

KITTERY WATER DISTRICT
BOARD OF TRUSTEES
MEETING MINUTES – APRIL 20, 2022

Date: April 20, 2022

Time: 8:00 a.m.

Place: Zoom

Members Present: Golter, Gray, Pelkey, Perry **Members Absent:** None

Motion #22020420-01 : Motion to accept March 16, 2022 meeting minutes

Moved by: Golter **Seconded by:** Pelkey

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Motion #22020420-02 : Motion to accept resignation of Trustee Julia O’Connell

Moved by: Gray **Seconded by:** Golter

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Motion #22020420-03: Motion to review & accept Revised By-Laws (Attached)

Moved by: Gray **Seconded by:** Golter

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Motion #22020420-04 : Motion to review & accept Proposed 2022 Budget (Attached)

Moved by: Pelkey **Seconded by:** Gray

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Motion #22020420-05 : Motion to review & accept Recommended Vehicle & Tool Purchase (Attached)

Moved by: Gray **Seconded by:** Pelkey

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Motion #22020420-06 : Motion to designate a Net Energy Billing Credit contract a management decision to be completed by the KWD Superintendent.

Moved by: Perry **Seconded by:** Gray

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Motion #22020420-07 : Motion to adjourn

Moved by: Perry **Seconded by:** Gray

Affirmative Votes: Golter, Gray, Pelkey, Perry **Negative Votes:** None

Respectfully submitted

Robert A. Gray

**KITTERY WATER DISTRICT
BY-LAWS
(Amended and Restated April, 20 2022)**

ARTICLE I. GENERAL

Section 1. The Kittery Water District (“District”) and its principal office shall be located within the confines of the District.

ARTICLE II. MEETINGS

Section 1. Regular meetings of the Board of Trustees (“Board”) shall be held within the confines of the District, upon such notice and at such time and at such place as determined by the Board.

Section 2. Special meetings of the Board may be held at any time. They shall be called by the Secretary or Clerk at the request of the President, or on the petition of five percent of the number of residential customers as of December 31 of the prior year, or at the written request of three Trustees, by written notice and addressed to each Trustee and be posted with postage prepaid in the office at Kittery not less than twenty-four hours before the time appointed for the meeting. When all the Trustees are present at a meeting and take part in the proceedings thereof, no notice shall be necessary.

ARTICLE III. QUORUM

Section 1. At any meeting of the Board, three Trustees shall constitute a quorum for the transaction of business; and all matters requiring the action of the Board shall be determined by a minimum of three like votes.

ARTICLE IV. ELECTIONS

Section 1. The election of Trustees shall be conducted in accord with Section 4 of the Kittery Water District Charter of 2021.

Section 2. Any person running for the office of Trustee of said District shall so state their intentions to be a candidate in writing on forms supplied by the District. Said forms are to be presented to the Board no later than 30 days before said election.

Section 3. At the first Board meeting subsequent to the annual election of trustees, the following officers shall be elected for a one-year term: President, Treasurer, Secretary or Clerk.

Section 4. If for any reason all of the aforesaid officers should not be chosen at the first meeting of the Board, any of them may be elected at any subsequent regular meeting.

Section 5. The Board shall appoint a Superintendent and the Superintendent shall hire such other employees as may be necessary to carry on the business of the District and define their duties as well as the duties of the Superintendent.

ARTICLE V. VACANCIES

Section 1. If a vacancy should occur in any of the offices of President, Treasurer, or Secretary or Clerk, the same may be filled for the remainder of the unexpired term by the Trustees at any regular meeting of the Board held thereafter.

Section 2. If a vacancy should occur in the office of Trustee, it shall be filled in accord with Section 4 of the Kittery Water District Charter of 2021.

ARTICLE VI. DUTIES OF OFFICERS

Section 1. The President shall preside at all meetings of the Board. The President shall call meetings of the Board when necessary.

Section 2. The Treasurer shall be the custodian of the financial documents of the District. The Treasurer shall sign all tax returns and review and present all monthly and annual financial reports.

Section 3. The Secretary or Clerk shall make a record of the proceedings of meetings of the Board. The Secretary or Clerk shall be the custodian of all records and the seal of the District. The Trustees shall be sworn to the faithful discharge of their duty.

Section 4. In the absence of the President at any meeting of the Board, a Chairman pro tempore shall be chosen to preside.

ARTICLE VII. EMINENT DOMAIN

Section 1. Authority to acquire and hold property, eminent domain. The District is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this Act.

The District is authorized and empowered to exercise the right of eminent domain in the Towns of Kittery, York and Eliot to acquire and hold for such purposes either by purchase or exercise of its right of eminent domain any land, real estate, easements or interests therein or water rights or interests therein for all of the purposes herein stated.

In exercising any rights of eminent domain that are conferred upon it, the District shall provide for a hearing to determine the necessity of such taking and the damages sustained by the owner of the land or interest in land to be taken. Notice of the time and place of such hearing shall be given by personal service upon the record owner or owners of the land or interest in land to be taken.

If such owner or owners cannot be served personally by due diligence, then such service shall be made by certified mail to the last known address and by publication in a newspaper of general circulation in the municipality in which such land is located once a week for two weeks prior to the time appointed for said hearing. The clerk of the District shall keep an accurate record of the proceedings and the determination and decision. If the Trustees of the District decide to acquire such land or interest in land, the clerk of the District shall file a notice in the registry of deeds stating that the land or interest in land shall be taken, which notice shall contain an adequate description of the property, the owners thereof, if known, and the amount of damages awarded, therefore. Upon the filing of said notice, the title to the land or interest in land shall vest in the District.

If any person sustaining damages by any taking as aforesaid shall not agree with the Trustees of the District upon the sum to be paid therefore, either party, within 45 days of the filing of such notice in the registry of deeds, upon petition to the Land Damage Board, may have said damages assessed by them. The expenses of the board in connection with any such determination shall be paid for by the District. The procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

ARTICLE VIII. COMPENSATION

Section 1. All employees of the District shall receive such compensation for the services as may be determined by the Board of Trustees. The Board of Trustees shall have power to remove any or all said officers or employees when the best interests of the District demand the same.

Section 2. The employees of the District shall be bonded, the expense of said bond to be borne by the District.

Section 3. The District shall provide employees the opportunity to participate in a retirement system. Trustees not eligible to participate in the retirement system shall be considered to be in a retired status upon leaving the District at age 59 ½ and with 5 years of service.

ARTICLE IX. SEAL

Section 1. The seal of the District shall be circular in form with the name of the District around the inside of the circle and the word and figures “Incorporated 1907” in the center.

ARTICLE X. PUBLIC USE OF WATER DISTRICT PROPERTY

Section 1. It is the Policy of the Kittery Water District that the use of Kittery Water District Property by the Public is a privilege granted to the Public by the District. Public use of District Property is subject to the rules and regulations established by the District. District rules and regulations apply to all District Property, including the Public water supplies of Boulter Pond, Folly Pond, Middle Pond, Bell Marsh and their associated watersheds.

Section 2. The District shall establish rules and regulations for Public use of District Property. These rules are designed to protect the Public water supply quality, District property, and defend Public safety. To this end, and at the sole discretion of the District, any activities which the District deems in violation of the established rules or activities which could degrade District property, jeopardize Public safety, or affect the quality of Public water supplies is justification for the District to deny Public access to the Property.

Section 3. The District shall post at conspicuous property entry points Kittery Water District Rules and Regulations for Public Use of the Property. Also available at these locations are informational brochures to show trail systems, provide watershed information, and Water District points of contact. Routine Watershed Patrols will be conducted by uniformed personnel to assure adherence to District Rules and provide Public assistance and education. The Watershed Patrols will generate reports to document violations and record the general condition of the watershed.

Section 4. The following activities are not allowed on District Property: water contact activities including; swimming, wading, boating of any kind, and fishing; also prohibited is ice fishing, ice skating, ice boating, or the use of motorized vehicles on pond ice. The consumption of alcoholic beverages on District Property is prohibited as well as, after dark activities, tree cutting, burning, camp fires, camping, or any activity that would degrade the land or water supply. The use of motorized vehicles is by permit. The use of motorized “dirt bikes” or motorcycles is prohibited.

Section 5. Group activities are subject to the prior approval of the District.

Section 6. The following low impact activities are allowed; walking, jogging, picnicking, cross-country skiing, snowshoeing, nature observation and study, mountain biking on established trails, and low impact recreation activities that, at District’s sole discretion, have minimal impact on reservoir water quality or the health of the property. The use of established trails is encouraged. “Carry in, carry out” policy applies. Littering is not allowed.

Section 7. The Kittery Water District claims all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A et seq. as the same may be amended at any time and from time to time (The Maine

Recreational Use Statute) and any successor provisions thereof and any other applicable provision of law and equity.

ARTICLE XI. AMENDMENTS

Section 1. These By-Laws may be added to, altered or amended by a vote of at least three trustees at a legal meeting of the Board called for the purpose.

Revised as voted 2/13/06:

- Article I, Section 1: added to state the place of business.
 - Article I, Section 1 and throughout the document: replaced Kittery Water District and Water District with District for consistency.
 - Article II, Section 1: was formerly Annual meeting in March.
 - Article VI, Section 1: removed “President’s casting vote” as redundant, see Article III.
 - Article VI, Section 4 and throughout the document: changed to be gender neutral.
 - Article VI, Section 2: inserted to define the duties of the Treasurer.
 - Article VI, Section 4: changed to include all Trustees.
 - Article VII, Section 1: references to elected officers removed, considered redundant.
 - Article VII, Section 2: changed to include all employees shall be bonded.
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Revised as voted 2/11/08:

- Article VII, Section 3: added the retirement eligibility requirements for a Trustee
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Revised as voted 2/18/09:

- ARTICLE IX AMENDMENTS replaced with ARTICLE IX PUBLIC USE OF WATER DISTRICT PROPERTY.
 - ARTICLE IX AMENDMENTS was moved to ARTICLE X AMENDMENTS.
 - Added Page 5
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Revised as voted 3/17/17:

- Article II, Section 1: was formerly Annual meeting in February
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Revised as voted 4/20/2022:

- Major rewrite

KITTERY WATER DISTRICT BUDGET YEAR 2022

	GL Acct. #	2022 Proposed Budget
OPERATING EXPENSES		
Wages-Employees		996,000
Wages-Source Operations & Maintenance	601.10-601.20	30,000
Wages-Treatment Operations & Maintenance	601.30-601.40	260,000
Wages-Distribution Operations & Maintenance	601.50-601.68	356,000
Wages-Customer Accounts	601.71-601.73	170,000
Wages-Administration & General	601.80-601.88	180,000
Salaries-Management & Trustees	603.84-603.85	222,000
Employee Pensions & Benefits	604.80-604.93	567,000
Purchased Power	615.10-615.80	110,000
Chemicals	618.30-618.63	145,000
Materials & Supplies	620.00-620.67	65,000
Contractual Services-Engineering	631.20-631.60	15,000
Contractual Services-Accounting	632.00	15,000
Contractual Services-Legal	633.00	20,000
Contractual Services-Misc.	635.20-636.60	-
Transportation Expenses	650.10-650.83	100,000
Insurance-Vehicle	656.00	14,000
Insurance-General Liability	657.00	12,000
Insurance-Workers' Compensation	658.80	17,000
Insurance-Other	659.00	12,000
Bad Debt Expense	670.70	1,000
Miscellaneous Expense	671.00	-
Misc. Expense-Source Operations	675.10	-
Misc. Expense-Source Maintenance	675.20	60,000
Misc. Expense-Treatment Operations	675.30-675.31	70,000
Misc. Expense-Treatment Maintenance	675.40-675.41	140,000
Misc. Expense-Distribution Operations	675.50	20,000
Misc. Expense-Distribution Maintenance	675.61-675.69	130,000
Misc. Expense-Customer Accounts	675.71-675.74	25,000
Misc. Expense-Administration & General	675.81-675.88	60,000
Depreciation Expense	403.00	600,000
Non-Utility Expenses	426.00-426.20	10,000
		3,426,000

		2022 Estimated
REVENUES		
Residential Sales	461.10	1,020,000
Commercial Sales	461.20-461.30	230,000
Government Sales	461.40-461.60	1,675,000
Hydrant Rentals	462.10-462.20	533,000
Rent from Lease of Property	413.00	20,700
Rent-Lease Tower Space	413.10	169,000
Misc Revenue-Timber Harvest	471.20	-
		3,647,700

	2022			Actual						
	Proposed	2021	2020	2019	2018	2017	2016	2015	2014	
Wages - Employees	996,000	838,222	892,965	878,018	743,381	674,850	655,599			For wages I took 2021's actual, added the 7.5% raise plus any anniversary or longevity raises and increased for an additional Office Manager position.
Salaries-Management & Trustees	222,000	193,925	138,509	129,590	122,449	118,298	116,322	110,407		Calculated Mike's pay, Carl's pay plus \$2,050 for each trustee
Purchased power	110,000	82,840	80,616	90,761	112,393	81,069	92,877	82,285	92,948	Looked at expenses YTD and increased this proposed over last year.
Chemicals	145,000	122,432	129,815	135,762	136,238	97,884	89,728	79,885	98,589	I just went with last year's proposed figure and bumped it up a bit per Mike.
Materials & Supplies	65,000	53,281	52,940	94,087	104,221	106,658	90,253	87,492	122,162	Looked at materials and supplies YTD and added \$6,000 for PNS meter exchanges
Contractual services - Engineering	15,000	(2,280)	27,397	27,063	-	2,604	6,482	273	25,472	Reviewed Wright Pierce's 2021 invoices and calculated general services.
Contractual services - Accounting	15,000	13,250	13,680	13,250	12,500	11,055	38,701	12,675	12,165	I just went with last year's proposed figure.
Contractual services - Legal	20,000	12,326	29,560	24,331	3,848	6,398	12,456	7,801	4,851	I dropped the 2022 proposed down to \$20,000 from 2021's \$30,000 but left us with wiggle room over last year's actual because we've already had \$4,600 in legal fees this year.
Transportation expenses	100,000	58,268	75,910	62,593	77,177	72,078	44,944	63,871	69,406	Looked at transportation expenses YTD, compared them to last YTD and increased this proposed figure by \$20,000 to adjust for inflation of gas and vehicle repair parts.
Misc. Expense-Source Maintenance	60,000	87,288	59,995	26,245	21,515	17,725	31,943	14,728	16,421	I started with last year's actual subtracted expenses from last year's projects and added for project on the 2022 Capital Improvement Projects list.
Misc. Expense-Treatment Operations	70,000	31,915	219,719	45,056	51,902	236,302	37,069	36,010	39,389	Started with last year's actual, added 2 projects on the capital improvements list and rounded up a little.
Misc. Expense-Treatment Maintenance	140,000	46,495	76,097	41,507	57,978	52,577	53,652	45,482	57,719	I started with last year's actual and added 5 projects from the Capital Improvement Projects list.
Misc. Expense-Distribution Operations	20,000	13,437	13,462	27,541	25,396	14,182	20,433	14,785	9,375	I just went with last year's proposed figure.
Misc. Expense-Distribution Maintenance	130,000	77,241	83,484	375,820	120,289	122,312	72,779	167,687	119,544	I started with last year's actual, added 1 project from the Capital Improvement Projects list and added the Beach Road relocate project.
Misc. Expense-Customer Accounts	25,000	24,190	20,163	18,783	25,484	23,300	24,439	24,360	18,413	I just went with last year's proposed figure.
Misc. Expense-Administration & General	60,000	57,234	45,698	41,638	51,251	44,269	33,847	38,921	41,133	I rounded up a little from last year's actual

For residential and commercial revenues, I went with last year's proposed. For PNS, I took the lowest usage from the PNS billing and payments history chart and calculated it with the new rate.

Increased hydrant rents and tower leases to meet 2022 expectations.

Kittery Water District

2022 Recommended Vehicle Replacement and Tool Purchase

April 13, 2022

Replace K-2 (Forman's Van)	TBD*
3-Inch Electric Powered Submersible Pump	\$2,449.00
Flex Pump Submersible Trash Pump	\$1,899.00
Water Main Flushing Equipment	\$3,000.00 (MAX)
Zcorr Electronic Leak Detector / Leak Survey Tool	\$8,000.00**

*This vehicle was on last year's recommendation list. However, it was not replaced as I hadn't determined what make, model and style utility body to purchase.

** This tool would be a joint purchase with the York Water District.

At this time, I am seeking approval for the items that have an assigned cost. Whereas K-2 is a lot more effort involved in the selection, specifications and bidding process than a plain pickup truck purchase. The normal routine is to replace at least two trucks or pieces or equipment to keep the fleet up to date with reliable equipment and keeping our repair costs down.

In closing the balance in the transportation and equipment special fund is almost \$400,000.00 even after paying for K-7 this week. This reserve fund is for anticipated replacement of our 27 registered assets and large repairs that extend the useful life of vehicles and equipment.

Michael S. Rogers
Superintendent