

**Yarmouth Water District
Board of Trustees Meeting Minutes
February 5, 2019, Tuesday @ 7:00 p.m.
Yarmouth Water District Office
181 Sligo Rd, Yarmouth, ME**

Roll Call:

Present: Irving Felker, Jr, Chairman, William Taylor, Susan Krauss, Thomas Brennan, Stephen Gorden

Absent:

Quorum present? Yes

Others Present: Robert MacKinnon, Jr., Superintendent, Linda Earley, Recording Secretary, Matt Reynolds, Consulting Hydro-geologist

Proceedings:

- *Meeting called to order at 7:00 pm. by Irving Felker*
- *On a motion by Stephen Gorden, seconded by Susan Krauss, it was VOTED: To approve January 2019 meeting minutes as amended. (5-0)*

Treasurer's Report

<u>Institution</u>	<u>Acct Number</u>	<u>Description</u>	<u>Amount</u>	<u>Maturity Date</u>
Peoples United Bank	100209807	1989 Debt Service Reserve	\$4,942.01	Savings Acct
Peoples United Bank	100209564	Standpipe Maintenance, Savings	\$1,964.27	Savings Acct
Bath Savings	1019557436	Standpipe Maintenance, CD	\$ 550,488.77	CD 10/19/19
Bath Savings	185902	Contingency Fund	\$264,328.15	Savings Acct
Bath Savings	1019557428	Submarine Main Dep., CD	\$828,724.05	CD 10/19/19
Peoples United Bank	101020495	Water Resource Protection Fund	\$61,421.76	Savings Acct
Total Special Funds			\$1,711,869.01	

Supt MacKinnon reported the following activity in January; monthly contributions and interest to the 1989 Debt Service Reserve and accrued interest in all accounts.

On a motion by Stephen Gorden, seconded by Irving Felker, it was VOTED: *To file the Treasurer's report for audit. (5-0)*

Communications

- **Maine Power Options**
Maine Power Options is a non profit that is part of Maine Municipal Association. The District belongs to and has purchased the power to the wells for more than 12 years through Maine Power Options. Supt MacKinnon was invited to be part of the advisory group to review RFPs and policies for the organization with a minimal time commitment. Trustees expressed approval of the opportunity and recognize and accept that it may put the Superintendent in a position of conflict of interest.
- **MWUA, legislative efforts and issues**
Supt MacKinnon is working on the legislative committee of the Maine Water Utilities Association (MWUA). There are several issues the committee is actively addressing. The committee is working to improve collaboration with the MDOT with the bidding process and partnering on jobs. A second item is the Legislative Document (LD) to revitalize the Water Resources Planning Committee. The committee is comprised of representatives from various stakeholder groups as outlined in the bill. The committee would review topics related to groundwater use, sustainability and protection. The hope is that this committee could address issues and give an avenue of resolution other than proposing legislation. The other significant legislative issue is the LD to allow expansion of oil storage and fueling activities on sand and gravel aquifers. Matt Reynolds, YWD hydro-geologist consultant, explained the proposed rule change will allow for unlimited expansion on existing parcels and an expansion of 30% on an abutting property. His opinion is the original rule is flawed in that it allows for unlimited expansion on the current site without a need for permitting. The rule change is sponsored by the DEP. Supt MacKinnon will attend the Legislative Committee meeting in Augusta on Thursday, February 7, to testify of the importance of protecting these aquifers. Trustee Gorden suggested an amendment to include indemnity protection provided by the State.
- **MPUC, Docket 2018-00090, Land Sale**
MPUC, Docket 2018-00090, the docket created for the sale of the Dexter Lane property, has been withdrawn. If there is future interest to market the property, a new docket can be opened.

Old Business

- **North Yarmouth-Cumberland Public Works Proposal; *To hear a report from the Superintendent and the District consulting Hydro-geologist, Matt Reynolds, regarding the Hayes Well Aquifer and the MSAD 51 proposal.***
Supt MacKinnon and Trustee Gorden met with the North Yarmouth Town Manager and the Chair of Selectboard to discuss the concerns of the District in regards to the proposal to expand the Public Works site and the relocation of the MSAD 51 buses to the site. Yarmouth Water District is opposed to the

expansion on the proposed site since virtually any spill could ruin the well. The town representatives' response to the concerns presented was that there will be engineering controls in place. Supt MacKinnon stated that vehicle fueling activity is not the only risk. Supt MacKinnon also advised that the cost to replace the Hayes Well, which is the well threatened by this proposal, is between 4-6 million dollars.

YWD Trustees recognize the consolidation of services is an attractive option for the town and that there are 4 separate government groups involved in the proposal, Town of North Yarmouth, Town of Cumberland, MSAD 51, and the Yarmouth Water District. Chairman Felker added that the Town of Yarmouth is another group that could be impacted by this proposal. The question was raised about who would be responsible if the well is ruined. The towns and school district have sovereign indemnity, so ultimately the cost would likely fall to the customers of the YWD.

Matt Reynolds stated there is a rule change, LD 281, resolve regarding legislative review of Chapter 692, which will allow existing facilities owned prior to 2001 to expand by 30% to an abutting property. He highlighted that the current rule is flawed because it allows unlimited upgrades and expansion to the current property with no required permitting or consultation with the public water supply or MDWP. This does not protect the wellhead. The Legislature could send it back to the DEP to cap expansion and consult the water utilities for changes in the aquifer. The proposal for the North Yarmouth site greatly increases the risk to the well from the current 6-10 vehicles at the site with the additional buses and associated traffic, fueling delivery trucks coming in and out, and employee vehicles. Mr. Reynolds did point out that the town's groundwater flow data match the District's groundwater model and shows the water flow from the site is to the well. The additional test wells approved last year will provide additional data once they are drilled.

Supt MacKinnon contacted the Drinking Water Program Director, Michael Abbott, regarding the proposal. Director Abbott opposes the proposal and sent a letter stating his opposition. A concern was raised if in the future there is the desire for further expansion and to have wash bays added at the site. Supt MacKinnon recalled the District's original opposition in the 1980's to the public works facility being built at the site.

Chairman Felker suggested a written communication to all involved groups stating the opposition to the proposal, to continue with Legislative advocacy, trustees to contact legislators and government officials, and to make the public and ratepayers aware of the risk to the water source and the cost to them if the well is ruined. The Town of Yarmouth should be included in correspondences and communications.

- Proposed Rate Increase; *To hear an update from the Superintendent regarding the proposed rate increase.*

The 30 day period from the hearing date for petitions is about halfway complete. To date, one person signed papers to petition the rate increase. The rate change will begin in March and will phase in over a 3 month period due to the quarterly billing cycles. Supt MacKinnon stated the plan to revise the entire bill layout. The new bill format will be implemented after the billing cycle with the rate increase.

- Truck replacements; *To consider the draft motion, “to purchase two trucks from Casco Bay Motors at a total cost of \$33,084.00 after trade-in.”*

The District is replacing two trucks in the fleet, one was in the budget last year and the second is included in this year’s budget. Supt MacKinnon received 3 bids for an F-250 with a utility bed and an F-150 with a large price range from three area Ford dealers.

On a motion by William Taylor, seconded by Thomas Brennan, it was VOTED: *To purchase two trucks from Casco Bay Motors at a total cost of \$33,084.00 after trade-in. (5-0)*

New Business

- Annual Meeting; *To consider setting the date of the annual meeting of the District.*

The annual meeting of the YWD will be held on April 2nd at 7:00pm at the Yarmouth Water District Conference Room, 181 Sligo Road, Yarmouth, ME. The regular monthly Board of Trustees meeting will immediately follow the annual meeting.

- Employee Handbook Revisions; *To consider changes to the YWD Employee Handbook as recommended by Bernstein-Shur.*

Supt MacKinnon worked with Bernstein-Shur to update the employee handbook. The last update to the handbook was in 2013. A marked up version of the handbook was distributed to the Trustees. Supt MacKinnon advised that many of the updates were to incorporate new laws. There were several instances where the “review by trustees” did not apply in practice and was removed. The handbook does include information regarding Family Medical Leave Act although the law does not apply to the District due to the small number of employees. Once the handbook update is finalized, Supt MacKinnon will meet with employees to distribute and review. Supt MacKinnon will work to schedule a workshop for Trustee training.

On a motion by William Taylor, seconded by Stephen Gorden, it was VOTED: *To approve the employee handbook as amended. (5-0)*

Operations

- January 2019 Production Report

Supt MacKinnon distributed the production report. The usage for January 2019 was about 15% less than the usage for the same period last year. There has been several main breaks and freeze ups recently due to the extreme temperatures.

Supt MacKinnon is working on the workshop session for the Trustees on testing requirements. Additional testing on unregulated contaminants will be discussed once the workshop is complete.

Other

- Executive Session was not requested.

At 8:44 pm, on a motion by Thomas Brennan, seconded by Susan Krauss, it was VOTED: *To adjourn the regular monthly meeting. (5-0)*

Minutes submitted by:
Linda Earley, Recording Secretary

Minutes filed by:
Eric Gagnon, clerk

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