

KENNEBUNK SEWER DISTRICT BOARD OF TRUSTEES
MONTHLY MEETING, SEP 1, 2021

The Board of Trustees of the Kennebunk Sewer District held its regular monthly meeting on Wednesday, Sep 1, 2021, in the conference room at 44 Water Street and via teleconferencing computer application “Zoom.”

Trustees present John E. **Price** III, Chairman
 Wayne A. **Brockway**, Treasurer
 James A. **Oppert**, Clerk
 Arnold H. **Reim**, Trustee
 Patrick **Wiley**, Trustee

KSD Staff present Michael **Bolduc**, KSD District Manager
 Chris **Gallant**, KSD Assistant Manager

Others present via Zoom were Betsy **Oulton**, HR Maine Consulting

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AGENDA:

Unfinished Business

New Business

1. Election of Officers
2. Minutes of the August 3, 2021, Monthly Meeting
3. Presentation of the 2022 Capital Improvement Plan
4. Engineering Recommendation for Phase 2 Improvements
5. Remote Participation Policy Adoption
6. Executive Session: Personnel Matters

Other Business...

Adjournment
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The meeting was called to order by Chairman **Price** at 7:00 PM.

Agenda Item – Unfinished Business

There being no discussion regarding Agenda Item “Unfinished Business”, Chairman **Price** moved to the next scheduled Agenda Item.

Agenda Item – (New Business) #1: Election of Officers

Chairman **Price** reported that on August 24th the Kennebunk Select Board appointed Patrick **Wiley** to serve out the remainder of the term vacated by Vice Chairman, Mark **Allenwood** and due to the change in Board membership, Chairman **Price** requested a new election of officers.

Treasurer **Brockway** recommended appointing the most senior remaining board member, James A. **Oppert**, to the post of Vice Chairman if he so desires.

A motion was made to appoint James A. Oppert to the office of Vice Chairman.

MOVED: Brockway

DISCUSSION: Chairman Price noted that the board will need a member to fill the Clerk position if Trustee Oppert accepts the position of Vice Chairman and suggested combining the two appointments into one motion. Discussion continued among the Board members which included a detailed description of the Clerk's duties. Trustee Reim replied in the negative when asked if he would be interested in the position. Trustee Wiley replied in the affirmative when asked if he would be interested in the position.

MODS: Treasurer Brockway withdrew his first motion and made the following combined motion.

A motion was made to appoint James A. Oppert to the office of Vice Chairman and Patrick Wiley to the office of Clerk.

MOVED: Brockway

SECONDED: Oppert

DISCUSSION: None

MODS: None

VOTE: Chairman Price, affirmative
Treasurer Brockway, affirmative
Clerk Oppert, affirmative
Trustee Reim, affirmative
Trustee Wiley, affirmative
5 in favor, 0 opposed; the motion carried.

Chairman Price moved to the next agenda item.

Agenda Item – (New Business) #2: Minutes of the August 3, 2021, Monthly Meeting

Dispensing with a reading of the minutes, Chairman Price asked the Board for comments regarding the minutes of the August 3, 2021, monthly meeting.

Treasurer Brockway submitted the following corrections:

- Page 2 of 7, Item (New Business) #2: 1st paragraph, last line: "Any remaining fund could be" should read "Any remaining funds could be"

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

A motion was made to accept the minutes of August 3, 2021, as amended.

MOVED: Oppert

SECONDED: Reim

DISCUSSION: None

MODS: None

VOTE: Chairman Price, affirmative
Vice Chairman Oppert, affirmative
Treasurer Brockway, affirmative
Clerk Wiley, affirmative
Trustee Reim, affirmative
5 in favor, 0 opposed; the motion carried.

Chairman Price moved to the next agenda item.

Agenda Item – (New Business) #3: Presentation of the 2022 Capital Improvement Plan

Referring to Attachment #3 (Agenda Item Commentary) and Attachment #5 (2022 Capital Improvement Plan), Assistant Manager **Gallant** noted the following highlights:

- The total cost to fund the 2022 Capital Improvement Plan totals \$4,132,500.
- \$238,500 comes from capital reserves, \$194,000 comes from equity the buy-in fund, and the remaining amount comes from bonds.
- Wastewater treatment plant.
 - Effluent pump station HVAC
 - Process water filter
 - RBC blower
 - Lighting upgrades
 - Storage shelves
- Safety improvements for confined space entry.
 - Tripod and winch
 - Additional gas meter and dock station
 - Body harness
 - Temporary lightweight manhole cover
- Major tools.
 - Band saw
 - Parts cleaner
 - Portable gantry
 - Drill press
 - Hydraulic bearing press
- Collection system.
 - Bartlett Mill pump station rehabilitation
 - ✓ New control panel
 - ✓ A riser ring to the wet well and valve pit
 - ✓ New driveway paving and beautification
 - Push camera
 - Valve upgrades

Treasurer **Brockway** asked if KSD had a valve exercise plan.

Assistant Manager **Gallant** replied that the valves are cycled annually.

Continuing his presentation, Assistant Manager **Gallant** noted the following highlights:

- Doanes Wharf pump station rehabilitation
- Riverlocks 1 pump replacement
- Boothby Road pump station rehabilitation
 - ✓ Pumps and a flow meter
- Wells Road force main rehabilitation
- Investigation and spot repairs in collection system
- Vehicles.
 - Truck 6 (crane truck) replacement
 - ✓ Truck prices were a lot higher than anticipated.
 - ✓ The crane truck is KSD's most important vehicle.
 - ✓ The current crane truck is 10 plus years old and is ready for replacement.
 - ✓ Leasing rather than buying is being considered as a viable option.
- Engineering and Studies.
 - Phase 2 Biological Design
- Looking Ahead.
 - Port Road sewer replacement
 - Beach Street siphon design and replacement
 - Dewatering equipment replacement
 - New BNR system at wastewater treatment facility

Referring to Wells Road force main rehabilitation topic, Treasurer **Brockway** asked if the bond revenue will cover the remaining expense when the project is completed in 2022.

Assistant Manager **Gallant** replied in the affirmative and added that the final draft will be presented at the next monthly meeting. He noted that no changes are anticipated at this time.

There being no further remarks or comments to come before the Board regarding this agenda item, Chairman **Price** moved to the next agenda item.

Agenda Item – (New Business) #4: Engineering Recommendation for Phase 2 Improvements

Referring to Attachment #3 (Agenda Item Commentary), District Manager **Bolduc** noted the following highlights:

- RFQ's for the design of the Biological Nutrient Removal process were solicited.
- Two proposals were received. One from Underwood Engineers, Inc; and one from Brown & Caldwell.
- The scoring criteria for the selection process contained the following conditions:
 - The ability to use the SRF process
 - Proposal scoring to determine interview eligibility
 - The actual interview process as the basis for the award
- The selection committee consisted of the following members:
 - Michael Bolduc, KSD District Manager
 - Chris Gallant, KSD Assistant Manager
 - Ty Morin, KSD Lead Operator
 - Christopher J. Osterrieder, Town Engineer, Town of Kennebunk
- Scoring the best on both sections of the evaluation, the selection committee recommended Brown & Caldwell.

Chairman **Price** asked for the location of the local Brown & Caldwell office and which disciplines are under their umbrella.

District Manager **Bolduc** identified the local office location as Portsmouth, NH.

Assistant Manager **Gallant** noted that the proposal contains a list of lead names for each discipline and which office they are located out of. He added that a large majority of disciplines are in Brown & Caldwell's headquarters in Andover, MA.

There being no further remarks or comments to come before the Board regarding this agenda item, Chairman **Price** asked for a motion.

A motion was made to direct the manager to enter into negotiations with Brown & Caldwell for the design of the Biological Nitrogen Removal process (BNR).

MOVED: Brockway

SECONDED: Oppert

DISCUSSION: None

MODS: None

VOTE: Chairman Price, affirmative

Vice Chairman **Oppert, affirmative**

Treasurer **Brockway, affirmative**

Clerk **Wiley, affirmative**

Trustee **Reim, affirmative**

5 in favor, 0 opposed; the motion carried.

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

Agenda Item – (New Business) #5: Remote Participation Policy Adoption

Referring to Attachment #3 (Agenda Item Commentary) and Attachment #6 (Remote Participation Policy) of the September 2021 Trustee Meeting package, District Manager **Bolduc** noted the following highlights:

- To continue with remote participation by board members and the public, a policy that complies with the new law (1 M.R.S. § 403-B) must be in place.
- The proposed KSD remote participation policy document was developed by Maine Municipal Association and has been adapted for our needs. It has been reviewed by Betsy **Oulton**, HR Maine Consulting and is presented as attachment #6 for Board review.

Treasurer **Brockway** and Vice Chairman **Oppert** noted various minor typos. Both Board members provided a list of their corrections to District Manager **Bolduc**.

Referring to section 3. *Members of the Public*, on page 2 of Attachment 6, Chairman **Price** asked if KSD must send out a notice for people to zoom in every time a public hearing is conducted.

Treasurer **Brockway** replied that if the board opens the meeting for its own remote use, then the public must be allowed access the same way.

Clerk **Wiley** observed that notice requirements are detailed in the next section (section 4. *Notice Requirements*). District Manager **Bolduc** replied that because of discussions with Betsy **Oulton**, HR Maine Consulting, he believes that if a board member attends a meeting via zoom and has permission from the board chair to do that, then the meeting must be made available to the public via zoom; conversely, if no board member attends a meeting via zoom, then the meeting does not have to be made available to the public via zoom.

Trustee **Reim** expressed concern over the vagueness of section 3. a. *“Members of the public must be given meaningful opportunity to participate remotely when a member of the Boards participating remotely”* and 3. b. *“Members of the public and District staff may be given the opportunity to participate remotely at any Board meeting, regardless of whether any Board members are participating remotely”*; and the strictness of section A. LIMITED IN SCOPE, *“The Chair is authorized to make a determination as to whether remote participation by the Board member(s) is permissible under the circumstances”*

Treasurer **Brockway** remarked that the policy stems from 1 M.R.S. § 403-B, and KSD cannot adopt policies that are non-conforming.

A discussion developed regarding how access to the meetings can be made available to the public for viewing but not full participation.

Treasurer **Brockway** recommended that the issue of public access be put on the Monthly Meeting Action Items History List to allow the Board to think it through and come to a true consensus. Then any agreements to change the basic policy could be implemented with amendments.

District Manager **Bolduc** stated that the charter requires a public posting meeting notice (unless it is a special meeting). KSD puts a notice on the website, on the front door of the KSD administration building, and on the Town Hall bulletin board for all regular meetings which satisfies KSD charter requirements.

Chairman **Price** asked if the Board could get a copy of the actual ordinance (1 M.R.S. § 403-B) to read and become familiar with.

District Manager **Bolduc** replied that a link to the ordinance (1 M.R.S. § 403-B) is provided in Attachment #6 (Remote Participation Policy) of the September 2021 Trustee Meeting package and that he would provide a hard copy to anyone that wants one.

Chairman **Price** recommended no action for the agenda item at this meeting and that the issue be addressed at the next meeting so that all Board members can read and become familiar with the ordinance. All present agreed.

Having no objections from the Board members and in consideration of Executive Session, Chairman **Price** moved ahead to agenda item (Other Business).

Agenda Item – (Other Business) a: Wells Road Force Main Replacement Project

District Manager **Bolduc** opened a discussion regarding the Wells Road force main replacement project. His comments contained the following highlights:

- The only bidder was Dearborn Brothers Construction Inc.
- Their bid was \$462,436.
- The bid was higher than Underwood Engineers, Inc. midrange estimate of \$441,000 but lower than the audit amount of \$500,000.
- Dearborn Brothers Construction Inc. requested a status on the bid so they could order long lead items such as pipe.

Based on the known history of working with this contractor and the need to order material, staff recommended awarding the bid to Dearborn Construction.

All present agreed.

There being no further remarks or comments to come before the Board regarding this agenda item, Chairman **Price** asked for a motion.

A motion was made to award the project to Dearborn Construction Inc. for \$462,436.

MOVED: Oppert

SECONDED: Reim

DISCUSSION: None

MODS: None

VOTE: Chairman Price, affirmative

Vice Chairman Oppert, affirmative

Treasurer Brockway, affirmative

Clerk Wiley, affirmative

Trustee Reim, affirmative

5 in favor, 0 opposed; the motion carried.

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

Agenda Item – (Other Business) b: Manager's Report for September 2021

District Manager **Bolduc** provided a summary of selected items from the Manager's Report as detailed in Attachment #2 (Manager's Report for September 2021), of the Sep 1, 2021, Trustee's Packet. His comments included the following topics and highlights:

2020 CAPITAL IMPROVEMENT PROJECTS

Phase 1B Headworks Project Construction

- The following items are complete:
 - Roof
 - Planking
 - Equipment setting
- The following items are in progress:
 - Gates and valves installation

- The following items are planned:
 - The Chase excavator will be on site tomorrow to begin the following jobs:
 - ✓ Force main influent line installation and connection to the headworks
 - ✓ Heating lines installation between the buildings
 - Painting is anticipated to begin within the next three weeks
 - Electrical work will be commencing soon

Berm / Levee Certification

- A meeting with FEMA was conducted today at one o'clock
- FEMA provided numerous application comments
- Addressing the comments should not be a major task

2021 CAPITAL IMPROVEMENT PROJECTS

Shape Drive Sewer Replacement

- The contractor (BREX) may be able to start the job in the Fall season, but it looks doubtful and will probably not get to the project this year.

NEW 2021 CAPITAL IMPROVEMENT PROJECTS

Wastewater Treatment Plant and Collection Systems Improvements Bond Order

- The public notices were mailed last week.
- The legal ad for the newspaper is scheduled for September 10th.
- A public meeting is scheduled for September 28th at 7:00 pm.

At 7:57 p.m. Betsy **Oulton**, HR Maine Consulting, joined the meeting via zoom.

Doane's Wharf Pump Station

- KSD met with the owner.
- A tentative plan was discussed to move the station to a location at the Marina entrance.
- A survey will be conducted, and marker stakes put in place.
- The owner has been provided with a rendering of the KSD plan which he has reviewed.
- Negotiations with the owner is planned for some time in the next three weeks.
- An appraisal may be required to check the easement value.
- KSD will have to get a right-of-way acquisition as well as a new easement.

Chairman **Price** asked if the Board would be informed when the survey stakes are in place.
District Manager **Bolduc** acknowledged and agreed.

There being no further business to come before the Board regarding this issue, Chairman **Price** moved back to agenda item #6.

Agenda Item – (New Business) #6: Executive Session: Personnel Matters

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

At 8:00 p.m. a motion was made to enter Executive Session to discuss succession planning, pursuant to [M.R.S.A. Title 1: General Provisions, Chapter 13, Sub-chapter 1, §405 (6) (A)]

MOVED: Brockway
SECONDED: Oppert
DISCUSSION: None
MODS: None
VOTE: Chairman Price, affirmative
Vice Chairman Oppert, affirmative
Treasurer Brockway, affirmative
Clerk Wiley, affirmative
Trustee Reim, affirmative
5 in favor, 0 opposed; the motion carried.

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

At 8:52 p.m. a motion was made to come out of Executive Session.

MOVED: Oppert
SECONDED: Reim
DISCUSSION: None
MODS: None
VOTE: Chairman Price, affirmative
Vice Chairman Oppert, affirmative
Treasurer Brockway, affirmative
Clerk Wiley, affirmative
Trustee Reim, affirmative
5 in favor, 0 opposed; the motion carried.

Chairman Price asked if any motions were desired because of the Executive Session.

At 8:53 p.m. a motion was made to direct the Manager to post the opening for the Manager's position internally and waive the requirement in the Employee Handbook requiring concurrent external advertisement of the position pending a review of internal candidates.

(Motion wording per HR Maine Consulting hrmeconsulting@maine.rr.com E-Mail, Sent: Thursday, October 7, 2021 5:43 PM, To: Michael Bolduc mbolduc@ksdistrict.org and Chris Gallant cgallant@ksdistrict.org, Subject: Re: KSD Min 21-09-01 rev 10 draft.docx, From: Betsy L. Oulton, AIC, SHRM-CP, IPMA-SCP HR Maine Consulting, 40 Forest Falls Drive, Suite 3, Office 5, Yarmouth, ME 04096, 207-615-4284)

MOVED: Brockway
SECONDED: Oppert
DISCUSSION: None
MODS: As Noted
VOTE: Chairman Price, affirmative
Vice Chairman Oppert, affirmative
Treasurer Brockway, affirmative
Clerk Wiley, affirmative
Trustee Reim, affirmative
5 in favor, 0 opposed; the motion carried.

At 8:53 p.m. a motion was made to appoint a Manager Selection Committee comprised of two Board members (Vice Chairman Oppert and Treasurer Brockway), the current Manager, and the District's Human Resource consultant, Betsy Oulton to be charged with the task of reviewing candidates and making a recommendation to the full Board.

MOVED: Oppert
SECONDED: Wiley
DISCUSSION: None
MODS: None
VOTE: Chairman Price, affirmative

Vice Chairman **Oppert, affirmative**
Treasurer **Brockway, affirmative**
Clerk **Wiley, affirmative**
Trustee **Reim, affirmative**
5 in favor, 0 opposed; the motion carried.

At 8:54 p.m. a motion was made to authorize the Manager Selection Subcommittee to negotiate a compensation package, in accordance with the guidelines established by the Board, with the recommended candidate subject to final confirmation by the Board of Trustees.

MOVED: Oppert
SECONDED: Reim
DISCUSSION: None
MODS: None
VOTE: Chairman Price, affirmative
Vice Chairman Oppert, affirmative
Treasurer Brockway, affirmative
Clerk Wiley, affirmative
Trustee Reim, affirmative
5 in favor, 0 opposed; the motion carried.

Chairman **Price** moved ahead to agenda item "Adjournment".

Agenda Item – Adjournment

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

A motion was made to adjourn the meeting at 8:55 p.m.

MOVED: Oppert
SECONDED: Reim
DISCUSSION: None
MODS: None
VOTE: Chairman Price, affirmative
Vice Chairman Oppert, affirmative
Treasurer Brockway, affirmative
Clerk Wiley, affirmative
Trustee Reim, affirmative
5 in favor, 0 opposed; the motion carried.

Date Signed _____

Patrick Wiley, Clerk _____

KSD Board of Trustee Monthly Meeting Action Items History List

<u>Request Date</u>	<u>Action Item</u>
Date 1 September 2021	Agenda Item # 5: Topic <u>Remote Participation Policy Adoption</u> . Description Consideration of various ways of how and when to allow public access to meetings via ZOOM.
Date	Agenda Item #__: Topic_____; Description _____.