

13 February 2024

MEMORANDUM

From: Manager
To: Board of Trustees

Subj: MINUTES FOR THE TRUSTEE MEETING OF 23 JANUARY 2024

The Board of Trustees convened at 1800 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 Blakeslee, Boothbay Harbor; Jonathan Ziegler, Manager. Guests: Mr. Nick DeGemmis, Superintendent, Boothbay Harbor Sewer District
Absent: Trustee Stover, Boothbay; Marcia Wilson, Administrative Manager (AM).

1. The board approved the minutes 9 January 2024.
Trustee Climo motioned, Trustee Anthony second, Yea: Tharpe, Climo, Gamage, Tibbetts, Anthony; Nea none; Abstain: Blakeslee.
2. The board approved payroll for 9 January 2024 & 16 January 2024.
Trustee Climo motioned, Trustee Anthony second, vote: Yea unanimous.
3. The board approved transactions for 8 January 2024 through 19 January 2024.
Trustee Climo motioned, Trustee Anthony second, vote: Yea unanimous.
4. The manager introduced Mr. DeGemmis to the board of trustees and described some common issues the manager and Mr. DeGemmis were working together on. Mr. DeGemmis was well received by the board, stayed for the entirety of the meeting, and weighed in on subjects which the sewer and water district were working on together jointly.
5. **ADMINISTRATION**– The manager provided the board with Table 1- *Boothbay Region Water District Cash Account Status Report as of 9 January 2024*. The billing for routes 3,4 & 13, to be released on 1 February 2024 had a reported value of \$524,586.48. During the previous period the district added no new customers but received two (2) new services applications. Work continued setting up the new billing software with a meeting with consultants scheduled for 25 January 2024. The projected start-up date was now moved back to 1 March 2024 due to the unique nature of some district practices, particularly centered around the high seasonal customer base.
 - a. **BRWD Budget Performance Review as of 31 December 2023** – The board reviewed the report and were satisfied with the year-end statement presented. There were no concerns raised upon the review.
 - b. **2024 BRIC Grant** – The manager reported that upon the advice of the Maine Emergency Management Agency (MEMA), and in consideration of two catastrophic storms recently experienced by the municipalities within the district, the district was again applying for the BRIC grant funding to correct groundwater contamination issues in Southport. This will be a rather low-level effort in that our contractor, Shri Verrill, *Sunrise Ecologic*, needed only to update the existing application and strengthen portions of the application identified as being weak by the Federal Emergency Management Agency (FEMA). This effort was to be completed by 9 February 2024.

Table 1 BOOTHBAY REGION WATER DISTRICT Cash Account Status Report as of 23 January 2024	
Account	Balance
Business Checking	\$ 25,168.66
Deposit Sweep Account	\$ 847,514.14
Liquidity Total	\$ 872,682.80
DESIGNATED FUNDS	
BBH 2007 Sinking Fund	\$ 20,350.05
Land Acquisition Fund	\$ 2,517.33
Capital Reinvestment Fund	\$ 483,256.35
Mt Dora Easement Escrow	\$ 4,791.00
Southport Sinking Fund	\$ 74,668.15
EBB Upgrade 91-20	\$ 62,321.87
Bank of Maine Unemployment CD	\$ 17,383.14
Designated Fund Total	\$ 665,287.89
TOTAL CASH RESERVES	\$ 1,537,970.69

- c. **2024 Emergency FEMA Disaster Relief** – The manager stated that since the previous meeting the Boothbay peninsula has been subjected to two large, and destructive, winter storms not seen in the region since 1978. Both storms created much damage to the shoreline of all three towns with severe damage to district infrastructure in East Boothbay, Spruce Point in Boothbay Harbor, and minor damage in Southport. Because of the short timeline to submit casualty information to FEMA and the state of Maine, it was assumed the Squirrel Island water main was destroyed along with much infrastructure at Ocean Point and Little River. The initial estimate of damage was over \$700,000.00, requiring an estimated 1,000 man-hours of effort to correct. This damage was confined to seasonal water main only, with all repairs needed to be complete by 1 May 2024.
6. **NATURAL RESOURCES** - The manager reported that the Natural Resources Program Manager (NRPM) prepared the following report:

Attached is a summary of the 2023 lake monitoring program results. Overall, observed water quality was poorer in 2023 and likely related to the high precipitation.

319 grant: Our plan to complete both the Adams Road relocation project and road work in the vicinity of Watershed Tavern by the end of 2024 has been derailed by the coastal storms that caused extensive road damage in East Boothbay and dumped a large, unanticipated work load on Boothbay Public Works. Right now, it is difficult to predict what can be completed this year (grant end date is December 2025) but we continue to plan and do what we can on our end.

We meet with BR CDWI and area educators this week to look at opportunities for water supply/watershed-related programs in the region and local schools. We are working with the BR CDWI on three talks this spring: Watershed 101, Water quality and monitoring of Adams Pond and Knickerbocker Lake, and Conservation Easements.

Tonight's warrant includes invoices for a lake grant for the YMCA (see attached BR story) and for Bigelow Laboratories for harmful algae bloom work. See water quality report for summary of HLAB work. These projects are funded under our 2023 Source Water Protection Grant.

7. **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)** – The AM was on sick leave but was only expected to be out of work for one week.
 - b. **Training Update** – The manager reminded the board that the annual Maine Water Utilities Association Annual Meeting and Tradeshow will occur 31 January 2024 and 1 February 2024 at the Augusta Civic Center. All staff would be cycled through this event and the trustees were invited. Any trustee interested in attending was asked to contact the AM for registration.
8. **TREATMENT DIVISION (TD)** – The manager reported raw water quality was finally showing improvement for treatability. Filter train efficiency for filter performance had improved to 73%, with clarifier performance improving to 100%. For the previous period, finish water production averaged 0.3450 MGD, exceeding that of the same period in 2022 which averaged 0.2732 MGD. Key chemical additions were normal.

Since the previous meeting Filter #2 had been taken out of service for a thorough cleaning and paint touch up. The filter was then reflooded, tested and put back into service. In addition, work has begun repainting piping within the plant, which will continue through February, most likely into March.

Due to severe winter storms, the DD personnel assigned to the TD for the winter had been pulled out to repair the extraordinary damage to district seasonal infrastructure.

9. **DISTRIBUTION DIVISION (DD)** – The manager reported the DD winter routine had turned into chaos. As previously mentioned, the damage to district seasonal infrastructure throughout the district was severe. With the damage confined to seasonal water main, during the worst time of year to work on seasonal water main, an all-hands-on deck situation had been declared. For the foreseeable future, disaster recovery was the focus and would remain so.
10. **5 RIVERS REGIONAL WATER COUNCIL** – The manager reported a superintendents' meeting had been held on 17 January 2024 with the legislative elements of the Maine Rural Water Association (MRWA) in attendance. The meeting kicked off with a detailed discussion concerning freeing the industry from the grip of the Maine Public Utilities Commission (PUC). The first step was for 5-Rivers and MRWA to develop and distribute statewide a questionnaire to see what type of support and concerns all utilities had with this concept. After that process had been completed, the MRWA would take the lead in whatever course of action appropriate regarding deregulation.

The board was also made aware that the Gardiner Water District (GWD) expressed interest in joining 5-Rivers, with an invitation sent to GWD to meet with the 5-Rivers board at the next meeting to discuss adding that district to the council.

Lastly, a discussion was conducted concerning the unreasonable number of bills targeted at the water industry by the Maine legislature, particularly those with unintended consequences, which if enacted would severely hamper state-wide operations, and bury many districts in unfunded mandates. The following three bills were the most dangerous to the water industry and posed a significant threat to the 5-Rivers member utilities.

- A. **LD – 75, An Act to Screw the BRWD With Unrealistically Low PFOA/PFAS Values** - This bill was amended to be “4 ppt total PFOA/PFAS”, completely different from the “4ppt” in current EPA proposed rules, which if enacted would immediately force the district rate payers to pay \$4.0M in added treatment costs for the district.

LD-75 was brought before the Energy, Utilities and Technology Committee for comment. After listening to all testimony, the members of the Democrat led committee voted “Ought Not to Pass”.

Apparently Republican Senator Bennett, the bill’s sponsor, waiting outside, playing on his phone, until all opposition to LD-75, had left, where he then sauntered into the committee meeting room, asking the Democrat committee chair, Senator Baldacci to reconsider the bill and re-vote the ONTP findings. In an incredibly suspicious move, the committee then reversed its position and marked the bill as “Ought to Pass”.

The manager then reported that this turn of events completely sunk the district, requiring \$4.0M in wasted spending. The manager reported that he had contacted the districts representative, who immediately made a call to Senator Baldacci, who was not available for comment, to explain his lack of leadership and questionable behavior. Representative Stover then reported that she had contacted Senator Bennet who informed her that he was going to “hold” the bill in the Senate, but not bring it to the floor unless it was necessary, using it for some perverted reason as leverage, over what, nobody knew. Therefore, at the end of the day, the district still had this bill, and its unreasonable requirements, hanging over the districts head until the end of the session.

- B. **LD-2104 – An Act to Amend the Wiscasset Water District Charter** – The manager reminded the board of the importance of this bill primarily concerned with the disposition of the town of Edgecomb. This bill would be heard before the committee on 25 January 2024 with both Trustee Stover and the manager testifying in favor.
- C. **LD-1101 - An Act Concerning Contracts and Agreement for Large-scale Water Extraction** – The manager explained that this bill had a direct impact on the long-term solution for additional water, from a massive groundwater source, on the Boothbay peninsula. Defeat of this bill was of paramount importance in that it is in the best interest of the water district if “absolute dominion” is preserved in Maine. Trustee Stover was monitoring this bill and planned to work towards its defeat.

11. **LAND ACQUISITION UPDATE** –No change in status.

12. **CAMERON POINT SEASONAL WATER MAINS** –No change in status.

13. **OCEAN POINT WATER MAIN LOOPING PROJECT** – The manager reported that since the previous meeting, the town of Boothbay Harbor stopped all work to have the contractor put the town roads back in order. The manager informed the board that he agreed with the stance of the town of Boothbay Harbor because the contractor was doing a poor job with maintaining the roads because of their fixation with installing as much pipe as possible, not paying attention to restoration. The contractor was instructed by the manager to complete current work on Montgomery Road and concentrate on restoration. The manager provided the board with the minutes of the most recent progress meeting.
14. **FILTER WASTE RECYCLING PROJECT** –No change in status.
15. **SOLAR POWER** –No change in status.
16. **2022 REVISIONS OF THE LEAD AND COPPER RULE** –No change in status.
17. **SIVC WATER MAIN REPLACEMENT PROJECT** –No change in status.
18. **COASTAL MAINE BOTANICAL GARDENS (CMBG) AND YMCA INFRASTRUCTURE REQUEST** – On 10 January 2024 the organizations met to discuss the progress made in established water and sewer to the CMBG and YMCA installations on Barters Island Road. During that meeting, after consulting the manager, *Dirigo Engineering* suggested to the group that to better the chances of funding a specific grant program recently uncovered, the CMBG and district should team up, submitting multiple projects for funding. The manager then told the board that he immediately regretted that action.

Ultimately the grant opportunity did not pan out, meaning the district had no financial linkage with CMBG. Additionally, CMBG had been made aware that the district will not participate financially in this project any further and will wait for a proposal for a main extension, when complete, treating this effort no differently than any other proposal for a water main extension.

19. **AFFORDABLE HOUSING PROJECTS** – The manager reported that since the previous meeting, the pipe for the Boothbay project has been delivered and staff were busy putting it together. Installation was expected to take place in mid-March. In addition, due to the work requirements to recover from recent storms, the manager had notified the Boothbay Harbor project leadership that the district must pull out of that effort and suggested that project hire a contractor to install the main or drill domestic wells.
20. **JOPPA ROAD WATER MAIN UPGRADE PROJECT** – No change in status
21. The board went into executive session pursuant to 1 M.R.S.A. §405(6)(A) *personnel matters* at 1912 hr.
Trustee Climo motioned, Trustee Anthony second, vote: Yea unanimous.
22. The board came out of executive session at 1918 hr.
Trustee Climo motioned, Trustee Anthony second, vote: Yea unanimous.
23. The Chairman announced the manager would be retiring on 31 December 2024.

24. The meeting was adjourned at 1921 hr.
Trustee Climo motioned, Trustee Tibbetts second, vote: Yea unanimous.

END OF MINUTES