

**KENNEBEC WATER DISTRICT
REGULAR BOARD OF TRUSTEES MEETING
THURSDAY – OCTOBER 6, 2022 at 7:30 AM**

Note: KWD Trustees held this meeting at the KWD Business Office. Notice of this meeting was posted on the KWD Facebook and Webpage.

The meeting was called to order at 7:30 a.m. by President Stabins.

Trustees present: Amy Stabins, President; Frank Richards, Vice-President; J. Michael Talbot, Treasurer; Sarah Whateley, Clerk (Remote Access); Jeff Earickson, Assistant Treasurer (Remote Access); Allan Fuller, Trustee; Bruce Williams, Trustee; Mark McCluskey, Trustee; Ben Murray, Trustee

Trustees absent: Denise Bruesewitz, Trustee

Sarah Whateley, Clerk, left the meeting at 8:55 a.m.

Also present: Roger Crouse, KWD General Manager; Amy Dyer, KWD Finance Manager; Jeff Longfellow, KWD Engineering Manager (Remote Access); Matt Zetterman, KWD Technology Manager (Remote Access); Jared Bragdon, KWD Distribution Manager (Remote Access); Benny LaPlante, KWD Service Manager (Remote Access); Robbie Bickford, KWD Water Quality Manager (Remote Access); Sue Markatine, KWD Recording Secretary

ITEM 1: INTRODUCTION OF GUESTS

Members from the public in attendance were Jeff Jolicoeur, Calvin Samson, Simon Misner-Elias, Lawrence Higgins, John Ireland, Valerie Ireland, and George Hofgren.

ITEM 2: REVIEW AND APPROVE THE MINUTES OF THE REGULAR BOARD OF TRUSTEES' MEETING OF SEPTEMBER 15, 2022.

Motion by Trustee Richards, "to accept the minutes of the Regular Board of Trustees' meeting of September 15, 2022," seconded by Trustee McCluskey.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

ITEM 3: REVIEW AND APPROVAL OF ACCOUNT WARRANT

Motion by Trustee Talbot, "to ratify the October 6, 2022, total warrant of checks released for \$2,418,999.56," seconded by Trustee Earickson.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

ITEM 4: DISCUSSION ON ADVERTISED LISTING PRICE OF COOL STREET BUILDING (TO INCLUDE JEFF JOLICOEUR, PRESIDENT, CENTURY 21 SURETTE, WATERVILLE)

Mr. Jeff Jolicoeur, President of Century 21 Surette, Waterville, was introduced to the Board members. Based on the present sales market, Mr. Jolicoeur provided a recommended listing price range and reasonings for listing timings of the Cool Street, Waterville, Business Office. After some discussion, and, in consideration of this information, a motion was proposed.

Motion by Trustee Richards, “to list the Cool Street, Waterville, Business Office for sale immediately at an asking price of \$490,000.00,” seconded by Trustee Williams.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Nay, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried.

ITEM 5: APPROVALS/MOTIONS NEEDED

A. After-the-Fact Approval of Fuel Oil Agreement for Water Treatment Plant

The Trustees were provided with a request for authorization memo explaining that Mr. Crouse had reviewed the bids solicited by the Maine Power Options fuel oil program. After the bid offerings, vendors require an almost immediate commitment; therefore, Mr. Crouse accepted the low bid price for the annual fuel supply for the Water Treatment Plant (WTP) 2022 – 2023 heating season.

Motion by Trustee McCluskey, “to ratify the agreement with Dennis K. Burke Oil Company for a fixed price of \$3.5500 for up to 15,000 gallons of fuel oil for the WTP 2022 – 2023 heating season,” seconded by Trustee Talbot.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

B. After-the-Fact Approval of Electricity Agreement for KWD’s Seven Low Usage CMP Accounts

The Trustees were provided with a request for authorization memo explaining that the contract with Constellation Energy for KWD’s seven low electricity usage sites expires in December 2022. Because electricity contracts are only held a few hours after proposals, Mr. Crouse reviewed the choices provided by Maine Power Options, KWD’s broker for electricity supply purchases, and approved an agreement with Constellation Energy.

Motion by Trustee Fuller, “to ratify the agreement with Constellation Energy for electricity supply for KWD’s seven low usage sites at a per kWh price of \$0.15850 from December 2022 to December 2025,” seconded by Trustee McCluskey.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

C. Approval of Agreement for Heating Fuel Supply – Fuel Oil and Propane (Sites Other than the WTP)

The Trustees were provided with a request for authorization memo which included proposals from four bidders for the purchase of propane and fuel oil for various KWD locations.

Motion by Trustee Talbot, “to accept the low bid from Fabian Oil for the purchase of propane at \$1.70 per gallon, fuel oil at \$0.30 over cost, \$93.00 hourly rate, and \$139.50 overtime rate for the 2022 – 2023 heating season,” seconded by Trustee Williams.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

D. Approval of Personnel Manual Edits

The Trustees were provided with a request for authorization memo seeking approval for and outlining modifications to the Computer Systems Use Policy section of the KWD Personnel Manual.

Motion by Trustee Fuller, “to approve the proposed modifications to the Computer Systems Use Policy section of the KWD Personnel Manual as presented,” seconded by Trustee Richards.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

E. Approval of Agreement for Auditing Services

The Trustees were provided with a request for authorization memo which included proposals from two bidders (KWD solicited seven firms) for financial auditing services for fiscal years 2022 – 2024.

Motion by Trustee McCluskey, “to accept the low bid from Runyon Kersteen Ouellette for the Annual Audit Service for \$15,000.00 for 2022, \$15,250.00 for 2023, and \$15,500.00 for 2024 and \$2,500.00 annually for a single audit,” seconded by Trustee Talbot.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

F. Approval of Agreement for PFAS Treatment Study

The Trustees were provided with a request for authorization memo which noted that KWD staff and one Trustee reviewed qualifications and proposals from five consultants for the study and identification of the most appropriate plan to reduce PFAS levels in KWD’s finished water. The two highest rated firms were interviewed by the review committee, and a recommendation has been proposed. Mr. Crouse noted that KWD will be receiving a grant from the Maine CDC Drinking Water Program’s Emerging Contaminant Fund for fifty percent of the project cost. After a brief discussion, a motion was proposed.

Motion by Trustee Richards, “to award the PFAS mitigation study to CDM Smith for the not to exceed price of \$94,500.00,” seconded by Trustee Talbot.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Nay, Trustee Murray – Yea, Trustee Fuller – Nay, Trustee Whateley – Yea, Trustee Williams – Nay. Motion carried.

G. Approval of PFAS Litigation Agreement

As directed by the Board, Mr. Crouse provided the Trustees with a request for authorization memo to enter into an agreement with SL Environmental Law Group for class-action litigation against PFAS manufacturers. This agreement has been reviewed and modified by Attorney McDonald from the law firm of Murray Plumb & Murray. Recently, Calvin Samson from the law firm of Mauro Archer, LLC contacted Mr. Crouse regarding joining their class-action litigation suit rather than SL Environmental Law Group’s suit. Mr. Samson addressed the Board and offered a brief synopsis of their pending suit. The Board decided to table this item pending additional information.

Motion by Trustee Richards, “to table this agenda item pending additional information,” seconded by Trustee McCluskey.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried unanimously.

H. Approval of 2023 Cost-of-Living Adjustment for Employee Wages

The Trustees were provided with a request for determination of the annual cost of living adjustment (COLA) for all KWD positions accompanied by statistical information from 1974 to 2022 of the variations in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). (The CPI-W index is used by the Social Security Administration to establish the annual COLA for Social Security recipients.) The CPI-W between August 2021 to August 2022 increased 8.7 percent. Mr. Crouse reviewed a spreadsheet demonstrating how various salary increase percentages and associated benefits will affect rates. The Board members discussed this subject at length.

Motion by Trustee Richards, “to authorize an 8.7 percent cost of living adjustment wage increase to all KWD personnel effective January 1, 2023,” seconded by Trustee Fuller.

Roll Call Vote: Trustee Earickson – Nay, Trustee Talbot – Nay, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Nay, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Whateley – Yea, Trustee Williams – Yea. Motion carried.

ITEM 6: GENERAL MANAGER’S REPORT

The Trustees were provided with the General Manager’s report, and a brief review was conducted by Mr. Crouse.

After some discussion, the decision was made to hold the meeting with representatives from Drumlin Environmental, LLC and C. A. White and Associates, LLC to discuss the Watershed Stewardship Plan on Wednesday, October 26, 2022, at 7:30 a.m.

Motion by Trustee Talbot, “to accept the General Manager’s Report as presented,” seconded by Trustee Richards.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Williams – Yea. Motion carried unanimously.

ITEM 7: DEPARTMENT REPORTS

As part of their Board packet, the Trustees were provided with the Monthly Department Reports prepared by the respective managers.

Mr. Crouse informed the Board that the Ticonic Bridge (Waterville – Winslow Bridge) main replacement bid submittal date was changed from October 5, 2022, to October 12, 2022.

Mr. Crouse also noted that Amy Dyer is working with the KWD Managers to allocate budget expenditures for the individual departments for fiscal year 2023.

Motion by Trustee Talbot, “to accept the Department Reports as presented,” seconded by Trustee Williams.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Williams – Yea. Motion carried unanimously.

ITEM 8: TRUSTEE COMMENTS, CONCERNS, AND/OR IDEAS

None

ITEM 9: PUBLIC PARTICIPATION

George Hofgren addressed the Board on various topics including PFAS and alewives in China Lake. John Ireland and Valerie Ireland spoke about the challenges they have endured because of the PFAS contamination in their private well water, and the fact that, with the aid of a charcoal filter, the PFAS level in their well water is presently non-detectable.

ITEM 10: AS NEEDED: EXECUTIVE SESSION – 1 MRS §405. EXECUTIVE SESSIONS

None

Motion by Trustee Talbot, “to adjourn the meeting,” seconded by Trustee Richards.

Roll Call Vote: Trustee Earickson – Yea, Trustee Talbot – Yea, Trustee Richards – Yea, Trustee Stabins – Yea, Trustee McCluskey – Yea, Trustee Murray – Yea, Trustee Fuller – Yea, Trustee Williams – Yea. Motion carried unanimously.

Meeting adjourned at 9:20 a.m.

Sue Markatine, Recording Secretary