

KENNEBUNK SEWER DISTRICT BOARD OF TRUSTEES  
MONTHLY MEETING, AUGUST 2, 2016

The Board of Trustees of the Kennebunk Sewer District held its regular monthly meeting on Tuesday, August 2, 2016 in conference room of the District Offices located at 71 Water Street in Kennebunk.

Trustees present were:     John E. **Price III**, Chairman  
                                  James A. **Oppert**, Clerk  
                                  Wayne A. **Brockway**, Treasurer

Trustees absent were:     Mark K. **Allenwood**, Vice Chairman  
                                  Edward **Sharood**, Member

KSD Staff present was:    Michael **Bolduc**, KSD District Manager  
                                  Patrick **Wiley**, PhD, KSD Assistant Manager

AGENDA:

1. Reading of the Minutes for the July 12, 2016 Monthly Meeting
2. Architectural Contract for the K&E Building
3. Capital Improvement Plan Financial Strategy
4. Executive Session: Labor Negotiations MSRA § 405(6)(d)
5. Other Business...
6. Adjournment

The meeting was called to order by Chairman **Price** at 7:02 p.m.

Agenda Item #1: Reading of the Minutes for the July 12, 2016 Monthly Meeting

**Price** dispensed with the reading of the minutes and asked the Board for comments regarding the minutes for the regular monthly meeting held on July 12, 2016.

**Oppert** submitted the following correction:

- Page 2, Item #2, 2<sup>nd</sup> paragraph, line 6: “preference” should read “preface”
- Page 4, Item #5, 2<sup>nd</sup> paragraph, line 2: “**Gilardi**” should read “**Gelardi**”
- Page 4, Item #5, 5<sup>th</sup> paragraph, line 2: “**Gilardi**” should read “**Gelardi**”
- Page 5, Item #7, 2<sup>nd</sup> paragraph, line 5: “dropped” should read “drop”

**Price** submitted the following correction:

- Page 4, Item #5, 2<sup>nd</sup> paragraph, line 1: “building owner” should read “equipment owner”
- Page 4, Item #5, 2<sup>nd</sup> paragraph, line 2: “the owner (**Gelardi**)” should read “the equipment owner (**Gelardi**)”
- Page 4, Item #5, 5<sup>th</sup> paragraph, line 2: “the owner (**Gelardi**)” should read “the equipment owner (**Gelardi**)”
- Page 3, Item #4, 4<sup>th</sup> paragraph, line 5: “separate contracts under the Board of Trustees” should read “separate contracts under the Architect”

**Brockway** submitted the following correction:

- Page 4, Item #5, 2<sup>nd</sup> paragraph, line 7: “covering” should read “coverage”

**Bolduc** submitted the following corrections and revisions detailed by **Allenwood** in his memo (provided as enclosure (1), which is incorporated by reference into these minutes) of Tuesday, August 02, 2016 3:03 PM:

- Page 2, Item #3, 3<sup>rd</sup> paragraph, line 3: “Maine DEP noted an impairment of” should read “EPA provided MEDEP with draft language EPA wanted inserted into our permit regarding”
- Page 2, Item #3, 3<sup>rd</sup> paragraph, line 6: “the DEP adopted a TN limit of .45 milligrams per liter based on best judgment” should read “the EPA language (worded to sound like it came from MEDEP) adopted a TN limit of .45 milligrams per liter based on best judgment”

- Page 2, Item #3, 3<sup>rd</sup> paragraph, line 8: “As a result of the new TN limit adoption, a 5 year license will be issued” should read “A standard 5 year license will be issued”
- Page 2, Item #3, 3<sup>rd</sup> paragraph, line 9: “During the license period, TN will be monitored both by KSD and Maine DEP to determine valid limits” should read “During the license period, MEDEP may be doing some water quality sampling/testing in the Mousam, but KSD will be monitoring and reporting effluent TN”
- Page 5, Item #7, 3<sup>rd</sup> paragraph, line 4: “seem s” should read “seems”

There being no further corrections, revisions, or additions to come before the Board regarding this issue, **Price** asked for a motion.

**A motion was made to accept the minutes of July 12, 2016 as amended.**

**MOVED: Oppert**

**SECONDED: Brockway**

**DISCUSSION: None**

**MODS: As noted**

**VOTE: 3 for, 0 opposed; the motion carried.**

**Price** moved to the next agenda item.

Agenda Item #2: Architectural Contract for the K&E Building

Referring to Attachment #4 (Agenda Item Commentary) of the August, 2016 Trustee's Meeting Packet, **Bolduc** summarized the details of Attachment # 5 (Architect’s Proposed Contract for the K&E Building). Discussions of the subject included the following topics and highlights:

- Various aspects of architectural services, mechanical and electrical engineering, and sprinkler system requirements.
- Service estimates varied from \$21,000 to \$50,000.
- A package will be available for review by the next meeting.

**Price** moved to the next agenda item.

Agenda Item #3: Capital Improvement Plan Financial Strategy

Referring to Attachment #4 (Agenda Item Commentary) of the August, 2016 Trustee's Meeting Packet, **Bolduc** summarized the details of Attachment # 6 (Capital Improvement Plan Financial Recommendation). Discussions of the subject included the following topics and highlights:

- Available options presented included:
  - Cash only;
    - ✓ Depletes all available cash; and
    - ✓ Not recommended.
  - Partial funding;
    - ✓ Uses all available impact fees that aren't dedicated to a specific geographical region;
    - ✓ Remaining amounts are bonded; and
    - ✓ Impact on rate payers.
  - Full funding;
    - ✓ Uses no impact fees or cash; and
    - ✓ All amounts are bonded.
- Cost savings attained by Capital Improvement Plan project rearrangement;
- Excess rate attenuation;
- Pump station improvements funding;
- Advantages of one time bonding versus three;
- Old versus new impact fee spending restrictions; and
- Possible data available from Maine Rural Water Resources.

All present agreed that a portion of the new Administration building will be bond funded and that no SRF funds will be utilized.

**Bolduc** reported that the Equity Buy-in Fee account has a balance of \$338,237.00.

**Bolduc** agreed to review the language detailing impact fee spending restrictions.

Having no objection from the Board members, and in consideration of executive session, **Price** moved ahead to agenda item #5.

Agenda Item #5: Other Business...

### **K & E Building Tenant Lease Extension**

Referring to Item #1 (Letter from Crossfit and GymNation requesting another extension of the lease at K&E) of the August 2016 Correspondence File, **Bolduc** opened a discussion of the subject which included the following topics and highlights:

- An extension of 6 months, through March 2017, has been requested;
- Estimates of possible completion dates for the new GymNation building;
- KSD's schedule and cost impact resulting from a 6 month delay;
- Since the treatment plant future expansion will be delayed as a result of a possible TN limit, KSD should be able to delay K & E building demolition to allow the lease extension;
- Increase the rent to cover KSD's additional delay costs;
- Due to short notice and the urgency to resolve the matter prior to school start up, Board discussion turned to the possibility of conducting a special meeting to consider the request; however, Town involvement should be mandatory; and
- Any lengthy delay increases the risk of having to redo bids and/or proposals.

Since this was a non-agenda item, **Price** noted that no vote or decision can take place.

An executive session and a public workshop were recommended to expedite resolution of the issue. Details included:

- Participants at the executive session should include counsel and Benchmark;
- Participants at the workshop should include all Town representatives that have previously discussed the matter with KSD
- The executive session was scheduled for Thursday, August 11, 2016 at 5:00 PM
- The K&E lease extension workshop was scheduled for Thursday, August 18, 2016 at 5:00 PM

### **Manager's Report for August 2016**

**Bolduc** provided a summary of selected items from the Manager's Report as detailed in Attachment #2 (Manager's Report for August 2016), of the August, 2016 Trustee's Packet. His comments included the following topics and highlights:

- Personnel Issues:
  - Teamster Contract:
    - ✓ A tentative agreement was reached for a three year contract.
- Equipment Issues:
  - Performed routine maintenance on clarifier 1;
  - Replaced a motor and seal at the Doanes Wharf Pump Station;
  - Replaced a pump seal at Boothby Road Pump Station;
  - Replaced both check valves on Waterford Green Pump Station; and
  - Inspected and replaced malfunctioning float switches at various pump stations.
- Solid Waste Disposal Issues:
  - Staff met with the Sludge Cartel;
  - Two viable candidates (*Casella and RMI*) have been identified; and
  - Wright-Pierce wastewater engineering will prepare and send the bid requests.

- Technology:
  - An app was acquired that allows operators the ability to access the pump station controls from their phone or tablet.
- Collection Systems:
  - Storer Street:
    - ✓ Collecting prices for pipe bursting and upgrading the 440 foot bottleneck section to a 12 inch line;
    - ✓ Funds of \$146,000 are dedicated for this project from the Turnpike Impact fee account.
  - Western Avenue:
    - ✓ The estimate to replace the drop manhole is \$41,000.
  - Odor and Corrosion Control:
    - ✓ The odor control system has been successful at eliminating corrosive hydrogen sulfide (H<sub>2</sub>S) gas at the Well's Road force main terminus and the Lakebrook Pump station.
- Safety:
  - The third quarter safety training has been completed; and
  - Davit arm installation is planned for the near future.
- 2016 Capital Improvement Projects:
  - Doanes Beach, and Grove:
    - ✓ The Doanes Beach project is on hold until next spring.
  - Brown Street:
    - ✓ The project has hit a snag which will be looked at this month.
  - Truck 5 Replacement:
    - ✓ The new truck should be ready soon.

### **WWTF Design**

**Bolduc** opened a discussion regarding the role of Underwood and Brown and Caldwell to develop a scope and cost. His comments included the following topics and highlights:

- The working relationship between the two firms;
- Possible cost savings of working together instead of one firm design and the other firm reviews;
- Level of concern resulting from basic errors in the initial Underwood design;
- Difficulty of a revised alternative treatment method that can be scaled to meet a TN level;
- The design is still in the preliminary stages;
- Costs to date include \$45,000 (of an allotted \$75,000) for the peer review; and
- The cost saving benefit of plant upgrade delays versus additional incurred cost of equipment life cycle replacement resulting from prolonged delays.

**Price** moved back to agenda item #4.

Agenda Item #4: Executive Session: Labor Negotiations MSRA § 405(6) (d)

**Price** asked for a motion to enter Executive Session.

**At 8:59 p.m. a motion was made to enter into Executive Session for the purpose of discussing labor negotiations with Teamster Unit 340 pursuant to MSRA § 405(6)(d).**

**MOVED: Brockway**  
**SECONDED: Oppert**  
**DISCUSSION: None.**  
**MODS: None.**  
**VOTE: 3 for, 0 opposed; the motion carried.**

Price asked for a motion to come out of Executive Session.

**At 9:03 p.m. a motion was made to come out of Executive Session.**

**MOVED: Oppert**  
**SECONDED: Brockway**  
**DISCUSSION: None.**  
**MODS: None.**  
**VOTE: 3 for, 0 opposed; the motion carried.**

Price moved ahead to agenda item #6.

Agenda Item #6: Adjournment

There being no further business to come before the Board at this time **Price** asked for a motion to adjourn.

**A motion was made to adjourn the meeting at 9:05 p.m.**

**MOVED: Brockway**  
**SECONDED: Oppert**  
**DISCUSSION: None.**  
**VOTE: 3 for, 0 opposed; the motion carried.**

Date Signed \_\_\_\_\_

James A. Oppert, Clerk \_\_\_\_\_

**KSD Board of Trustee Monthly Meeting Action Items History List**

| <b><u>Request Date</u></b> | <b><u>Action Item</u></b>   |
|----------------------------|---|
| <b>Aug 2, 2016</b>         | Agenda Item #3: <u>Capital Improvement Plan Financial Strategy</u><br><b>Bolduc</b> agreed to review the language detailing impact fee spending restrictions.   |
| <b>Feb 2, 2016</b>         | Agenda Item #3: <u>Review of Rate Setting Options</u><br><b>Brockway</b> asked if the rate projections graphs for each scenario could be superimposed on top of each other in order to see the differential.<br><b>Bolduc</b> replied in the affirmative.<br><b><u>Current Status: Not started</u></b>  |
| <b>Jan 5, 2016</b>         | Agenda Item #2: <u>Presentation on Building Construction Delivery Methods</u><br>In order for KSD to make sound scheduling decisions, <b>Bolduc</b> requested time durations for all components of the project.<br><b>Giguere</b> agreed to provide the necessary data.<br><b><u>Current Status: In progress -Waiting on time frames on environmental and staff input on sequencing</u></b> |

Enclosures:

- (1) **Allenwood** memo of Tuesday, August 02, 2016 3:03 PM.

**From:** Mark Allenwood [<mailto:MAllenwood@BrwnCald.com>]  
**Sent:** Tuesday, August 02, 2016 3:03 PM  
**To:** Michael Bolduc ([mbolduc@ksdistrict.org](mailto:mbolduc@ksdistrict.org))  
**Subject:** Meeting Tonight

Mike,

As previously discussed, I won't be at the meeting tonight.

On the meeting minutes from last meeting:

1. Page 2 of 8 – discussion on MEDEP and permit limits – I believe that some of this discussion is not correct.

*A discussion developed regarding the comments from the meeting. 2 weeks prior to the meeting, Maine DEP noted an impairment of TN (total nitrogen) in the Mousam River.*

**I don't believe MEDEP noted an impairment. EPA provided MEDEP with draft language EPA wanted inserted into our permit.**

*The Federal EPA was looking for the state to set a limit for TN (total nitrogen) in estuaries.*

*Without sufficient scientific basis, the DEP adopted a TN limit of .45 milligrams per liter based on best judgment.*

**I don't believe MEDEP adopted the 0.45 mg/L standard. This was included in the EPA language (worded to sound like it came from MEDEP).**

*As a result of the new TN limit adoption, a 5 year license will be issued.*

**The 5 year license period is standard and isn't linked to the "new TN limit adoption".**

*During the license period, TN will be monitored both by KSD and Maine DEP to determine valid limits.*

**MEDEP may be doing some water quality sampling/testing in the Mousam, but KSD will be monitoring and reporting effluent TN.**

2. Page 5 of 8 – Under the operational issues bullet – third check down – This should read “drop” manhole instead of “dropped” manhole.
3. Page 5 of 8 – Under the digitalization effort – third check down – misprint “seem s” should be “seems”

Thanks,

**Mark Allenwood, PE\***  
**Brown and Caldwell | Portsmouth, NH**  
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<https://www.hightail.com/u/MarkAllenwoodatBC>