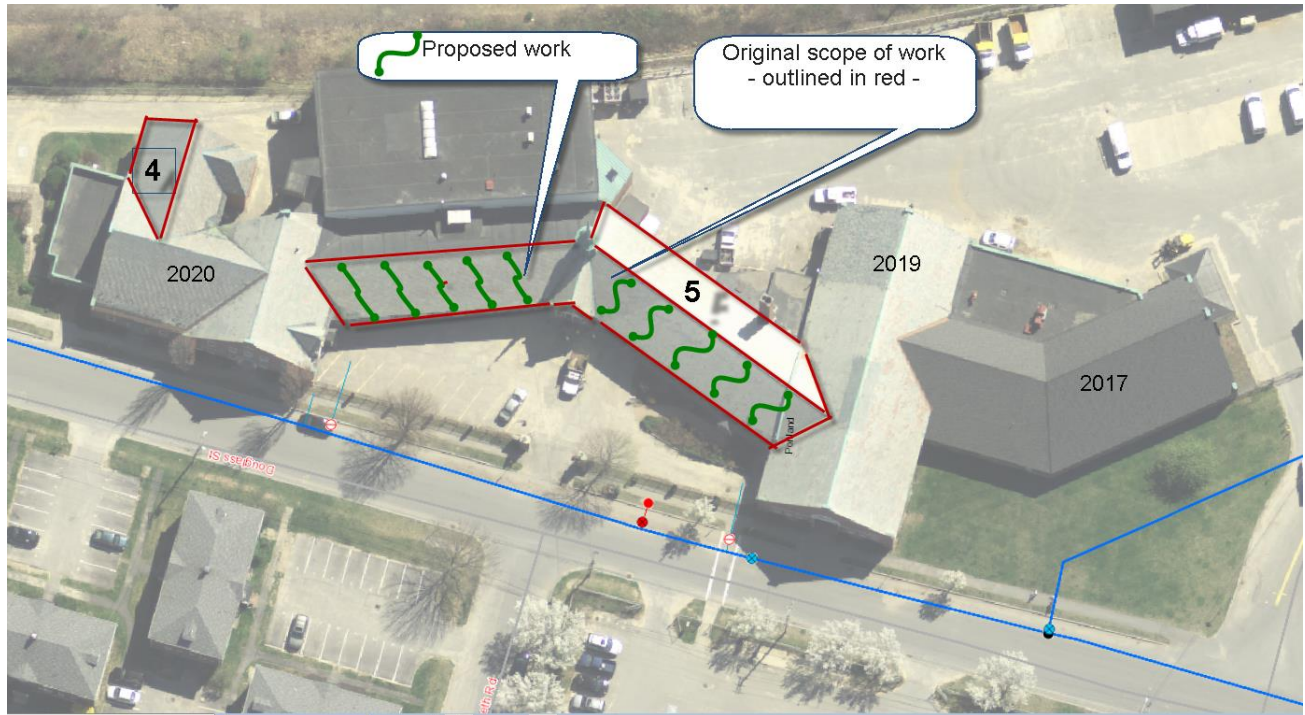
Staff recommends approval of the change in scope and the additional project allocation.

ATTACHMENT(S)

Photo representation of the areas in question.

Outlined in Red: Original scope of CIP 68-3054 for 2022

Green squiggly lines: Recommended reduced scope for 2022





Portland Water District
From Sebago Lake To Casco Bay

PLANNING COMMITTEE / AGENDA ITEM SUMMARY

Agenda Item: 2
Date of Meeting: July 11, 2022
Subject: License Request - Kansas Avenue, Portland
Presented By: Laurel Jackson, Right of Way Agent

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, the General Manager is authorized to execute a license to the City of Portland for property on Kansas Avenue in Portland for the purpose of snow storage; 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.

BACKGROUND ANALYSIS

The District owns land at the end of Kansas Avenue in Portland for a 24-inch water main right-of-way. A developer is proposing to develop two house lots at the end of Kansas Avenue. The current City of Portland plowing practice piles snow in front of the proposed driveway to these lots. In order to approve the development, the City requested an easement to plow snow onto District land. The snow pile would be over fifty feet from the water main and would not inhibit District access to its property.

A permanent easement may limit potential future use of District land, or impede its sale in the future if the District chose to sell the land; therefore Staff recommends entering into a revocable license agreement with the City. The license will allow the City to use the land for snow storage but will grant no permanent rights. The license terms would provide that it could be revoked on a 90 day notice.

This arrangement will require an exception to the District's Policy for the Sale or Other Use of District Real Property which dictates that a license agreement shall not extend longer than one year. The Developer shall be required to pay the license fee.

FISCAL REVIEW / FUNDING

The Developer will be required to pay the \$200 license fee to the District.

LEGAL REVIEW

Corporate Counsel will review the proposed license agreement prior to execution.

CONCLUSION(S)

Staff recommends that the Board approve an exception to the Policy for Sale or Other Use of District Real Property and allow a license agreement with the City of Portland for a duration longer than one year.

ATTACHMENTS

Kansas Avenue plans

TOWN OF FALMOUTH
CITY OF PORTLAND

EXG. SMH C

#5 REBAR W/CAP
FOUND, PLS #2036
0.6' A.G.

EXG. SMH B

N/F
PORTLAND WATER DISTRICT

EXG. SMH A

INV. OUT 12" STEEL CULV.
ELEV. = 76.37'

HATCH INDICATES:
SNOW STORAGE
EASEMENT 25'
FROM PWD AND
25' FROM LOT 1

SNOW
STORAGE
AREA

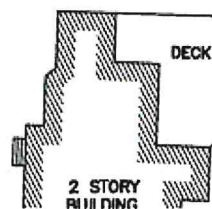
N/F
MARK S. JONES &
MARTHA Y. JONES
30886/342+
399-D-014-01

CITY OF PORTLAND TBM:
NLY EDGE BOTTOM STEPS
HOUSE # 214 VIRGINIA ST.
ELEV. = 91.95'
(NGVD 1929 DATUM)

#5 REBAR W/CAP
FOUND, PLS #2036
0.6' A.G.

AVENUE
KANSAS

TO VIRGINIA STREET



RESTRICTIONS

CABLE
TRANSFORMER
PHONE

18" AC

262.49'
S86°22'27"E

INV. 5" DIAM. CMP CULV.
ELEV. = 75.20'

PROPOSED
DRIVEWAY 12'
WIDE (TYP.)

MANHOLE #2B

PROPOSED
ROAD
EXTENSION

INSTALL 50LF OF 6" PVC GR
NEW 4'Ø SEWER MANHOLE
INTO EXG. 8" PVC @ END OF

N/F
ALAN C. CARTER &
DEBRA K. CARTER
15570/1
404-C-1601