

Monday, January 10, 2011 3:00PM  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta, Maine

Trustees present: Ken Knight, Steve Roberge, Tom Sotir, Don Roberts, Dick Bachelder, Charlene Hamiwka, David Smith, and Jim Simpson

Absent: Lesley Jones

Employees: Brian Tarbuck, Michael Grove, Andy Begin and Linnay Wathen

Guests: Mike Stein

Ken Knight called the meeting to order at 15:03 after noting that David Smith would be arriving late for the meeting.

At 15:04 Tom Sotir made a motion to approve the minutes of December 20, 2010; this motion was seconded by Charlene Hamiwka. Prior to this vote, Dick Bachelder asked if these minutes could be amended to include mention of the Board discussion (at the meeting on December 20, 2010) of the \$11.0 million CSO project budget that would be split between sewer and stormwater at a 50:50 ratio. At 15:05 the Board voted unanimously to approve the minutes as amended.

At 15:07 Ken Knight asked Brian Tarbuck and Mike Stein from Woodard & Curran to start their CSO project update since there were no agenda additions or new business items to discuss. Mike Stein stated that the final design of the CSO3B project was complete and that these plans were now being reviewed by several parties, including the engineering team from Woodard & Curran, CDM, Harold Wood, Andy Begin, the City of Augusta and Maine DEP. Stein mentioned that he had a meeting scheduled with the DEP on January 19, 2011 to review their comments on the design plans. After extensive review of the design plans, the next step of the process would be to produce final bid documents. Stein talked about issues surrounding the excavation and possible removal of approximately 11,000 cubic yards of construction demolition materials from Mill Park. He discussed options that would enable contaminated materials (as much as possible) on Parcel One (which is under VRAP protection) to be left on site.

At 15:15 Ken Knight mentioned that there were many unknowns at this time concerning how the excavation of Mill Park would affect venues such as Smokey's Greater Shows and the Farmers Market. There was discussion by the Board about the need to establish a time frame (as part of the bid documents) that would enable the contractor to work around the upcoming summer and fall activities. The Board questioned why all the appropriate easements had not been acquired from the City of Augusta on the Mill Park property. There had been one easement acquired to date; the contractor could potentially use a section of Mill Park as a staging area with the appropriate easements.

At 15:23 Steve Roberge stated that he had reviewed the design plans and found them to be lacking in detail. He considered the plans to be "graphically challenged" and he questioned how the contractors would be able to estimate bid costs based on such incomplete information. He thought that the plans needed more easement information and references to structures.

At 15:34 David Smith arrived.

Ken Knight mentioned that there were many "loose ends" that would need to be tied up prior to the February 14, 2011 bid date. These critical issues included the need to obtain in writing construction easements from the City for Mill Park, form a City Committee (with Roger Pomerleau, Bill Bridgeo and other key city officials), address the Mill Park pavillion access issue, create a more explicit, easy to understand design plan for the contractors to use for their bids, and resolve how to handle the 11,000 cubic yards of demolition debris. Knight asked Mike Stein to provide the Board with a written statement of unresolved issues.

At 16:00 Ken Knight asked Brian Tarbuck to explain how the CMP plans were progressing. Brian mentioned environmental issues that have delayed the CMP plans and would create the need to do change orders. Knight asked if we had written documentation (that stated that the change orders would be a liability of CMP); if not, then this would be another unresolved area to be addressed. The Board questioned how known contaminated materials should be noted on the plans.

At 16:35 the Board decided that there should be another CSO progress update by Woodard & Curran to be held at the next regular meeting on January 24, 2011. The Board will meet at 3:00pm instead of the 4:00pm time previously scheduled for this meeting.

At 16:36 Tom Sotir asked if there were any updates on the Laurier Fleury (RCR Properties) easement. The Board responded no. Sotir asked if the District could keep track of all costs associated with this easement. Brian Tarbuck told him that we would set up a project to capture any expenses incurred.

At 16:37 Ken Knight mentioned that another area to resolve with the City of Augusta concerned the City's existing traffic management plan. He questioned whether restrictions concerning night work would be an impediment to the contractor.

At 17:00 on a motion by Don Roberts, seconded by Tom Sotir, the Board voted to adjourn.

Monday, January 24, 2011, 4:00PM

Greater Augusta Utility District Board Minutes

Jackson Avenue Wastewater Treatment Plant, Augusta, Maine

Trustees present: Ken Knight, Steve Roberge, Tom Sotir, Don Roberts, Dick Bachelder, Charlene Hamiwka, David Smith, Jim Simpson and Lesley Jones

Absent: None

Employees: Brian Tarbuck, Andy Begin and Linnay Wathen

Guests: Kristy Gould

Ken Knight called the meeting to order at 16:04 after asking if there were any agenda additions or new business to introduce. The Board responded that there were none. Knight noted that Tom Sotir would be arriving late.

At 16:07 Don Roberts made a motion to approve the minutes of January 10, 2011. The motion was seconded by Charlene Hamiwka. Prior to this vote, Dick Bachelder again requested that the minutes from the December 20, 2010 Board meeting be amended to include mention of the Board discussion of the \$11.0 million CSO project budget that would be split between sewer and stormwater at a 60:40 ratio. At 16:10 the Board voted unanimously to approve the January 10, 2011 minutes.

At 16:10 Steve Roberge asked why the written statement of unresolved issues of the CSO project requested from Mike Stein (Woodard & Curran) at the previous Board meeting had not been included in the Board packet. Brian Tarbuck told the Board that he had received this list of needs regarding the CSO project as an e-mail from Mike Stein and that either he or Any Begin would print out this e-mail for the Board to review after the executive session.

At 16:11, on a motion by David Smith, seconded by Don Roberts, the Board entered executive session pursuant to Title 1, 405 6 C to discuss the General Manager's contract review process with Kristy Gould from Human Resources.

At 16:35 the Board exited the executive session. Ken Knight mentioned that there were no votes; it was an informational session only. Kristy Gould left after the executive session.

At 16:36 Tom Sotir arrived. The Board reviewed the written list of CSO project needs that Brian Tarbuck had received from Mike Stein.

At 16:43 the Board had a lengthy discussion about the new business item to approve a \$700,000 loan for the State Street drinking water main replacement project. Ken Knight asked the Board to think about creating guidelines for the financing of future projects to determine how much should be borrowed from loans versus using other types of funding. The Board talked about the need to develop a "master plan" for infrastructure that would project forward five or more years. The Board felt that the CIP list provided by Brian Tarbuck showed short term top priority projects but that there was a lack of information concerning the costs of long range projects that would be critical in determining how to provide future sources of funding. The Board mentioned the general rule of a 1% replacement of pipes each year but they also wanted to see written guidelines. The Board questioned the current minimum cash reserve requirements. Brian Tarbuck mentioned a 2006 directive regarding a minimum cash reserve of \$750,000 each for water and sanitary. Ken Knight said that he would ask the RKO auditors for their recommendations on minimum cash reserves.

Since Ralph St Pierre was not present to answer questions, the Board decided that they would go forward and take a vote based on St Pierre's recommendation to borrow \$700,000 on a 20 year loan through the Maine Municipal Bond Bank. Ken Knight asked Brian Tarbuck to contact the MMBB and ask about the loan deadline.

At 17:18 the following motion was made by Tom Sotir and seconded by David Smith to approve a \$700,000 loan for the State Street drinking water main replacement project. At 17:23 the Board voted unanimously to approve the motion.

“VOTED by the Board of Trustees of the Greater Augusta Utility District of Augusta, Maine as follows:

VOTED:

(1) That, pursuant to authority granted by the Charter of the Greater Augusta Utility District and any other applicable law, the Board of Trustees of the Greater Augusta Utility District hereby authorizes and directs the Treasurer and Chair of the Board of Trustees to apply to the Maine Municipal Bond Bank for a loan of up to \$700,000 of permanent financing to fund a drinking water main replacement on State Street (the “Project”), said funding to include design and construction costs, transaction costs and any other costs reasonably related to the Project.

(2) That the Treasurer and Chair of the Board of Trustees are hereby authorized to sell, execute and deliver to the Maine Municipal Bond Bank a General Obligation Bond of the District (the "Bond") in an aggregate principal amount not to exceed \$700,000.

(3) That the Bond is to be sold upon such further terms and conditions and at such interest rates as may be approved by the Treasurer and Chair of the Board of Trustees, not to exceed 21 years from date of issue, and is to be attested by the District Clerk. The Bond may be issued with or without call or early redemption provisions, and any such early redemption may be with or without premium (but not to exceed 5% of the principal amount of the call), as may be approved by the Treasurer and Chair.

(4) That the Board of Trustees hereby confirms its determination that the term of the Bond does not exceed 120% of the economic life of the Project.

(5) That the Board of Trustees hereby irrevocably pledges the user fees, rates, assessments and other charges of the District for the payment of the debt service on the Bond.

(6) That the Treasurer and Chair of the Board of Trustees are hereby authorized to execute and deliver a Loan Agreement with the Maine Municipal Bond Bank in such form as the Maine Municipal Bond Bank shall require.

(7) That the District officers and officials are hereby authorized to execute and deliver any and all documents and certificates, and to take any and all actions, as may be necessary or convenient to carry out the full purport and intent of the foregoing orders, or any one of them.

(8) That the Bond to be issued to the Maine Municipal Bond Bank is hereby designated a "qualified tax-exempt obligation" under the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.”

At 17:25 Brian Tarbuck gave a brief update of the 2010 Financial Audit of the District’s financial records and accounting practices by the accounting firm of Runyon Kersteen Ouellette. Ralph St. Pierre and District employees are in the process of gathering information to provide to the auditors on March 7, 2011.

At 17:29 Brian Tarbuck spoke briefly about OPEB (Other Post Employment Benefits; aka GASB 45) and Security and Management Planning. Tom Sotir suggested that Jane Carroll (the in-house person designated to be in charge of Security and Management Planning) give a presentation to the Board in a few months (tentatively at the May 2011 meeting) to explain what the emergency plan will encompass.

At 17:32 Andy Begin gave an update on existing projects to the Board.

At 17:40 the Board discussed the need to formalize the process of approving funding for CIP budget items. Tom Sotir mentioned that when the Board approved the CIP Budget, that this was not the same as approving funding for these CIP projects. The Board members believed that there was a level of approval missing in the current practice and that a formal procedure was needed to make the Board aware of the costs associated with each step of a major CIP project. Ken Knight suggested that the Finance Committee reconvene to formalize the current process and asked the members of this committee to create a plan of action to bring back to the Board.

At 18:00 Steve Roberge brought up the subject of CSO inspections and whether the District would need outside assistance with the inspections. He suggested that this item be added to Mike Stein’s list of CSO issues. Ken Knight stressed that Brian Tarbuck had met with the Woodard & Curran / CDM engineers and that much progress had been

made since the last Board Meeting. Tarbuck assured the Board that the project would be going out to bid as scheduled on February 14, 2011.

At 18:08 the Board agreed to schedule another CSO update meeting prior to the bid date. The meeting will be held at the 12 Williams Street office on February 7, 2011 at 4:00pm.

At 18:09 Steve Roberge asked a few questions about the December financial statements. He noted that the December financials (tentative) had not been listed on the agenda.

At 18:15 on a motion by Tom Sotir, seconded by Charlene Hamiwka, the Board voted to adjourn.

Monday, February 7, 2011 4:00PM

Greater Augusta Utility District Board Minutes

Greater Augusta Utility District 12 Williams Street (shop area), Augusta, Maine

Trustees present: Steve Roberge, Tom Sotir, Don Roberts, Dick Bachelder, Charlene Hamiwka, David Smith, Jim Simpson

Absent: Ken Knight and Lesley Jones

Employees: Brian Tarbuck, Andy Begin, Michael Grove, Michael Morey and Linnay Wathen

Guests: Mike Stein (Woodard & Curran) and Dan Bisson (CDM)

David Smith called the meeting to order at 16:03 after mentioning that Ken Knight was out of town.

At 16:04 Brian Tarbuck told the Board that the updated set of plans (95% design drawings submission) had been delivered to the District for review on February 4, 2011 and that Mike Stein's status report of the most recent DEP meeting was included in the Board packet. Tarbuck then introduced Mike Stein (Woodard & Curran) and Dan Bisson (CDM) and asked Stein to give an update of the recent CSO project meeting held with the City of Augusta (the City).

Stein explained that issues with the Mill Park fill area were being "ironed out" with the City.

Stein explained that the City was concerned about the location of a wastewater pipe in the Mount Vernon Avenue softball field along the left field line. Stein had discussed potential solutions with the City including scheduling construction work around the baseball season (May 1<sup>st</sup> to Sept 1<sup>st</sup>) or having the contractor relocate the pipe to minimize impact on the field. Stein stressed that the City was amenable to working out a solution once the contractor's schedule was determined. Steve Roberge asked if the construction right of way would be maintained by the contractor, and if so, this information should be written on the design plans. There was discussion about obtaining an easement with a specific expiration date (similar to a construction easement), making permanent improvements to the construction access road, and using sod instead of seed on the softball field.

At 16:12 the Board started a lengthy discussion about Mill Park. Mike Stein explained in detail how the 11,000 cubic yards of demolition debris would be handled. Most of the materials would be disposed of in a site already selected by the City and would be topped by the one foot of clean fill required under the stipulations of the Maine DEP's Voluntary Response Action Program (VRAP) agreement. Stein mentioned that additional permits would be needed due to the proximity to the flood plain. Other subjects discussed were traffic management planning and the necessity of using fencing around the fill site. Dick Bachelder questioned who would have control over the project; whether it would be the contractor or the District who would have the final say. According to Mike Stein, either an EP (Environmental Professional) or an LSP (Licensed Site Professional) would be required by the DEP to be on site at all times when potentially contaminated materials were being handled. The contractor would have his own EP or LSP inspector and the District would also hire either an EP or an LSP inspector. David Smith suggested that the real concern may be whether or not the contractors are being provided with enough information about the contaminants. Stein explained that an extensive subsurface environmental study had been completed by the DEP and that this information would be available to the contractors.

At 16:45 Dick Bachelder stated for the record that he was opposed to the contractor being responsible for bidding on the contaminated materials as it was currently worded in the bid plans. Bachelder believed that the bid needed to provide unit prices on certain degrees of contamination and that there were too many variables involved that the contractor would not be aware of that could result in costly change orders. There was further discussion between the Board, Mike Stein and Dan Bisson regarding the liability of the contractor, the District, and the environmental professionals involved in handling contaminated materials.

At 17:15 the Board asked Brian Tarbuck if the necessary easements (related to Mill Park excavation) had been obtained. Tarbuck explained that at the last meeting between the City and the District that the City had been agreeable to the soil fill area and a construction staging area (and would provide easements) in Mill Park if the District agreed to:

- 1) remove the concrete pad and replace it with a 100' x 200' paved area to be used as a skating rink;
- 2) install drainage on each end of the skating rink and;
- 3) pay \$1,000 per month for 18 months for use of the site.

The City had discussed restricting the use of the site until after August 1, 2011 to allow the annual summer carnival to take place.

When David Smith asked Tarbuck if a decision was required immediately, Tarbuck responded that there would be additional permits and change orders involved so he would need Board approval to move forward. The Board roughly estimated that costs could be as high \$100,000 and agreed to make a motion on the condition that Tarbuck would provide the Board with an estimate of costs, and that he would negotiate with the City to share expenses. Steve Roberge declared that he would abstain from his vote until Tarbuck could provide more information about the expenses.

At 17:30 Tom Sotir made a motion to instruct Tarbuck to move forward to obtain an easement by accepting the City of Augusta's conditions of removing the existing concrete pad (Mill Park) and laying asphalt on a 100' x 200' area to be used as a skating rink, as well as installing appropriate drainage that would be agreeable to both parties involved. The Board also agreed to pay \$1,000 per month for 18 months for use of the site, but wanted the City to extend this period from 18 to 24 months (while still paying only the \$18,000 asked for by the City). The motion would be contingent upon final approval of the Board after seeing the estimated costs involved and the Board could later modify the agreement. Charlene Hamiwka seconded the motion.

At 17:35 the Board voted (4) to approve and (1) to deny the motion.

At 17:36 The Board asked Mike Stein if all required permits had been obtained yet. Stein stated that he had received the Natural Resources Protection Act (NRPA) Letter of Condition (permit), but was still waiting for the Army Corps of Engineers Letter of Condition (permit) that was expected to be finalized the next week. The Board also had concerns about the outstanding easements with the City of Augusta and easements (on the eminent domain properties) that Al Godfrey was working on. The Board questioned whether the bid plans should still be mailed on February 14, 2011 with these items still unresolved.

At 17:45 a motion was made by Don Roberts and seconded by Steve Roberge to put on hold a final bid date for the CSO project until after the Board had more information concerning the Army Corps of Engineers permit, easement agreements expected from the City of Augusta, and easements (on the eminent domain properties) expected to be resolved by Al Godfrey. These issues will be discussed at the next Board Meeting on February 28, 2011 before determining the final bid date. The Board voted unanimously to approve the motion.

At 18:12 Mike Stein and Dan Bisson briefly went through the highlights of the Woodard & Curran/CDM CSO project powerpoint presentation. Stein and Bisson invited any Board members who wanted to continue discussing the CSO project specifics to remain after the Board meeting.

At 18:25 on a motion by Don Roberts, seconded by Charlene Hamiwka, the Board voted unanimously to adjourn.

Monday, February 28, 2011, 3:00PM  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, Tom Sotir, Dick Bachelder, David Smith, Jim Simpson, Lesley Jones

Absent: Don Roberts and Charlene Hamiwka

Employees: Brian Tarbuck, Andy Begin, Michael Grove and Linnay Wathen

Guests: Mike Stein, Karl Kasper, Chris Miller and Denise Cameron (Woodard & Curran), Dan Bisson (CDM), Cheryl Fontaine and Brian Beneski (Maine DEP), and Al Godfrey, Jr (TMSI)

Ken Knight called the meeting to order at 15:02. Knight mentioned that the order of the agenda items would be switched around in order to accommodate Al Godfrey Jr's schedule. Godfrey proceeded to explain the status of the easement acquisitions. He mentioned that there were originally 53 easements, but 5 new easements had been added. To date 50 easements had been settled; 17 had closed (at a cost of \$40,440) and 33 had not yet closed (the cost would be \$114,874). Godfrey gave an estimated cost of \$296,000 when asked the cost of all 58 easement acquisitions.

Godfrey discussed the issues surrounding the Villeneuve property at length. He explained that one option would be to purchase the two apartment buildings (total of four rental units in the two buildings) to either be demolished or to be left in place and later sold. There was discussion about whether removing the Villeneuve property would destabilize the Ewing property next to it and whether sheeting would be required. The Board asked Godfrey to provide these costs in writing at the next Board meeting so that the Board could analyze the pros and cons involved in purchasing the Villeneuve property to tear it down or to use sheeting and allow the building to stand.

At 15:25 Ken Knight stated that the Board would make a decision on the Villeneuve easement at the March 7, 2011 meeting and thanked Al Godfrey, Jr for attending. Knight asked that the Board move on to the next old business item which was the CSO3B project review of contaminated material cleanup with specialists from Woodard & Curran and the Maine DEP.

Karl Kasper (Woodard & Curran) pointed out that there was some confusion over the term "hazardous waste" and explained soil classifications to the Board. Kasper told the Board that there was no indication of hazardous waste (Group 3 Soils) found during the Phase I investigations and Phase II drillings done by Woodard & Curran. He said that the proper terminology was "contaminated soils" and "soils that needed to be managed" (Group 1 Soils and Group 2 Soils). A detailed handout (contaminated soil management for the GAUD CSO project) described these soil groups.

Cheryl Fontaine and Brian Beneski (Maine DEP) and Karl Kasper and Chris Miller (Woodard & Curran) walked the Board through the process of detecting contaminated materials in the field and explained the chain of command involved once contaminated soils were suspected. The experts addressed several concerns and answered numerous questions from the Board. There was also discussion about specific areas such as Daniels Auto Parts and Rockingham Electric.

At 16:25 Ken Knight stated that he was satisfied that the Board had done its due diligence and requested that any further soil liability questions from the Board could be e-mailed directly to Cheryl Fontaine. Knight thanked Fontaine and Beneski for attending and excused them from the meeting. Knight then asked Mike Stein if he could explain to the Board the options involved in handling the existing forcemain along Bond Street. Mike Stein (Woodard & Curran) told the Board that he had met with Matt Timberlake (from Ted Berry Company in Livermore Falls) regarding a new slip-lining technology ( fusable PVC pipe) that could be used as a bid alternate to replacing the force main. Knight asked Stein to bring to the Board probable construction costs involved in both of these options for Bond Street.

At 17:00 Ken Knight suggested that the Board take a 15 minute recess before discussing the next old business item permitting questions/issues.



At 17:15 the Board returned from break and Ken Knight introduced Denise Cameron (Woodard & Curran) and asked her to update the status of any outstanding permits. Cameron told the Board that city, state and federal permits involved in Mill Park were being addressed and all of the applications were either all set or would soon be approved. She did not anticipate any major problems, only a few conditions of approval (regarding Atlantic Salmon) were in the works with the Army Corps of Engineers permit.

At 17:30 Ken Knight asked Andy Begin to discuss the old business item, Regional Water Supply. Begin explained that Greater Augusta Utility District, Gardiner Water District, Hallowell Water District, Winthrop Utilities District, and Kennebec Water District are considering pooling their resources and have hired consulting firm Wright Pierce (for \$5,000) to review five existing plans (that had been done previously for each individual utility), and summarize those findings into a summary report. The utilities would then determine if they wanted to create a collaborative effort to implement the findings of the summary report.

At 17:40 Ken Knight suggested that Andy Begin discuss the old business item, Groundwater Development. Begin explained that he has been reviewing proposals from four consultants. Begin discussed the geophysical work that would be done in order to profile what is under the surface of the ground and the need to install test wells. The sites would be ranked based on the preliminary geophysics findings. Begin estimated that the cost could be as high as \$300,000 to install a full production well. The Board emphasized that the situation of a major contamination of the existing wells or a major drought could create a catastrophic situation. Long range planning to identify and create sources of drinking water on the east side of the Kennebec River is a Board priority.

Ken Knight asked Andy Begin to supply the Board with data on his findings for further review since this project would be a major investment in the range of \$3 million.

At 17:50 the remaining four old business items were briefly discussed. Brian Tarbuck mentioned that the subcommittees dealing with the Purchasing Policy and Cost Allocations would supply information at a later date. According to Tarbuck the Hallowell odor investigation has not identified an obvious source of the odor but it is not likely related to the wastewater collection system. Tarbuck also mentioned that Jane Carroll would provide a presentation to the Board on Security and Emergency Operations at the May 16, 2011 Board meeting.

At 18:08 Tom Sotir made a motion to approve both the January 24, 2011 and the February 7, 2011 minutes. The motion was seconded by Dave Smith. Steve Roberge requested that a correction of the February 7, 2011 minutes be made to reflect that he had voted to deny the motion to accept the City of Augusta's request to remove the existing concrete pad (Mill Park) and lay asphalt on a 100' x 200' area to be used as a skating rink. Dick Bachelder also asked that previous minutes regarding the CSO3B project budget (60:40 ratio instead of 50:50 ratio) be corrected. The vote was approved unanimously to approve the motion (taking into consideration that the appropriate corrections will be made to the minutes).

At 18:10 on a motion by Dave Smith, and seconded by Tom Sotir, the Board voted to adjourn.

Monday, March 7, 2011 3:00pm  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, Tom Sotir, Don Roberts, Dick Bachelder, David Smith, Jim Simpson, Lesley Jones

Absent: Charlene Hamiwka

Employees: Brian Tarbuck, Andy Begin, Michael Grove and Linnay Wathen

Guests: Kristy Gould (Human Resources), Al Godfrey, Jr (TMSI), Amanda Meader and David Ray (Bernstein Shur), Mike Dufour (HRH Willis)

Ken Knight called the meeting to order at 15:02 and asked if there were any new agenda items or additions. Knight stated that the first order of business would be to go into Executive session for about fifteen minutes as soon as Kristy Gould (Human Resources) had arrived.

Upon Kristy Gould's arrival at 15:04, Don Roberts made a motion for the Board to go into Executive session to discuss the General Manager's contract pursuant to Title 1 § 405 6 A. The motion was seconded by David Smith and approved unanimously.

At 15:10 the Board exited Executive session. Ken Knight then asked Al Godfrey Jr (TMSI) and Amanda Meader (Bernstein Shur) to bring the Board up to date on the new business item, Villeneuve property alternatives. Godfrey provided handouts that detailed the background of the Villeneuve property and gave preliminary estimates for the costs of three acquisition alternatives. A lengthy discussion by the Board of the Villeneuve alternatives followed. The Board voiced their concerns about the liability involved if extensive damage to either the Villeneuve or Pederson (formerly Ewing) properties were to occur during either the sheeting installation or the excavation work done by the contractor. David Ray (Bernstein Shur) discussed potential negligence issues; including a possibility that the contractor would not be held responsible for damages caused by design flaws. Ray suggested that the Board look at reducing or eliminating risk through purchase of the Villeneuve property. Owning the property would give the best protection against lawsuits. Mike Dufour (HRH Willis) also voiced his concerns over negligence and professional liability issues. Dufour mentioned that there was no guarantee of insurance coverage under certain circumstances (e.g. negligence).

Steve Roberge questioned whether the Woodard & Curran/CDM design plans actually used the term "sheeting" and whether the bid documents included sufficient information for designing the sheeting. Board members expressed disappointment that neither of the engineers expected from Woodard & Curran or CDM were present to answer questions.

At 16:07 Ken Knight requested a five minute break in order to allow Brian Tarbuck to make a call to Mike Stein (Woodard & Curran) to clarify their concerns about the sheet pile designs.

When the Board members returned from break at 16:12, they decided to move forward with a decision on the Villeneuve property. Al Godfrey had expressed concern that Mr. Villeneuve was becoming impatient with the easement process. Mr. Villeneuve was planning to leave for Florida for the next two months but was waiting on an easement decision.

At 16:23 the Board members asked Brian Tarbuck to discuss the sheeting specifications with the Woodard & Curran design engineers and have them delineate the sheeting instructions on the design plan so that the contractor could build sheet piles to the exact specifications.

At 16:25 Tom Sotir made a motion that the Board proceed with Villeneuve Alternative C as presented by TMSI to the Board at the meeting. Specifically, to acquire the entire property at a negotiated price, install sheeting to preserve both

apartment buildings and for groundwater control during construction. Alternative C assumes that the apartments are vacated at closing and that there will be no building damage from sheeting installation. The estimated cost to purchase the property is \$276,500 (including purchase price, closing costs, sheeting expense). Resale of the property after the work is completed is estimated to be \$110,000 (assuming repurchase by Villeneuve with no commission). The net cost of Alternative C is estimated to be \$166,500.

David Smith seconded the motion. Steve Roberge instructed Al Godfrey to negotiate a purchase price of up to \$125,000 with a buy-back option (as detailed in Alternative C) with the owner. The Board voted unanimously to approve the motion.

At 16:26 Ken Knight asked the Board to the next agenda item relating to an amendment of the contract with TMSI (Al Godfrey, Jr) to increase the contract limit for negotiation services on behalf of the District.

At 16:27 a motion was made by David Smith to increase the contract amount with TMSI by an additional \$25,171.48 above the current contract limit of \$67,873.50. The motion was seconded by Steve Roberge and approved unanimously.

At 16:28 Al Godfrey gave the Board a detailed handout concerning easements acquired to date, settlement agreements with pending closings, and unsettled parcels with their estimated costs to settle. The total estimated settlements (including 58 easements and 1 acquisition – the Villeneuve property) was \$297,014. Godfrey and Amanda Meader (Bernstein Shur) answered several questions concerning properties with outstanding liens and other ownership issues. There was discussion about the bid time frame and whether the project could be awarded to the contractor if the project was contingent upon DEP regulations requiring all easement releases be obtained prior to the bid award date. Board members talked about the possibility of pushing back the bid opening date and sending letters to bidders to inform them that not all easements had been obtained yet.

At 17:00 Board members asked about the Laurier Fleury (RCR Properties) property. Brian Tarbuck gave a brief update of legal activities and told the Board that he would provide them with legal expenses incurred to date.

At 17:05 Ken Knight thanked Al Godfrey and Amanda Meader for attending and allowed them to leave.

At 17:07 on a motion made by David Smith, and seconded by Tom Sotir, the Board voted unanimously to authorize the General Manager to spend up to \$165,380 in additional funding for easement acquisitions for parcels with no settlements as of March 7, 2011 (as worded by Al Godfrey).

At 17:08 Ken Knight asked David Ray, Chair of Contract / Construction Law at Bernstein Shur, to give a legal review of the Woodard & Curran/CDM CSO3 contract documents. Ray discussed several specific areas of concern in the documents, analyzed some of the contract wording, and answered legal questions from the Board. Ray mentioned that he did not see anything in the contract that would remove Woodard & Curran/CDM from its responsibility and described the information that he reviewed as a solid set of contract documents. Ray stressed to the Board that the District could not avoid its responsibility on the project, but he did suggest actions that the District could take to minimize risk.

When asked specifically if it would be necessary for the District to hire its own EP (Environmental Professional) to be on site along with the DEP inspector, Ray responded that this was not a requirement.

At 17:30 Ken Knight thanked David Ray and excused him from the meeting before asking Mike Dufour (HRH Willis) to discuss his review of the Woodard & Curran/CDM contract documents and answer Board questions concerning insurance liability issues. Dufour explained that his goal was to look at the District's standpoint (insurance-wise) in order to protect the District. Dufour noted that he had interpretation issues with parts of the contract documents that were vague, unclear or puzzling.

Ken Knight asked Dufour if he would put his concerns and recommendations in writing to Brian Tarbuck.

At 17:43 Mike Dufour left the meeting. Ken Knight, noting that neither Mike Stein (Woodard & Curran) nor Dan Bisson (CDM) were present to answer questions, suggested that the Board could still run through the remaining agenda items related to the CSO3 project. The Board spent time reviewing the handouts provided by Woodard & Curran/CDM and briefly discussed the remaining old business agenda items including the opinion of probable construction costs provided by Woodard & Curran/CDM, the bid-phase contract, the construction services contracts, and the finalized plans/specs.

Ken Knight asked the Board members if they wanted to meet with Mike Stein and Dan Bisson the following week to review the opinion of probable construction costs in detail and to discuss the proposal for bid services in the amount of \$44,000. The date and time tentatively set by the Board was Tuesday, March 15, 2011 at 3:00pm.

At 18:15 Ken Knight moved on to the new agenda item; Unauthorized Discharge. On February 11, 2011 the District had received a Notice of Violation (from the Department of Environmental Protection) for failure to comply with Maine Law 38 MRSA § 414.5: Unlawful to violate license. The notice related to a violation involving the discharge of untreated sanitary wastewater from the District's Hallowell Pump Station on January 28, 2011. The Board questioned how such a serious situation could happen. According to Michael Grove there was a cascade of failures that resulted in an illegal discharge of approximately 280,000 gallons into the Kennebec River. Michael Grove told the Board that the District did respond to the requested corrective actions as outlined in the Notice of Violation and he described the structural, mechanical and electrical failures involved in the incident as well as the corrective measures taken by the District. The DEP did not pursue formal enforcement action. Changes to weekend monitoring procedures have been implemented to ensure that this does not happen again. Concern from several Board members that they were not notified of the spill ASAP was expressed. It was further stated that the Board would be notified immediately/ASAP of any future significant events.

On a motion made by Tom Sotir at 18:45, and seconded by David Smith, the Board voted to adjourn.

Tuesday, March 15, 2011 3:00pm  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, Tom Sotir, Dick Bachelder, David Smith, Jim Simpson, Lesley Jones

Absent: Charlene Hamiwka and Don Roberts

Employees: Brian Tarbuck, Andy Begin, Michael Grove and Linnay Wathen

Guests: Mike Stein (Woodard & Curran), Dan Bisson and Roger Howard (CDM)

Ken Knight called the meeting to order at 15:01 and asked if there were any new agenda items or additions. Tom Sotir requested that an agenda item, update of Laurier Fleury (RCR Properties LLC) legal expenses incurred, be added at the end of the meeting. Ken Knight suggested that the meeting begin with old business item, Update on CSO Phase III project, by directing any questions that Board members had (about the bid ready plans and specifications) to Mike Stein (Woodard & Curran) and Dan Bisson (CDM).

At 15:04 Steve Roberge indicated that the latest bid documents were a major improvement over those presented previously, but he believed there were still several items that needed discussion. Roberge asked if the District engineers (Brian Tarbuck and Andy Begin) were satisfied with the documents. Tarbuck responded that he considered the documents to be bid ready with some minor reservations. Tarbuck mentioned that a legal and insurance review was also planned the following day to satisfy some of the Board members concerns in these areas.

Steve Roberge questioned why the placement of contaminated soils (in the designated area) at Mill Park was an option instead of a requirement of the bid plans. Mike Stein explained that it would be up to the contractors to determine whether the existing soils could handle the additional fill and whether the slope (towards the Kennebec River) would be stable enough to handle the expected volume before deciding how the materials would be disposed of. Dan Bisson mentioned to the Board that allowing contractors to have flexibility in decision-making could result in lower project costs by creating competitive pricing among the contractors.

After a lengthy discussion the Board members expressed their desire to opt for a more conservative approach that would give the District greater control of the Mill Park site by setting specific guidelines for the contractors to follow. Dan Bisson explained that these changes could be achieved through addendums to the project plans. The Board decided that these addendums should incorporate the same restrictions for all contractors; that the contractors should not be given the flexibility to choose other options. The Board also wanted to restrict the fill area to a maximum 7:1 grade plan.

At 15:55 Ken Knight asked if there were any other questions regarding the finalized plans and specifications. Steve Roberge briefly noted additional items of concern; including a failure to identify sewer and water service locations, a lack of notation of benchmark elevations, a failure to list rim elevations on manholes, the lack of information and instruction regarding the installation of sheeting on the Villeneuve property at 35 Mt Vernon Avenue, crushed stone rather than screened gravel support, and access structure "B" detail.

Roger Howard (CDM geotechnical engineer) was asked by Ken Knight to address the proposed approach to earth support requirements on the Villeneuve property. Howard explained risk management in terms of geotech design and he described the three specifications involved: excavation/support specs, dewatering specs, and the instrumentation specs. Howard answered several questions from the Board concerning management of risk on the subsurface complex work that would be done on the CSO Phase III project.

At 17:12 David Smith made a motion to approve the finalized plans and specifications provided by Woodard & Curran/CDM (stamped ready for bid). The motion would be contingent upon making bid form corrections (those discussed by the Board) in the form of addendums to the contract. The motion was seconded by Tom Sotir and approved unanimously.

At 17:14 The Board briefly discussed the next old business items; CDBG requirements regarding critical dates to receive \$500,000 grant and Permit Status Update. According to Mike Stein's handout, all permitting issues had been resolved and the final approval letter from the Army Corps of Engineer was being mailed. No action was required or taken.

At 17:15 Roger Howard exited the meeting. The Board then discussed the next old business item: Easement Status. The Board reviewed a Purchase and Sale Agreement between Lionel J. Villeneuve (owner of property at 35 Mt Vernon Avenue) and the Greater Augusta Utility District.

At 17:19 a motion to approve the Purchase and Sale Agreement in the amount of \$120,000 was made by Tom Sotir, seconded by David Smith, and approved unanimously. A contingency in the agreement stated that the District intended to resell the property to the owner (in the amount of \$115,000) upon completion of work on the property related to the Bond Brook CSO Phase III project. The District would retain a permanent utility easement.

At 17:20 Ken Knight called for a five minute recess.

After returning from break at 17:25, the Board had a brief discussion about the Bid Phase and Bid Schedule. Mike Stein described the events and dates involved in the bid process. Stein noted that the Notice of Award would require the approval of both the DEP and the CDBG.

At 17:32 Ken Knight asked Mike Stein and Dan Bisson to speak about the merits of using a fuel escalation clause. It was the general consensus of the Board to not pursue a fuel escalation clause in the bid documents.

At 17:35 the Board briefly discussed Specialty Subcontractor language. Mike Stein submitted the language for review by the Board. No action was required.

At 17:40 the Board discussed the engineer's opinion of probable construction costs provided by Woodard & Curran/CDM and reviewed a handout that showed the allocation of costs split between sewer and stormwater. No action was required or taken.

At 17:45 Tom Sotir made a motion to approve the March 14, 2011 Scope of Services proposal (for CSO Phase III Bond Brook Collection System Bid Phase Engineering Professional Services) submitted by Woodard & Curran/CDM on the condition that the amount did not exceed the \$44,000 figure listed. The motion, seconded by Steve Roberge, was unanimously approved.

Ken Knight asked the Board to review the Construction Phase Engineering Professional Services Scope of Services Outline (Woodard & Curran/CDM handout dated March 15, 2011). Knight mentioned that even though he and Dick Bachelder would need to leave the meeting by 6:00pm the remaining Board members could still discuss the contents of the document with Mike Stein and Dan Bisson.

At 17:55 Dick Bachelder left the meeting and Ken Knight departed at 17:58. Only three voting members remained in the meeting, creating lack of a quorum. A quick review of the inspection requirements was presented by Woodard & Curran/CDM.

David Smith declared that the meeting was adjourned at 18:15.

Monday, March 21, 2011 4:00pm  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, Tom Sotir, Dick Bachelder, David Smith, Jim Simpson, Don Roberts and Lesley Jones

Absent: Charlene Hamiwka

Employees: Brian Tarbuck, Andy Begin, Michael Grove and Linnay Wathen

Guests: Mike Stein (Woodard & Curran) and Kristy Gould (Human Resources)

At 16:00 David Smith motioned for the Board to enter Executive session to discuss the General Manager's contract pursuant to Title 1 §405 6-A with Kristy Gould from Human Resources. The motion was seconded by Tom Sotir and approved unanimously.

After the Board exited Executive session at 16:45, Ken Knight started with the first new business item, a vote to approve minutes from February 28, 2011, March 7, 2011 and March 15, 2011. Steve Roberge requested that several changes to both the March 7, 2011 and the March 15, 2011 minutes be discussed prior to the vote.

At 16:48 a motion made by David Smith and seconded by Tom Sotir to approve the February 28, 2011 Board meeting minutes and to also approve the March 7, 2011, and March 15, 2011 minutes (contingent upon being amended by the changes that were agreed upon by the Board) was approved unanimously.

At 16:55 Ken Knight asked Brian Tarbuck to give an update of a new business item relating to rate setting procedure and timeline. Tarbuck began by discussing a meeting that was held on March 18<sup>th</sup>, 2011 to review the District's options for sewer, stormwater and drinking water rates. The attendees had included Ralph St. Pierre (City of Augusta), Greg Leighton (AquaMaine), Brian Tarbuck, Andy Begin, Ken Knight and Karen Asselin (Maine Municipal Bond Bank, State Revolving Loan Fund (SRF) program). Ken Knight noted that "if the construction bid is awarded in June, 2011, then our first bond payment would be due on October, 2012. We were out of time for a stepped increase and were now at the point of a one time rate increase of a large proportion."

The Board had a lengthy discussion of the timing issues concerning rate adjustments and SRF funding. The Board reviewed and analyzed a handout provided by Brian Tarbuck titled Sewer and Stormwater Rate Study. This document had been prepared by Brown and Caldwell on July 31, 2006 when the District had last increased rates. Board members talked about how a proposed 30% sewer and stormwater rate increase effective January 1, 2012 (that amount would be necessary to pay the CSO debt) could impact both the ratepayers and the City of Augusta. Brian Tarbuck was asked to explain how the District defined the differences between sewer, stormwater and combined sewer operations.

Ken Knight advised that there was sufficient information in the Sewer and Stormwater Rate Study for the Board to make a qualified decision (pertaining to rate modifications) if the data in the study could be updated by a third party (such as Brown and Caldwell or Aquamaine). Board members mentioned that using the existing rate study from 2006 to build upon the new data would also be the simplest, least time-consuming, and less costly approach.

At 17:30 Dick Bachelder made a motion to request that the General Manager submit an RFP (request for proposal) for the Sewer and Stormwater Rate Study update. The motioned was seconded by Don Roberts. The motion was debated by those members who questioned whether Trustees had the discretionary rights to choose a vendor without a formal motion to request that the General Manager submit a written RFP as stated in the District's Procurement & Purchasing Policy. According to the general definitions of the policy, an RFP is required for all transactions equal to or greater than \$15,000 for which a formal bid process is not done. Brian Tarbuck agreed to contact attorney Lee Bragg (Bernstein-Shur)

to clarify for the Board under what circumstances exceptions to the District's Procurement & Purchasing Policy are allowed.

At 17:39 the Board voted to oppose the motion on the floor: one vote in favor (Dick Bachelder) and five votes to oppose the motion (Ken Knight, David Smith, Don Roberts, Tom Sotir and Steve Roberge).

Ken Knight had questioned "why some members of the Board were strongly suggesting items that cost less than \$100,000 go out to bid, but when a greater than \$100,000 item came along it was not that important. That type of thought process sends a very mixed message to me."

There was then a round table discussion that ended with no real answer to Knight's question about why this was important sometimes but not at other times.

At 17:42 Ken Knight asked the Board to vote to submit the updated Operating Terms and Conditions to the Maine Public Utilities Commission for approval. Tarbuck pointed out two significant changes. One included a reference to the fact that the District had an abatement policy for water leaks, and the other change allowed the District to shut off the drinking water service of a customer who had failed to pay a sewer bill in the amount of the combined water and sewer bill greater than \$150.

At 17:50 on a motion made by Tom Sotir to accept the revisions to the Operating Terms and Conditions and to submit them to the Maine Public Utilities Commission for approval, and seconded by David Smith, the Board voted unanimously to approve.

At 17:56 Ken Knight moved on to old business item, CSO3 project inspection. Knight questioned how the District would manage oversight of the CSO3 project once the contract was awarded. Brian Tarbuck and Mike Stein (Woodard & Curran) explained the Construction Phase Services section outlined on Woodard & Curran's Scope of Services (handout) dated March 2, 2011 (CSO Phase IIIB Bond Brook Collection System Bid Phase and Construction Phase Professional Services). Brian Tarbuck recommended that District engineer, Andy Begin, be used as the primary on-site oversight person. Tarbuck explained that this would create cost savings by eliminating the need to hire a third party RPR (resident project representative). Tarbuck also planned to hire temporary expert resources as needed to ensure that the District's interests would be served and that the project would be executed in accordance with the intent of the design engineers. Tarbuck expected the District to continue using Mike Stein (Woodard & Curran) for its primary point of contact. Woodard & Curran would also continue to play a large role in the project as they monitored and tracked shop drawings and construction reports from the field. The District would pay for services needed and used on a time and materials basis.

The Board had a lengthy discussion regarding the benefits and risks involved in Brian Tarbuck's recommended (Construction Phase Services) options. The Board decided that since it was so early in the bid phase, there were still too many unknown factors to properly assess the risks involved to the District. It was noted that the comfort level of the Board on such a substantially complex project would depend upon the choice of contractor and that the contractor's project deadlines would determine the schedules of the District's engineers.

At 18:50 Ken Knight stated that there needed to be a consensus to move forward in making a decision on the item, CSO3 project inspection. The Board members voted unanimously to approve the approach (oversight of construction phase by in-house engineers) that Brian Tarbuck had presented. The Board asked Brian Tarbuck and Mike Stein to revise the figures on the Construction Phase Services section of the Scope of Services (handout) to reflect the roles, involvement, and costs of both the District's engineers and Woodard & Curran engineers.

At 18:52 Mike Stein gave an update of the last old business item, CSO3 permits. The final permit from the Army Corps of Engineers had been received by the District on March 16, 2011. Stein departed at 18:54.



At 18:55 Ken Knight approached the next agenda item, Committee reports. The Board reviewed an easement update handout. Al Godfrey had submitted a report to the Easement Committee that gave an update of the remaining easement acquisitions. The Villeneuve purchase and sale agreement dated 3/15/11 (with an offer of \$120,000 and provisions for Villeneuve to repurchase after construction was completed) had been rejected by Villeneuve. Villeneuve had requested that the sale price be increased to \$125,000.

At 18:56 Tom Sotir made a motion to approve an additional \$5,000 in funding to purchase the Villeneuve property and to allow the General Manager to sign a revised purchase and sale agreement offer in the amount of \$125,000. The motion was seconded by David Smith and approved unanimously.

There was no activity update from the Public Relations Committee.

At 18:58 the Board discussed the first new agenda addition; Laurier Fleury (RCR Properties LLC) legal expenses. Brian Tarbuck determined that the costs of Laurier Fleury (easement) legal fees from January 2010 thru March 21, 2011 were approximately \$12,000. This amount billed by Bernstein-Shur includes the easement costs and charges for the Board to ask more legal opinions of attorney Lee Bragg.

At 19:00 Steve Roberge suggested that a second new agenda addition be discussed; creation of a Construction Committee. The purpose of this committee would be to provide weekly updates of the CSO3 project to the Board. Steve Roberge and Lesley Jones volunteered to be on the Construction Committee.

At 19:04 on a motion made by David Smith and seconded by Tom Sotir, the Board voted unanimously to adjourn.

Monday, April 4, 2011 4:00pm  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, Dick Bachelder, David Smith, Don Roberts and Charlene Hamiwka

Absent: Tom Sotir, Lesley Jones and Jim Simpson (Hallowell non-voting position is vacant)

Employees: Brian Tarbuck, Andy Begin, Michael Grove, Linnay Wathen and Randi Taylor

At 16:05 Ken Knight called the meeting to order and asked if there were any new agenda additions. Steve Roberge had requested a new agenda addition, Rockwood Development (150 Whitten Road, as topic for discussion. Knight suggested that the Board start with the first new business item, vote to approve monthly billing for water, sewer and stormwater.

Greater Augusta Utility District employee, Randi Taylor (Billing Clerk), had been asked to attend the Board meeting to explain the current billing practices and to discuss the option of changing to monthly billing. Brian Tarbuck provided a hand-out (Motions for Board) that listed the advantages and disadvantages of changing to monthly billing.

The Board questioned what had prompted the District to request this change from quarterly to monthly customer billing. Randi Taylor explained that monthly billing was the preference of the majority of residential customers who had been polled in the past. With the implementation of monthly billing, the new billing dates would be the 1<sup>st</sup> and the 15<sup>th</sup> of each month, starting on or about June 1, 2011. Approximately 3,500 customers (half of the accounts) would be billed on each of these two dates. Under the current billing practice, the customer billing cycle is based on "routes". Between 300 and 500 customers are billed each week. Each customer receives a quarterly bill, but meters are read weekly and bills are mailed weekly (according to the scheduled billing cycles). Randi Taylor noted that there were some exceptions to the quarterly billing practice. Certain customer "routes" (several large commercial accounts) are set up for monthly billing. Catch basins are billed quarterly and fire hydrant fees are billed twice per year.

Brian Tarbuck and Randi Taylor talked about several advantages to monthly billing. Monthly billing makes water/sewer/stormwater bills look and feel like other utility bills, creates more consistent cash flow, makes bill payment more consistent for customers, blunts the impact of major rate changes, makes budgeting easier for customers, and allows for quicker identification of customer's leaks (by having more frequent readings).

Several disadvantages were also noted. The cost to print and mail bills would increase by approximately \$41,000 each year, increases in postage costs would be more costly, workload on office personnel would increase, and there may be a need to contract with a firm to provide "lockbox" services that is not reflected in the \$41,000 annual increased cost.

The Board asked how the District planned to recoup this \$41,000 expense. Tarbuck explained that for a typical \$240 quarterly water/sewer/stormwater bill, the resulting net annual increase in mailing costs would be about \$7 per customer. Tarbuck also mentioned that the District had saved costs by not filling vacant positions.

Steve Roberge asked if the time frame for implementing this billing change could be coordinated with the expected rate increase. Roberge suggested that the Board consider delaying the start of monthly billing until the rate increase takes effect in order to lessen the impact on the customer's bill.

The Board also questioned how Hallowell rate payers would be affected by implementation of monthly billing. Randi Taylor explained that the District would probably continue to bill the Hallowell customer accounts quarterly since the readings would still be provided quarterly by Hallowell Water District.

Ken Knight brought to the Board's attention the importance of discussing management of cash flow and determining how this change to monthly billing could impact the District's reserves.

Charlene Hamiwka suggested that the Board did not have the appropriate "comfort level" (concerning the implications of increased demands on office staff created by the monthly billing) to make a decision at this time. Hamiwka also asked for further discussion of possible cost cutting measures that could reduce expenses (such as "going green" through the use of electronic notification of bills) and recommended that the Board discuss the motion in more detail at the next Board meeting.

At 16:40 Don Roberts motioned to table the motion that had been presented to the Board (to authorize the District to bill all customers monthly beginning on or about June 1, 2011) until the next Board meeting on April 25, 2011. The motion to delay the vote was seconded by David Smith, and approved unanimously. Brian Tarbuck was asked to present the Board with more detailed information regarding monthly billing advantages and disadvantages at the next Board meeting.

At 16:45 Ken Knight brought up a new agenda addition. Rockwood Development Corporation property (150 Whitten Road). One Board member had recently received an e-mail (with attached letter to the District dated April 1, 2011) from Jeffrey Shostak, VP of Rockwood Development Corporation, in which Jeffrey Shostak disputed the District's quarterly billing of three catch basins located at the 150 Whitten Road property. Randi Taylor explained to the Board that the tenants, (most recently, Blueberry Broadcasting), had been responsible for paying the \$297 quarterly catch basin bills (\$99 per quarter for each catch basin) over the past ten years or so. When the last tenant, Blueberry Broadcasting, had vacated the premises in the Fall of 2010, the billing information had been changed back to the owner, Rockwood Development Corporation. When incorrect billing address information had been discovered (and updated) recently, Randi Taylor had contacted Jeffrey Shostak to notify him about the reason for the billing delay on his Rockwood Development Corporation accounts.

The Board members asked Brian Tarbuck to provide them with written information regarding the storm water fee system in order to understand the District's current billing charges of both Catch Basins and Equivalent Residential Units (ERU's). Tarbuck explained that he would research the District's billing policy that was implemented in 1999 when Dale Glidden was Superintendent of the Augusta Sanitary District. Tarbuck told the Board that he would also arrange a meeting with Dale Glidden in order to gather more information on the District's past policy-making decisions concerning storm water systems.

At 17:15 the Board thanked Randi Taylor for her presentation and excused her from the meeting. Ken Knight then suggested that the Board discuss the next new business item: vote to approve payment of easements to the City of Augusta. According to the hand-out (Motions for Board) that described the motion, there had been a meeting on March 29, 2011 (attended by Al Godfrey, Brian Tarbuck, Andy Begin, Ken Knight and Bill Bridgeo) to review outstanding easements with the City of Augusta for the CSO3B project. Ken Knight noted that the \$90,000 requested was significantly lower than the \$138,000 costs originally anticipated. Woodard & Curran had supplied the Board with an Engineer's Opinion of Probable Construction Costs for an ice rink at Mill Park that had a total cost of \$134,372.90.

At 17:18 David Smith made a motion to move to pay the City of Augusta a lump sum amount of \$90,000 to secure permanent and construction easements required for the CSO3B project. The motion was seconded by Don Roberts and approved unanimously.

At 17:20 Ken Knight asked if the Board was ready to discuss the new business item: vote to approve rate studies for water, sewer and stormwater. Knight mentioned that these were critical studies and that this information would be needed as soon as possible. Proposals were provided to the Board from AquaMaine (not to exceed \$6,000 to review the water utility rates and update the 1992 Cost of Service Study) and Raftelis Financial Consultants, Inc (RFC) (not to exceed \$25,000 to review the existing 2006 Brown and Caldwell Cost of service and Rate study, to develop a rate model, and to calculate current rates).

At 17:27 on a motion made by David Smith to move to authorize the General Manager to spend \$31,000 to complete rate studies for the sewer, stormwater, and drinking water divisions, and seconded by Charlene Hamiwka, the motion was approved by the five board members who voted. Dick Bachelder abstained from the vote.

At 17:28 David Smith made a motion to vote to approve the minutes from March 21, 2011. The motion was seconded by Don Roberts and approved unanimously.

Dick Bachelder told the Board that he planned to present a motion to amend the contents of the minutes of several recent Board meetings. Bachelder mentioned a few specific items that were omitted from prior minutes. The Board had a discussion regarding how detailed that they felt the minutes needed to be and whether more or less information was preferred in future minutes.

At 17:45 Ken asked if there was any old business to discuss. The Board stated that there was no additional old business to discuss. There was no public comment. There were no Committee Meeting reports.

At 17:50 the Board had a brief discussion about the pre-bid meeting for the CSO3B project scheduled for Thursday, April 7, 2011 at 10:00am. Brian Tarbuck named the parties that had purchased bid plans; eighteen people were expected to attend the pre-bid meeting.

At 17:55 on a motion made by David Smith and seconded by Don Roberts, the Board voted to adjourn.

Monday, April 18, 2011 4:00pm  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, Andy McPherson, David Smith, Don Roberts and Charlene Hamiwka

Absent: Tom Sotir, Don Roberts, Dave Bustin

Employees: Brian Tarbuck and Andy Begin

Guests: Dale Glidden (former General Manager of the Greater Augusta Utility District, retired in 2007)

At 16:00 Chairman Ken Knight called the meeting to order.

Ken welcomed new trustee Andy McPherson to the meeting. Mr. McPherson had been appointed by the Hallowell City Council on April 12, 2011 along with Dave Bustin. Mr. McPherson is the new voting member to replace Dick Bachelder. Mr. Bustin is the new non-voting member to replace Jim Simpson. Mr. Bustin was unable to attend the meeting.

The Board welcomed Dale Glidden to the meeting. Brian Tarbuck had asked Mr. Glidden to attend the Board meeting to shed some light on some of the history of the District, particularly concerning stormwater fees.

Mr. Glidden discussed a great deal of the history of the District. The Augusta Sanitary District was formed in the mid 1950's as a means to shelter the City of Augusta from upcoming sewer and stormwater fees that would be required to improve the quality of the Kennebec River. At the time, the Kennebec River was heavily polluted and by the 1950s people wanted improvements made. The District model was a popular model that allowed for an independent authority to focus on a specific set of problems.

Mr. Glidden explained the history of how catch basin fees were charged. Mr. Glidden began his work at the District in 1972 and recalled that the District had been billing for catch basins for years as a means to fund stormwater improvements to the collection system. Over the years, the District refined its costs to reflect higher costs for combined catch basins (basins that drained to a pipe that carried both stormwater and sewer) and lower costs for separated catch basins that simply drained to a stream or a ditch. The rule of thumb was that everyone who had a sewer connection was charged for catch basins as well. However, if the basin was determined to go to a natural water course, it wasn't charged. The District annually cleaned the catch basins on both public and private property as a means to collect winter sand and other debris before it accumulated in the District's infrastructure. Cleaning catch basins is one of the elements of the Nine Minimum Controls required by Maine DEP to reduce the impact of combined sewer overflows on wastewater treatment plants.

The Board asked Mr. Glidden several questions. For example, if a basin discharge to a wetland, would the basin get charged? Mr. Glidden's thinking was that it should not be charged. David Smith asked if the District received complaints concerning its stormwater practices. Mr. Glidden said that the catch basin and ERU (equivalent residential unit) fees that are charged to generate revenue for maintenance and replacement of the stormwater system were quite unpopular at first. Mr. Glidden went on to say the majority of complaints related to the different rates charged for combined versus separated basins. Customers that paid more for combined basins struggled to comprehend the logic involved and eventually the District made the annual rate for all basins the same. Complaints dropped off accordingly.

Mr. Smith asked how the District ever convinced customers to pay for the basins in the first place. Mr. Glidden replied that as part of the construction of new facilities, stormwater is always a factor. Relative to the total initial construction cost, the cost of paying catch basin or ERU fees is low and a condition of connection to the sewer system.

A question was raised about how the different basins were determined to be charged. Mr. Glidden explained that the intent was to charge a customer if their stormwater discharged to the District and to not charge a customer if the stormwater didn't discharge to the District.

Steve Roberge expressed a concern that if a customer is being billed for a catch basin that there should be some service provided. He went on to say that if the District bills a customer for a basin and cleans it, then a valuable service is being provided.

Charlene Hamiwka asked why Cony was charged ERU (equivalent residential unit) fees. Mr. Glidden explained that equivalent residential unit fees have been charged for over 10 years. ERUs are charged to any sewer customer in Augusta and any property that is adjacent to a stormwater collection system. Mr. Glidden said that the reasoning used by the Board at the time was that the purpose of generating revenue for stormwater was to comply with water quality standards in the Kennebec River. Complying with these standards benefited the entire community in much the same way fire hydrants benefit a community by reducing the cost of fire insurance. The Board at the time reasoned that the burden of complying with stormwater upgrades to comply with environmental mandates should not be borne solely by sewer and stormwater customers.

Ken Knight asked about city streets and ERUs. Mr. Glidden explained that the concept of ERUs ten years ago was fairly new to the northeast, but had been more widely used in other parts of the country. In many locations, city streets were considered part of the impervious area of a community and charged ERUs. In 2004 the Board voted to stop considering city streets part of the impervious area of Augusta.

When Granite Hill Estates came into being about 10 years ago, Mr. Glidden explained that there was an agreement with the City of Hallowell and the developer to allow the District to manage stormwater in that area.

Steve Roberge asked if Mr. Glidden felt the District had a right to clean catch basins on private property. Mr. Glidden said that no person has the right to enter private property without some kind of permission from the property owner. Mr. Glidden didn't recall any objections from any catch basin owners in the past and it was never an issue. Mr. Glidden explained that times and rules change so it is something the current Board can consider going forward.

The Board thanked Mr. Glidden for his time and willingness to come in to meet with the Board. Mr. Glidden left at 16:17.

The Board spent time discussing Mr. Glidden's points. Ken Knight explained that a lot of thought went into the development of stormwater fees over the years. The Board reviewed the current state of billing for catch basins and ERUs.

Mr. Tarbuck explained that the District was reviewing its existing AutoCad records and updating those into the geographic information system to allow for a single means of tracking catch basins that were billed and required cleaning. Tarbuck explained that the analysis wasn't complex, but would take some time to complete.

The Board agreed that the timing for a review of stormwater charges was timely and that the review made sense in light of the upcoming rate increase and ongoing rate study.

The Board discussed the CSO3B project and voiced frustration over the size of the Addendum to the Contract that is currently out to bid. The Addendum, at 97 pages, seemed overly long and many believed that more, smaller addenda would have been more effective to get information to the Bidders more rapidly. The Board authorized the General Manager to extend the bid opening date 7 days if he believed it would benefit the ratepayers.

On a motion by David Smith, seconded by Steve Roberge the Board voted unanimously to adjourn at 18:53.

Monday, May 9, 2011 4:00pm  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta Maine

Trustees present: Ken Knight, Steve Roberge, David Smith, Don Roberts, Tom Sotir, Charlene Hamiwka, Lesley Jones, Andy McPherson and Dave Bustin

Employees: Brian Tarbuck, Andy Begin, Michael Grove and Linnay Wathen

Guest: John Beekman

At 16:08 Ken Knight called the meeting to order and asked if there were any new agenda additions to include, besides the request by Steve Roberge to discuss the status of the Summerhaven sand pits, prior to moving on to new business. Brian Tarbuck mentioned that a memo addition from Woodard & Curran/CDM would be discussed later in the meeting. Tarbuck then introduced the Board to consulting senior advisor, John Beekman, who had been recently hired by the District to provide engineering assistance on the CSO3B project.

At 16:10 on a motion made by Steve Roberge and seconded by Tom Sotir, the Board voted unanimously to award the contract to complete water, sewer and stormwater work on North and South Chestnut Streets to CH Stevenson of Wayne, Maine in the amount of \$345,201.25.

Prior to the vote, Andy McPherson did mention that CH Stevenson was one of his company's clients, and asked whether he should abstain from voting. The Board members did not see a cause for concern in this case (since the next higher contractor's bid was in excess of \$100,000 of the CH Stevenson bid price) and told Andy McPherson that he could vote.

At 16:12 Ken Knight asked the Board to discuss the next new business item; review bids for CSO3B project. There was discussion about the apparent low bidding contractor, SE MacMillan, whose base bid price was \$13,260,339 (contract price did not include contingencies and construction oversight costs). The Board also reviewed the letter from CDM dated May 6, 2011 (GAUD CSO Phase IIIB, Bond Brook Collection System – Recommendation to Award) and discussed several items on the bid tabulation breakdown provided by Andy Begin that compared bid items among the responsive bidders. According to Tarbuck, the bids would next need to be evaluated by the engineering team and the evaluation was expected to be ready for the May 16, 2011 Board meeting.

Andy Begin asked Board members whether the letter of intent (to award the bid) should be issued the following week in order to allow the shop drawing process to begin. Tom Sotir suggested that the wording "preliminary determination to award" be used instead of "letter of intent to award" on this correspondence to CH Stevenson so that the contractor would take the financial risk (instead of the District) on any work started prior to the actual bid award.

Ken Knight asked if other Board members felt whether it was necessary for members of the Construction Committee to attend (and report on) the weekly CSO3B meetings. Knight questioned whether the Construction Committee needed to have this level of involvement in the project. Steve Roberge suggested that volunteers from the Board (not necessarily the Construction Committee) could attend weekly meetings just to observe what was happening on the project.

At 16:30 David Smith asked the Board to move on to the next new business item; review timeline for remaining CSO3B items necessary to award bid to contractor. There was discussion about the timeframe that the District had to award the bid. Friday, July 1, 2011 would be the final day to award the Contract to the contractor (the District has sixty days after the bid opening date of May 3, 2011 to award the Contract).

Brian Tarbuck gave a brief update of the progress of four remaining items that could potentially hold the project up; easements (currently under negotiation by Al Godfrey Jr), City of Augusta easements, Villeneuve property sale, and rate studies and recommendations. According to Tarbuck, all of these items were expected to be finalized or resolved prior to the July 1, 2011 deadline for awarding the Contract to the contractor.

Tarbuck provided a timeline for the rate study process that listed estimated Board meetings scheduled weekly from Monday, May 16, 2011 through Monday, June 27, 2011. According to the schedule, the Board is expected to vote to implement the approved rates and execute the loan agreement with Maine Municipal Bond Bank at the June 20, 2011 Board meeting.

Ken Knight asked if the Board was ready to move on to the next new business item; vote to provide notice to Augusta Fuel Company to proceed with demolition.

At 16:45, on a motion made by David Smith, and seconded by Charlene Hamiwka, the Board voted unanimously to authorize the General Manager to provide Augusta Fuel Company with a “written notice that the Project will proceed” so that Augusta Fuel Company could proceed with the demolition of an existing apartment building. The District had agreed to reimburse Augusta Fuel Company for the cost of the demolition of the building up to \$45,000 according to an easement agreement between the two parties. This vote was based on the recommendation of the General Manager.

At 16:50 Ken Knight told the Board that the next new agenda item, vote to authorize the General Manager to create requests for proposals for construction administration for the CSO3B project, had been changed.

Knight asked the Board members to look at the first two pages of the letter from Woodard & Curran dated April 26, 2011 (CSO Phase IIIB Bond Brook Collection System – Final Design Phase Additional Work and Construction Phase Professional Services). Knight questioned whether a formal vote would be necessary to authorize the General Manager to pay Woodard & Curran/CDM for the final design additional work in the amount of \$182,302 that was requested. Knight noted that Central Maine Power Company was expected to reimburse the District \$40,827 for the CMP Remediation Coordination work (based on the agreement between CMP and the District).

Steve Roberge questioned why there was such a large discrepancy between the original contract amount and this additional “out of scope” work. Roberge stated that he objected to a vote to approve the \$182,302 payment to Woodard & Curran/CDM.

After much discussion about the cost overruns, the Board talked about measures that would be implemented (such as requiring more frequent (weekly) invoicing) going forward to prevent such cost overruns during the construction phase of the project.

Dave Smith voiced his opinion that the costs were legitimate, since the District had asked Woodard & Curran/CDM to do this additional work, and needed to be paid. Knight requested that the Board proceed with the vote.

At 17:05 Dave Smith made a motion to authorize the General Manager to submit payment in the amount of \$182,302 to Woodard & Curran/CDM for the Final Design Additional Work done on the CSO3B project. The motion was seconded by Tom Sotir, and approved by a vote of 4 in favor (Ken Knight, David Smith, Tom Sotir, Charlene Hamiwka) and 2 opposed (Steve Roberge, Don Roberts) and 1 abstained (Andy McPherson).

At 17:08 the Board had a lengthy discussion about the revised Scope of Services dated April 26, 2011 for the Construction Phase Services associated with the CSO Phase IIIB Bond Brook Collection System presented by Woodard & Curran/CDM. According to the fee estimate, Woodard & Curran/CDM would perform the services on a time and materials basis including expenses and subcontractors; and Woodard & Curran/CDM anticipated a fee not to exceed \$795,000 to complete the tasks outlined in the Scope of Services.

Ken Knight and Brian Tarbuck explained why the decision had been made to remove the new agenda item; recommendation to the Board that the District release a request for proposals (RFP) to determine the costs of providing these services using alternate contractors. Knight and Tarbuck instead recommended that the Board vote to approve the revised Scope of Services proposal dated April 26, 2011 for the Construction Phase Services for the CSO Phase IIIB Project from Woodard & Curran/CDM.

The Board had a lengthy discussion about the professional relationship between the District and Woodard & Curran/CDM and the pros and cons of continuing to use their engineering services. The Board again mentioned the need to have strict controls over the engineering costs (of the project) by requiring frequent (weekly) billing and by the District’s discretionary use of Woodard & Curran/CDM engineering services on a “time and materials” basis only as needed.

The Board recommended that some of the wording of the Scope of Services should be changed, a standard rate sheet should be included, and that the District’s insurance expert, David Ray, be asked to review the document.

At 18:02, Dave Smith made a motion requesting that the Board authorize the General Manager to enter into an agreement with Woodard & Curran/CDM to provide engineering services to the District (Scope of Services proposal



dated April 26, 2011 for Construction Phase Professional Services for the CSO Phase IIIB Project) at a cost not to exceed \$795,000. The approval would be contingent upon incorporating revisions requested by the Board to the Scope of Services agreement. The motion was seconded by Tom Sotir.

Some Board members expressed concern about the motion on the table. After further discussion a recommendation was made to wait one more week to vote on the item. This delay would allow the General Manager to gather the additional information requested from the Board.

At 18:10 on a motion made by Andy McPherson to table the previous motion made at 18:02 (to authorize the General Manager to enter into an agreement with Woodard & Curran/CDM), and seconded by Steve Roberge, the motion to table the previous motion was approved by 4 in favor (Ken Knight, David Smith, Andy McPherson, Steve Roberge) and 3 opposed (Tom Sotir, Don Roberts, Charlene Hamiwka).

At 18:15 Ken Knight asked the Board to move on to the last new business item; public outreach – identify communications and schedule for next twelve months. Brian Tarbuck discussed the importance of communicating to the ratepayers the upcoming rate increase for sewer and stormwater. Tarbuck also recommended several topics expected to be included in the annual Consumer Confidence Report.

Charlene Hamiwka recommended, on behalf of the Public Relations Committee, that the District hire the public relations firm Bernstein Shur Government Solutions (BSGS; Kay Rand and Sue Bell) to work with the District in implementing a public outreach plan. The Board discussed the successful professional relationship between BSGS and the District on past public relations projects and recommended that the Public Relations Committee seek the services of BSGS.

At 18:25 on a motion made by David Smith, and seconded by Charlene Hamiwka, the voted unanimously to approve the minutes dated April 18, 2011.

At 18:26 Ken Knight asked Brian Tarbuck to talk about the new agenda item requested by Steve Roberge; the status of the Summerhaven sand pits. Tarbuck explained that illegal trash dumping at the Summerhaven sand pits had been a problem. As a result, the District had decided to post “no trespassing” signs on the property to keep all trespassers out, including residents who had used the sand pits for target shooting over the years. The local game warden had agreed to routinely drive by the site and enforce the law by ticketing trespassers. Tarbuck had gone to the site of an alternative location that the State had recently set aside for target shooting. Tarbuck determined that there was no significant risk to the water supply at the new site.

At 18:28 on a motion made by Tom Sotir and seconded by Don Roberts, the Board voted to adjourn.

Monday May 16, 2011  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees present: Ken Knight, Steve Roberge, Andy McPherson, Tom Sotir, David Smith, Don Roberts, Charlene Hamiwka, Dave Bustin and Lesley Jones

Employees: Brian Tarbuck, Jane Carroll, Karen Tangeman and Michael Grove

Guests : Auditors from Runyon, Kersteen and Ouellette

Ken Knight called the meeting to order at 1600.

No items were added to the agenda. No minutes were approved.

Brian Tarbuck introduced the auditors from Runyon, Kersteen and Ouellette (Hank Farrah and Tim Gill), and the District's employees; Jane Carroll, Karen Tangeman and Michael Grove.

Hank Farrah reported that the audit of the District's financial records for the year ending 31 December 2010 received an unqualified opinion. This meant that the financial statements were fairly stated in all material respects. There were no material weaknesses or significant deficiencies with the District's internal controls. Handouts were provided. The Board thanked the gentlemen for their time and the presentation.

Jane Carroll, Process and Safety director for GAUD, presented an overview of the District's safety program and emergency response plans. She explained SOPs and response plans for both water and wastewater, and how these SOPs / plans grow and change to meet the needs of the District and its employees. The Board asked about pandemic flu preparedness, frequency of employee exposures to SOP and their revisions, and homeland security training. The Board thanked Ms. Carroll for her presentation and looked forward to hearing more in the future as this is a topic of interest and concern to the Board.

Tom Sotir moved to approve the items pertaining to leak abatement as per the General Manager's recommendations. David Smith seconded the motion. Two requests were made for leak abatement. The first was a drinking water leak abatement request that spanned two quarters. The second was a sewer abatement request where water from the leak did not enter the sewer.

Brian Tarbuck explained the District policy on leak abatement. He provided the current policy with suggested changes. The major change is the addition of a policy that would allow the District to provide an abatement of all sewer fees for water that did not enter an actual sewer.

Discussion included the wholesale cost of water, whether or not the District was losing money, when was the monetary cap installed (\$1,000.00 in 2008), frequency of forgiveness (once every three years), and whether there was a way for ratepayers to self-monitor usage.

Tom Sotir withdrew his original motion, seconded by David Smith.

The Board then decided to vote on each item separately. Tom Sotir made a motion to allow the GM to consider the leak abatement request by Mulligan's to be considered a single leak for the purposes of abatement up to a maximum of \$1,000.00. The motion was seconded by David Smith. 5 members voted for the motion with 2 opposed (Andy McPherson and Ken Knight).

Tom Sotir made a motion to allow, at the General Manager's (GM) recommendation, the GM to provide the full difference between the average of the previous year's sewer bills and a recent leak that was not received by the sewer, David Smith second. The Board voted unanimously to approve the motion, 7 for, zero opposed.

David Smith made a motion to approve changes to the existing leak abatement policy as presented in the attachment. The motion was seconded by Tom Sotir. After discussion it was decided that the language in the policy could use some fine tuning and the motion was withdrawn by David Smith, seconded by Tom Sotir.

David Smith made a motion to accept the 2010 audited financial statements as presented by Runyon, Kersteen and Ouellette, second Don Roberts.

After discussion, during which it was noted that Board members would appreciate getting meeting materials before the meeting if possible, Don Roberts made a motion to amend the motion to acknowledge receipt of the 2010 audited financial statements as presented by Runyon, Kersteen and Ouellette. The motion to amend the original motion passed 5 for, 2 opposed (Tom Sotir and David Smith).

The amended motion to acknowledge receipt of 2010 audited financial statements as presented by Runyon, Kersteen and Ouellette, passed unanimously, 7 for, zero opposed.

Easement work continues and Brian reported that Al Godfrey Jr from TMSI in Gardiner remains confident that the easements will be secured by the end of June, 2011. Brian also mentioned that the construction contract cannot be authorized without easements. The Board asked Brian to ensure that all was being done to see that the easements were secured and to pursue any options that might be needed to continue progress on the project to include talking with the DEP, negotiation with the Contractor or withdrawing the contract and having the contract rebid.

Work continues to conclude the sale of the Villeneuve property prior to July 1, 2011. Brian reported that Al Godfrey Jr suggested to him that in the interest of expediting the process that the District agree to pay for certain moving expenses up to \$3000, to which Brian agreed. The Board discussed several potential options to expedite the process. The Board asked that easement issues remain at the top of their meeting agendas.

Brian said the rate studies and recommendations are ongoing. Data has been provided to Raftelis (sewer and stormwater) and AquaMaine (drinking water). The goal is to have the studies completed by the middle to end of May 2011. Brian shared an estimated schedule for sewer / stormwater rate study and Contract execution.

Once the Board decides on the rate needed to support the debt service to pay for the project, there is a 90 day lead time before the rate should be put in place as customers are billed in arrears. Tom Sotir suggested changing the wording on the week of June 13's public hearing to public briefing.

At 17:37 the Board took a 5 minute recess.

Brian reviewed the 5 year cash flow model for sewer, stormwater and drinking water. He explained that the cash flow model depends highly on the output from the ongoing water, sewer and stormwater allocation models under development by AquaMaine and Raftelis. In general, water debt is going to be retired while significant new sewer and stormwater debt will be incurred.

Financial reports through the end of April 2011 were reviewed.

No reports from easement or public relations committees.

At 1830 David Smith moved to adjourn, seconded by Tom Sotir, 7 for, zero opposed.

Monday, May 23, 2011

Greater Augusta Utility District Board Minutes  
Jackson Avenue Wastewater Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, David Smith, Don Roberts, Charlene Hamiwka, Leslie Jones and Tom Sotir

Absent: Andy McPherson and Dave Bustin

Employees: Brian Tarbuck, Andy Begin

1603 Meeting called to order by Ken Knight.

Items added to the agenda: Brian added a construction contract update by Andy Begin.

Brian Tarbuck presented an update on the sewer and stormwater rate study. He explained how the study is driven by data taken from the District budget and that allocation factors are the variables that most impact the other data from the budget. He said that he would be meeting with Ralph St. Pierre (City of Augusta) and Greg Leighton (AquaMaine) to look at the revenue requirements needed by the model versus the 5 year cash flow plan. Brian hopes to bring final data to the Board at the next meeting.

The public relations committee shared a strategy and timeline for the Bond Brook project that included dates, strategies and responsible parties. Items included community presentations and mailing a schedule to construction neighbors.

Brian said easement work continues and expects that the easements will be secured by the end of June, 2011. Background work is progressing by the apparent low-bid contractor (SE MacMillan from Bangor), but the contract cannot be awarded until the easements are secured. The work on the project will begin near the Villeneuve property.

Andy Begin updated the Board on construction progress and contract negotiations. He is working to define the scope of work and evaluate terms and conditions with Woodard & Curran. During construction, Woodard & Curran will monitor progress and flow of construction and Andy will be the District's project manager.

Ken Knight added an item to the agenda. He asked that the District reply to the original letter from Mr. Shostak requesting reimbursement on a catch basin that is no longer being billed. The letter should state that the Board is no longer deliberating on this matter. The Board directed Brian to inform Mr Shostak that he is not eligible for a refund as he is the landlord and it was the tenant that paid the catch basin fee.

There was no public comment.

Brian shared an ordinance from Minneapolis relating to stormwater billing and (equivalent residential units) ERUs. He said this was a great example of policy that the District can use to update its stormwater policy.

1815 Motion made to adjourn by David Smith, seconded by Tom Sotir, motion passed.

The next meeting was scheduled for 16:00 on June 6, 2011, at the Jackson Avenue wastewater treatment plant.

Monday, June 6, 2011

Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, David Smith, Dave Bustin, Lesley Jones and Tom Sotir

Absent: Andy McPherson, Charlene Hamiwka, and Don Roberts

Employees: Brian Tarbuck, Andy Begin, Michael Grove, Karen Tangeman

Guests: Stan MacMillian

At 1600 the meeting was called to order by Ken Knight.

Andy Begin summarized the Bond Brook construction bid process to date. The District can't award contract until all easements are acquired. A second factor that is delaying Contract award is the need to show the Maine Municipal Bond Bank that the District has rates in place to support the debt necessary to finance the work. Actual work on the ground can't start until the Contract is formally awarded.

Andy introduced Stan MacMillian, owner of the apparent low bid company, SE MacMillan from Bangor, Maine.

Mr. MacMillian wanted the board to know he is strongly committed to the project and is preparing for construction. He said that he has already moved forward with buying equipment and materials. He asked the Board if they would authorize an engineering team to review submittals so that work may proceed ASAP. After discussion the Board did not feel that an engineering team to review submittals was in the best interest of the project. Mr. MacMillian left after thanking the Board for their time and the Board thanked Mr. MacMillian for the update and his commitment.

The Board expressed that a message needed to be sent to Woodard and Curran because of the time required to negotiate the construction phase services contract. After discussion, David Smith made a motion for Brian, Andy and David Ray to send a notice to Woodard and Curran, giving them a deadline of 5 PM, Wednesday, June 8, 2011 to sign a construction phase services contract, implementing one of the three general options David Ray proposed which represented the District's best interests:

1. Require W&C to re-stamp the entire set of contract documents issued for construction. They are technically obligated to do so under our contract with W&C.
2. Require W&C's insurance carrier (CNA) to accept the professional liability of their subcontractor's work. This language currently exists, but there is too much ambiguity and would be costly to litigate.
3. Amend W&C's Contract with the District to include CDM as an obligator to GAUD.

Tom Sotir seconded the motion. The motion passed. David Smith then stated, for the record that he did not feel that The District was getting the best service possible from Woodard & Curran.

The Board then discussed remaining easements and progress on the Villeneuve property. There are still tenants on site and Al Godfrey Jr is working with the property owner to move ahead with the eviction process, if needed.

Brian presented the final wastewater / stormwater rate study. Tom Sotir asked that it be made clear in presentations that any rate increase is to cover debt obligation required as part of the CSO3 project effort.

Brian Presented the District's annual Consumer Confidence Report. Tom Sotir asked for an addition to the CSO item that the construction is complying with the 1976 Clean Water Act and that the debt service cost is carried over a 20 yr period. David Smith asked that the reference to a DOT mill and fill, under 2011 project, just be referred to as a road paving project. He also complimented the language in the chemical and baby wipe article but asked for clarification in the 3<sup>rd</sup> paragraph.

Brian informed the board of the theft and recovery of a pair of District-owned pickup trucks. The District was working with Augusta Police Department which had some very good leads.

There was no public comment.

There will be a public relations committee meeting on Thursday, June 9, 2011.

Steve Roberge brought up the issue of the Shostak letters. The Board decided there was nothing left to say. The topic of amending catch basin policies was deferred until after July 1, 2011.

1810 David Smith made a motion to adjourn, seconded by Tom Sotir. Motion passed.

The next meeting was scheduled for Friday, June 10, at 0700 at the wastewater treatment plant on Jackson Avenue.

Friday, June 10, 2011

Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, Andy McPherson, Charlene Hamiwka, Dave Bustin, Lesley Jones, and Tom Sotir

Absent: David Smith and Don Roberts

Employees: Brian Tarbuck, Andy Begin, Karen Tangeman

Guests: Lee Bragg (Bernstein, Shur, Sawyer and Nelson), Al Godfrey Jr. (TMSI), Jon Beekman

Ken Knight called the meeting to order at 0700.

Lee Bragg spoke about a possible title defect on the Villeneuve property which may raise deadline issues. He suggested, to avoid any issues with meeting the July 1, 2011 deadline to award the Contract to post notice of eminent domain on the subject property.

Al Godfrey Jr. spoke about the tenants at the Villeneuve property and he expects them to have moved to a new location by the end of the next week.

A Motion was made by Tom Sotir for the Board to pursue eminent domain on the Villeneuve property immediately, seconded by Charlene Hamiwka. Motion passed.

The Board wanted the record to be clear that the District tried to avoid eminent domain but this decision was needed for effective business processes. Further discussion lead the Board to clarify the motion for eminent domain was for the entire property and not just the easement. All Board members approved the clarification.

Lee Bragg updated the Board that the District was on schedule with the Maine Municipal Bond Bank to award the Bond Brook project contract. He also said there was a possibility of awarding the contract with a clause of condition to approval of the Bond Bank. Lee also spoke about the Fleury property and assured the Board that there was no potential in that matter that would delay the project.

Tom Sotir made a motion for the Board to authorize Brian Tarbuck to sign the contract with Woodard and Curran for construction phase services, seconded by Charlene Hamiwka. Motion passes.

Charlene Hamiwka spoke on behalf of the public relations committee, updating the Board on scheduled timelines and actions, and that the Board is on target with the schedule.

The Board decided to find a date next week, Wednesday the 15<sup>th</sup> or Thursday the 16<sup>th</sup> of June, to meet and discuss drinking water and fire protection rates.

0753 Ken Knight made a motion to adjourn, seconded by Steve Roberge. Motion Passed.

Thursday, June 16, 2011

Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, Don Roberts, David Smith and Lesley Jones

Absent: Andy McPherson, Charlene Hamiwka, Tom Sotir and Dave Bustin

Employees: Brian Tarbuck, Andy Begin, Michael Grove, and Karen Tangeman

Guests: Rick Knowlton (Aqua Maine)

Ken Knight called the meeting to order at 1552.

Brian Tarbuck explained the purpose of the meeting is to review the drinking water rates and take a final look at the sewer & stormwater rates before the regular meeting on Monday, June 20<sup>th</sup>. Brian said he met earlier in the week with Ralph St. Pierre (City of Augusta) and Rick Knowlton from Aqua Maine to double check the figures. He introduced Rick Knowlton to the Board and Rick presented a summary of the rate study to the Board. The Board thanked Rick for his presentation.

The new rate is scheduled to be made public 23 June, 2011 at the Augusta City council meeting with a presentation to the Hallowell City Council on 27 June, 2011, with final filing with the PUC on 1 August, 2011.

Brian informed the Board that there would be multiple votes at the Monday, 20 June 2011 meeting, including rates, signing a contract for the Bond Brook project, and pump station work.

At 1738 David Smith moved to adjourn, seconded by Steve Roberge. Motion passed.



Monday, June 20, 2011  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, Don Roberts, David Smith, Andy McPherson, Charlene Hamiwka, Tom Sotir, Lesley Jones and Dave Bustin

Employees: Brian Tarbuck, Andy Begin, Michael Grove, and Karen Tangeman

Guests: Jon Beekman

Ken Knight called the meeting to order at 1600.

Ken Knight asked for agenda additions. Brian Tarbuck added a motion for well improvement.

Tom Sotir made a motion to approve minutes of previous meetings dated April 4, 2011, May 9, 2011, May 16, 2011, May 23, 2011, June 6, 2011, and June 10, 2011, seconded by David Smith. Motion passed.

Brian Tarbuck said he and Andy Begin did a walkthrough of the Villeneuve property and that the purchase and sale agreement could be signed this week. At this point eminent domain will not have to happen.

Tuesday 21 June, 2011, Brian and Ken and Kay Rand will meet with Hallowell Mayor Warren about the Sewer. They will meet with the Editorial Board of the Kennebec Journal at noon on Wednesday to explain rates, with the understanding that it will not appear in the newspaper until Friday, 24 June 2011. Thursday, 23 June 2011, they are presenting the rates to the Augusta City Council. The schedule is tight but should calm down after this week.

David Smith made a motion to authorize the General Manager to propose adjusted drinking water and fire protection rate adjustments to the Maine Public Utilities Commission consistent with the cost of service study completed by AquaMaine. These rates will not be final until the PUC has reviewed them and the public has had an opportunity to comment, seconded by Tom Sotir. A short discussion clarified a few points, and then the motion passed.

David Smith made a motion to authorize the General Manager to propose adjusted sewer and stormwater rates to the District's ratepayers consistent with the cost of service study completed by Raftelis to fund debt service on the CSO3 project, These rates will not be final until the public has had an opportunity to comment seconded by Steve Roberge. The Board discussed the benefits to and possible concerns of ratepayers and the timing of the rate change, then the motion passed.

Andy Begin presented an outline for groundwater exploration to develop a backup/redundant well supply to augment the District's existing wells. He shared proposed scheduling, budgets and funding and asked the Board to approve funding for phase 1, preliminary site screen and exploration. The Board discussed the possibilities of accessing current sources and the need for additional sources. David Smith made a motion to authorize the General Manager to enter into an agreement with Wright Pierce for phase 1 services, estimated at \$29650, seconded by Tom Sotir. Motion passed.

Discussion turned to the Bond Brook CSO project. David Smith made a motion to authorize the General Manager to sign the Notice of Award, the Notice to Proceed, and the Construction Contract with SE MacMillan in the amount of \$13,260,339.00. The aforementioned documents shall be conditioned on the District's ability to both secure funding through the SRF program and secure necessary easements for the Contract, seconded by Charlene Hamiwka. David Smith said that he was glad to be at this point in the process. There has been an incredible amount of work done by the Board, staff and especially the Board Chairman, Ken Knight. Motion Passed.

David Smith made a motion to authorize the General Manager to Award and enter into agreement with Goodwin Well & Water Inc in the amount of \$44,371, seconded by Don Roberts. It was clarified that funds were budgeted in the CIP and now, because of the cost, needed to be authorized. Motion Passed.

Board members were encouraged to attend the Augusta City Council Meeting on Thursday, 23 June 2011, if possible.

The Board discussed changing the time of meeting from 1600. It was decided that the Board would meet at 1700 beginning with the 18 July, 2011 meeting.

There was no public comment.

1740 David Smith made a motion to adjourn, seconded by Steve Roberge. Motion passed.

Next meeting Monday, 18 July, 2011 at 1700.

Monday, July 18, 2011

Greater Augusta Utility District Board Minutes

Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, Don Roberts, David Smith, Andy McPherson, Charlene Hamiwka, and Lesley Jones

Trustees Absent: Tom Sotir, Dave Bustin

Employees: Brian Tarbuck, Andy Begin, Michael Grove

Ken Knight called the meeting to order at 1603.

The Board discussed the upcoming rate briefings in Augusta and Hallowell while waiting for Brian Tarbuck to return from the copy machine.

There were no additions to the agenda.

David Smith made a motion to approve meeting minutes for June 16, 2011 and June 20, 2011, seconded by Charlene Hamiwka. Motion Passed.

The board discussed the need for a motion to authorize the General Manager to submit a loan application the Maine Municipal Bond Bank's Drinking Water State Revolving Loan fund for \$1M to fund the development and installation of a new well on Riverside Drive in Augusta. After discussion it was determined a motion was not needed and that submitting an application now would lock in a low interest rate but not present a final commitment to the loan.

David Smith made a motion to authorize the General Manager to Award the low bid amount of \$877,645 to CH Stevenson from Wayne, Maine to complete an infrastructure project on State Street in Augusta, seconded by Don Roberts. Andy McPherson told the board that he did not work on this project and that he would be voting on this item. After discussion ensuring nothing was left off of the bid and the \$877,645 covered all items, the motion passed.

Ken Knight encouraged Board Members to attend any of the various conferences, throughout the area, relating to water and wastewater.

Andy Begin presented project summaries of the CSO3 construction, Chestnut Street, and Capital improvement projects. The Board discussed the need to communicate to contractors the need that access to local business be maintained.

Brian Tarbuck presented the current financial reports, informing the Board the District is running where it needs to be at this point in the year.

Charlene Hamiwka presented an update from the Public Relations committee on the presentation to the Hallowell City Council later that same evening. She also encouraged the District to post project updates and road closures on Twitter and add a twitter link to the District website.

There was no public comment.

At 1648 David Smith made a motion to adjourn, seconded by Steve Roberge. Motion passed.

Monday, August 15, 2011

Greater Augusta Utility District Board Minutes

Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, Don Roberts, David Smith, Andy McPherson, Charlene Hamiwka, Tom Sotir, Lesley Jones and Dave Bustin

Employees: Brian Tarbuck, Andy Begin, Michael Grove

Guests: Lee Bragg, Ralph St Pierre, Jon Beekman

Ken Knight called the meeting to order at 1600.

There were no agenda additions.

Ken said that public comment to each issue on the agenda will occur when that item is addressed and not near the end of the meeting as usual.

Tom Sotir made a motion to direct the General Manager to file final drinking water rate case documents to Maine PUC including a summary of comments made at the public hearings on July 28th, 2011. The new rates will go in effect Monday, October 3, 2011. Seconded by David Smith.

No public comment

Motion passed unanimously.

Tom Sotir made a motion to implement the sewer and stormwater rates contained in the August 15, 2011 Board packets. Seconded by David Smith. The new rates will go in effect Monday, October 3, 2011.

Public comment – Susan Farnsworth, Tony St Peter, Dick Bachelder and Dot Mithee spoke against the motion.

The board discussed the options for funding and ramifications to the project by delaying the approval of the rates. The approval is needed to lock in funding and interest rates. The Board decided to go ahead with the vote and would re-visit the rate issue any time in the future that Board members wished to put it on the agenda. Motion passed 6 in favor, 1 against (McPherson).

5 minute break

Tom Sotir made a motion to approve the following language:

“VOTED by the Board of Trustees of the Greater Augusta Utility District of Augusta, Maine as follows:

VOTED:(1) That, pursuant to authority granted by the Charter of the Greater Augusta Utility District and any other applicable law, the Board of Trustees of the Greater Augusta Utility District hereby approves the District’s application to the State Revolving Fund Program at the Maine Municipal Bond Bank for a loan of up to \$14,520,000 of permanent financing to fund the District’s CSO 3 sewer system upgrade project (the “Project”), said funding to include design and construction costs, transaction costs and any other costs reasonably related to the Project.

(2) That the Treasurer and Chair of the Board of Trustees are hereby authorized to sell, execute and deliver to the Maine Municipal Bond Bank a General Obligation Bond of the District (the "Bond") in an aggregate principal amount not to exceed \$13,668,937 after forgiveness.

(3) That the Bond is to be sold upon such further terms and conditions and at such interest rates as may be approved by the Treasurer and Chair of the Board of Trustees, but not to exceed a term of 21 years from date of issuance, and is to be attested by the District Clerk.

(4) That the Treasurer and Chair of the Board of Trustees are authorized to obtain interim financing through the issuance of a revenue obligation note to the Maine Municipal Bond Bank in an amount up to \$13,668,937 on terms they deem appropriate.

(5) That the Board of Trustees hereby confirms its determination that the term of the Bond does not exceed 120% of the economic life of the Project.

(6) That the Board of Trustees hereby irrevocably pledges the user fees, rates, assessments and other charges of the District for the payment of the debt service on the Bond.

(7) That the Treasurer and Chair of the Board of Trustees are hereby authorized to execute and deliver a Loan Agreement with the Maine Municipal Bond Bank in such form as the Maine Municipal Bond Bank shall require.”

Seconded by David Smith. Lee Bragg said that this motion had been made at a prior meeting and was not needed at the time. Motion withdrawn.

Andy Begin updated the Board on the Bond Brook, Chestnut Street, and State Street construction projects. He also presented a summary of the current CIPs.

Lee Bragg said it appeared that the Board had actually not previously voted on the motion to authorize the bond as he had thought and suggested similar language for a Board vote. The language is identical to the previously withdrawn motion with the exception that item 4 was deleted as temporary financing is not necessary. The numbering in the language below reflects the deletion of paragraph 4.

Tom Sotir made a motion to approve the following language:

VOTED by the Board of Trustees of the Greater Augusta Utility District of Augusta,

Maine as follows:

VOTED: (1) That, pursuant to authority granted by the Charter of the Greater Augusta Utility District and any other applicable law, the Board of Trustees of the Greater Augusta Utility District hereby approves the District's application to the State Revolving Fund Program at the Maine Municipal Bond Bank for a loan of up to \$14,520,000 of permanent financing to fund the District's CSO 3 sewer system upgrade project (the "Project"), said funding to include design and construction costs, transaction costs and any other costs reasonably related to the Project.

(2) That the Treasurer and Chair of the Board of Trustees are hereby authorized to sell, execute and deliver to the Maine Municipal Bond Bank a General Obligation Bond of the District (the "Bond") in an aggregate principal amount not to exceed \$13,668,937 after forgiveness.

(3) That the Bond is to be sold upon such further terms and conditions and at such interest rates as may be approved by the Treasurer and Chair of the Board of Trustees, but not to exceed a term of 21 years from date of issuance, and is to be attested by the District Clerk.

(5) That the Board of Trustees hereby confirms its determination that the term of the Bond does not exceed 120% of the economic life of the Project.

(6) That the Board of Trustees hereby irrevocably pledges the user fees, rates, assessments and other charges of the District for the payment of the debt service on the Bond.

(7) That the Treasurer and Chair of the Board of Trustees are hereby authorized to execute and deliver a Loan Agreement with the Maine Municipal Bond Bank in such form as the Maine Municipal Bond Bank shall require.

(8) That the District officers and officials are hereby authorized to execute and deliver any and all documents and certificates and to take any and all actions, as may be necessary or convenient to carry out the full purport and intent of the foregoing votes.

Seconded by Charlene Hamiwka. Motion approved unanimously.

Andy Begin completed his update of the Bond Brook, Chestnut Street, and State Street construction projects. He also presented a summary of the current CIPs.

Brian Tarbuck presented to date financials. He was asked to present them in a more comparative form in future.

No committee reports. It was noted that the PR committee is an ad hoc committee and no longer needed as an agenda item.

David Smith made a motion to adjourn, seconded by Tom Sotir. Motion passed unanimously.

Monday, September 19, 2011  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Steve Roberge, Don Roberts, David Smith, Tom Sotir, Charlene Hamiwka, Lesley Jones and Dave Bustin

Trustees Absent: Andy McPherson

Employees: Brian Tarbuck, Karen Tangeman, Michael Grove, Ralph St Pierre

Guests: Lee Bragg, Jon Beekman, Steve Langsdorf

Ken Knight called the meeting to order at 1705

Agenda additions: none

1706 David Smith made a motion to go into executive session with legal counsel to discuss litigation pursuant to Title 1, Section 405.6.E. Guests included Steve Langsdorf, Ralph St Pierre, Jon Beekman, Brian Tarbuck, Michael Grove and Karen Tangeman. The motion was seconded by Tom Sotir. Motion passed.

1827 Out of executive session.

David Smith made a motion to approve the minutes from the meeting held on September 8, 2011, with corrections, seconded by Tom Sotir. Motion passed.

Brian Tarbuck explained new Policy #40. Tom Sotir made a motion to approve policy #40, "Undesignated bill payments" as presented with an effective date of 9/20/2011, seconded by David Smith. Motion passed.

Brian Tarbuck presented new Policy #41. Tom Sotir made a motion to approve policy #40, "Allocation of sewer and stormwater expenses" as presented with an effective date of 10/3/2011, seconded by David Smith. Motion passed.

Brian Tarbuck and Ralph St Pierre spoke about financial statements. They explained that by October, the financials will be able to show the 2006 rate model for sewer and stormwater, percentages and dollar amounts, for 2008, 2009, 2010 and 2011. There is no change in the basic financials, this will be supplemental information in the audit that will break out sewer and storm water. This will confirm the methodology currently in existence. All done with records pre 9/8/2011.

David Smith made a motion that the Board accept the financial statements for August, 2011, seconded by Charlene Hamiwka. Motion passed.

David Smith informed the Board that Fieldstone Place, in Augusta, is fully paid up and has 9 buildings with plans for 25 more in future phases.

David Smith made a motion to adjourn, seconded by Tom Sotir, motion passed.

1848 meeting adjourned.

Monday, October 17, 2011  
Greater Augusta Utility District Board Minutes  
GF Laurin Water Plant, East Winthrop, ME

Trustees Present: Dave Bustin, Charlene Hamiwka, Lesley Jones, Ken Knight, Andy McPherson, Steve Roberge, David Smith, and Tom Sotir

Trustees Absent: Don Roberts

Employees: Andy, Begin, Karen Tangeman, Brian Tarbuck

Guests: Jon Beekman, Lee Bragg

Meeting was called to order at 1700 by Ken Knight.

Discussion of Maine General's letter and real estate closings were added to the agenda.

1701 David Smith made a motion to go into executive session with legal council to discuss litigation pursuant to Title 1, section 405.6.E, with guests Jon Beekman, Andy Begin, Brian Tarbuck and Karen Tangeman, seconded by Tom Sotir, motion passed.

1739 The Board exited executive session.

David Smith moved to approve the minutes of the Board meetings of September 19, 2011, seconded by Charlene Hamiwka. Motion passed unanimously.

The Board discussed the Combined Sewer Overflow (CSO) in Hallowell, methods of detecting stormwater, costs associated with the methods and the best time of the year for testing.

The Board discussed backup drinking water supply options, including continued work on Riverside Drive, reopening the GF Laurin plant in East Winthrop and a possible interconnection to Hallowell.

The Board agreed to create a RFP for an analysis of drinking water alternatives and to put together a list of objectives for 2012.

Brian Tarbuck presented a draft Sewer and Stormwater Terms and Conditions for the Board's review.

The Board reviewed a letter from Maine General to pay the sewer availability fee in phases rather than in a lump sum. The Board agreed to allow the fee to be paid this way.

Charlene Hamiwka asked if there was a way to expedite final readings of accounts for title companies. Brian Tarbuck said he'd check into it.

1922 David Smith moved to adjourn, seconded by Tom Sotir. The motion passed unanimously.



Monday, November 21, 2011  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta ME

Trustees Present: Ken Knight, Andy McPherson, Don Roberts, David Smith, Tom Sotir, Charlene Hamiwka, Lesley Jones and Dave Bustin

Trustees Absent: Steve Roberge

Employees: Brian Tarbuck, Karen Tangeman, Michael Grove, Andy Begin

Guests: Lee Bragg, Jon Beekman, Bill Bridgeo, William Stokes, Charlotte Warren

Ken Knight called the meeting to order at 1704

Agenda additions: none

Ken Knight introduced the Mayor of Augusta, Bill Stokes, and the Mayor of Hallowell, Charlotte Warren, to the Board and its guests.

Brian Tarbuck gave a brief history of drinking water in the Augusta area. The Board and the Mayors discussed the need for conversation toward backup drinking water sources for the local communities. It was decided that by December 1<sup>st</sup>, a formal letter would go out to the Hallowell Water District Board with cc to the Cities' councils. Ken Knight thanked the Mayors for attending. Bill Bridgeo asked the minutes to reflect that he did not speak at the meeting.

Public comment – Stan Koski, ratepayer, asked that the agenda for the Board meetings be put on the website. He also commented on alternative drinking water sources.

Dave Smith explained that the GF Laurin plant could be used as an emergency backup, within about 48 hours, but that current usage is under production capacity. He also suggested the minutes from October 17, 2011 where the issue was discussed.

1752 Tom Sotir made a motion to go into executive session with legal counsel to discuss litigation pursuant to Title 1, Section 405.6.E. Guests included Jon Beekman, Brian Tarbuck, Michael Grove, Andy Begin and Karen Tangeman. The motion was seconded by Don Roberts. Motion passed.

1844 Out of executive session.

5 minute break

David Smith moved to approve the minutes of the Board meetings of October 17, 2011, seconded by Don Roberts. Motion passed.

Brian gave an overview of the holding tank upgrade and asked the Board to approve the increase in the project costs. It was asked if this was a bid project that needed to go public, but after review of GAUD policies, it was determined that it did not need to go public, that having 3 bidders as policy required was enough. Andy McPherson informed the Board that he is working with T. Buck and didn't know if he should vote. It was determined that Mr. McPherson has a right to work for a living and that in this case his association with T. Buck has no bearing on this project. Tom Sotir made a motion to approve the increase of the holding tank project and award the contract to T. Buck, seconded by David Smith. David Smith, Tom Sotir, Charlene Hamiwka for, Ken Knight, Don Roberts against and Andy McPherson abstaining. Motion passed. (please refer to the minutes of 11/28/11 for clarification)

Brain Tarbuck presented a draft 2012 budget and asked that the Board review with the intent of discussion at the December 19, 2011 Board meeting. Tom Sotir asked that there be a more detailed breakdown of "Other."

The Board discussed the need for a 2012 planning session to define topics and scope of discussion. A date early 2012 is to be determined.

David Smith asked how water sales are doing. Brian Tarbuck said they are alright, neither up nor down dramatically.

It was determined that the stormwater problem in Hallowell at Hattie's is an internal problem.

Brian Tarbuck presented a financial report update.

Andy Begin presented updates of the District's construction projects.

The Board was asked to review the draft sewer and stormwater terms and conditions.

1947 David Smith moved to adjourn, seconded by Tom Sotir. Motion passed.

Monday, November 28, 2011  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta, Maine

Trustees Present: Ken Knight, David Smith, Tom Sotir, Charlene Hamiwka, Lesley Jones

Trustees Absent: Steve Roberge, Andy McPherson, Don Roberts and Dave Bustin

Employees: Brian Tarbuck, Karen Tangeman, Michael Grove

Guests: Jon Beekman

Ken Knight called the meeting to order at 1707

Agenda additions: none

This meeting was called in reference to the vote on the sludge holding tank project taken on November 21, 2011.

There was discussion concerning the validity of the vote taken on November 21, 2011. An argument was made that technically, the vote on the 21<sup>st</sup> was not valid as per The Bylaws of the Greater Augusta Utility District Board of Trustees; Article 3, Section 1: Quorum. The bylaws state that a majority is needed for a motion to pass. With the number of Trustees present at the November 21, 2011 meeting the number of votes required to confirm or reject a motion was 4 (four). Only 3 (three) votes were cast on November 21, 2011 due to abstentions.

The Board discussed whether or not it was necessary for a Trustee who wished to excuse him or herself from voting to leave the room during the discussion on the matter that was the subject of the recusal.

Tom Sotir made a motion to approve the minutes of the November 21, 2011 meeting, with corrections, seconded by David Smith.

The vote to approve the motion was unanimous.

Tom Sotir made a motion to approve the award of the Sludge Holding Tank project to T. Buck, seconded by Charlene Hamiwka.

The Board discussed the District's purchasing policy, capital improvement projects, proceeding with the sludge holding tank project, bid packets and the viability of the 3 (three) bidders.

Tom Sotir asked that the record show that the bidders, T. Buck, Cianbro and Sargent are viable bidders for the sludge holding tank improvement project. For the record, Brian Tarbuck confirmed the viability of each of the three bidders.

The Board requested that future projects that may be significantly higher or lower than initial estimates be discussed in more detail prior to bidding the work. Tarbuck agreed to honor that request.

The vote to approve Mr. Sotir's motion to award the sludge holding tank project to T. Buck was unanimous.

David Smith made a motion to adjourn, seconded by Tom Sotir. The vote for approval of the motion was unanimous.

Meeting adjourned at 1809.

Monday, December 19, 2011  
Greater Augusta Utility District Board Minutes  
Jackson Avenue Treatment Plant, Augusta, Maine

Trustees Present: Ken Knight, David Smith, Tom Sotir, Charlene Hamiwka, Steve Roberge, Lesley Jones, Andy McPherson, Don Roberts and Dave Bustin

Employees: Brian Tarbuck, Karen Tangeman, Michael Grove, Andy Begin

Guests: Jon Beekman, Lee Bragg, Dan Wells, Dennis Kenny, Paul Gray

Ken Knight called the meeting to order at 1703

Agenda additions: none

Tom Sotir made a motion to approve the minutes from the meeting held on November 28, 2011, seconded by Charlene Hamiwka. The motion passed by unanimous vote.

1706 David Smith made a motion to go into executive session with legal counsel (Lee Bragg, BSSN) to discuss litigation pursuant to Title 1, section 405.6.E, with guests Jon Beekman, Ralph St Pierre, Kristy Gould, Andy Begin, Brian Tarbuck, Michael Grove and Karen Tangeman, seconded by Tom Sotir, motion passed by unanimous vote.

1712 Out of executive session.

Lee Bragg spoke on the proposed foreclosure policy. Unpaid liens can culminate in the foreclosure of property. The policy provides standards that will be followed in the foreclosure process. The District does not have a written policy governing this practice. The proposed policy requires that automatic foreclosures are a Board directive and presents three distinct options that can be exercised at the time of foreclosure. Tom Sotir made a motion to approve the Foreclosure Policy as presented in the Board packet, seconded by David Smith, motion passed by unanimous vote.

The Charter states: "the trustees shall annually elect a chair, a clerk, a treasurer and any other officer or agent as the trustees consider necessary. The trustees shall elect an assistant treasurer, who must be a trustee or an employee of the District." (Refer to the Charter, A-19, section 3.) Tom Sotir made a motion to continue the current slate of officers, seconded by Charlene Hamiwka. The motion passed by unanimous vote.

Kristy Gould, HR Director, presented a review of and changes to the District's 2012 Non-Union Personnel Policy. Tom Sotir made a motion to approve the changes to the Personnel Policy Manual to be effective immediately, seconded by David Smith, motion passed by unanimous vote.

Brian Tarbuck presented the proposed budget for 2012. David Smith made a motion to approve the operations and maintenance budgets for water, sewer and stormwater for 2012, seconded by Tom Sotir, motion passed by unanimous vote.

Tom Sotir made a motion to approve the changes to the drinking water Terms and Conditions for submittal to the Maine Public Utilities Commission for final approval, seconded by David Smith, motion passed by unanimous vote.

Tom Sotir made a motion to allow the General Manager to contract with Invoice Cloud to provide online bill presentment and payment options, seconded by David Smith, motion passed by unanimous vote.

The Board discussed Maine Investments LLC unpaid sewer bills. Maine Investments operates a mobile home park on Riverside Drive in Augusta. Maine Investments owes the District \$51,341.31 in unpaid sewer fees including liens totaling \$26,518.34. The company has not made a sewer payment since December, 2010.

Brian Tarbuck presented the financial reports for November 2011. David Smith made a motion to accept the financial statements for November, 2011, seconded by Tom Sotir, motion passed by unanimous vote.

Andy Begin presented a construction update.

Draft sewer and stormwater Terms and Conditions coming in January.

The Board reviewed a letter outlining a plan for the woodlands on District property.

The annual planning meeting with the Augusta City Council is tentative for February.

Public comment: Dennis Kenny and Paul Gray spoke on sharing drinking water resources.

David Smith made a motion to adjourn, seconded by Tom Sotir, motion passed by unanimous vote.

Meeting adjourned at 1936.