

22 September 2020

MEMORANDUM

From: Manager  
To: Board of Trustees

Subj: MINUTES FOR THE TRUSTEE MEETING 8 SEPTEMBER 2020

The Board of Trustees convened at 1900 hrs. In attendance: Trustee Gamage, Southport (Chairman); Trustee Climo, Southport (Vice-Chairman); Trustee Tharpe, At-Large (Treasurer); : Trustee Anthony, Boothbay (Clerk); Trustee Tibbetts, Boothbay Harbor; Trustee Bellows, Boothbay; Trustee Blakeslee, Boothbay Harbor; Jonathan Ziegler, Manager. Guest: None. Absent: None.

1. The board approved the minutes for 25 August 2020.  
*Trustee Climo motioned, Trustee Tibbetts second, vote: unanimous*
2. Approve Transactions for 24 August 2020 through 4 September 2020  
*Trustee Climo motioned, Trustee Tibbetts second, vote: Yea – Gamage, Climo, Bellows, Tharpe, Tibbetts & Anthony; Abstain – Blakeslee.*
3. Trustee Blakeslee requested that in the future the manager add all invoices associated with transactions be included in the pdf file provided to trustees.
4. **ADMINISTRATION** – The manager provided the board Table 1 *Boothbay Region Water District Cash Account Status Report as of 8 September 2020*. During the previous period the district added no new customers, mostly due to contractor availability, and received six (6) new service applications were received and are currently in-process.

Table 1 <b>BOOTHBAY REGION WATER DISTRICT Cash Account Status Report as of 8 September 2020</b>	
<b>Account</b>	<b>Balance</b>
Business Checking	\$ 25,199.70
Deposit Sweep Account	\$ 391,016.57
<b>Liquidity Total</b>	<b>\$ 416,216.27</b>
<b>DESIGNATED FUNDS</b>	
BBH 2007 Sinking Fund	\$ 20,335.80
Land Acquisition Fund	\$ 14.71
Capital Reinvestment Fund	\$ 300,115.16
Mt Dora Easement Escrow	\$ 5,073.05
Southport Sinking Fund	\$ 37,312.00
EBB Upgrade 91-20	\$ 56,052.84
Bank of Maine Unemployment CD	\$ 17,295.00
<b>Designated Fund Total</b>	<b>\$ 436,198.56</b>
<b>TOTAL CASH RESERVES</b>	<b>\$ 852,414.83</b>

- a. **Vulnerability Assessment (VA) Update** – The manager refreshed the boards knowledge of the VA requirement for the district as imposed by the United States Environmental Protection Agency (EPA). He began by providing the history of the program.

In response to the 11 September 2001 attacks the EPA compelled every water district in the nation, through rule-making, that all water districts were required to complete a VA which would enable the districts to inventory strengths and weakness within their infrastructure. The BRWD completed this initial assessment on-time in 2003, largely authored by, then trustee, Lewis Curtis, Major General, USAF retired, and the manager. The manager then stated that completion of this document had an “eye-opening” effect and the lengthy exercise brought to light many vulnerabilities of the district, long since addressed, as well as a completed document being a requirement for any district wishing to access federal funding in the future.

In 2019 the EPA required again that all existing plans be updated, using a tool developed by EPA in assisting water districts in completing the now required updates, and have them submitted by years-end. The manager admitted this was a “back-burner” project for him but now with freed time, completion has been moved up.

The manager alerted the board that that he was moving through the process and expected a rough draft to be presented to the board, very soon. The manager reminded the board of the high confidentiality of the report and that he would be sending these to trustees via pdf format. The manager then informed the board that it was important to remember not to share this report with anyone, for it contained information, that if found by potential adversaries would create a pathway to exploit district weaknesses. The manager strongly recommended that all future board discussion on the VA update be handled in executive session, as allowed for by law. The manager also informed the board that this document was exempt from being provided as a result of any future public information requests.

Trustee Blakeslee suggested that the manager password protect the document and hand deliver to all trustees the password for opening the future pdf file. The manager and the remaining board members concluded that this was a reasonable and prudent measure and adopted this practice as an unofficial policy.

- b. **PUC Utility Comment Session on Ban of Disconnections** - The manager informed the board that the Maine Public Utilities Commission (PUC) and Office of the Public Advocate (OPA) held a virtual “town hall” meeting with utilities on 3 September 2020. The intent of the meeting was to assess the order by PUC, issued almost immediately after a state of emergency related to COVID-19 was declared by the Mills Administration, through an order by the PUC, had affected water districts statewide with regard to liquidity, especially because the water districts had no recourse to encourage delinquent customers to attempt to stay current with water bills. The manager stated that the PUC officials leading this fact-finding mission received more than an “earful”.

The manager reported that many small rural towns in Maine were truly at a disadvantage with regard to the Mills administration decree. Three water districts in Maine, because of what the manager described as “knee jerk reaction” to the COVID-19 pandemic by the PUC, as dictated by the Mills administration, now face insolvency as of 1 October 2020 and will possibly be forced to shut down operations. All of these towns have Section-8 housing as a leading industry in their respective community and even though the inflow of dollars increased from the government to these communities on aggregate, because citizens had been given the right to not pay their water bill, the unintended consequences were forcing situations that were dire in many parts of the state.

As a result of this meeting and the testimony provided, both the Mills administration and the PUC were now considering a 1 November 2020 date for suspending this reaction taken by the state in response to the COVID-19 pandemic.

5. **NATURAL RESOURCES PROGRAM** – The following report was submitted, in writing by the NRPM:
  - a. **BRLT Land Conservation Group**: *We are still waiting on a Southport representative so we can convene this group.*
  - b. **Watershed work**: *319 grant construction and administration continue, as does water sampling and watershed monitoring. The Distribution crew has accomplished ditch and pullout maintenance along Adams Pond Road.*
  - c. **MMBB Land Acquisition Loan**: *The closing documents for the MMBB loan for Farrin property acquisition are presented for signature tonight.*
6. **SAFETY & TRAINING UPDATE** – The manager reported that there had been no safety violations or known missed inspections during the previous period.
  - a. **Human Resources (HR)** – Nothing new to report
  - b. **Training Update** – Safety training has been postponed until next week. Remote employee license retention training remains ongoing.
7. **TREATMENT DIVISION (TD)** — The manager reported filter train efficiency over the previous period filter train efficiency over the previous period remained stable, with clarifier and filter efficiency both at 100%. Key chemical consumption rates remain about 85% of normal.

For the previous period finish water production averaged .8079 MGD as compared to the same period in 2019 which averaged 0.7110 MGD.

Withdrawal operations from Knickerbocker Lake would be suspended on 9 September 2020 which was much earlier than normal (see Table 2). Knickerbocker Lake was now officially, the lowest we have ever recorded.

Current raw water reserves in Adams Pond equal 211.5 MG with Knickerbocker Lake containing 485.0 MG usable raw water.

- a. **Backwash Waste Pump Replacement Project** – No change in status
- b. **Drought Report** – During the previous period the Boothbay Region had remained in a D1 Drought (*Moderate Drought*) status. In addition, from a land area perspective the majority of Maine was now in a D2 Drought (*Severe Drought*) expanding its reach in Somerset, Penobscot, Piscataquis, York and Aroostook Counties. Again, the U.S. Drought Monitor measures drought in five categories D0 through D4 (*Severe Drought*), and in my opinion the district is in no danger of running low on raw water at this time

<b>Table 2</b>			
<b>Boothbay Region Water District</b>			
<b>2020 Knickerbocker Lake Water Withdrawal Report</b>			
<b>Start Date</b>	<b>End Date</b>	<b>Gallons Pumped</b>	<b>Gallons Remaining</b>
Gallons Allowed to be Withdrawn by NRPA Permit			51,500,000
15-Jul-20	18-Jul-20	2,716,200	48,783,800
19-Jul-20	25-Jul-20	6,708,000	42,075,800
26-Jul-20	1-Aug-20	7,142,700	34,933,100
2-Aug-20	8-Aug-20	6,713,000	28,220,100
9-Aug-20	15-Aug-20	5,007,000	23,213,100
16-Aug-20	22-Aug-20	4,285,600	18,927,500
23-Aug-20	29-Aug-20	5,911,400	13,016,100
30-Aug-20	6-Sep-20	5,637,600	7,378,500
<b>Total Withdrawn</b>		<b>44,121,500</b>	<b>7,378,500</b>

- 8. **DISTRIBUTION DIVISION (DD)** – The manager reported the DD remained current with job orders, dig safe notifications and minor repairs with the list of whiteboard projects remaining manageable and in-process. In addition, to assist the town of Boothbay the DD completed road maintenance tasks on Adams Pond Road including ditching and erosion and sediment control. Lastly final preparations for the Barlow Hill Water Main Replacement Project had been in full swing.
- 9. **5 RIVERS REGIONAL WATER COUNCIL** – No change in status
- 10. **LAND ACQUISITION UPDATE** – No change in status
- 11. **ALTERNATIVE ELECTRIC POWER OPTIONS** – No change in status.
- 12. **SQUIRREL ISLAND VILLAGE CORPORATION (SIVC) WATER MAIN** – The manager reported Mr. Norm Labbe P.E. had agreed to serve as the district’s expert with regard to these proceedings. Mr. Labbe was described by the manager as a longtime colleague of the manager and a very well-respected professional engineer who served his final sixteen-years of his career as the head of the Kennebunk, Kennebunkport and Wells Water District and managed that system over the only seasonal population (in number of services) larger than

the BRWD. He was described as being well-versed in the idiosyncrasies of operating a water utility in a large, affluent, tourist community. The manager informed the board that ne and Mr. Labbe, as well as Mr. Roger Crouse P.E., current superintendent of the Kennebec Water District and former head of the Maine Drinking Water Program (DWP) had a meeting the following day, led by the district's attorney of which the manager would have more to report at the 22 September 2020 trustee meeting.

Additionally, the manager informed the board that the SIVC's attorney, Ms. Sarah Tracy J.D. had requested of the district's attorney a cessation of litigation in favor of promptly setting up a meeting with the two-parties to resume talks with the intent of reaching a negotiated settlement. The board did discuss the fact that the district had not have the chance for discovery nor had they had the chance to refute erroneous claims made by the SIVC during official PUC proceedings thus far. Additionally, the manager informed the board that Ms. Tracy did not want the manager involved in further negotiations, a request denied by both the district's attorney and the board. The board did approve a temporary stay in proceedings with the manager assigned the task of beginning a document with proposed settlement conditions he deemed as acceptable as a starting point for board approved possible concessions to the SIVC in order to meet the district's objectives.

13. **NEW MAINTENANCE GARAGE PROJECT** – The manager presented to the board the meeting minutes of progress meeting #3, valued at \$251,879.62. He went on to inform the board that work continued on-schedule. Since the previous board meeting the outside walls had been sheathed, all trusses had been installed with the roof partially sheathed as of that afternoon. Paving was scheduled to begin 11 September 2020 as well as the roof sheathing being completed by that date. The contractor remained solid, with work is progressing smoothly and no complaints recorded
14. **CAMERONS POINT WATER MAIN** –No change in status.
15. **BARLOW HILL & MARINER WAY WATER MAIN REPLACEMENT PROJECT** – The manager reported that on 2 September 2020 a pre-construction meeting was held at the district with the manager distribution foreman, administrative manager, Mr. Eric & Mr. Justin Wood, *E.M. Wood Construction* as well as the BRWD construction team selected for this project, utilities technicians Taylor Timberlake and Arron Durgan. Additionally, since the previous meeting residents of Mariner Way alerted staff to extreme low-pressure conditions, sometimes below the legal standard, which were verified by staff. During the construction meeting the manager reported that he had inquired of *E.M. Wood Construction* if the timetable could go back to a twin project autumn. After lengthy discussion it was determined to be possible. In response the materials for Mariner Way had been ordered. On the ground all of the pavement cuts had been completed with the project scheduled to kick off on 9 September 2020.
16. **JOPPA ROAD WATER MAIN REPLACEMENT PPROJECT** - The manager reported that the road cuts had been completed with materials coming in from our vendor. Construction of this project would begin by weeks end.
17. The meeting was adjourned at 1930 hr.  
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*Trustee Climo motioned, Trustee Tibbetts second, vote: unanimous*

END OF MINUTES