

Kittery Water District – Board of Trustees Meeting – December 9, 2020 (via Zoom)

Meeting held via Zoom and called to order at 5:02 p.m. Members in attendance: Trustees Caroline Rose, Julia O'Connell, and Supt. Mike Rogers. Members of the public in attendance: James Golter, Garvin McCurdy, Kristi Mathieson, Melissa Paly, Martha Pummer, Laurie Rowan, Tom Brown, Guy Hodgdon, Suzanne Sayer, Linda Cheatham, Jen Thayer, Susan Pendery, Jennifer Brewer, Judy Spiller, Holly Zurer, Betty Olivolo, Everett Leland, Tom Sorrentino, Pauli Rines, Chris Rubin, Bonnie Rogers, Linda Johnson, William Wagner and Jeff Thomson. Mission Statement read.

Agenda reviewed- and accepted.

Secretary's report – Minutes from the Executive Session meeting on December 1, 2020 were read and accepted. BOT meeting minutes from December 2, 2020 will be reviewed at the next BOT.

Treasurer's report – Submitted bills were read by Supt. Rogers and checked by Trustee Rose. Trustee Rose moved to pay bills. Seconded by Trustee O'Connell. Trustee O'Connell will sign checks.

Superintendent's Report Bell Marsh concrete repair has been started but not yet completed due to cold weather. PNSY has agreed to a Zoom Meeting on December 15, 2020 at noon. The post lime feeder has been working fine.

Pond Levels checked 12/8/2020

Boulter pond is negative 2' (which is up 4" from last week), Middle Pond is negative 4' 11" and up 1' ½", Upper Folly Pond is negative 4' 7" and up 1' 7" from last week, Bell Marsh Reservoir is negative 8' 11" and up 1' 1" from last week.

Charter Discussion A concept bill will be submitted in December by Rep. Kristi Mathieson based on the following Trustee decisions: start at the revisors' office using the standard charter as a template, expand the territory of eligible voters to match as closely as possible with the territory of services, expand the Board of Trustees from 3 to 5 , using the standard charter language for election of trustees. We have not discussed nor decided on the following optional provisions; special qualifications of trustees, language to support our current arrangement of a water supply and facility outside of our corporate district, language to allow us to enter into contracts, and to acquire water from ground sources in addition to our current surface water sources. Our current situation highlights the need to decide and document procedures for filling Board of Trustee vacancies, provisions for absentee/mail-in ballots, and how to decide a tied election. Also we would like to consider debt limit and adjustments. Trustee O'Connell will contact SMPDC to find out what information they will need to establish boundaries for us.

PNSY November revenue discussed. Revenue is down 19% for the month of November as compared to 2019 and overall is 22% less YTD as compared to 2019.

Monthly Filtration Plant Operations Report discussed. There was a substantial drop in production as compared to last year for the month of November. Chlorine residual is down. James Golter has started repair to the backwash trough and it is halfway complete. Conflict of Interest laws as applies to James Golter working for the District as a Trustee were addressed.

Election results were discussed. The ballots were tallied at McEachern and Thornton Law Offices in Kittery. Four people were present: Dan Thornhill, Supt Mike Rogers, Duncan McEachern and Trustee Julia O'Connell. Ballots were counted and checked several times, yielding a tie of 177 votes for each candidate. They are now at the law office in the locked ballot box. It was decided based on municipal rules that there are three options to consider to resolve the tie. 1) a candidate concedes. Neither candidate agrees to this. 2) a coin toss; This was not found to be a reasonable option by the water users or the candidates 3) a runoff election can be held at least one month hence; this was decided as the preferred option. In this moment it was decided that since neither candidate received a majority of votes, no one will be sworn in today. The incumbent, James Golter, has already served several months beyond his three year term and was asked to abstain from acting as a Trustee until legal council could be engaged. The Board will meet with legal counsel in a previously scheduled Executive Session on Friday and will inquire about how to best proceed. Our annual meeting has been postponed until further notice and Supt. Rogers will make note of it on our website and remove the ad and warrants in the Portsmouth Herald.

Public comment Suzanne Sayer inquires if James Golter will be present at Friday's meeting with the legal counsel. Linda Johnson suggests that Duncan McEachern could help with understanding our By-Laws. James Golter wonders why people don't like him. Jen Brewer responds that Jim should not take it personally and that he has a lot to contribute, but she feels that there are issues with governance and conflict of interest. Supt. Rogers will notify the Portsmouth Herald about the time of our public meeting with the representatives of PNSY.

With no further business appearing before it, this Board of Trustees meeting was adjourned at 6:36 p.m.

Our next BOT meeting will be held on Wednesday, December 16, 2020 at 5 p.m. via Zoom.

An Executive Sessions will be held on Friday, December 11, 2020 at 8 a.m. via Zoom to meet with our legal counsel to discuss contract negotiations and election protocols for tie situation.

A public Zoom meeting with the PNSY will be held on Tuesday, December 15, 2020 at noon.

Respectfully submitted,

Julia O'Connell, clerk



Disclaimer: The preceding minutes constitute the author's understanding of the meeting. While every effort has been made to ensure the accuracy of the information, the minutes are not intended to be a verbatim transcript of comments at the meeting, but as a summary of the discussion and actions that took place.