

**DATE: August 7, 2023**

**Boothbay Harbor Sewer District Board of Trustees Coastal Infrastructure Public Hearing and Regular Business Meeting**

**Call to Order Coastal Resiliency Infrastructure Public Hearing**

Attendees: See the attached sign in sheet.

Chris Higgins opened the public hearing at 5:00 p.m. at the Boothbay Harbor Town Hall meeting room. Higgins introduced the trustees individually and then introduced Maeve Carlson and Kettie Cormier of Wright-Pierce Engineers (District Engineers). Higgins turned the meeting over to Maeve Carlson and she proceeded with the presentation. Ms. Carlson advised questions would be taken after the presentation. The slide deck is attached. Ms. Carlson and Cormier ended their presentation at 17:45 hours and opened the floor for discussion.

The following public comments and questions were discussed:

1. **Is the rendering in the presentation what the wall is going to look like?**  
*The rendering shows a proposed exterior façade. The exterior is still under discussion with the BBHSD. This provides details on the approximate dimensions of the wall and an idea of what the wall could look like but is not the final determination.*
2. **Will the wall help with the smell of wastewater coming from the plant?**  
*The wall will prevent flooding and reduce overflows on the wastewater treatment facility site, which will in turn may help reduce smell during flood events. There is no expected reduction in smell from day-to-day operations.*
3. **Will the wall help with the noise coming from the operation of the plant?**  
*The wall may help with the noise associated with the general operation of the plant, depending on where you are located. Since the wall will not be very tall (6-8' tall in most areas), it may help with blocking some ground-level noise but will not act as a sound barrier for the general operations of the plant. In general, noise from general operation has recently been significantly reduced as the BBHSD no longer uses the scrubber, which had a history of loud operation.*
4. **Concerns were expressed about the wall's location and setback from Sea Street.**  
*Additional comments stated the need for shrubbery in front of the wall. The wall's location nearest Sea Street is partially dictated by the setback requirements from both CMP and the Town. The project includes new underground electrical services to the WWTF and other abutters, which involves working with CMP to set up a new feed and transformers. CMP has stringent requirements for off-set distance from their poles and electrical transformers to structures, so the wall will need to move in order to accommodate these requirements. The wall location is also based on the location of existing utilities*

*on the districts site and the space required to fit in the new electrical building and equipment. The walls' proximity to Sea Street is not finalized at this time. It is possible that plantings, shrubbery, and additional landscaping can be included in front of the wall, upon request and input from the abutters.*

5. **What do you mean by the wall will be 18 feet tall?**

*At this time, the top of the wall will be located at elevation 18' (NAVD88). The site grade facing Sea Street and the Signal Point Properties is at approximately 10-12' (NAVD88), so the wall will be approximately 6-8 feet tall. The top of the wall will be set at elevation 18' (NAVD88) around the entire facility, but depending on the existing grade, the wall height may vary.*

6. **No information on the alternative construction access road across the Signal Point Community property was provided in this presentation. Concerns were expressed about the presence of this road.**

*Concerns about the impacts associated with access across the Signal Point Community are heard and understood. Use of this road was investigated due to concerns of tight site access and construction of the wall boxing in equipment, and not knowing what size equipment the bid-winning contractor may have. If this road is deemed absolutely necessary for the feasible construction of the project, it will be pursued by the project team and the District. However, the project team is actively working to determine whether the seaward corner of the facility could be accessed via other roads with the hope that a longer path through the Signal Point community could be avoided. In addition, any potential impacts associated with the use of temporary construction roadways would be repaired by the contractor.*

7. **Why do you need to access Signal Point's Properties for the construction of the wall?**

*The majority of the project access will be from the WWTF property, but the back side of the wall will need additional access. The area on Signal Point Properties allows the contractor to construct the back side of the wall, without impacting the natural resources present behind the WWTF. This also provides space for materials to be laid on site, to prevent additional transportation to and from the construction site.*

8. **Wouldn't you have to complete an engineering assessment to look for natural resources in the alternative access road located on Signal Point Properties?**

*Yes, a preliminary assessment of the proposed temporary construction access road was completed and there were no natural resources identified, or impacted areas within jurisdiction of DEP, Army Corps, or NOAA.*

9. **Concerns were made about the structural integrity of Signal Point's Driveway and the number of trucks and vehicles that will be transporting material to and from the site through the alternative construction access road.**

*The contractors would repave the road if an alternative access road was used that utilized the Signal Point Driveway and caused any impacts or damage. The movement of vehicles on this road would be limited to larger pieces of equipment that could not be maneuvered through other access points. Most equipment and*

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materials can be transported from the backside of the WWTF site. In addition, the large equipment stored there would likely stay in the same construction laydown area for most of the construction and would not be traveling in and out every day. It is anticipated that concrete can be pumped into the wall formwork from the facility's site and that much of the riprap can be placed from the facility's site.

10. **How much funding are you missing? Will you wait to start construction until you have 100% of the funding required for project?**

At this time, the estimate of project cost is \$8,600,000. Construction is estimated to be \$6,500,000. A \$200,000 grant was secured through Lincoln County Sewer Facility Infrastructure Projects fund. Funding from this grant was used to support the design phase. A \$4,015,000 grant was secured through the Maine Infrastructure Adaptation Fund which will be used for construction. An application is submitted and awaiting a decision for a \$2,582,100 grant from the Maine Emergency Management Agency Hazard Mitigation Grant Program. The first RFI was received in July and the response was sent out last week. If the HMGP Grant is secured, an additional \$2,000,000 would be necessary to fund the project. The project team and the District will continue to look for other grant opportunities, but it is also likely that the remainder of the funding required for the project could be provided through a grant or a loan from USDA Rural Development Funding. 100% of the project cost will need to be secured, through a grant or loan, before the project can begin.

11. **Will the apartments in proximity to the construction of the sea wall be livable during construction?**

Construction noise will be limited to certain times of the day, set by local codes and discussions with abutters. Construction noise would be limited to daytime hours. Construction noise tolerance varies depending on the person, but the District hopes to minimize impacts as much as possible.

12. **Will there be any explosives used as part of this project for the foundation?**

At this time, we do not anticipate that any explosives would need to be utilized to facilitate construction for the foundation or any other part of the wall.

13. **How long will the construction of the wall take? Will there be construction for a full two years?**

The construction duration is only an estimate at this point in preliminary design. As mentioned in the presentation, "construction time" must include adequate time for the contractor to purchase materials with long lead times (generator, electrical equipment, etc.) and complete the electrical work prior to the wall construction. The full two years drafted right now in the schedule also encourages the contractor to take the time to construct some portions of the wall during shoulder seasons, and other portions of the wall in the summer to minimize impact to abutters that have different preferences.

14. **Is there an opportunity for additional discussion regarding construction work hours? How do we communicate our preferences to the District?**

There is adequate time for discussion on the work hours, which the project team will ultimately include in the project specifications, which contractors will be required to follow. As we continue working through design and construction of

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*this project, it is requested that further communication on questions, comments, or concerns from Signal Point residents be filed through the Signal Point Board of Directors. The Board of Directors at Signal Point will then convey these questions to the Boothbay Harbor Sewer District. This will allow all members to have their concerns heard and organized so they can be answered accordingly.*

15. **Sea Street currently floods when it rains. Will this project assist with the stormwater flooding of this area?**

*This issue has been brought to the Town of Boothbay Harbor and the Public Works Department. Sea Street is located so close to sea level, that the required elevation below ground to adjust the storm drain pipes to convey these flooding scenarios could potentially be underwater. Stormwater upgrades as part of this project will pump stormwater off the facilities site to prevent internal flooding in the wall. There may be some adjustments to an outdated culvert at the corner of the District's property, which may tie back into the stormwater line and offer an opportunity to upsize some of those catch basins in Sea Street.*

16. **Can you be more specific about where the permit information can be located?**

*The permit application, in its entirety, will be available on the DEP website and on the District's website once the permit is filed. In addition, the District can send a copy to the Signal Point board of Directors who can distribute it to the Signal Point Residents.*

Questions and answers ended at 1830 hours. Higgins thanked Ms. Carlson and Cormier for their presentation and then thanked all in attendance for coming out for the public hearing. Higgins closed the hearing at 1837 hours.

#### **Call to Order:**

Trustee Kipp called the regular business meeting to order at 18:45 hours. All materials were sent to the Trustees prior to the meeting. All materials were available to the public upon request.

The superintendent noted the meeting is available on Zoom.

Meeting URL:

<https://us02web.zoom.us/j/89834634936?pwd=V2N4eG9zbEJiTkcYVkZNVzBXTk5TQT09>

Attendees:

Trustee Deryl Kipp, Trustee Russell Hoffman, Superintendent Chris Higgins, New Superintendent Nicolas DeGemmis, Trustee Jim Stormont



**1. Review and Execute Minutes of July 17, 2023:**

Trustee Hoffman made a motion to accept the minutes of the July 17, 2023, meeting as presented. Trustee Stormont seconded the motion. The vote to accept the minutes was unanimous (3-0).

**2. Review and Execute Warrant #1470:**

Trustee Hoffman made a motion to approve Warrant 1470 as presented. Trustee Kipp seconded the motion. The vote to execute was unanimous (3-0).

**3. Execute 60-Day Late Letters: 71 Campbell St., LLC, Brewer, Marc A., Campbell, June, Correa, Jr., Robert S., Cressey, Leighton R. & Lucile R., Dexter, Randall & Luis Brigida Dexter, Dow, Kimberlee & James Marcotte, Engert, Bruce C., Noonan, Deborah & Christopher Keir, Page, Neal D. & Lisa M., Paquette, Susan M., Peters, Julia Frances, Russo, Jonathan, Sala, Joseph L. & Penelope A., SS Forty, LLC, Townsend, Dale F.**

Trustee Stormont reviewed and executed the letters.

**4. Execute Demand Notices: None**

**5. Execute Lien Discharges: None**

**6. Execute Lien Certificates: Bruce Engert and Evelyn Snowman**

Trustee Stormont reviewed and executed the lien certificates.

**7. Execute Notice of Impending Foreclosure: None**

**8. Sewer Entrance Application(s): None**

**Old Business**

**1. Plant Operations**

- A. Plant/Collection System Operations** – The superintendent reported mostly normal operations, maintenance, chemical usage for the plant and collection system since the last meeting.

The superintendent advised the board of the tardiness of the 2022 Audit by Brewer and Associates. Trustee Stormont expressed his concern over the delay in completing the audit. Trustee Kipp concurred and commented this is the second year in a row that the audit was late. The superintendent advised the Board that Brewer has had the financial documents since very early March. The Board advised the superintendent to start looking for a new auditor for the 2023 audit.

1. **Riparian Rights/Seawall Project Work** – The superintendent reported although the district made the first round of review, Senator King's request for 4.3 million in congressional discretionary funding for the seawall project was denied for the 2024 fiscal year. The superintendent advised a FEMA grant application is in process for 2.7 million and should be ready to be submitted in a couple of weeks. The superintendent advised other funding sources are being explored. The minutes for the FEMA permitting public hearing are attached.
2. **Plant Evaluation** – The superintendent advised Vortex, Inc. was onsite to video inspect the outfall pipe interior. We were able to get 226 feet before the debris in the pipe prevented the crawler camera from going any further. The superintendent advised plans are underway to schedule Vortex to stage clean the pipe and video inspect again. Hopes are the work will be completed by the end of September.
3. **CIP and Rates** – Nothing to report.
4. **Sea Water Intrusion** – The superintendent advised Lafayette's victualer's license was approved on June 24 by the BBH Selectboard and is now fully operational.
5. **Butler Road Workforce Housing and CMBG Sewer Updates** – Nothing new to report.
6. **Kenny Field Drive/Park Street Affordable Housing Project** – The superintendent reported the blasting is completed, the sewer needs to be extended, and the non-profit is starting to market the lots.
7. **Sunset Terrace Update** – The superintendent reported the subordination agreement has not been received.

All other operations and maintenance at the plant and collection system were routine.

2. **Personnel** – Nothing new to report.
3. **Manhole Rehabilitation Project** – The superintendent reported the seal testing by Vortex did not pass. Two of the coupons fell off of the manhole sidewall and went into the sewer. Vortex had to come down to retrieve the coupons from the sewer, which they did. Testing is being rescheduled with the date unknown at this time.

**New Business**

1. **Certificate of Commitment – August 1, 2023, Billing** - Trustee Hoffman made the motion to commit the August 1, 2023, billing to the Treasurer for collection. Trustee Kipp seconded the motion. The vote to commit the August 1, 2023, billing to the treasurer for collection was unanimous (3-0).
2. **July 2023, Financial Reports** – The superintendent submitted the July 2023 financial reports for review. The Board reviewed the reports. There was no other discussion or action taken.
3. **July 2023 Investment Reports** - The superintendent distributed the reports for First Advisors. The investment performance is typical for the current market and the district's funds are slowly growing. No other action was taken.
4. **Workers Compensation Refund** – The superintendent asked the Board for consideration to distribute the refund to the employees as a safety award. The amount of the refund is \$1,375. Trustee Kipp made the motion to distribute the refund to the employees as a safety award. Trustee Stormont seconded the motion. The vote to distribute was unanimous (3-0).

**Correspondence:**

**1. Wright-Pierce Sea Wall Permitting Schedule**

The Board reviewed the schedule and the superintendent advised all is ready to go.

**2. Maine Municipal Bond Bank – Audit Letter Request**

The Board reviewed the letter.

**3. Senator King Congressional Discretionary Spending Funding**

The Board reviewed the declination email from Senator King's Office. This was very disappointing news.

**4. Third Letter to John and Colleen Hennessy, Sea Wall Project**

The superintendent advised there has been no response to any correspondence sent after the first email to the Hennessey's.

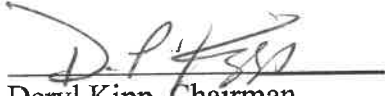

**Public Comment: None**

**Adjourn Meeting:**

Trustee Kipp asked for a motion to adjourn. Trustee Hoffman made that motion. Trustee Kipp seconded. The vote to adjourn was unanimous. The trustees adjourned the meeting at 1909 hours.

  
Deryl Kipp, Chair

We, the undersigned, do hereby waive notice of the above meeting and do agree to the business transacted and certify these minutes are true and accurate.

  
Deryl Kipp, Chairman  
Russell Hoffman, Clerk  
James Stormont, Treasurer