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# Committee for Energy Efficiency and Sustainability (CEES)

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## Committee Meeting Agenda

Wednesday, July 14, 2021

7:00pm to 8:30pm

GoToMeeting Video Stream

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## Agenda

Item	Agenda	Start Time
1	Call to Order: Welcome!	7:00 pm
2	Approval of July 14, 2021, Minutes	7:05 pm
3	Remote Meeting Policy/Emergency Resolution	7:05 pm
4	Sligo Road Community Solar Project Update	7:30 pm
5	ARPA Funding	7:40 pm
6	Ongoing Project/Policy Update(s): Community Solar, EV, etc.	8:00 pm
7	Adjourn	8:30 pm

## Board Members

Toby Ahrens, Chair

David Ertz

Kurt Adams

Mike Sears

Chuck Parker

Scott Sherriff

Peter Fromuth

Bill Dunn

VACANCY

Anna Siegel, Student Liaison

April Humphrey, Town Council

## Staff

Scott LaFlamme,

*Economic Development Director*

Nat Tupper,

*Town Manager*

## Meeting Materials

- 7.14.21 Meeting Minutes
- Remote Meeting Policy Draft
- ARPA Memo



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# Committee for Energy Efficiency and Sustainability (CEES)

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## Committee Meeting Minutes

Wednesday, July 14, 2021

7:00pm to 8:30pm

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### Approval of May 12, 2021, Meeting Minutes

Vice Chair, Peter Fromuth, brought the July 14, 2021, CEES meeting to order at 7:00pm. David Ertz moved to approve the May 12, 2021, meeting minutes, as approved. The motion was seconded by Scott Sherriff and passed unanimously.

### Sligo Road Community Solar Project

The Committee prepared for the upcoming Town Council meeting on July 15<sup>th</sup>. During that meeting, the Town Council would decide on whether to move a community solar farm development forward on the CMP pole yard parcel on Sligo Road. S. LaFlamme and D. Ertz had attended earlier Town Council discussions, where the project was favorably considered. If approved, the Town Manager would negotiate final terms with CMP to exercise the Town's option on the property and negotiate a lease agreement with EDP Renewables to develop the site.

The Committee also began discussing public education opportunities to share CSF benefits to Yarmouth residents and businesses.

### Project Updates

- P. Fromuth provided the Committee with an overview of a draft EV infrastructure ordinance that is being developed by GPCOG and the Southern Maine Planning and Development Corporation (SMPDC). The draft ordinance would provide guidance and best practices to communities looking to develop regulations that support electric vehicles.

P. Fromuth adjourned at 8:02pm upon mutual consent.

### Board Members Present

Scott Sherriff  
Peter Fromuth  
David Ertz  
Bill Dunn  
Toby Ahrens  
Heather Abbott, Town Council

### Staff

Scott LaFlamme





## REMOTE PARTICIPATION POLICY

### Yarmouth Town Council and Operations Committee

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_



## **ORDER DECLARING A LIMITED EMERGENCY**

WHEREAS, in the Spring of 2021 the COVID-19 Pandemic had seemed to be coming to an end with the advent of vaccines and good vaccination rates, but instead infection rates, and new variants, hospitalizations, and deaths from the COVID-19 virus have been increasing in recent months; and,

WHEREAS, a majority of the new infections in the United States and the State of Maine involve the Delta variant, a highly contagious SARS-CoV-2 virus strain, which was first identified in December 2020; and,

WHEREAS, the Delta variant has increased transmission, the severity of COVID-19 infections based on hospitalization and case fatality rates, and decreased susceptibility to therapeutic agents; and,

WHEREAS, the Delta variant represents 47.6 percent of all sequenced samples collected in July in the State of Maine; and,

WHEREAS, as a result of the Delta variant and the increase in COVID-19 infections, the United States Centers for Disease Control and Prevention announced on July 27, 2021, that fully vaccinated individuals should wear masks in indoor public settings in parts of the country that are experiencing a substantial or high transmission of COVID-19; and,

WHEREAS, the Maine Center for Disease Control and Prevention similarly announced on July 28, 2021, that masks are recommended to be worn by fully vaccinated individuals in public indoor settings in almost all Maine counties, including Cumberland County; and,

WHEREAS, the risk of COVID-19 virus transmission from vaccinated individuals to unvaccinated individuals (for example children under 12) remains unknown; and,

WHEREAS, the technology infrastructure and processes currently exist to continue to continue to allow remote participation in and public access to the Committee for Energy Efficiency and Sustainability's (CEES) meetings in accordance with Maine law; and,

WHEREAS, Committee for Energy Efficiency and Sustainability (CEES) is committed to continuing to provide opportunities for public engagement which are accessible and safe; and,

WHEREAS, all Committee for Energy Efficiency and Sustainability (CEES) has or will be adopting a Remote Participation Policy as authorized in 1 M.R.S. section 403-B.

NOW, THEREFORE, BE IT ORDERED AND DECLARED by the Committee for Energy Efficiency and Sustainability (CEES) that a limited emergency continues to exist within Yarmouth and the surrounding region; and

BE IT FURTHER ORDERED, that as a result of the declared limited emergency and the existence of an "emergency or urgent issue" as described above, pursuant to 1 M.R.S. section 403-B and Committee for Energy Efficiency and Sustainability (CEES) recently adopted Remote Participation Policy, being physically present for meetings in Yarmouth Town offices is not practicable at this time, and therefore requires that EDAB meetings continue

to be conducted by remote technology/methods only until the limited emergency is terminated; and

BE IT FURTHER ORDERED that this Order is enacted as an Emergency so that it may take effect retroactively to July 30, 2021.

To: The Yarmouth Town Council  
From: Nat Tupper, Yarmouth Town Manager  
Date: August 25, 2021  
Re: Allocation of Available Federal Funds (ARPA)

I am pleased to offer you here my thoughts and recommendations on the use of American Rescue Plan Funds that may be drawn down through the Maine Department of Administrative and Financial Services (DAFS) for the benefit of the Town of Yarmouth. There are many potential eligible and competing uses for the funds that you may wish to consider, and I recommend that the Town Council engage the public in making a determination of priority work that is eligible under the guidance offered by the US Treasury Department and other sources.

**American Rescue Plan Act (ARPA) Funds:**

The Town Council will need to determine the best and most appropriate use of ARPA funds available to the Town of Yarmouth.

My recommendation for the use of the funds is based on careful and thoughtful review of the guidance materials offered by the US Treasury Department, The Federal Register (Vol 86 No. 93 May 17, 2021), the National League of Cities, and Maine Municipal Association.

I understand that other jurisdictions may read and understand the guidance differently and may construe the authorized uses more broadly. I have generally taken a fairly safe and conservative view of the latitude provided by the legislation. I have attempted to apply both the specific guidance and the underlying goals and intentions as offered in the Federal Register. My analysis applies only to non-education department programs, facilities, and employees. Separate funding for school units does not flow through this office.

The American Rescue Plan Act (ARPA) is an amendment to Title IV of the Social Security Act and Section 603 establishes the Coronavirus Local Fiscal Recovery Fund, which provides for the distribution of federal funds to the States and directly to larger metropolitan areas.

Smaller jurisdictions, like Yarmouth, are “non-entitlement” communities which means that funds set aside for Yarmouth must be drawn down through Maine



State government. **My expectation is that Yarmouth may draw down about \$856,000 over the next couple years.**

The funds can be drawn down for 4 different purposes:

- 1) To respond to the [COVID-19] public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or to aid impacted industries such as tourism, travel, and hospitality; (and/or)
- 2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; (and/or)
- 3) For the provision of government services to the extent of the reduction of revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the pandemic; (and/or)
- 4) To make necessary investments in water, sewer, or broadband infrastructure.

Each of these 4 categories of authority have extensive limitations, conditions, and prohibitions. My recommendations are based on careful reading of those limitations applied to the priorities of the Town. Other allocation strategies may also be eligible in addition to or in lieu of the recommendations.

**Below you will find my analysis of each of the categories of ARPA-eligible funding:**

- 1- **Responding to the public health emergency or its negative economic impacts.** While the Town did (and continues to) face some direct costs, a very significant portion has been covered already by the federal (CARES) program. That included: Personal Protective Equipment (PPE), wastewater testing, business grant/loan programs, plexiglass dividers, surface and air cleaning supplies and equipment, extra voting equipment, and a substantial portion of YCS childcare programming. Some unrecovered costs may be eligible for ARPA funds, but those are relatively small. Thus, the primary benefit of ARPA funds would be to build the Town's fund balance. **With the exception of ongoing public health surveillance of wastewater viral loads, I am recommending no drawdown of ARPA funds under Category 1.**

- 2- **Premium Pay:** The law provides for premium pay to Public Health and Safety Workers, health care, human services, and similar employees to the extent that their services are devoted to mitigating or responding to the public health emergency. Other communities are equating town hall clerical staff as “similar” and not without good reason and a sense of fairness. However, such staff were delivering “normal” services in trying and unusual pandemic circumstances – but not devoted to mitigating or responding to COVID. Town Hall, YCS, Library, assessing and other staff (other than public safety) **ALSO** deserve a premium pay adjustment, but I don’t find those expenses to be eligible under ARPA.

**I recommend an allowance of \$40,000 for a premium pay plan for first responders. And I recommend that the Town Council consider some type of premium pay or bonus from town funding sources for all other employees. I recommend against using ARPA funds for non- first responder premium pay.**

- 3- **Loss of Revenues:** There is complex guidance to calculate the loss of revenues due to COVID. Our two biggest areas were (a) reduced EMS service fees, and (b) reduced YCS program enrollment fees. We could calculate these individual revenue losses so that we can draw down ARPA funds to make up for those losses. However, this note in the Federal Register indicates that this is not a good idea.

*In calculating revenue, recipients should sum across all revenue streams covered as general revenue. This approach [...] presents a more accurate representation of the overall impact of the COVID-19 public health emergency...*

In other words, we should be looking at our revenue bottom line and not at one particular revenue line. Yarmouth’s bottom line for General Fund revenues in FY 21 were 5% over budget! **Because our General Fund revenues exceeded expectations, I recommend we not request a drawdown of ARPA funds for lost revenues.**

4- **Necessary Infrastructure investments for Sewer, Water, or Broadband.**

The law does NOT provide infrastructure funds for roads, bridges, dams, or other infrastructure needs. Those may be addressed in future federal infrastructure legislation and funding when and if it is approved by Congress, but not in the ARPA legislation. The ARPA eligible infrastructure investments must be necessary but are not required to be directly responsive to or seek to mitigate COVID issues. While it is possible to transfer Yarmouth's ARPA funds to the Yarmouth Water District, no request has been submitted nor expected, and I would not anticipate that the Town Council would approve such a transfer unless there was some very significant special circumstance.

On the other hand, there may be an opportunity to transfer a small portion of Yarmouth's reserved ARPA funds to invest in regional broadband improvements. I encourage the Town Council to carefully consider holding back some funds to allow the Town to be a part of a regional broadband investment effort if one should emerge (possibly through County Government, and/or GPCOG). Affordable, reliable, accessible broadband connectivity and speed (both upload and download) is critical to business and civic life, access to markets and healthcare, equal access for education, jobs, and commerce. It can provide significant environmental benefits and reduction of vehicle miles traveled. While Yarmouth enjoys nearly universal access, there are significant impairments in speed, reliability and cost. **My recommendation is to set aside 2% of the total allocation for a broadband improvement project to be determined at a later date.** That allocation can be redesignated at any time up through 2024.

Sewer infrastructure is an urgent capital need. We have tremendous wastewater pumping, piping, and process equipment investment requirements which all relate directly to protection of the public health, the environment, and to economic activity and sustainability for the community. **I am recommending the majority of Yarmouth's available ARPA Funds be used for priority wastewater infrastructure projects- in particular the construction of a redundant/overflow/by-pass aeration tank and equipment at the wastewater treatment plant.** ARPA funds alone will probably not cover the full cost but could contribute a very

substantial share of the project cost. I will provide a project recommendation that could use up the Town's entire ARPA allocation. I will suggest a few minor other uses under categories 1, 2, 3, as well which, if approved, would allow us to back into the allocation for sewer infrastructure investments.

The Wastewater Treatment Plant currently provides aeration to the biological process through a 550,000-gallon aeration tank with two (2) mechanically driven paddle type aerators, called impellers. Air is infused into the wastewater by mechanical mixing of the water surface, similar to a big electric cake mixer. The Treatment Plant has only a single aeration tank that was constructed in 1993 and has been in continuous service ever since.

In 1993 only one aeration tank was constructed due to cost. As such, there is no redundancy in this critical part of the process and it makes it impossible to perform tank maintenance, (since the tank cannot be drained), and difficult to perform scheduled maintenance or repairs to the mechanical parts of the aeration process. For example, a recent failure of one of the aerator impellers required a specialty dive team to mobilize to float the impeller out of the tank since it could not be drained. A failure of this part of the system could be catastrophic both financially and environmentally and would pose a significant public health risk when untreated waste passed pass directly to the river.

The Department is proposing that a second tank of the same size and aeration capacity be constructed to provide redundancy to this key piece of the treatment process. It is anticipated that the second tank will be sited to the northeast of the existing tank, replacing one of the original and defunct ditch aerators. Currently, the Department is working to develop a conceptual design and opinion of probable cost for the proposed new aeration tank system.

We are currently developing a concept scope in partnership with our consulting engineers to develop a scope of service and an initial concept plan and cost opinion.

Please see a more detailed technical memorandum from the Town Engineer attached.

**SUMMARY OF RECOMMENDED ARPA FUNDS USE ALLOCATION:**

TOTAL AVAILABLE (EST)	\$856,000	
Public Safety Premium Pay (2)	-\$40,000	(allowance, details TBD )
Wastewater Testing (1)	-\$8,000	(forward spending)
Broadband initiative (4)	-\$15,000	(Reserve for now details TBD)
Wastewater projects (4)	\$793,000	(forward)
Remaining Available Funds:	\$0	

\*Wastewater project allocation to be the remainder after allocation of the \$856,000 total to the other 3 priorities. We do not have a cost of the Wastewater project yet, but reasonably expect it will require additional town resources even after a substantial ARPA subsidy.



Proposed Aeration Tank Location

**TOWN OF YARMOUTH  
INTERNAL MEMORANDUM**

**TO: Nathaniel J. Tupper, Town Manager**  
**FROM: Steven S. Johnson, P.E., Town Engineer**  
**DATE: August 19, 2021**  
**RE: Yarmouth Wastewater Department Second Aeration Tank Installation Project**

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As you know, the Wastewater Department is proposing to construct a second aeration tank that will provide much needed redundancy to the critical aeration process. The Department anticipates constructing a new 550,000-gallon aeration tank with a similar mechanical aeration equipment to the northeast of the existing tank on the site of an unused and defunct ditch aerator tank that was part of the original plant process. This memorandum provides the technical details of the project.

The Yarmouth Wastewater Treatment Plant (Plant) was constructed in the late sixties to provide biological treatment to the Town's wastewater prior to discharge to the receiving waters, in this case, the Royal River. Prior to that wastewater was discharged untreated to the river. In the early 1990's, as part of a Consent Decree with the Maine Department of Environmental Protection, the Town performed a major upgrade to the existing plant to provide new aeration, settling, dewatering, disinfection and pumping upgrades as well as the required new building and utility infrastructure. It should be noted that redundant aeration was not installed at that time due to cost constraints. The improvements went online in 1993

Since that time, there has been few large capital investments in the plant, with the exception of a telemetry upgrade in the late 2000's and the recent dewatering system upgrade in 2019. As far as the aeration tank, the system has been in continuous operation since 1993 and has never been drained for inspection of the underwater condition. The aeration equipment motors, and gearboxes have been rehabilitated once, in the mid 2000's. Additionally, the motors were equipped with Variable Frequency Drives (VFD's) in the late 2000's as an energy conservation project.

From a process and licensing perspective, the biological process (bacteria) requires a certain amount of oxygen to survive and function. The aeration system provides that oxygen and as such, cannot be shut down for more than several hours. Without oxygen the system will die, and the plant will not meet the pollution removal levels required in the Town's environmental license and will be subject to enforcement action and fines under the Clean Water Act (CWA). Additionally, wholesale shellfish closures will likely happen not to mention the environmental impact to all users of the Royal River and near reaches of Casco Bay. Having redundancy to this key system is important.

From a maintenance perspective, there is no way to drain the aeration tank to perform inspection of the concrete tank or provide inspection or maintenance to the shafts and impellers of the aeration equipment. The existing tank has never been drained since its installation in 1993 and the condition of the tank walls and bottom is unknown.

The Department is proposing to install a second and parallel aeration tank system, likely of the same type and size as the existing unit. A second tank will provide the required redundancy to the system such that periodic maintenance and inspection can be performed to either tank or equipment. Additionally, having a second aeration will provide much needed protection from unexpected failures and a loss of aeration. A second tank will also provide an opportunity to halve the run time for each unit providing more life.

Another key functionality that a second tank provides is the opportunity to store peak flows generated during spring runoff or intense rain events that are seen at the plant from the resulting inflow and infiltration. During wet weather, leaky sewer pipes or illegal storm drain connections allow clean water into the system that increases the flow at the plant. This stored flow is fed back into the system during periods of low flow. To avoid the potential washing out of the plant, the Department has a High Flow Management Plan that is implemented to protect the system. Having a second aeration tank with a half million-gallon volume will be very helpful to attenuate the flowrate into the plant during wet weather.

The proposed new aeration tank is likely to be sited to the northeast of the existing aeration tank that is currently occupied by one of the original aeration ditches. The existing ditch is no longer used and defunct. It is anticipated that the existing ditch will be demolished, and the new larger tank installed in its place, along with the required piping, valving, utilities, and monitoring/control systems. Please see the sketch below.

The Department is currently working with Wright-Pierce Engineers of Topsham and Portland, Maine to develop a conceptual design and a conceptual opinion of probable cost (OPC) for the proposed new infrastructure. It is anticipated that this information will be received in the next two or three months.