

27 December 2012

MEMORANDUM

From: Manager
To: Board of Trustees

Subj: **MINUTES FOR THE TRUSTEE MEETING 11 DECEMBER 2012 & 2 JANUARY 2013**

The Board of Trustees convened at 1900 hrs. In attendance: Trustee Pinkham, Boothbay Harbor, (Chair); Trustee MacPhee, Boothbay, (Vice Chair); Trustee Marston, At-Large, (Treasurer); Trustee Reed, Boothbay Harbor; Trustee Gamage, Southport; Trustee Climo, Southport; Jon Ziegler, Manager. Guest: Ms. Lauren Stockwell, Stockwell Environmental. Absent: Trustee Carter, Boothbay (Clerk).

1. The minutes of the 29 November 2012 trustees meeting were approved.
Trustee Reed motioned, Trustee Gamage second, vote: unanimous
2. The **Payroll** for 4 December 2012 was approved.
Trustee Reed motioned, Trustee Gamage second, vote: unanimous
3. The **Transactions** for the period of 26 November 2012 through 7 December 2012 were approved.
Trustee Reed motioned, Trustee Gamage second, vote: unanimous
4. The manager provided the board a **Financial Update**. For the month of December the district had billed \$39,269.25 and an additional \$4,077.11 in seasonal overage. The manager informed the board that at the next meeting the final November numbers would be available along with the 2013 Budget (draft) which would include an estimated year-end total. The manager stated that within the following week it was his hope that the district would be moving cash into the sinking funds to meet our 50% replenishment goal. The board asked the manager to report on the status of that goal at the next meeting.
5. The manager next reported on the district's **Watershed Protection** program. The town of Boothbay, nor staff had reported any building permits, issues or violations within the watersheds of Adams Pond or Knickerbocker Lake in the previous month.
6. The manager next reported on **Safety and Training**. There were no injuries or violations recorded within the previous period.
7. The manager provided the board with an update as to **Treatment Division** operations. The treatment plant continued to operate well with production flat-lined at approximately 0.2560 MGD. No additional bleeders were reported requested as necessary during the previous period. The manager then reported that the raw water quality was continuing to improve with the clarifier and filter run times well past 90% of maximum. Chemical usage per unit produced was also on the decline with no taste and odor issues reported. The manager reminded the board that this was normal for the time of year, post Adams Pond rollover. As ice-in occurs the manager explained that the raw water pH was expected to drop continually and the iron and manganese levels would begin to rise (both considered just a nuisance by EPA). When asked, the manager stated that in extreme conditions these metals could cause discoloration but for the most part, these oxidize with free chlorine in the contact tank and settle out.

Electrical Installation Inc. (EII) visited then district on 10 December 2012 and had completed almost all of the punch list items for the supervisory control and data acquisition (SCADA) system. One more visit by EII is required to clear up a lingering, minor issue. The manager reported that the SCADA remote laptops were in for updates and repair, with only one back in service.

The manger informed the board that the treatment plant operator had sustained a non-work related injury, with work restrictions duly documented by his physician for which the district could not reasonably accommodate. The treatment plant operator has been temporarily taken off the treatment plant on-call roster. However, the manager reassured the board that this case has an excellent prognosis for his timely return. The manager stated that his physician would be updating the district with a timetable either later in the week or earlier the next week. Until such time as the treatment plant operator is fit to stand on-call duty, his on-call duties will be temporarily covered by the remaining two operators, who the manager had put into a “port-starboard” rotation. The manager stated to the board that it was his hope that the condition would not be a protracted event causing unreasonable stress on staff which in the past, port-starboard rotations such as this had been very destructive to employee morale and productivity.

8. The manager next briefed the board on **Distribution Division** activities. The manager stated that the staff was heavily invested in the Southport Cross Road project and winterizing/repairing hydrants system wide.
9. The manager provided the board with an update on the **Southport Merger**. The manager reported that much had been completed with regard to the merger since the previous meeting. The manager provided the board with a draft survey of the property the district was interested in having conveyed to the district, approximately two acres surrounding the existing tank site. Additionally the manager provided a copy of correspondence from Attorney Griffin with specific concerns related to the land transfer.

Survey Issues – the manager reported that there existed some problems with the survey. First, as proposed by the town of Southport, there existed sufficient acreage available for the district to stay well away from any town of Southport potential recreational areas and very much away from the waterfront. It appeared from the survey that the existing tank was on the property line shared with the Pine Tree Conservation Society (PTCS). This was very tight spacing for a new tank and the manager had concerns that the United states Department of Agriculture, Rural Development (RD) would find this situation problematic. The manager suggested to the board that the district begin making overtures with the PTCS in order to expand the northerly border on to what was currently owned by the PTCS. Trustee Gamage stated that he may persons within this organization and would bring to the managers attention so that a friendly dialogue could possibly commence.

Additionally the easement to the tank sight showed the best easement for the district to lay infrastructure and gain access to the tank site was from the southerly access road on Rt. 238. This was not where the designed water line was specified to go, which would require a change in plan for the project. The manager reported that the northerly access road was unclear as to ownership of the property that would be crossed and would be in extreme close proximity to preserved historic site (a Revolutionary War veteran gravesite) the board agreed with the change in plan. Trustee Climo informed the board that the proposed access route was completely owned by the town of Southport making the granting of a free and clear easement to the district very easy.

Structural Issues - The manager relayed concerns from Attorney Griffin who had found several minor issues that he and surveyor Terry Leighton had to work through. Additionally he had flagged one very significant issue in that it was his opinion that the Selectmen of Southport did not have authority to transfer the proposed subdivision for the tank site to the district because it appeared to be not owned by the “Southport Water System”, but rather the “Town of Southport” which would require a majority vote of the town at town meeting. Trustee Gamage insisted that this was not the case for which the manager would more fully investigate. The manager also stated that either way it was not a major issue in that the Southport town meeting was close at hand and that the district should work with the selectmen to get the question on the Southport town meeting ballot.

Ballot Initiative – the manager presented the board with a timeline of the steps necessary for getting the municipal officer question, LD -1834 Question #2, on ballots of all three towns, in preparation for a special election in February 2013. The manager reported that on the previous evening he and Ms. Kirsten Hebert and he had met with the Boothbay and the Boothbay Harbor selectmen who all voted to move forward with the special election. The manager also informed the board that on 12 December 2012 he would be meeting with the Southport selectmen to get the same measure on the Southport ballot. The manager stated that everything seemed to be on-track with both previous presentations televised on local access television which he thought would begin to get the word out. The special election was scheduled 26 February 2012.

10. The manager next reported no change in status for the **Southport Interconnection and Tank Replacement Project**. Then manager reported that he had met with all key officials within RD who seemed optimistic that funding would be forthcoming either the first or second quarter of 2013. With this, along with the structural issues of the merger, the manager recommended to the board that Dirigo Engineering be given authorization to begin design so that the project can be as “shovel ready” if and when federal funding, including possible grant funding, becomes available. The board discussed this action and determined it to be a no-lose situation in that even if funding for construction was unavailable for this round of federal funding the pre-plan would be in place for future funding. The board approved the measure. *Trustee Marston motioned, Trustee Reed second, vote: unanimous*

The manager then discussed a problem that had arisen in permitting the proposed new pipeline across Townsend Gut. The National Oceanographic and Atmospheric Administration (NOAA) was now requiring an Endangered Fish Habitat (EFH) study in compliance with the *Magnuson-Stevens Fishery Conservation and Management Act* which, when boiled down, was “a huge amount of work”, all unbudgeted and a definite change in condition within the contract with Dirigo Engineering. The manager reported that that this was most definitely out of the scope of services offered by Dirigo Engineering, being highly specialized marine sciences, for which Dirigo was ascertaining who to sub the work to, and what would be the cost. The board discussed the requirement at length and asked the manager if directional boring had been considered and if this would alleviate the need for the NOAA study? Then manager could not answer either question. The board instructed the manager to find the answers and report back at the next trustees meeting.

11. The manager reported to the board as to the status of the **Mt. Pisgah Mixing System and Interior Recoating Project**. In compliance with schedule, Wright-Pierce had provided a cost estimate for this project, which was distributed to the trustees, which totals \$364,090.00. The manager reported preliminary conversations with Ms. Brenda Blackman, First National Bank of Damariscotta and would have a loan package for the board's consideration in January, 2013 which would lead to a February 2013 trigger date. Wright-Pierce was in the process of drafting bid documents to be released within the next six to eight weeks.
12. The manager briefly updated the board on his activities with **the Maine Water Utilities Association (MWUA)**. The manager stated that his term as president of the MWUA was winding down with the new president to be elected in January. The final last function he would preside over was master of ceremonies for the following Thursday's bi-monthly meeting in Fryeburg. The manager informed the trustees that there was room for five trustees but the manager stated he would be leaving from his in-laws in Gray, Maine so that they had to find alternative transportation.

The manager next informed the board that he had been elected to the board of the Maine Rural Water Association (MRWA) the previous Wednesday. The manager stated that this would be far less a time commitment, even with the membership on both boards, than his year as president of the MWUA. The board concurred that this appointment was a net positive for the district.

Lastly the manager described to the board that several issues would be in the next legislative session that may have significant impact on the district's operation; the subjugation of water rights by the state and possible deregulation. The manager reported that the powerful Legislative Affairs Committee chair had been filled by Mr. Dan Wells P.E., Superintendent of the Winthrop Utilities District for which the manager had a very good working relationship and therefore the district had access to state policy formulation.

13. Then manager reported no activity regarding the **NRPA Study** update. Ms. Lauren Stockwell presented the report she had completed for the study. She provided a detailed report in which the board was fully engaged. The board was satisfied that the biological portion was completed consistent with the baseline, especially considering the statistical data provided by the manager based on hyper-accurate water level analysis for the past five years. When asked Ms. Stockwell reported that there was no evidence of habitat degradation as a result of water withdrawal but water quality may be having an effect and the institution of a public landing on town property off of the Barter Island Road has all but wiped out the biological community in that area. Ms. Stockwell submitted for her services which totaled \$6,995.00.
14. The manager reported next on the **Boothbay Comprehensive Plan Review Committee**. The manager reported no real activity.
15. The manager reported Wright-Pierce with regard to the **Submerged Land Leases** and that progress was being made.
16. Trustee MacPhee presented to the board a revised **Conflict of Interest Policy (CIP)**. Trustee Pinkham stated that he had met with Trustee MacPhee and was satisfied an acceptable draft in that they had worked on the proposed revision together. After some discussion the board approved the new CIP with the manager instructed to train subordinates at his earliest possible convenience.

17. The manager updated the board as to the **Truck Procurement** process. The manager had no change in status.
18. The manager reported the **Credit Card** initiative was in-process with the “go live” date scheduled for 2 January 2013.
19. The manager reported on a new item entitled **Five Rivers Regional Water Council**. The manager went on to describe that the previous week all of the superintendents had met with Mr. Jim Cohen J.D. and went through the by-laws of the Southern Maine Regional Water Council. The manager stated that the group was working on a draft that made sense for the group and then would be taking them to the various boards of trustees.
20. The manager informed the board that the **2013 Budget** would be in draft form, presented to the trustees, prior to the next meeting, ready for consideration.
21. Trustee Marston added the **Cell Phone Tower Proposal** for which the manager had sent to the trustees, for an update. The manger admitted that “he had spaced on it” and could not provide a report. The board instructed the manager to “un-space” and provides the board a detailed status report for the next meeting.
22. The board voted to go into Executive Session pursuant to 1 M.R.S.A. §405 (6) (A) & (E) at 2006 hr.
Trustee Reed motioned, Trustee Marston second, vote: unanimous
23. The board came out of Executive session at 2010 hr.
Trustee Climo motioned, Trustee Marston second, vote: unanimous
24. The meeting was adjourned at 2014 hr.
Trustee Gamage motioned, Trustee Marston second, vote: unanimous

END OF MINUTES

2 JANUARY 2013 MINUTES

The Board of Trustees convened at 1900 hrs. In attendance: Trustee Pinkham, Boothbay Harbor, (Chair); Trustee Marston, At-Large, (Treasurer); Trustee MacPhee, Boothbay, (Vice Chair); Trustee Carter, Boothbay (Clerk); Trustee Reed, Boothbay Harbor; Trustee Gamage, Southport; Trustee Climo, Southport; Jonathan Ziegler, Manager. Guest: None. Absent: None.

1. Approve Payroll 11 December 2012, 18 December 2012 & 25 December 2012
Trustee Reed motioned, Trustee Climo second, vote: unanimous
2. Approve Transactions for 12 December 2012 through 23 December 2012
Trustee Reed motioned, Trustee Climo second, vote: unanimous
3. The board considered the **Draft 2013 Boothbay Region Water District Budget**. Trustee Gamage questioned the amount of budgeted resources to maintain vehicles and equipment. After discussion the manager was instructed to move sufficient funding from cash reserves into the budgeted income account to sufficiently fund these line items. In addition the board ordered changes to the Figures in the executive summary to make the information presented clearer. The board then asked the manager to go through the detailed budget and explain the methodology used and assumptions made when arriving at the proposed budgeted funding levels. After significant and lengthy discussion the board approved the **2013 Boothbay Region Water District Budget** with revisions.
Trustee Reed motioned, Trustee Gamage second, vote: unanimous
4. The board voted to go into Executive Session pursuant to 1 M.R.S.A. §405 (6) (A) at 1906 hr.
Trustee Marston motioned, Trustee Gamage second, vote: unanimous
5. The board voted to come out of executive session at 1956 hr.
Trustee Reed motioned, Trustee Gamage second, vote: unanimous
6. The manager provided a brief discussion on **Merger** topics more specifically the vote to allow municipal officers the right to run independently for trustee of the district. The manager stated that due to the political nature of this question that, even though publicly for the measure, the board would need to take an active role in promoting the measure. The board agreed with that assessment. General discussion over the subject continued for several minutes with no action taken.
7. The meeting was adjourned at 2005 hr.
Trustee Gamage motioned, Trustee Carter second, vote: unanimous

END OF MINUTES

Respectfully Submitted,

Jonathan E. Ziegler
Manager

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