



## **WORKSHOP MEETING BOARD OF TRUSTEES**

225 Douglass Street, Portland, Maine  
Jeff P. Nixon Training Center  
6:30 p.m. on Monday, December 9, 2024

There will be a Workshop Meeting of the Board of Trustees of the Portland Water District on Monday, December 9, 2024. The meeting will begin at 6:30 p.m. in the Nixon Training Center at the general offices of the District located at 225 Douglass Street, Portland, Maine.

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

<b><u>Committee</u></b>	<b><u>Room / Location</u></b>	<b><u>Time</u></b>
Water Bottle Filling Station	General Manager's Conference Room	5:00 p.m.
Administration & Finance	Monie Room	5:30 p.m.
Operations	EOC 2 <sup>nd</sup> Floor	5:30 p.m.
Planning	Nixon Training Center	5:30 p.m.

### **AGENDA – WORKSHOP**

- 1. PWD Bylaw Change**  
The Board will discuss the proposed change to the Bylaws related to the hiring of the Corporation Counsel by the Board. (See attachments)
- 2. Legislative Update**  
Staff will provide a legislative update to the Board on legislation that will be proposed in the next legislative session affecting the District.
- 3. Other Business**
- 4. Adjourn**



## **BOARD OF TRUSTEES / AGENDA ITEM SUMMARY**

Agenda Item: 6D Order 24-026  
Date of Meeting: October 28, 2024  
Subject: Amendment to Bylaws  
Presented By: Donna Katsiaficas, Corporate Counsel

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### **RECOMMENDATION**

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

**ORDERED**, that the Bylaws of the Portland Water District are hereby amended and approved in substantial form as attached hereto, effective upon this approval.

### **BACKGROUND**

Under the present District personnel staffing plan, the District's Corporate Counsel is hired by the General Manager, and the appointment is confirmed by the Board of Trustees, as are other Department Heads. Due to the nature of the Corporate Counsel's position in the organization and the professional obligations of the position, the President and Vice President of the Board have requested that the position of Corporate Counsel be hired by the Board of Trustees instead of the General Manager. This change requires an amendment to the Bylaws of the District. If this change is approved, the title of the Corporate Counsel's position would change to Corporation Counsel to reflect this change, in keeping with the change in the reporting structure.

Bylaw changes require two readings. If this proposal is favorably voted by the Committee, the bylaw change will be placed on the next two business meeting agendas.

### **FISCAL REVIEW / FUNDING**

The changes do not result in any fiscal impact to PWD.

### **LEGAL REVIEW**

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

### **CONCLUSION(S)**

The President recommends that the Committee approve the proposed motion. The Committee unanimously recommended the motion be forwarded to the Board for its consideration. Article XII in the Bylaws states amendments must be read at two separate meetings of the Board of Trustees. The first reading will be at the October 28, 2024, and the second reading at the November 25, 2024 meeting.

### **ATTACHMENT(S)**

Draft of proposed revised Bylaws

# PORTLAND WATER DISTRICT

## BYLAWS

### ARTICLE I

#### Meetings

Section 1 The annual meeting of the Board of Trustees for the election of officers of the Board and the transaction of other business shall be held during the month of March each year at the principal office of the District in Portland, Maine, or at such other place within the State of Maine and at such time as the Trustees may determine. In the event the annual meeting is not held, a special meeting in lieu of the annual meeting shall be called in the same manner as provided for special meetings of the Board of Trustees.

Section 2 Regular meetings of the Board of Trustees shall be held at the principal office of the District in Portland, Maine, or at such other place within the State of Maine as the Trustees may determine and at a date and time set by a vote of the majority of the Trustees present at the previous regular meeting of the Board.

Section 3 Special meetings of the Board of Trustees and a change in the date of a regular meeting may be called for by the President or any five Trustees, or by the Clerk upon written request of the President or any five Trustees, by giving notice of the time and place of such meeting and the object for which it is called, in the manner provided by these Bylaws for giving notice of Trustees' meetings.

Section 4 Notice of all meetings of the Board of Trustees, other than regular meetings, shall be sent by the Clerk, or other person authorized to give the same by these Bylaws, by mail or by hand to each Trustee at his registered address, at least three (3) days prior to the date of the meeting. An affidavit of such mailing or delivery made by the Clerk or other duly authorized person, with a copy of the notice attached, shall be sufficient proof of such notice.

Section 5 At any meeting of the Board of Trustees, a majority of the Trustees shall constitute a quorum for transaction the of business, but a less number may adjourn any meeting from time to time and the meeting may be held as adjourned without further notice. When a quorum is present, a majority of the Trustees present at such meeting shall decide any question brought before such meeting, unless otherwise provided by law or by these Bylaws. The Trustees may adopt reasonable rules and regulations for the conduct of their meetings at the Annual Meeting consistent with the laws of Maine.

## ARTICLE II

### Officers

Section 1 The officers of the District shall be a President, a Vice President, a General Manager, a Treasurer, a Clerk, a Corporation Counsel and such additional officers as the Trustees may deem expedient. The President, Vice President, Treasurer, and Clerk shall be elected by ballot at the annual meeting of the Board of Trustees and shall hold office for one year and until their successors are elected and qualified, except for the Treasurer and Clerk, who shall hold office at the pleasure of the General Manager, unless their term is sooner terminated as hereinafter provided. The President and Vice President must be and remain members of the Board of Trustees. The Trustees, in their discretion, may appoint additional officers of the District and prescribe their duties.

Section 2 The Board of Trustees shall appoint a General Manager and a Corporation Counsel by a majority vote of all Trustees (six). The General Manager shall be the administrative head of the District. The Corporation Counsel shall be responsible for the legal representation and legal affairs of the District. The General Manager or the Corporation Counsel shall be removable at any Annual Meeting by a majority vote of all the Trustees (six), and at any other time by a vote of not less than seven Trustees.

Section 3 All department heads of the District and the Assistant General Manager, if the position is filled, shall be appointed by the General Manager and shall be confirmed by the Board of Trustees. Other employees of the District shall be appointed by the General Manager, provided that the position shall first have been approved by the Board. All employees of the District, including department heads and the Assistant General Manager, shall hold their employment during the pleasure of the General Manager.

## ARTICLE III

### President

The President shall preside at all meetings of the Board of Trustees when present, at which meetings she or he shall have a right to vote, and shall perform all the duties commonly incident to the office, and such other duties as these Bylaws or the Trustees shall designate. In the event the President is unable to complete the term of office as President for any reason, a new President shall be elected to serve until the next Annual Meeting.

## ARTICLE IV

### Vice President

In the temporary absence or disability of the President, the Vice President shall have the powers and be subject to the duties of the President while the absence or disability of the

President continues. The Vice President shall have such other powers and duties as these Bylaws or the Trustees from time to time shall prescribe. In the event the Vice President is unable to complete the term of office as Vice President for any reason, a new Vice President shall be elected to serve until the next Annual Meeting.

## ARTICLE V

### Clerk

Section 1 The Clerk shall be present at all meetings of the Board of Trustees and shall keep an accurate record of the proceedings of such meetings in books provided for the purpose, which books shall be open at all reasonable times to the inspection of any Trustee, and shall perform such other duties and have such other powers as shall be prescribed by the Board of Trustees, by these Bylaws or by law. In the absence of the Clerk at any meeting, a Clerk pro tem may be chosen, who shall record the proceedings of such meeting in the aforesaid books.

Section 2 The Clerk shall record the names of the Trustees absent from any meeting of the Board of Trustees. The Clerk shall also, at the request of any absent member, enter upon the records of any meeting the views of such member of any action taken at such meeting.

## ARTICLE VI

### General Manager

Section 1 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.

Section 2 In the absence or disability of the General Manager, the Assistant General Manager, if the position is filled, or the General Manager's designee pursuant to a Succession Policy shall have the powers, and be subject to the duties of the General Manager while the absence or disability of the General Manager continues. The person so designated shall have such other powers and duties as these Bylaws or the Trustees from time to time shall prescribe

## ARTICLE VII

### Treasurer

The Treasurer shall administer the financial affairs of the District and shall have the care and custody of the funds and securities of the District, all in accordance with prudent business practices and in accordance with generally accepted accounting principles. The Treasurer or the General Manager shall sign all contracts, deeds, bonds and obligations of the

District, as approved by the Trustees. The Treasurer shall keep or cause to be kept accurate books of account, which shall be open at all times to any Trustee. The Treasurer shall furnish such reports and shall perform all other duties commonly incident to the office and such other duties as shall be prescribed by the General Manager or the Board of Trustees. The Treasurer shall be bonded for the faithful discharge of the duties of the office in a sum, and with such sureties, as the Trustees from time to time shall require.

During the absence or disability of the Treasurer, the Assistant Treasurer shall have the powers and duties of that office.

## ARTICLE VIII

### District Staff

The organization and staffing of the District shall be as the Board of Trustees shall prescribe, and the General Manager shall assign duties and responsibilities to the various employees of the District in accordance with the approved organization and staffing plan. The General Manager may reallocate such duties and responsibilities, when, in her or his opinion, a critical need exists but, if this authority is exercised, the General Manager shall provide a full report citing the reasons and the steps taken at the next meeting of the Board of Trustees.

## ARTICLE IX

### Audit

Section 1 Prior to the filing with the municipal officers of the detailed annual report required by Section 21 of the Charter of the District, and as much oftener as the Trustees may prescribe, there shall be made a full and detailed examination of the financial affairs of the District and the methods employed in conducting its business affairs. For this purpose, the Trustees shall appoint an independent audit firm which shall conduct the audit and prepare its report in conformance with generally accepted accounting principles. The annual audit report shall be presented to the Board of Trustees for acceptance.

## ARTICLE X

### Committees

The Board of Trustees shall appoint such committees as it may deem expedient for the purposes of the District.

## ARTICLE XI

### Compensation

Section 1 Each Trustee of the District, other than the President, shall receive as compensation the sum of \$100 for each Regular Meeting, Special Meeting, or Workshop actually attended, with the total compensation not to exceed \$2,400 per year.

The President of the District shall receive as compensation the sum of \$125 for each Regular Meeting, Special Meeting, or Workshop actually attended, with the total compensation of the President not to exceed \$3,000 per year.

Section 2 The District may reimburse a Trustee for travel and expenses incurred in connection with District business, other than attendance at Trustee meetings, in accordance with District policy.

Section 3 The Board of Trustees shall adopt a system of position classification and compensation to be administered by the General Manager in determining the salaries and wages of District employees.

## ARTICLE XII

### Amendments

These Bylaws may be altered, amended or repealed at any meeting of the Board of Trustees by vote of a majority of Trustees, provided that in the notice of such meeting a notice of such intended alteration, amendment or repeal be given, and provided further that no such alteration, amendment or repeal shall be passed until it has been read at two separate meetings of the Board of Trustees.

## ARTICLE XIII

### Fiscal Year

The fiscal year of the District shall begin on the first day of January and end on the last day of December in each year.

## ARTICLE XIV

### Nomination and Election of Trustees

The nomination and election of Trustees shall be conducted in accordance with Section 18 of the Charter of the District.

## ARTICLE XV

### Indemnification

The District shall indemnify and save harmless any person who may serve or who has served at any time as a member of the Board of Trustees or as an officer or employee of the District, or which Trustee, officer or employee is or was serving at the request of the District as a director, officer, trustee, employee, partner, fiduciary or agent of another corporation, partnership, joint venture, trust, pension, employee benefit plan or other entity, and the respective heirs, executors, administrators, and assigns of said person against any and all expense (including but not limited to attorneys' fees, amounts paid upon judgments, and amount paid in settlement before or after any litigation is commenced) actually and necessarily incurred by said person in connection with the defense or settlement of any claim, action, suit or proceeding in which said person is made a part or is threatened to become a party or which may be asserted against said person, by reason of serving in such capacity, if said person acted in good faith, and in a manner reasonably believed to be in, or not opposed to, the best interests of the District, and with respect to any criminal action or proceeding, had no reasonable cause to believe such conduct to be unlawful. Said indemnification shall be in addition to any other rights to which the person indemnified may be entitled under any law, statute, agreement, vote of the Board of Trustees or otherwise.

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Revised by Board of Trustees on \_\_\_\_\_, 2024

Revised by Board of Trustees on November 27, 2000

(Previous revision, September 23, 1996)

Portland Water District



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November 18, 2024

**CONFIDENTIAL**  
**ATTORNEY/CLIENT PRIVILEGE**

Mr. William M. Lunt  
Board of Trustees, President  
Portland Water District  
225 Douglass Street  
P.O. Box 3553  
Portland, ME 04104

Dear President Lunt:

We have communicated about the Portland Water District's ("PWD" or "District") employment of its General Counsel and whether the District's current structure of having them report to your General Manager is the appropriate governance and operational model or whether the District would be better served to have this position report to PWD's Board of Trustees. It should be obvious that both models exist and are acceptable, however I lean in favor of having this position report to the Board. You asked me to put my thoughts in writing so that the Board of Trustees can consider them.

As I view how the District's governance is structured, I see the Board's role to be to set direction and policy and the General Manager's role to be to carry out the Board's decisions. In most organizations, a general manager is responsible for day to day operations. Given my 36 plus years of performing legal work for the District, I realize that your general manager functions at a higher level and assists you in setting strategy/policy.

Changing the reporting relationship of the General Counsel should strengthen their independence and ability to provide legal advice while avoiding opportunities for undue influence from the General Manager. The General Counsel should be able to function better in a relationship where they can raise legal and other concerns with you without fear as to how the Senior Management Team may react.

Mr. William M. Lunt

November 18, 2024

Page 2

I also see a benefit to the Board. As Trustees, you are fiduciaries responsible for legal compliance and oversight of the organization. Having the General Counsel report directly to you should help the Board of Trustees discharge its duty to ensure legal compliance. And having a more independent set of eyes should help you with your oversight duties.

None of this discussion is meant to imply that the General Counsel should not continue to work closely with and provide legal advice to the General Manager and the rest of the Senior Management Team.

I would be remiss before I close were I not to point out one possibly countervailing consideration. Having the General Counsel report directly to the Trustees means that the Board will be responsible for managing two employees instead of just the General Manager. This change would include the need to conduct a timely annual review.

Last, any decision should be made with regard to what is best for the District as an institution and not based on those who have served in these roles either currently or in the past. My analysis was not driven by anything that may have happened but rather on the idea that as an institution, the District and the public will be better served if the Trustees have an additional independent voice to advise them.

Sincerely,



Peter Bennett

[pbennett@thebennettlawfirm.com](mailto:pbennett@thebennettlawfirm.com)

PB/lap



## **MEMORANDUM PORTLAND WATER DISTRICT**

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TO: Administration and Finance Committee/Board of Trustees

FROM: David Kane, Executive Director of Administration  
Emanuel Archibald, Director of Human Resources

DATE: December 3, 2024

RE: Administration and Finance Committee Meeting – December 9, 2024

A meeting of the Administration and Finance Committee of the Portland Water District Board of Trustees will be held on Monday, December 9, 2024, at 5:30 p.m., in the Monie Conference Room of the District, 225 Douglass Street, Portland, Maine.

### AGENDA

1. Committee Chair  
With the departure of the Committee chair, a new chair will be elected.
2. Non-Union Salary Structure  
Staff proposes the adoption of the Non-Union Salary Structure pursuant to the Non-Union Compensation Policy. (See attached memo)
3. 2025 Pensioners' COLA Adjustment  
The Committee will discuss whether a cost-of-living adjustment (COLA) should be made to existing pensioners' monthly benefit. (See attached memo)
4. Cybersecurity Audit  
The Committee will go into Executive Session pursuant to 1 M.R. S. §402 (3)(L), Private Records and 1 M.R.S. §405 (6)(F), Information Contained in Records, so that staff may provide the results of the recently completed cybersecurity audit.
5. Other Business



## **ADMINISTRATION AND FINANCE COMMITTEE / AGENDA ITEM SUMMARY**

Agenda Item: 2  
Date of Meeting: December 9, 2024  
Subject: Non-Union Salary Structure  
Presented By: Manny Archibald, Director of Human Resources

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### **RECOMMENDATION**

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

ORDERED, the Non-Union Salary Structure, in substantial form as attached hereto, is hereby adopted to become effective January 1, 2025.

### **BACKGROUND**

The Board adopted Non-Union Compensation Policy states the minimum and maximum pay levels established for each pay band will remain in effect until the next salary structure review. The current structure was approved on December 18, 2023, with an effective date of January 1, 2024. Per the recommendation of PWD's compensation consultant, KMA, the minimum and maximum of each non-union broadband should be increased by 4% effective January 1, 2025, as shown in Attachment A-1.

### **FISCAL REVIEW / FUNDING**

Adoption of the revised salary structure will not have the effect of increasing employee compensation at this time; it will simply change the pay range allowable for each position.

### **LEGAL REVIEW**

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

### **CONCLUSION(S)**

Staff recommends that the Board approve the proposed motion.

### **ATTACHMENT(S)**

A. Recommended broadband salary structure effective January 1, 2025 (A-1); and salary structure currently in place (A-2).

**Portland Water District  
Recommended Salary Structure  
1-Jan-25**

		MINIMUM	MAXIMUM
<b>Grade 8</b>		<b>\$173,300</b>	<b>\$236,200</b>
	Grade 8	General Manager 9018	
<b>Grade 7</b>		<b>\$137,300</b>	<b>\$185,600</b>
	Grade 7	Corporate Counsel 9035	
	Grade 7	Executive Director of Administration 9004	
<b>Grade 6</b>		<b>\$114,700</b>	<b>\$157,500</b>
	Grade 6	Director of Human Resources 9007	
	Grade 6	Director of Operation Services, Water 9011	
	Grade 6	Director of Operation Services, Wastewater 9011	
<b>Grade 5</b>		<b>\$90,000</b>	<b>\$135,000</b>
	Grade 5	Customer Services Manager 9006	
	Grade 5	Director of Financial Services 9008	
	Grade 5	Water Systems Manager 9014	
	Grade 5	SCADA Manager, 9507	
	Grade 5	Environmental Services Manager 9020	
	Grade 5	Information Services Manager 9010	
	Grade 5	Project Manager Administration 9047	
	Grade 5	Communications & Public Relations Director 9025	
	Grade 5	Senior Project Engineer 9045	
<b>Grade 4</b>		<b>\$83,300</b>	<b>\$124,800</b>
	Grade 4	Network Administrator III 9026	
	Grade 4	Project Engineers 9030	
	Grade 4	Regulatory & Security Advisor 9028	
	Grade 4	Right of Way Agent 5014	
	Grade 4	Utility Asset Coordinator 9038	
	Grade 4	Asset Manager Program Manager 9049	
	Grade 4	Transmission/Distribution Supervisor 5011	
	Grade 4	Utility Asset Coordinator Water 9039	
	Grade 4	Programmer Business Analyst 9509	
	Grade 4	Wastewater Chief Operator - Plant 9042	
	Grade 4	Wastewater Chief Operator - Systems 9050	
	Grade 4	Wastewater Maintenance Manager Planner Scheduler 9048	
<b>Grade 3</b>		<b>\$76,400</b>	<b>\$111,400</b>
	Grade 3	Business System Analyst GIS, Senior 9505	
	Grade 3	Chief of Security Operations 1069	
	Grade 3	Facilities Manager 5019	
	Grade 3	Environmental Compliance Coordinator 5038	
	Grade 3	Network Administrator II-9044	
	Grade 3	Source Protection Coordinator 5018	
	Grade 3	Utility Specialist Supervisor 9023	
	Grade 3	Water Quality Program Manager 9506	
<b>Grade 2</b>		<b>\$65,200</b>	<b>\$95,600</b>
	Grade 2	Associate Engineer 5023	
	Grade 2	Asset Management Analyst 9043	
	Grade 2	Human Resources Generalist 5036	
	Grade 2	Safety Specialist 5004	
	Grade 2	Associate Engineer SCADA Services, 5037	
	Grade 2	Senior HR Specialist 5003	
	Grade 2	Financial Analyst 5020	
	Grade 2	Purchasing Agent/Buyer 5005	
	Grade 2	Scheduler/Coordinator-AMaP 5032	
	Grade 2	Scheduler/Coordinator-Operations 5033	
<b>Non-Exempt</b>		<b>\$55,100</b>	<b>\$77,700</b>
	Non-Exempt	General Accounting Assistant 5028	
	Non-Exempt	AutoCAD Specialist -Part Time 9508	
	Non-Exempt	Executive Administrative Communication Specialist 5010	

**Portland Water District  
Recommended Salary Structure  
1-Jan-24**

Attachment A-2

		<b>MINIMUM</b>	<b>MAXIMUM</b>	
<b>Grade 8</b>		<b>\$166,600</b>	<b>\$227,100</b>	
	Grade 8	General Manager 9018		
<b>Grade 7</b>		<b>\$132,000</b>	<b>\$178,500</b>	
	Grade 7	Corporate Counsel 9035		
	Grade 7	Executive Director of Administration 9004		
	Grade 7	Executive Director of Asset Management/Planning 9005		
<b>Grade 6</b>		<b>\$110,300</b>	<b>\$151,400</b>	
	Grade 6	Director of Employee Services 9007		
	Grade 6	Director of Operation Services, Water 9011		
	Grade 6	Director of Operation Services, Wastewater 9011		
	Grade 6	Engineering/Asset Mgmt Services Manager 9031		
<b>Grade 5</b>		<b>\$86,500</b>	<b>\$129,800</b>	
	Grade 5	Customer Services Manager 9006		
	Grade 5	Director of Financial Services 9008		
	Grade 5	Distribution System Manager, Water 9014		
	Grade 5	SCADA Manager, 9507		
	Grade 5	Environmental Services Manager 9020		
	Grade 5	Information Services Manager 9010		
	Grade 5	Strategic Project Manager 9047		
	Grade 5	Senior Project Engineer 9045		
	<b>Grade 4</b>		<b>\$80,100</b>	<b>\$120,000</b>
Grade 4		Database Administrator 9027		
Grade 4		Network Administrator III 9026		
Grade 4		Project Engineers 9030		
Grade 4		Public Relations Manager 9025		
Grade 4		Regulatory & Security Advisor 9028		
Grade 4		Right of Way Agent 5014		
Grade 4		Utility Asset Coordinator 9038		
Grade 4		Asset Manager Program Manager 9049		
Grade 4		Transmission/Distribution Supervisor 5011		
Grade 4		Utility Asset Coordinator Water 9039		
Grade 4		Wastewater Chief Operator - Plant 9042		
Grade 4		Wastewater Chief Operator - Systems 9050		
Grade 4		Wastewater Maintenance Manager Planner Scheduler 9048		
Grade 4		Water Services Plant/System Chief Operator 9002		
<b>Grade 3</b>			<b>\$73,500</b>	<b>\$107,100</b>
	Grade 3	Business System Analyst GIS, Senior 9505		
	Grade 3	Business System Analyst, Senior 9504		
	Grade 3	Chief of Security Operations 1069		
	Grade 3	Facilities Manager 5019		
	Grade 3	Industrial Pretreatment Program Supervisor 5035		
	Grade 3	Environmental Compliance Coordinator 5038		
	Grade 3	Network Administrator II-9044		
	Grade 3	Source Protection Coordinator 5018		
	Grade 3	Utility Specialist Supervisor 9023		
	Grade 3	Water Quality Program Manager 9506		
	<b>Grade 2</b>		<b>\$62,700</b>	<b>\$91,900</b>
		Grade 2	Associate Engineer 5023	
Grade 2		Employee Services Consultant 5036		
Grade 2		Employee Services Consultant Safety/Training 5004		
Grade 2		Associate Engineer SCADA Services, 5037		
Grade 2		Employee Services Consultant-Benefits 5003		
Grade 2		Financial Analyst 5020		
Grade 2		Purchasing Agent/Buyer 5005		
Grade 2		Scheduler/Coordinator-AMaP 5032		
Grade 2		Scheduler/Coordinator-Operations 5033		
Grade 2		Network Admin I 9503		
<b>Non-Exempt</b>		<b>\$53,000</b>	<b>\$74,700</b>	
	Non-Exempt	General Accounting Assistant 5028		
	Non-Exempt	AutoCAD Specialist -Part Time		
	Non-Exempt	Executive Administrative Assistant 5010		



## **ADMINISTRATION AND FINANCE COMMITTEE / AGENDA ITEM SUMMARY**

Agenda Item: 3  
Date of Meeting: December 9, 2024  
Subject: 2025 Pension Adjustment  
Presented By: David Kane, Executive Director of Administration

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### **RECOMMENDATION**

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

ORDERED, an adjustment of 1.47% in pension benefits is authorized for eligible retirees and annuitants, effective January 1, 2025, in accordance with Article X of PWD's pension plans.

### **BACKGROUND ANALYSIS**

Since 1989, the Board of Trustees has the authority to grant an annual adjustment in pension benefits equal to one-half of the previous year's consumer price index (CPI) increase up to a maximum of 5%. The adjustment is not automatic; it is subject to the Board's approval each year. The table below indicates increases given since 2009:

1989 - 2008:	50% of CPI
2009:	Eligible for 2.41%, no increase granted
2010:	CPI negative, no increase granted
2011:	Eligible for 1.14%, no increase granted
2012:	50% of CPI, 1.61%
2013:	50% of CPI, 1.20%
2014:	50% of CPI, 0.72%
2015:	50% of CPI, 0.82%
2016:	CPI negative, no increase granted
2017	50% of CPI, 0.36%
2018	50% of CPI, 1.03%
2019	50% of CPI, 1.29%
2020	50% of CPI, 0.82%
2021	50% of CPI, 0.67%
2022	50% of CPI, 2.10%
2023	50% of CPI 4.32%
2024	50% of CPI 2.20%
2025	50% of CPI 2.94

The CPI average for 2024 (November 2023 to October 2024) increased 2.94% over the 2023 average. Therefore, pension benefits for eligible retirees and beneficiaries could increase by 1.47%. The impact of providing the adjustment would be approximately \$2687 per month and would bring the pension payments total to approximately \$185,512, per month for 149 pensioners and beneficiaries. Retirees eligible for an increase are pensioners receiving a pension as of January 1, 2025.

**ALTERNATIVES CONSIDERED**

The increase is discretionary and no increase is necessary. The Board could grant any increase up to 1.47%, which is 50% of the consumer price index.

**FISCAL REVIEW / FUNDING**

The last actuary study was done as of May 1, 2024. A summary of the study results is below:

	<b>Non-Bargaining</b>	<b>Bargaining</b>	<b>Total</b>
Assets	\$ 14,123,163	\$ 16,390,180	\$ 30,513,343
Liability	\$ 15,662,895	\$ 17,125,115	\$ 32,788,010
Unfunded	<u>\$ (1,539,732)</u>	<u>\$ (734,935)</u>	<u>\$ (2,274,667)</u>
Funding Percent	<b>90%</b>	<b>96%</b>	<b>93%</b>

The proposed COLA adjustment would require an additional cash payment of \$32,250 (\$2,687\*12 months) a year. The proposed change increases the pension liability by an estimated \$180,000.

**LEGAL REVIEW**

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

**CONCLUSION(S)**

Staff recommends that the Committee approve forwarding this order to the Board for consideration

**ATTACHMENT(S)**

None





## **MEMORANDUM PORTLAND WATER DISTRICT**

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TO: Operations Committee/Board of Trustees

FROM: Scott Firmin, Director of Operations - Wastewater  
James Wallace, Director of Operations - Water

DATE: December 3, 2024

RE: **Operations Committee Meeting –December 9, 2024**

A meeting of the Operations Committee of the Portland Water District Board of Trustees will be held on Monday, December 9, 2024, at 5:30 p.m., in the Emergency Operations Center (EOC) Room of the District, 225 Douglass Street, Portland, Maine.

### **AGENDA**

1. **Powell Road Pump Station**  
Staff will provide a recommendation to award a construction contract for the upgrade of the Powell Rd. Pump Station in Cumberland. (See attached memo)
2. **EPA Inspection**  
Staff will review EPA's recommendations from the audit they performed in August of the Watershed Control Program and the operation of the Water Treatment and Distribution Facilities.
3. **Other Business**



## **OPERATIONS COMMITTEE / AGENDA ITEM SUMMARY**

Agenda Item: 1  
Date of Meeting: December 2, 2024  
Subject: Powell Rd. Pump Station Upgrade – Construction  
Presented By: Greg Pellerin, Engineering Service Manager

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### **RECOMMENDATION**

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

ORDERED a construction contract with Northeast Earth Mechanics, LLC is hereby authorized, in the amount of \$810,310.00 for the Powell Rd. Pump Station Upgrade Project (CIP 2024 – 41/3244, the “Project”); and

BE IT FURTHER ORDERED, the Phase 1 Tuttle Road Force Main Replacement Project (CIP 2024 – 41/3290) budget is decreased \$250,000 and said amount transferred to the Project budget, increasing the total budget for the Project by that amount, for a total Project budget of a sum not to exceed \$1,050,000; 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.

### **BACKGROUND ANALYSIS**

The Powell Road Pump Station collects wastewater that has been pumped along Tuttle Road from Cumberland Center in addition to wastewater from several neighborhoods along Route 88 in Cumberland. The pump station is a ‘canned’ style station, with a wet well, a ‘can’ dry-side pump well, and a generator and controls building. The ‘can’ dry-side pump well is experiencing severe corrosion, allowing groundwater to infiltrate the dry-side pump well and requiring crack injections to seal up the well. The corrosion presents major reliability and safety concerns, hence the need for the station upgrade.

The design was completed primarily by PWD staff, with assistance from various consultants for certain specialties, and was issued for bid in October 2024, with bids due in late-November. Bids were submitted by four different contractors, and the lowest bid came from Northeast Earth Mechanics, with a bid price of \$810,310. Value Engineering was completed throughout the project; however, the sum of the bid response, the generator replacement project which is being performed under a separate contract, and the costs from various consultants throughout the design exceeds the available budget for construction. While the total cost of this pump station upgrade project is higher than originally anticipated and higher than what was included in the CIP, based on recent pricing of other projects, the rising cost of commodities, and the other competitive bids that were received, the proposed cost is a good value.

PWD does not yet have experience with Northeast Earth Mechanics, but after reviewing their bid response and discussing with engineering consultants that they have worked with recently, PWD has determined they have the contracting capacity, relevant project experience, qualifications, and resources to complete the Project. PWD staff therefore recommend that Northeast Earth Mechanics be considered the low responsive and responsible bidder.

**Project #:** 2024-Subprogram 41/ Project 3244

**FISCAL REVIEW/FUNDING**

The project is planned to be financed through the Maine Municipal Bond Bank's General Resolution program. The 2025 Budget assumed Cumberland bonds of \$1,100,000 would be issued.

**LEGAL REVIEW**

Corporation Counsel has reviewed the proposed order as to form.

**CONCLUSION(S)**

Staff recommends awarding the contract to the lowest responsive and responsible bidder for the project, Northeast Earth Mechanics.

**ATTACHMENT(S)**

Supporting Information

## SUPPORTING INFORMATION

The Powell Rd. pump station was constructed and started up in 1984. Since that time there have only been minor updates completed, and much of the station's equipment is beyond its expected useful life. The station is in need of an upgrade to ensure safe and reliable operation into the future.

The pump station is a 'canned' style station, with a wet well, a 'can' dry-side pump well, and a generator and controls building. The existing 50HP pumps are capable of pumping 700 gpm against 125-ft TDH in a duplex configuration. The station has a building which houses electrical gear, controls equipment, and the original generator. It also has a precast wet well, as well as the steel can containing the pumps and process valves and fittings. A street view of the station is shown in **Figure 1** below.



**Figure 1:** Powell Rd. Pump Station, Street View

A project to upgrade the station was included in the 2024 CIP budget to address the aging generator, pumps, electrical gear, and dry well can which are beyond their useful expected lifespan. During preliminary design and after conversations with the Maine Emergency Management Agency (MEMA) it was determined that separating the generator replacement task from the main construction project would increase the chances for obtaining grant money from MEMA for the replacement generator. The generator replacement project was awarded to the lowest bid out of four bidders in September 2024, AAA Energy, at a bid price of \$95,622, although the grant application eventually had to be withdrawn due to timing issues as the generator replacement project was being awarded. The diesel fuel generator, installed in 1984, is being replaced with a natural gas-powered generator, which will alleviate the burden of tracking and maintaining fuel levels in the diesel tank during power outages.

PWD engineering staff developed the project design including plans and specifications for the project. Additionally, a geotechnical firm was hired to help with the design, and an electrical engineering firm was hired to design the electrical distribution system. These firms will be retained in some capacity for assistance throughout the submittal review and the construction.

The project will reconfigure the station by abandoning the dry well can in place, placing the pumps inside of the wet well, and installing a below grade precast concrete valve vault. Additionally, the project

will update the electrical distribution equipment including the service meter, wire and conduit, pump control, distribution and breaker panels. Controls equipment, including the SCADA panel and the pump VFD panel, will be also be updated. A flow meter will also be added at this station which will be especially helpful for operations staff.

The design of the main project was completed and issued for bid in October 2024, with bids due in late-November. The project was advertised and solicited to PWDs current list of regional contractors and suppliers in addition to several plan houses and bid networks. A pre-bid meeting, and a site walk were held with a total of six contractors and subcontractors showing up to these meetings. PWD received four bids from General Contractors on the project, as shown in **Table 1** below.

Bidder	Bid
<i>Northeast Earth Mechanics</i>	\$810,310.00
<i>Gordon Contracting</i>	\$1,290,000.00
<i>Apex Construction</i>	\$898,800.00
<i>T-Buck Construction</i>	\$942,411.00

**Table 1:** Bid Tab

While the total cost of this pump station upgrade project is higher than originally anticipated and higher than what was included in the CIP, based on recent pricing of other projects, the rising cost of commodities, and the other competitive bids that were received, the proposed cost is a good value.

The following project budget is proposed in **Table 2** below.

Item	Amount
Previous Expenses (Design)	\$43,450.00
Previous Expenses (Generator Replacement)	\$95,622.00
Base Project Bid	\$810,310.00
Project Contingency (10.6%)	\$100,618.00
Total Proposed Project Budget	\$1,050,000.00
Original CIP Budget	\$800,000.00
Proposed Budget Increase	\$250,000.00

**Table 2:** Proposed Project Budget



## **MEMORANDUM PORTLAND WATER DISTRICT**

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TO: Planning Committee/Board of Trustees

FROM: Laurel Jackson, Right of Way Agent

DATE: December 3, 2024

RE: Planning Committee Meeting – December 9, 2024

A meeting of the Planning Committee of the Portland Water District Board of Trustees will be held on Monday, December 9, 2024, at 5:30 p.m., in the Nixon Room of the District, 225 Douglass Street, Portland, Maine.

### **AGENDA**

1. **Mill Hill Forest Conservation Project**  
Staff will recommend contributing up to \$471,200 to the Western Foothills Land Trust to support the conservation of land known as Mill Hill Forest located in Waterford and Harrison.  
(See attached memo)
2. **2025 Committee Work Plan Review**  
Staff will review the proposed Planning Committee agenda topics for 2025.



## **PLANNING COMMITTEE / AGENDA ITEM SUMMARY**

Agenda Item: 1  
Date of Meeting: December 9, 2024  
Subject: Request for Contribution of up to \$471,200 to Western Foothills Land Trust to Support the Mill Hill Forest Conservation Project  
Presented By: Carina Brown, Water Resources Specialist

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### **RECOMMENDATION**

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

ORDERED, the General Manager is authorized to contribute up to \$471,200 to the Western Foothills Land Trust to support the conservation of land known as Mill Hill Forest located in Waterford and Harrison.

### **BACKGROUND ANALYSIS**

The Sebago Lake watershed encompasses 235,000 acres of land which is primarily forested. The long-term water quality of the lake will be determined, in large part, by the conservation of those forests. Our Watershed Land Conservation Policy states our commitment to, and support for, locally-initiated land conservation efforts, since conserved forests naturally filter our customers' drinking water. At present, nearly 16% of the watershed is comprised of conserved land. Working with Sebago Clean Waters partners, we are working to bring that total to 25% by 2032.

The Mill Hill Forest property is 1,305 acres located in Harrison and Waterford. Western Foothills Land Trust (WFLT) is purchasing the fee simple and will convey a Conservation Easement to Portland Water District. The property is entirely forested and includes 167 acres of wetlands and two miles of streams that flow to the Crooked River. The property is adjacent to WFLT's Twin Bridges Preserve and will create a 2,380-acre block of connected, conserved land along the Crooked River.

The recommended contribution of \$471,200 is the amount requested by Western Foothills Land Trust and is approximately 19% of the appraised value of the property. The appraised value of the property is \$2,480,000. The recommended contribution represents about \$361 per acre of protected land within the watershed. PWD's contribution is to be used to acquire the Mill Hill Forest land in fee for conservation purposes.

### **FISCAL REVIEW / FUNDING**

The recommended contribution of \$471,200 is the amount requested by the applicant and is the amount calculated by PWD's site-specific assessment. The contribution will be drawn from the PUC Watershed Protection Fund, which has an available balance of \$1.2M.

### **LEGAL REVIEW**

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

**CONCLUSION(S)**

This project will contribute to the long-term protection of Sebago Lake and the recommended contribution meets the guidelines of PWD's Watershed Land Conservation Policy.

**ATTACHMENT(S)**

Mill Hill Forest Report

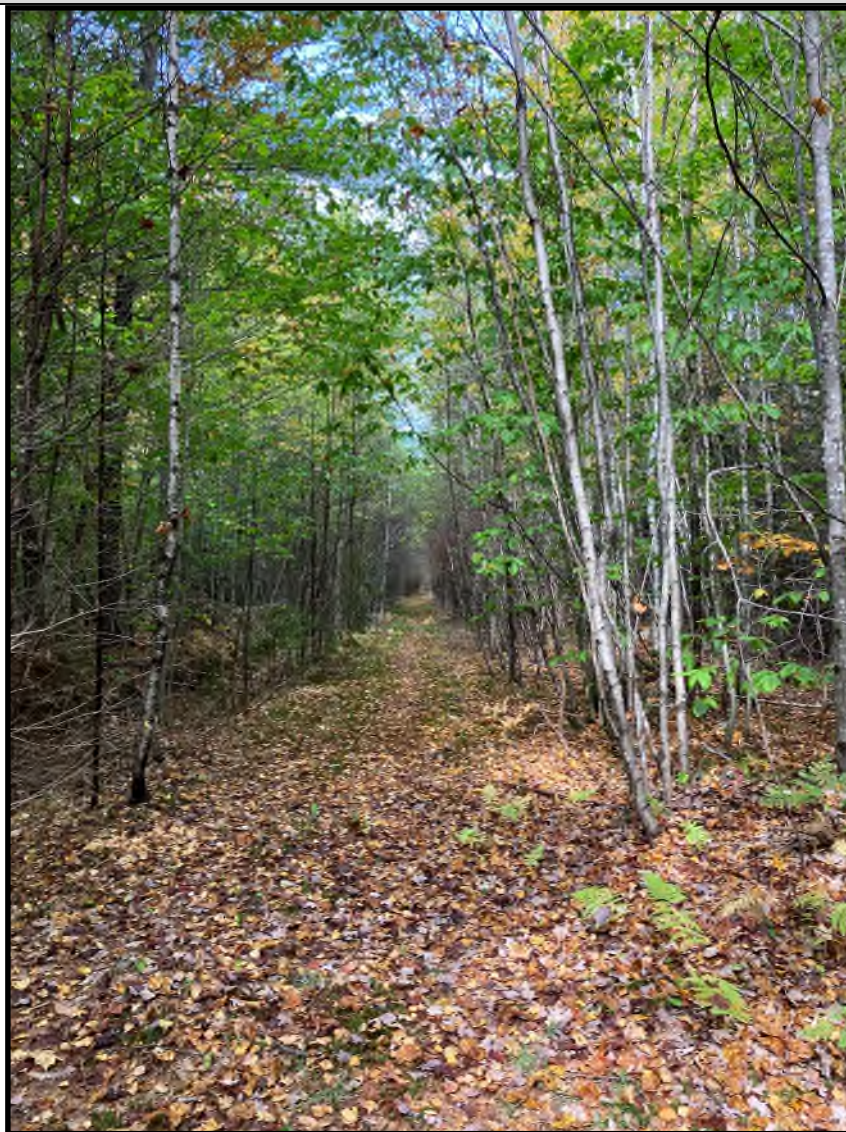




# PORTLAND WATER DISTRICT

## *Land Conservation Program*

### *Site-Specific Assessment*



## **Mill Hill Forest**

### **Waterford & Harrison, Maine**

*Report prepared by PWD's Environmental Services Department*  
*October 15, 2024*

# Mill Hill Forest Site Walk

## Site Visit

Brie Holme and Carina Brown, 10/4/2024

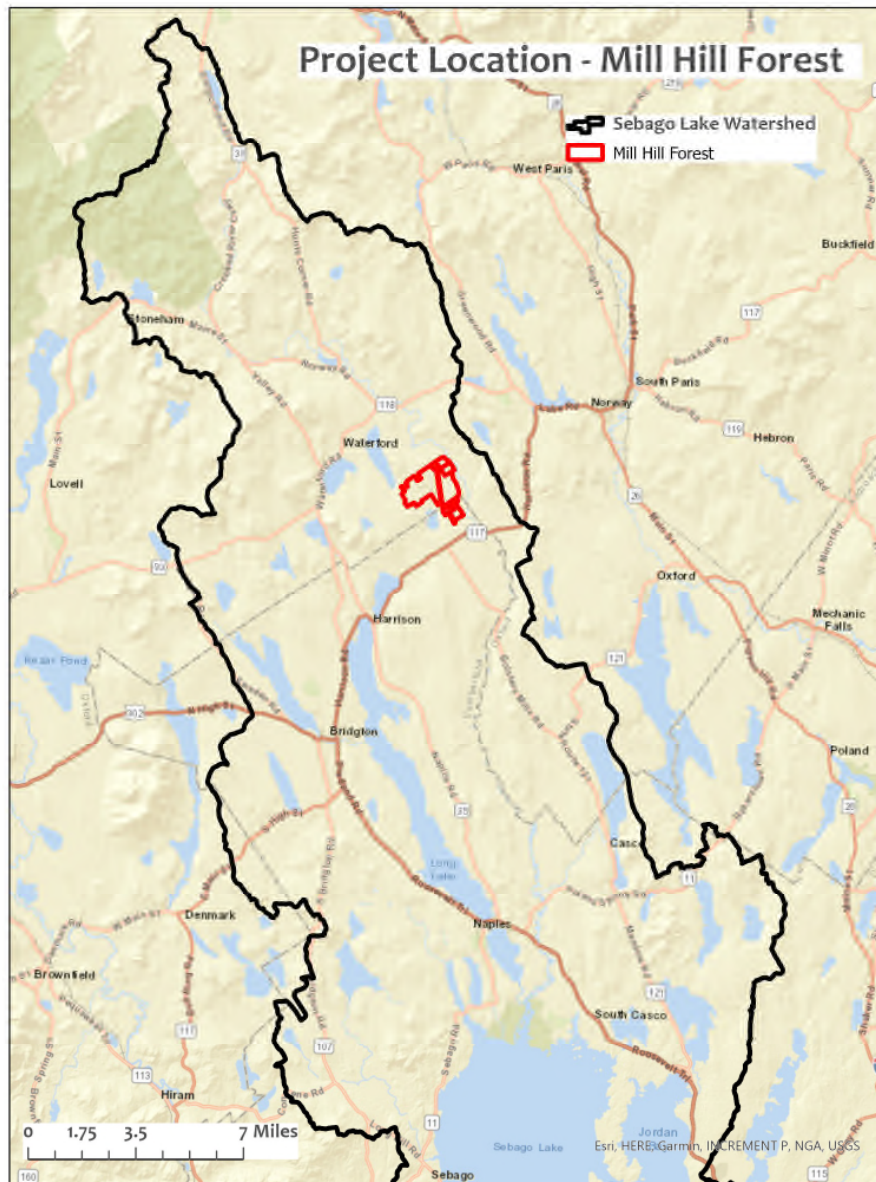
## Description

The Mill Hill Forest project is 1,305 acres of forest and forested wetlands in Waterford in Harrison. The land is located entirely in the Sebago Lake watershed with 75% within in the Crooked River watershed. The property will be held in fee by Western Foothills Land Trust (WFLT) with a conservation easement granted to Portland Water District. Located within the land trust's area of focus along the Crooked River, the parcels abut WFLT's 1,000 acre Twin Bridges Preserve. The conservation of the Mill Hill Forest, together with the adjacent Twin Bridges Preserve, will provide protection for a total of 2,380 acres of land which all together includes 254 acres of wetlands, 4 miles of Crooked River shoreline, and 4.5 miles of stream habitat.

## Site Features

### Location

The Property is located in Waterford and Harrison.





## Mill Hill Forest Site Walk

### Water Resources

Mill Hill Forest includes two miles of stream frontage and 167 acres of wetlands. Two streams serve as the inlet and outlet to nearby Island Pond, with the outlet draining directly into the Crooked River. On its way to the Crooked, this stream also feeds into the 170-acre Baker Bog, a forested wetland complex located mostly within the Mill Hill Property.

### Connection to Sebago Lake

Mill Hill Forest is located in the Sebago Lake watershed and drains to the Crooked River through a tributary stream. The Crooked River is the largest tributary to Sebago Lake, supplying approximately 40% of the surface water inflow to the lake. The river has excellent water quality.



*Island Pond inlet stream*



*Island Pond outlet/Crooked River tributary*



*Baker Bog*



## Mill Hill Forest Site Walk

### Land Use/Land Cover

Undeveloped forest and wetlands cover the property, which has been managed for timber by one forester/logger for a generation. This forest management has resulted in small, low-impact harvests and a broad mix of soft and hardwood forests. A site walk revealed that previously harvested areas have re-grown, with the exception of a small, discontinued gravel pit that is one acre in size. As protection of a forested Sebago Lake watershed is the land trust's primary goal, forests will be managed sustainably for forest and wildlife health in accordance with forest management plans protecting the land's sensitive shorelines, streams, wetlands, and vernal pools.



*Recent partial cut*



*Small gravel pit will be allowed to re-vegetate*



*Old clear cut has reforested*



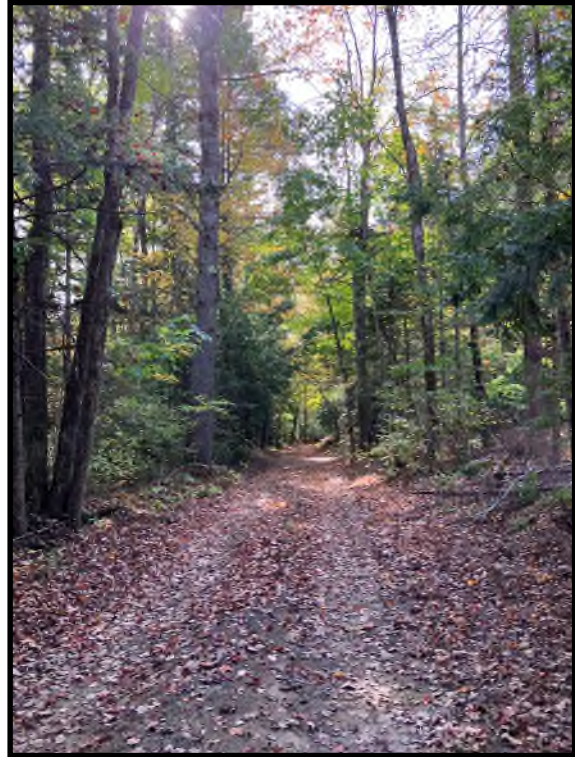
## Mill Hill Forest Site Walk

### Land Use/Land Cover (continued)

Situated in an undeveloped block of 4,883 acres, Mill Hill Forest has a CMP fee corridor, a CMP easement corridor, and a Portland Pipeline easement corridor running through it. These corridors are currently used for recreational access, including a snowmobile trail managed by the Waterford Snowmobile Club that also provides access for cross country skiing and snowshoeing. The land trust proposes to build a trail head and small parking area off Mill Hill Road at the discontinued Plains Road.



*CMP corridor*



*Logging road/snowmobile trail*

## GIS Site-Specific Property Assessment

**Property Name:** Mill Hill Forest

**Area (acres):** 1305

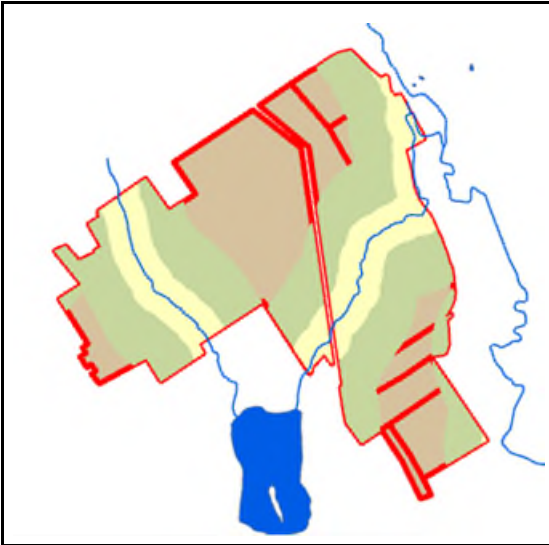
**Location:** Waterford, Harrison

**Land Trust:** WFLT

### Direct Sebago Lake Watershed

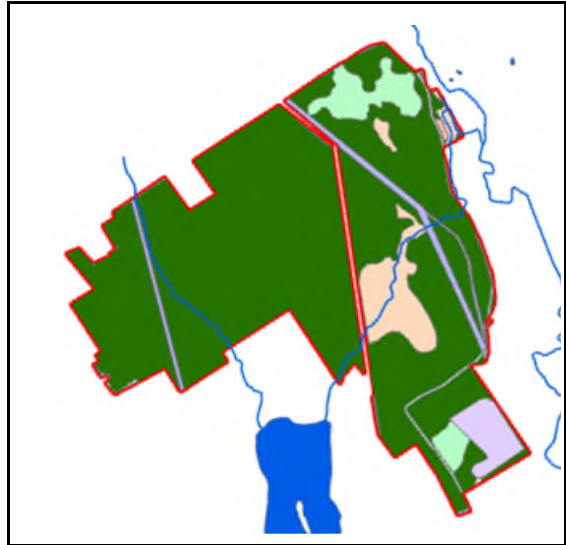
	acres	percent
Inside watershed	984	75.4

### Waterbodies map



	acres	percent
Within 500 ft.	251	19
Within 500 - 1500 ft.	572	44
Beyond 1500 ft.	482	37

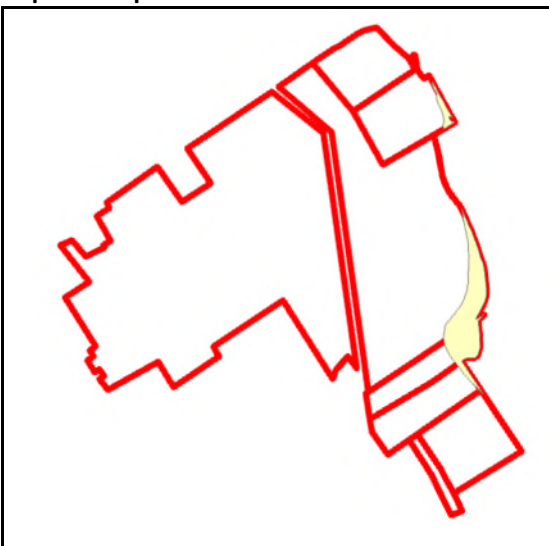
### Land cover map



Forest cover*	1135	acres
	87	percent

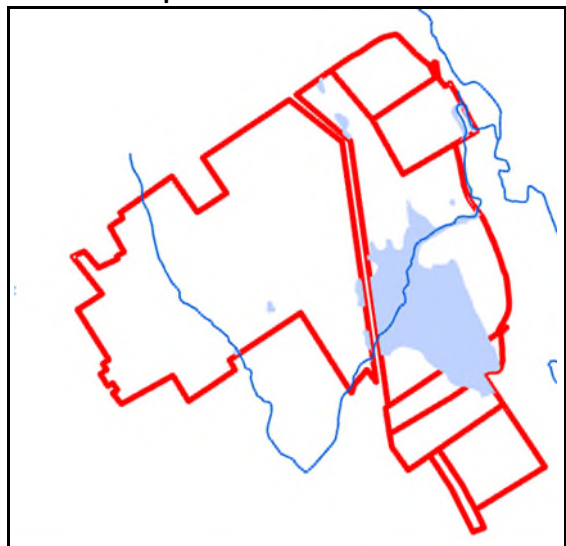
\*non-forested/non-wetlands verified to be in regrowth

### Aquifer map



Sig. sand and gravel aquifers	40	acres
	3	percent

### Wetlands map



Mapped wetlands	166	acres
	13	percent

## Site-Specific Property Assessment

Property Name: Mill Hill Forest

Appraised Value of Fee or Easement

\$2,480,000

**Factors**

25% or more in direct Sebago Lake watershed?  add  %

25% or more within 500 ft. of a waterbody?  add  %

25% or more within 1500 ft. of a waterbody?  add  %

100 ft. or more of frontage on a waterbody?  add  %

50% or more forested?  add  %

20% or more with mapped wetlands?  add  %

10% or more sign. sand and gravel aquifers?  add  %

25% or more in a shoreland town?  add  %

Likely to be developed?  add  %

Other (explain) - maximum of 3% add  %

1 Significant brook trout and landlocked salmon habitat

2 Recreational access: parking lot, snowmobiling, skiing, etc.

3 Fits into existing conservation plans of WFLT's on Crooked

Calculated contribution (percent) - maximum 25%  %

Calculated contribution \$471,200

Amount requested \$471,200

Recommended contribution \$471,200

<b>Fee Acquisition Budget Mill Hill</b>			
<b>SOURCES AND USES</b>			
<b>Costs</b>	<b>Acquisition</b>	<b>Due Diligence And Closing</b>	<b>Stewardship</b>
Fair Market Value of fee lands to be purchased	\$2,480,000.00		
Appraisal costs		\$26,000.00	
Title, legal and closing costs		\$14,000.00	
Land survey		\$16,000.00	
Environmental hazard survey		\$5,000.00	
Long-term management planning			\$1,500.00
Natural Resources Inventory			\$1,500.00
Long-term management/stewardship costs			\$249,600.00
Other: Parking area, trailhead, kiosk , access control			\$29,300.00
Indirect costs (10% of acquisition and associated costs)			\$254,100.00
<b>TOTAL PROJECT COSTS:</b>	<b>\$2,480,000.00</b>	<b>\$61,000.00</b>	<b>\$536,000.00</b>
<b>PROJECT FUNDING SOURCES</b>			
<b>NAWCA (preliminary award)</b>	\$530,500.00	\$8,500.00	\$161,000.00
<b>Land for Maine's Future (preliminary award)</b>	\$1,240,000.00		
<b>Portland Water District</b>	\$471,200.00		
<b>SCW Due Diligence (awarded)</b>		\$25,000.00	
<b>Casco Bay Estuary Partnership (awarded)</b>		\$27,500.00	
<b>Open Space Insititute- Appalacian LF</b>	\$200,000.00		
<b>Fidelity Foundation</b>			\$350,000.00
<b>LMF 5%</b>			\$25,000.00
<b>SCW Land Protection Fund</b>	\$25,000.00		
<b>Landowner bargain sale (to be determined)</b>	\$13,300.00		
<b>TOTAL Project Revenue</b>	<b>\$2,480,000.00</b>	<b>\$61,000.00</b>	<b>\$536,000.00</b>
<b>Net</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>