

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, and via Zoom, on Monday, December 16, 2024. Attending from staff were C. Crovo, S. Firmin, J. Wallace, E. Archibald, D. Kane, J. Hudak, D. Katsiaficas, M. Clements, and C. Cote.

President Lunt convened the Special Meeting at 6:00 p.m.

The Board met with Catherine Tuck Parrish from Raftelis to answer questions and discuss the process for finding the District's next General Manager.

Catherine Tuck Parrish is the Vice President, overseeing the Executive Services Department, which includes executive recruitment, coaching, and performance evaluation services. She has been consulting since 2009 and has 19 years of local government experience.

The recruitment process is expected to take roughly 12-16 weeks, starting in January.

Finding suitable candidates, especially PEs with management experience, can be challenging. The recruitment will focus on targeted outreach to attract passive candidates. While professional engineers (PEs) are preferred, the board is open to candidates with strong management backgrounds, even if they are not engineers. A few Trustees expressed a preference for candidates with strong management skills over engineering qualifications, emphasizing the need for good communication and recruitment abilities.

The Special Meeting adjourned at 6:16 p.m.

President Lunt convened the business meeting at 6:30 p.m., with the Pledge of Allegiance and a moment of silence.

#### **ROLL CALL**

The roll was called by the Clerk. Trustee Shaughnessy was absent.

#### **ACCEPTANCE OF MINUTES**

Trustee McCann made a motion to accept the minutes of the Regular Meeting of November 25, 2024, seconded by Trustee Willett. It was voted all in favor.

Trustee Willett made a motion to accept the minutes of the Workshop Meeting of December 9, 2024, seconded by Trustee Crockett. It was voted all in favor.

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

None

#### **REPORTS**

##### **Operations Committee**

Trustee Shattuck-Heidorn provided a summary of the Operations Committee meeting on December 9, 2024.

Staff provided an overview of the EPA's observations made during their inspection of PWD's water treatment and systems facilities. Staff also recommended amending the CIP and executing a construction contract for upgrades at the Powell Road Pump Station.

##### **Planning Committee**

Trustee Libby provided a summary of the Planning Committee meeting on December 9, 2024. Staff recommended 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. This will be taken

up under new business. Staff reviewed the proposed Planning Committee agenda topics for 2025. The Committee voted to appoint Louise Douglas as Chair.

Jamie Willey, a member of the public, commented that the Committee should consider studying the potential impacts of forest fires to the water supply.

### **Administration and Finance Committee**

Trustee Levinsky provided a summary of the Administration and Finance Committee meeting on December 9, 2024.

The Committee unanimously selected Ken Levinsky as the committee chair.

Mr. Archibald noted that KMA Human Resources Consulting recommended a 4% adjustment be made to the non-union pay bands consistent with base compensation trends. This will be taken up under new business.

Mr. Kane presented a motion to increase the current pensioners' benefits by 1.47%, which is 50% of the increase in the consumer price index. The pension plans allow such a cost-of-living adjustment at the Board's discretion. This will be taken up under new business.

The audit review was rescheduled for a future meeting.

Several updates were provided to the committee including:

- 2025 Chemical and Electricity cost. Bids received through the Southern Maine Regional Water Council's Chemical aggregation group were lower than the amounts included in the 2025 Budget. Estimated savings is more than \$800,000. CMP announced a proposal to increase their delivery charge effective January 1, 2025. The proposed change is estimated to increase costs by \$533,000.
- 2024 Year-to-date results were reviewed. Water Revenues are \$432,000 better than budget. All operating funds are positive for the year except Cumberland Wastewater fund. The fund has a year-to-date loss of \$43,375. If that annual deficit is realized, the fund will have cumulative deficit which will need to be added to the 2026 assessment.
- Maine Paid Family Leave act. Staff is exploring having an insurance company, Mutual of Omaha (MOO), to administer a program that meets or exceeds the standards of the new required state program. If the MMO program does qualify, the District would not need to make the 1% of pay contribution to the state. To determine whether MOO's program qualifies, the District will file a request in April 2025, the earliest date allowed.

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

The Safe Drinking Water Act's 50th anniversary is today.

Scott Firmin gave an update to the Board about the participation of PWD in a wastewater surveillance program for various viruses. PWD is working with BIOBOT and Verily labs. Testing includes Covid, RSV, Hepatitis, and Influenza. PWD is responsible for sampling. The BIOBOT program pays for the lab testing through the Maine CDC.

A discussion of nuisance alarms at the Ozone plant occurred with Jim Wallace explaining how the alarms happen and why. He noted having the software and a group pulled together to address these alarms has made a difference in tackling the issue. He gave credit to instrumentation and the IT group for helping to eliminate the nuisance alarms. It will take a while to bring down the number- the nuisance alarms are not gone. PWD is getting a handle on them.

**NEW BUSINESS**

**SECOND READING Order 24-026**, amending the District's Bylaws to allow the position of Corporate Counsel to be hired by the Board of Trustees instead of the General Manager. (This item requires readings at two meetings of the Board.) First reading was on October 28, 2024.

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.

Trustee Willett voiced his opposition to the change in the Bylaws. He asked that if it passed, he wanted a review and reporting structure for the annual review. Trustee Voltz voiced support for the change and felt it was mandatory for the situation where the General Manager and the Board were not aligned.

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

It was Voted 7-3 (Libby, Willett, and Shattuck-Heidorn opposed. Shaughnessy absent) and,

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

**Order 24-034**, authorizing changes to the Portland Water District Board of Trustees Standing Rules.

The Standing Rules of the Board of Trustees were originally approved in 1998. Since that time, technology has changed and shifted to electronic means for purposes of communication. A change in Section 2 of the Standing Rules is proposed that would allow notice of Special Meetings of the Board called by the President to be served by email, as well as by personal notice and delivery to a personal or business address. This will make the delivery of notice more efficient and make it easier to call a special meeting of the Board should such a meeting be needed.

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

It was Voted and unanimously,

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

**Order 24-035**, authorizing the adjustment to the Non-Union Salary Structure.

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.

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

It was Voted and unanimously,

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

**Order 24-036**, authorizing an adjustment in pension benefits for eligible retirees and annuitants.

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.

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

It was Voted and unanimously,

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.

**Order 24-037**, authorizing actions related to the Powell Road Pump Station Upgrade Project.

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.

It was moved by Trustee Shattuck-Heidorn and seconded by Trustee McCann.

It was Voted and unanimously,

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.

**Order 24-038**, authorizing a contribution to the Western Foothills Land Trust.

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.

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

It was Voted and unanimously,

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.

**Order 24-039**, authorizing the General Manager to execute a contract with Raftelis for the purposes of conducting a search for the General Manager of the District.

A request for Proposals was issued for the conduct of the search for the General Manager of the District. The District received 10 responses. A subcommittee of the Board, consisting of the President, Vice President, and Trustees Crockett, Libby, and Siviski, interviewed three of the proposers. As a result of these interviews, the subcommittee recommends the selection of Raftelis to conduct the search. This recommendation is based on their experience with recruitment for executive positions in the public sector and local government, cost, and approach.

It was moved by Vice-President McCann and seconded by Trustee Siviski.

It was Voted and unanimously,

ORDERED, that the Interim General Manager is authorized to execute a contract with Raftelis in a sum not to exceed \$38,795 for the purposes of conducting a search for the General Manager of the District.

**Resolution 24-016**, awarding the Water Bottle Filling Station Grants.

In 2013, the Board of Trustees authorized the development of the Water Bottle Filling Station Grant program. In 2021, the Board increased maximum funding to \$10,000, from \$7,000 annually. Water bottle filling station grants provide a maximum value of \$5,000 for outdoor units, \$2,000 for stand-alone units, and \$850 for retrofits - to entities within the service territory.

The Water Bottle Filling Fountain Grant Committee met on December 9 and selected six recipients out of forty-one applications for the Board’s consideration. Applications were reviewed and judged primarily on potential exposure, public access, and the promotion of healthy tap water. The total maximum award is \$9,700.

It was moved by Vice-President McCann and seconded by Trustee Siviski.

It was Voted and unanimously,

BE IT RESOLVED, that the Board of Trustees hereby awards the following Water Bottle Filling Station Grants for the installation year of 2024:

Maximum			
Children’s Museum & Theatre of Maine	Portland	Stand Alone	\$2,000
Congin School – Gym	Westbrook	Stand Alone	\$2,000
Ketcha Outdoors	Scarborough	Stand Alone	\$2,000
Scarborough Public Library	Scarborough	Stand Alone	\$2,000
Falmouth High School	Falmouth	Retro	\$850
University of New England	Portland	Retro	\$850

**Resolution 24-017**, appointing a representative to the Southern Maine Regional Water Council Board of Directors.

The Board of Trustees must annually appoint a representative to serve on the Southern Maine Regional Water Council.

Pursuant to the Council’s bylaws, the District’s appointment would be confirmed by the membership at the next annual meeting, which will occur in April 2025. The period of appointment as PWD’s representative will be for the period January 1, 2025 through December 31, 2025.

It was moved by President Lunt and seconded by Vice-President McCann.

BE IT RESOLVED, that Jim Wallace is appointed as Portland Water District’s representative to the Board of Directors of the Southern Maine Regional Water Council.

**Resolution 24-018**, authorizing the General Manager to take positions and testify on bills during the legislative session.

It was moved by President Lunt and seconded by Vice-President McCann.

It was Voted and unanimously,

WHEREAS the 132<sup>nd</sup> Maine Legislature will consider numerous bills this session, many of which are of interest to the Portland Water District, and

WHEREAS public hearings on many bills are held before the Board of Trustees has an opportunity to take a formal position on said bills, and

WHEREAS the General Manager is responsible to the Board of Trustees for legislative affairs,

NOW THEREFORE BE IT RESOLVED that the Board of Trustees authorizes the General Manager or his designee to take positions and testify on bills during the legislative session consistent with his understanding of the Board's view on the issues, and

FURTHER BE IT RESOLVED that the General Manager shall report to the Board of Trustees at their next meeting, the positions he may have taken and the testimony he may have given.

**OTHER BUSINESS**

None

**SECOND INVITATION FOR PUBLIC COMMENT**

None

**TRUSTEE COMMENTS**

Trustee Voltz thanked the staff for the new Trustee Orientation, which was conducted on December 11.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Meeting adjourned at 7:28 p.m.

Submitted by,

Donna M. Katsiaficas  
Clerk