

# Maine Water News

*A Publication of the Maine Water Utilities Association*

July 2012, Number 164

## Membership Value

*Jon Ziegra, 2012 President*

What is the value of being a member of the Maine Water Utilities Association?

That answer became crystal clear to me last Monday night as Jeff McNelly and I were driving back from a very well attended, and tense, meeting with the board of trustees at the Dexter Utility District.

The Dexter area derives its water from Lake Wassookeag through a beautifully maintained slow-sand filtration plant. The water quality is exceptional and rare. The town of Dexter owned the adjoining 42 acre parcel, with approximately 1,000 feet of undisturbed shoreline, which up until now has served as the district's intake protection zone. Earlier this year the town, seeking a shortsighted \$205K windfall, sold the property to a local developer who is now seeking permits to construct several shore front homes directly adjacent to the district's intake as well as adding a campground which will abut district property.

Upon the invitation of the Dexter Utilities District the MWUA is acting as an advocate and providing any assistance it can to help the district avert the negative water quality issues from ill conceived development. The stakes are high and the MWUA is there, not to generate a consultant fee, but because a member utility asked for help.

Likewise this spring, many member utilities were facing very real and very large unexpected tax burdens. LD 1138 *An Act To Prevent Unnecessary Expulsion of Landowners from the Maine Tree Growth Tax Law Program* was a bill that was designed to take large tracts of land out of Tree Growth and eligible for being included at full value for municipal land taxes. The tax target was property currently in Tree Growth, for which the land owner had no intention of commercially harvesting. As has happened so many times before, the water profession found itself in the cross-fire as unintended collateral damage.

Without an exemption for land set aside in Tree Growth to protect public health through water quality, many districts, large and small, stood to lose hundreds of thousands of dollars each year in new taxes. Again, the MWUA, not only through the hard work of staff, but also through the above and beyond efforts of many members were, in the end, able to take water utilities out of the crosshairs.

The MWUA fulfills many critical roles in our industry. It is a conduit for training, a forum for industry professionals from all size districts to share ideas, a strong advocate for the industry and most importantly, an organization that can be depended on for help when things get tough.

That is value!



*View from Saddleback Resort in Rangeley*

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Material of interest to the water supply profession  
will be considered for publication. Copy deadline is  
the 15<sup>th</sup> day of month preceding publication.

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## **The June Meeting**

This year's June Meeting was an excellent opportunity to head to the western part of Maine and take in some beautiful scenery, and a great technical program.

During the day on Wednesday, some caught trout while others played golf. Thursday morning, the meeting commenced at Saddleback Resort with breakfast and a welcome to Rangeley given by Rudolph Davis, Trustee of Rangeley Water District. Vernon Bean, Superintendent of Rangeley Water District, provided us with an overview and history of the water system. Denise Douin of the Drinking Water Program provided an informative regulatory update.

The technical program featured excellent presentations on emergency preparedness. Ray Lussier of Life Safety Specialists spent some time reviewing the incident command system, real world incidents, how to identify threats to your water system, and how to be prepared for emergencies.

Michael Grant, Tim Hardy and Clyde Ross, all associated with MEMA, teamed up to inform the attendees of the resources available pertaining to emergency preparedness (DEP, MeWARN, FEMA, etc.). Local examples of how the system should and has worked were given as well.

Following the technical session, a delicious luncheon was served, and the attendees headed out to enjoy the scenic drive home and beautiful weather.

## **Dig Safe Workgroup Reconvenes**

One of the outcomes of LD 1803, An Act To Implement the Recommendations of the Dig Safe Work Group, was to once again convene a "dig safe work group" to examine, improve and enhance the underground facility damage prevention system.

The work group is tasked with examining ways to facilitate the creation of a centralized one-call system to notify the operators of underground facilities of pending excavations.

The examination must include, but is not limited to, the creation of a new apportionment of the costs of the damage prevention system membership; authorizing an operator who is not a member of the damage prevention system to be subject to administrative penalties for violations; requiring an operator who is not a member of the damage prevention system to maintain insurance when an excavator is working on that operator's underground facilities; identifying appropriate tolerance zones for marking different types of underground facilities; developing a process for the commission to keep records of successful markings or excavations; and evaluating the need for an ongoing advisory board to provide input to the commission regarding the damage prevention system.

At the first meeting of the work group, there was considerable discussion as to the feasibility (or not) of developing best management practices for locating, marking and excavating around facilities that are difficult to locate due to their depth, material of construction and other factors. The association will be holding training workshops on July 10<sup>th</sup> and 18<sup>th</sup> in Portland and Brewer, respectively, in order to develop draft recommendations for the workgroup to consider.

## Board of Licensure of Water System Operators Has Class IV Operator Opening, Secures Additional On-Line Test Site

The Board of Licensure administers the licensing of persons to serve as operators of public water systems and is responsible for holding examinations for the purpose of examining candidates for licensure. The Board sets education and experience qualifications, determines exam content and approves courses for Training Contact Hours. They have announced that they have an opening for a Class IV operator, to serve as a board member.

Any persons who may have an interest in serving on the Board can contact Trevor Hunt, Chair, at (207) 443-2391 or [thunt@bathwd.org](mailto:thunt@bathwd.org).

The Board has also announced that they anticipate that an additional computer-based testing site will be available in Brewer. Barring unforeseen complications it is hoped that the site, at the Brewer Public Library, will be in operation by July 1<sup>st</sup>.

Additional information can be found on the Drinking Water Program's website.

## Legislature Wraps up Their Work

As was noted in the May issue of Maine Water News, the Maine Legislature recessed in April and then returned on May 15<sup>th</sup> to deal with the budget, a handful of bills that had been funded through the Appropriations and Financial Affairs Committee process, and to address a bond package that had been approved by that same committee. LD 359, the bill to provide the Drinking Water and Clean Water State Revolving Fund (SRF) capitalization grants for the next two years, was one of the five bond referendums that the committee approved. The five bonds needed a 2/3 majority from both the House and Senate and they all received that. Following the action of the Legislature, Governor LePage vetoed the R&D bond but did not veto the others, including LD

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359. However, he chose to send the referendums to the voters without his signature of approval. He stated that he would not be voting for the bonds in November and he encouraged other voters to vote against them. He also indicated that, even if the bonds were approved by the voters, he would not issue them until “we’ve lowered our debt significantly”.

The association is developing a strategy focused on (1) a successful referendum outcome in November and, (2) advocacy before the Governor and the State Treasurer for the purpose of issuance of the bond, if the November vote is successful. The signature of both officials is required in order for a bond to be issued.

The foundation of this effort will be education of the general public relative to the importance of the bond referendum in providing the 5 – 1 match, and the interest savings for water and wastewater systems that use the SRF loan program.

### Freedom of Access Law Amended

LD 1465 An Act to Amend the Laws Governing Freedom of Access was enacted by the Maine Legislature this past session. It was signed by the

Governor and will go into effect on August 31<sup>st</sup>. It is Public Law 2012 Chapter 662.

There are a number of new Freedom of Access Act (FOAA) requirements that apply to municipalities and quasi-municipal entities, which include water and wastewater districts.

Every quasi-municipal will be required to have a public access officer. The role of that officer is to serve as the contact person with regard to requests for public records under FOAA and as a resource within the department or district concerning freedom of access questions and compliance.

The public access officer is required to complete a course of training on the requirements of FOAA relating to public records and proceedings. Elected officials are required to have that training now.

PL 662 defines reasonable office hours as “all regular office hours of an agency or official”.

Section 408 of Title 1, **Public records available for public inspection and copying** was repealed and was replaced with Section 408-A. The title of this section is unchanged; however a number of requirements were added and are detailed below:

- Except as otherwise provided by statute, a person has the right to inspect and copy any public record within a reasonable time of making the request.
- A person may inspect any public record during reasonable office hours. There can be no charge for inspection unless the public record cannot be inspected without being converted or compiled, in which case the agency or official may charge a fee as provided in the law.
- A person may copy a public record in the office of the agency or official having custody of the public record during reasonable office hours or may request that the agency or official provide a copy. There can be a fee for copies as provided in the law. A request need not be made in person or in writing and the agency or official shall mail the copy upon request. The agency or official shall acknowledge receipt of a

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request within a reasonable period of time, and may request clarification concerning which public record or public records are being requested. The agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request and shall also make a good faith effort to fully respond to the request within the estimated time.

- If a body or an agency or official refuses permission to inspect or copy or abstract a public record, there shall be a written notice of the denial, stating the reason for the denial, within 5 working days of the request for inspection or copying.
- Inspection, conversion of an electronic file and copying of a public record subject to a request may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the agency or official. If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists.
- An agency or official is not required to create a record that does not exist.
- An agency or official shall provide access to an electronically stored public record either as a printed

document or in the medium in which the record is stored, at the requester's option. The agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

If in order to provide access to an electronically stored public record the agency or official converts the record into a form susceptible of visual or aural comprehension or into a usable format for inspection or copying, the agency or official may charge a fee as provided in the law. The agency or official is not required to provide a requester with access to a computer terminal.

- Except as otherwise specifically provided by law or court order, an agency or official may charge fees for public records.

They may charge a reasonable fee to cover the cost of copying. They may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and

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redacting confidential information. They may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format. They may not charge for inspection unless the public record cannot be inspected without being compiled or converted. They may charge for the actual mailing costs to mail a copy of a record.

- The agency or official subject to a request shall provide to the requester an estimate of the time necessary to complete the request and of the total cost involved. If the estimate of the total cost is greater than \$30, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, payment in advance can be required.
- The agency or official may require a requester to pay all or a portion of the estimated costs to complete the request prior to the search, retrieval, compiling, conversion and copying of the public record if the estimated total cost exceeds \$100 or the requester has previously failed to pay a properly assessed fee in a timely manner.

- The agency or official may waive part or all of the total fee charged if the requester is indigent, or the agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.

For more information on the Freedom of Access Act, please visit Maine's "Your Right to Know" website at: <http://www.maine.gov/foaa/>.

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## Robert W. "Bobby" Studley, Jr.

Robert W. "Bobby" Studley Jr., 42, of Studley Way, died on May 5, 2012, at Maine Medical Center in Portland, with family and friends close by. He was born in Augusta on Oct. 5, 1969, the son of Robert W. Studley Sr. and Cecile (Lemelin) Studley. He was employed by the Greater Augusta Utility District for the past 15 years. He was a registered Maine Guide, and an avid hunter and fisherman. Bobby's home away from home was his camp in Jackman with his family and friends. He was also a stock car racing champion

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at Unity and Wiscasset. Bobby was a member of the National Rifle Association, Big Bucks Club and the Veterans of Foreign Wars. He was a beloved son, brother, father and devoted dad who was extremely proud of his daughter and her accomplishments. Surviving are his parents of Sidney; one daughter, one sister and her husband, his maternal and paternal grandmothers, a niece and nephew, two godchildren, and numerous aunts, uncles, and cousins.

## Erving H. 'Erv' Bickford

Erving H. 'Erv' Bickford, 79, died on May 12, 2012 at his beloved home on Westcustogo Point in Yarmouth. Erv was born in Lisbon Falls to Hilda Pohle and Henry Bickford on Aug. 17, 1932. He was passionate about the town of Yarmouth. He was elected to the Town Council in 1978 and served for eight terms, many as Chairman. He was a Water District Trustee for 23 years. He represented Yarmouth on the Regional Waste Committee, and was a volunteer for the fire department for many years. He also worked as an advisor for the recently completed Water District Building. Erv is survived by his wife Lyn; his sister Arlene, his brother Calvin, his children, Tamson

Bickford Hamrock and her husband Henry, Susan Bickford and Rich Simon, Catherine Bickford and Edward Rowe; and his three grandchildren.

## Elias A. "Bud" Cooney

Elias A. "Bud" Cooney, a lifelong resident of Tewksbury, died on June 3, 2012 at Saints Medical Center in Lowell. He was the beloved husband of Audrey L. (Kelley) Cooney, with whom he would have celebrated a 48th wedding anniversary on June 6th. He was born in North Tewksbury on the Cooney Farm on Christmas Eve in 1935, a son of John J. and Mary (Mealey) Cooney. He retired as Sr. Vice President and Treasurer at Whitman & Howard in Wellesley, an architectural and engineering company specializing in municipal water and wastewater treatment plants. He was the lead engineer for his company during the construction of Lowell's water filtration plant in the 1960's. Bud was respected by his peers, and served as Past President and Past Treasurer for NEWWA, as well as International Director for the AWWA. Besides his beloved wife Audrey, he is survived by two sons and a daughter-in-law, eight grandchildren, and several nieces and nephews.



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**MAINE WATER UTILITIES ASSOCIATION**  
**27<sup>th</sup> ANNUAL CLAMBAKE SCRAMBLE GOLF TOURNAMENT**  
**Wednesday, August 8, 2012**

**PLACE:** Val Halla Golf Course: 60 Val Halla Road Cumberland Center, Maine 04021 phone: (207) 829-2225

**DIRECTIONS:** Traveling on I-295 from the North/South. Take Cumberland/Yarmouth Exit15. Turn right onto Route 1 – 1<sup>st</sup> light turn left (Portland St) .8 mi changes to Middle Rd .6 mi turn right onto Greely Rd 3 mi Turn left onto Val Halla Rd

**TIME:** Shotgun Start @ 8:30 AM  
Barbeque and Awards to follow

**FORMAT:** Scramble Format is as follows: Men play white tees; Women begin on the red tees. Each Group must use one drive from each player on each nine.

**COMPETITION:** 1<sup>st</sup> Place (2) Longest Drive M/W  
2<sup>nd</sup> Place (3) Closest to the Pin

**\*There will be a 50/50 RAFFLE & CASINO HOLE to benefit the MWUA Scholarship Fund**

**REGISTRATION:** Register by July 27, 2012 online at [www.mwua.org](http://www.mwua.org); or complete this form and return to:  
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**CEREMONY:** Honorable passage of the Lobster Red “Master Scrambler” Jacket

**COST:** \$75 per person, including cart, prize fund and buffet  
(meal cost is \$10 per person for those requiring a breakdown)

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**MWUA 27<sup>th</sup> ANNUAL CLAMBAKE SCRAMBLE GOLF TOURNAMENT**  
**August 8, 2012 at Val Halla Golf Course**  
**Registration Deadline: July 27, 2012 \*Pre-payment is Required Please**

**DATE:** Wednesday, August 8, 2012  
**PLACE:** Val Halla Golf Course, 60 Val Halla Rd., Cumberland, ME 04102  
**TIME:** Shotgun Start at 8:30 A.M  
Barbeque and Awards to follow

**CONTACT NAME:** \_\_\_\_\_ **CONTACT MEMBER INFORMATION:** \_\_\_\_\_

Team Member #1 \_\_\_\_\_ **ADDRESS** \_\_\_\_\_  
Name Company

Team Member #2 \_\_\_\_\_ **CITY** \_\_\_\_\_ **ST** \_\_\_\_\_ **ZIP** \_\_\_\_\_  
Name Company

Team Member #3 \_\_\_\_\_ **PHONE** \_\_\_\_\_  
Name Company

Team Member #4 \_\_\_\_\_ **E-MAIL** \_\_\_\_\_  
Name Company

Payment enclosed for \_\_\_\_\_ (# people) at **\$75.00/person**. Total enclosed (\$) \_\_\_\_\_

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**MAINE WATER UTILITIES ASSOCIATION**  
**ANNUAL CLAMBAKE**

**DATE:** THURSDAY, August 9, 2012

**LOCATION:** THOMAS POINT BEACH, BRUNSWICK, MAINE  
[www.thomaspointbeach.com/home.shtml](http://www.thomaspointbeach.com/home.shtml)

**DIRECTIONS:** Leave U.S. Route 1 at Cook's Corner. Turn left at the traffic light, then immediately turn right onto the road to Thomas Point Beach. \*WATCH FOR THOMAS POINT BEACH SIGNS.

**TIME:** 12:00 P.M. DOWNEAST CLAMBAKE (Reservations Required)  
 Come before lunch, meet old friends, make new ones. The park collects an entrance fee from each person for clean up cost. It is requested that the serving of alcoholic beverages stop for the remainder of the day when lunch is served.

**REGISTRATION:** Register by July 27, 2012 using the following options:  
 1. online at: [www.mwua.org](http://www.mwua.org)  
 2. or complete registration form and return to:  
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*Jon Ziegler  
 President*

*Jefferson Longfellow, Program Committee Co-Chair  
 Rick Anair, Program Committee Co-Chair*

**MWUA Annual Clambake Registration**  
**August 9, 2012 at Thomas Point Beach - Brunswick**  
*Registration Deadline: July 27, 2012*

**DATE:** THURSDAY, August 9<sup>th</sup>, 2012  
**PLACE:** THOMAS POINT BEACH, BRUNSWICK, MAINE  
**TIME:** 12:00 P.M. DOWNEAST CLAMBAKE (Reservations Required)  
**DIRECTIONS:** Leave U.S. Route 1 at Cook's Corner. Turn left at the traffic light, then immediately turn right onto the road to Thomas Point Beach. WATCH FOR THOMAS POINT BEACH SIGNS.

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<u>QUANTITY</u>	<u>REGISTER BY JULY 27TH</u>	<u>REGISTRATIONS RECEIVED AFTER JULY 27TH</u>
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___ One Lobster Dinner	@ \$35.00 per person \$ _____	@ \$40.00 per person \$ _____
___ Steak Dinner	@ \$35.00 per person \$ _____	@ \$40.00 per person \$ _____
___ Chicken Dinner	@ \$25.00 per person \$ _____	@ \$30.00 per person \$ _____
___ Veggie Burger Dinner	@ \$15.00 per person \$ _____	@ \$20.00 per person \$ _____
___ Hamburgers/Hotdogs/Chips	@ \$ 8.00 per person \$ _____	@ \$ 8.00 per person \$ _____
___ Hamburgers/Hotdogs/Chips (16 & Under Free)		

TOTAL ENCLOSED: \$ \_\_\_\_\_

MWUA, 150 Capitol St., Ste 5, Augusta, ME 04330  
 Phone: (207) 623-9511, Fax: (207) 623-9522

**MAINE WATER NEWS**  
**150 CAPITOL STREET, SUITE 5**  
**AUGUSTA, ME 04330**