

**AGENDA
BOARD OF TRUSTEES
PORTLAND WATER DISTRICT
1-408-418-9388**

**Access Code 2633 749 5665, Meeting Password 27468967
6:00 p.m., Monday, January 24, 2022**

- | | | |
|-----|---|--|
| 1. | <u>Roll Call</u> | Clerk |
| 2a. | <u>Acceptance of Minutes of the Regular Meeting of December 20, 2021.</u> | President Douglas |
| 2b. | <u>Acceptance of Minutes of the Workshop Meeting of January 10, 2022.</u> | President Douglas |
| 3. | <u>Invitation for Public Comment</u> | President Douglas |
| 4. | <u>Reports:</u> | |
| | ▪ Operations Committee Reports | Trustee Shattuck-Heidorn |
| | ▪ Planning Committee Reports | Trustee Siviski |
| | ▪ Administration & Finance Committee Reports | Trustee Cote |
| | ▪ General Manager's Report | General Manager |
| 5. | <u>New Business</u> | |
| | A. <u>Resolution 22-001</u> awarding Water Bottle Filling Station Grants. | Water Bottle Filling Station Committee |
| | B. <u>Order 22-001</u> authorizing the final rate schedule for the water rate increase. | Administration & Finance Committee |
| | C. <u>Order 22-002</u> authorizing an amendment to the Bill Credit Agreement contracts with renewable energy providers. | Administration & Finance Committee |
| | D. <u>Order 22-003</u> authorizing a contract for engineering services for the Comprehensive Infrastructure Asset Management Plan Project. | Operations Committee |
| | E. <u>Order 22-004</u> authorizing a lease agreement with FWP Realty LLC. | Planning Committee |
| | F. <u>Order 22-005</u> authorizing a contribution to support Cumberland County Soil and Water Conservation District's Trickey Pond Protection Project. | Planning Committee |
| | G. <u>Resolution 22-002</u> appointing a representative to the Southern Maine Regional Water Council Board of Directors. | President Douglas |
| | H. <u>Order 22-006</u> authorizing a compensation adjustment for the General Manager. | President Douglas |
| 6. | <u>Other Business.</u> An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas. | President Douglas |
| 7. | <u>Second Invitation for Public Comment.</u> | President Douglas |

8. Trustee Comments. President Douglas
9. Executive Session. Pursuant to 1 M.R.S. §405 (6)(D) labor negotiations, the Board will go into Executive Session to meet with legal counsel to discuss the status of labor union contract negotiations with Teamsters Local Union #340. President Douglas
10. Adjournment. President Douglas

Donna M. Katsiaficas
Clerk

Portland Water District
Board of Trustees Regular Meeting
January 24, 2022

New Business

Agenda Item 5A-5H



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 5A Resolution 22-001
Date of Meeting: January 24, 2022
Subject: Water Bottle Filling Station Grant Awards
Presented By: Michelle Clements, Public Relations Manager

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

BE IT RESOLVED, that the Board of Trustees hereby awards the following Water Bottle Filling Station Grants for the installation year of 2022:

Windham Fire & Rescue	Windham	Stand Alone	\$2,000
Memorial Middle School	South Portland	Retro	\$650

BACKGROUND

In December, the Board approved the award of five water bottle filling grants to the recipients below.

Falmouth Community Park	Falmouth, ME	Outside	Maximum \$5,000
Animal Refuge League	Westbrook, ME	Retro	\$650
Mayo Street Arts	Portland, ME	Stand Alone	\$2,000
YMCA Southern Maine	Portland, ME	Retro	\$650
City of Portland – DHS	Portland, ME	Stand Alone	\$2,000

Several Board members expressed praise for the grant program and an interest in expanding the program to allow for more grant awards, particularly in light of the ongoing pandemic.

The water bottle filling fountain grant committee met on January 10 and is recommending awarding two more grants for the installation year of 2022 and to further review community relations outreach and giving prior to recommending any permanent changes to the program.

FISCAL REVIEW / FUNDING

Funding of \$7,000 is included in the public relations budget for 2022. If all applicants accept the grants, funding could reach \$12,950, which exceeds the budgeted amount by \$5,950. The portion over budget can be funded from the General Manager's Contingency Fund, if needed.

LEGAL REVIEW

Legal counsel has reviewed and approved the proposed motion as to form.

CONCLUSION(S)

Water Bottle Filling Station Grant Sub Committee endorses the proposed motion for the full Board's consideration.

ATTACHMENT(S)

Two applications

Carrie Walker

From: PWD Webform
Sent: Wednesday, June 23, 2021 10:29 AM
To: Michelle Clements
Subject: Form submission from: Water Bottle Filling Station Grant Application

Name: Brent Libby

Company or Organization: Windham Fire-Rescue

Street Address: 375 Gray Road

City: Windham

State: ME

Zip Code: 04062

Phone Number: 2078921911

Email Address: bjlibby@windhammaine.us

Installation Year: 2021

Which type of unit are you applying for?: Stand

Describe the location of proposed installation: Public Safety Building outside of fitness area and breakroom

Describe exposure, approximate number of people passing by the unit, current use of fountains, etc.:

The location of installation would be in the hallway of our newly renovated Public Safety Building. The fill station would be located outside of the breakroom, fitness room and classroom for Police, Fire & EMS.

Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain: We do not currently have a water fountain or fill station. As a result people use plastic water bottles or try to refill at the nearest kitchen sink

Who is your primary audience for the unit?: Police-Fire-EMS Personnel

Who will be installing the unit?: Contractor

How did you learn of the grant program?: Brochure

Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes

Do you need to pursue additional approvals in order to install the unit?: No

Carrie Walker

From: PWD Webform
Sent: Sunday, September 26, 2021 1:35 PM
To: Michelle Clements
Subject: Form submission from: Water Bottle Filling Station Grant Application

Name: Eilean G Worcester
Company or Organization: Memorial Middle School
Street Address: 120 Wescott Rd
City: South Portland
State: ME
Zip Code: 04106
Phone Number: 2076519170
Email Address: worcesei@spsdme.org
Installation Year: 2021

Which type of unit are you applying for?: Retro

Describe the location of proposed installation: Public Middle School - hallway

Describe exposure, approximate number of people passing by the unit, current use of fountains, etc.:

Approximately 500 students, and 50 staff utilize the one retrofitted refilling station we have currently. Water fountains have been turned off due to COVID and we only have one retrofitted filling station. We have 3 bottle home-use style water stations, and refill the clear plastic bottles that get placed on them. but they are often empty and custodians are constantly refilling. They are also very slow.

Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain: We need at least one more retrofitted or free standing filling station, in order to help our students and staff access water. We have a set budget that is created the year before, and does not contain funding for refilling stations. Custodians are working hard to refill the temporary filling stations several times a day, but the demand is larger than the supply and Students sometimes have to stand in line for 10 minutes to refill their bottle, and are missing class time as a result.

Who is your primary audience for the unit?: Middle school students grades 5 to 8 and Education staff members.

Who will be installing the unit?: Other

How did you learn of the grant program?: Internet

Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes

Do you need to pursue additional approvals in order to install the unit?: No



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 5B Order 22-001
Date of Meeting: January 24, 2022
Subject: Water Rate Change
Presented By: David Kane, Treasurer

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, that the final rate schedule for the water rate increase, attached hereto and incorporated herein by reference, is hereby approved.

BACKGROUND

The Board approved the 2022 Budget at their November 23, 2021 meeting. The budget assumed a 3.7% water rate adjustment would be effective March 1, 2022. Pursuant to Board rules, a public hearing was held on January 10, 2022. All 54,000 customers received notification of the meeting to review the proposed rate adjustment. Supporting documentation was posted to the District's website. One comment was received prior to the meeting (see Attachment B) and no member of the public made comments at the public hearing.

The filing includes a rate increase differential between residential and commercial/ industrial rates resulting in an increase of residential customer rates by 3.4% and commercial customers by 4.3% and industrial customers by 4.6%. Fire protection charges increase by 3.6%.

FISCAL REVIEW / FUNDING

The 3.7% rate adjustment is projected to increase water revenue by \$962,906 in total. With the rate adjustment, water revenues in 2022 are expected to meet the projected expenses.

LEGAL REVIEW

Corporate Counsel reviewed the proposed motion and approved it as to form.

ATTACHMENT(S)

- A. Proposed Rate Schedule
- B. Customer Comments

PORTLAND WATER DISTRICT
SCHEDULE OF RATES

Effective date:

March 1, 2022 PWD Board of Trustees Order 22-0XX on January 24, 2022

Treasurer

RATES FOR WATER TO METERED CUSTOMERS

Member Rate - Applies to Cape Elizabeth, Cumberland, Falmouth, Gorham, Portland, Raymond, Scarborough, South Portland, Westbrook and Windham

MONTHLY RATES:

For the first	100 cubic feet	included in minimum charge	
For the next	2,900 cubic feet	2.59 per 100 cubic feet	I
For the next	7,000 cubic feet	2.34 per 100 cubic feet	I
For the next	40,000 cubic feet	2.06 per 100 cubic feet	I
In excess of	50,000 cubic feet	1.16 per 100 cubic feet	I

SEASONAL RATES:

See meter size for the allowance included in the minimum charge

Excess up to	90,000 cubic feet	2.59 per 100 cubic feet	I
In excess of	90,000 cubic feet	2.06 per 100 cubic feet	I

MINIMUM CHARGES:

<u>MONTHLY RATES</u>			<u>SEASONAL RATES</u>			
<u>Meter Size</u>	<u>Minimum Charge</u>	<u>Allowance Cubic Feet</u>	<u>Surface Mains Min. Charge</u>	<u>Deep Mains Min. Charge</u>	<u>Allowance Cubic Feet</u>	
5/8	\$ 10.37	100	\$ 298.83	\$ 251.52	3000	I
3/4	12.22	100	387.39	340.07	6,300	I
1	15.86	100	460.53	413.22	9,000	I
1 1/2	28.17	100	704.39	657.07	18,000	I
2	41.23	100	996.99	949.68	28,800	I
3	74.82	100	1,777.31	1,730.00	57,600	I
4	112.62	100	2,655.20	2,607.88	90,000	I
6	217.59	100	5,093.71	5,046.40	180,000	I
8	343.54	100	8,019.96	7,972.64	288,000	I
10	497.42	100	15,823.24	15,775.93	576,000	I
12	658.47	100	24,649.22	24,601.90	900,000	I
Low Income	2.59	100				I

Monthly Rates minimums are prorated to exact day in first and last month of service.
Monthly rate customer on temporary water lines may not be billed for up to first 15 HCF.

Effective date: March 1, 2022

Treasurer

RATES FOR WATER TO METERED CUSTOMERS

Nonmember Rate - Applies to Standish and Yarmouth

MONTHLY RATES:

For the first	100 cubic feet	included in minimum charge	
For the next	2,900 cubic feet	2.99 per 100 cubic feet	I
For the next	7,000 cubic feet	2.70 per 100 cubic feet	I
For the next	40,000 cubic feet	2.36 per 100 cubic feet	I
In excess of	50,000 cubic feet	1.34 per 100 cubic feet	I

SEASONAL RATES:

See meter size for the allowance included in the minimum charge

Excess up	90,000 cubic feet	2.99 per 100 cubic feet	I
In excess of	90,000 cubic feet	2.36 per 100 cubic feet	I

MINIMUM CHARGES:

<u>MONTHLY RATES</u>			<u>SEASONAL RATES</u>			
<u>Meter Size</u>	<u>Minimum Charge</u>	<u>Allowance Cubic Feet</u>	<u>Surface Mains Min. Charge</u>	<u>Deep Mains Min. Charge</u>	<u>Allowance Cubic Feet</u>	
5/8	\$ 11.93	100	\$ 343.67	\$ 289.25	3,000	I
3/4	14.04	100	445.48	391.06	6,300	I
1	18.25	100	529.63	475.22	9,000	I
1 1/2	32.39	100	810.05	755.64	18,000	I
2	47.40	100	1,146.54	1,092.13	28,800	I
3	86.01	100	2,043.95	1,989.53	57,600	I
4	129.50	100	3,053.49	2,999.07	90,000	I
6	250.22	100	5,857.78	5,803.37	180,000	I
8	395.08	100	9,222.96	9,168.54	288,000	I
10	572.04	100	18,196.71	18,142.29	576,000	I
12	757.21	100	28,346.63	28,292.21	900,000	I
Low Income	2.99	100				I

Monthly Rates minimums are prorated to exact day in first and last month of service.
Monthly rate customer on temporary water lines may not be billed for up to first 15 HCF.

Effective date: March 1, 2022

Treasurer

MUNICIPAL FIRE SERVICE

There shall be paid monthly to the District by the municipalities an annual fire protection charge as follows:

<u>MUNICIPALITY</u>	<u>ANNUAL CHARGE</u>	<u>MONTHLY CHARGE</u>	
Cape Elizabeth	\$ 103,320	\$ 8,610	I
Cumberland	84,528	7,044	I
Falmouth	137,412	11,451	I
Gorham	95,268	7,939	I
Portland	423,936	35,328	I
Raymond	7,152	596	I
Scarborough	191,952	15,996	I
South Portland	192,228	16,019	I
Standish	57,444	4,787	I
Westbrook	157,092	13,091	I
Windham	116,100	9,675	I
<hr/>			
Total:	\$1,566,432		

Rates for hydrants installed on or after the effective date shall be determined in accordance with Public Utilities Commission Rules and Regulations Chapter 690 as amended in Docket Number: 87-203.

There shall be no reduction in fire protection charges for fire hydrants removed.

Effective date: March 1, 2022

Treasurer

PRIVATE FIRE SERVICE

For each private fire service connected to the District system there shall be paid to the District an annual fire protection charge as follows:

MONTHLY CHARGES

<u>SIZE OF CONNECTION</u>	<u>MEMBERS</u>	<u>NONMEMBERS</u>	
2"	\$ 4.19	\$ 4.81	I
3"	9.37	10.75	I
4"	16.70	19.21	I
6"	39.92	45.89	I
8"	66.83	76.82	I
10"	104.39	120.12	I
12"	150.31	172.88	I
16"	267.23	307.33	I

In cases where fire protection systems are supplied with water through metered connections, the quantity of water used for emergency extinguishment of fires will be estimated upon notification and deducted from the quantity registered by the meter before billing.

Monthly Charges are prorated to exact day in first and last month of service.

Effective date: March 1, 2022

Treasurer

Portland Water District**2022 Water Rate Adjustment****Customer Comments on Rate Adjustment**

Name	Comment
Phyllis Guevin Portland	Ms. Guevin, a life-long Portland, Maine resident has requested a reconsideration of the rate adjustment due to the rising costs of all utilities and the availability of money to pay for capital improvements that is available through the recently passed infrastructure bill. She also requested the District consider hosting a second meeting on a Saturday morning for those who are unable to attend an evening meeting. She requested her comments be presented at the public hearing.



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 5C Order 22-002
Date of Meeting: January 24, 2022
Subject: Renewable Energy Program Contract
Presented By: David M. Kane, Treasurer

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

WHEREAS, the Board authorized the execution of Bill Credit Agreements with an average price not to exceed 9 cents per kilowatt hour at their January 27, 2020 meeting; and

WHEREAS, several proposed solar projects have been terminated, with replacement projects offered, as well as project amendments proposed that if, approved by the District, would cause the average price to exceed 9 cents per kilowatt hour, and

WHEREAS, the bill credit rate has increased resulting in net savings consistent with initial projections,

NOW THEREFORE:

BE IT ORDERED, the motion approved on January 27, 2020 is amended to increase the allowable average price to not exceed 10 cents and read as follows:

Bill Credit Agreement contracts with renewable energy providers are hereby authorized for a capacity not to exceed 11,000,000 kilowatt hours (kwhs) with an average price not to exceed 10 cents per kilowatt hour; and that the General Manager and the Treasurer, each acting singly, are authorized to take such steps as may be necessary to accomplish the intent of the vote.

BACKGROUND

A new state law approved in 2019 provides incentives to promote the construction of renewable energy production. The incentives consist of receiving billing credits on the electricity bill. In 2020, the District entered into 20-year contracts with up to 26 renewable energy projects for approximately 10,000,000 kwhs but not to exceed 11,000,000 kwhs. The District's purchase was

5% of the total estimated amount (200,000,000 kwhs) of electricity generated by the renewable energy providers. The contracts are expected to generate annual savings in excess of \$200,000 plus an additional \$250,000 a year in sales of Renewable Energy Certificates (REC). The District is considering one project along with the City of Portland that is outside of the Consortium, that will increase the District's participation to just under 11,000 MWHs, and is expected to deliver savings consistent with other projects being built in 2022.

At the January 10, 2022 meeting, the Administration and Finance Committee was provided with a program update (see Attachment A). A summary of the update with current estimate of financial benefits is listed in table below. Because several projects have been canceled, replacement projects have been proposed. Those replacement projects result in an average price to exceed the 9 cent average. Because the projects would generate savings to the District at the higher per kwh charge, the Administration and Finance concurred with staff's recommendation to amend the Board's motion to increase the average price allowed to be up to 10 cents per kwh.

Status	Number	Annual Net Billing Credit	REC Revenue
Operational	2	\$ 60,100	\$ 13,300
In Construction	6	67,500	54,500
In Development	11	165,100	132,000
In Review	4	94,900	62,600
Proposed	3	57,700	46,700
		\$ 445,300	\$ 309,100

LEGAL REVIEW

Corporate Counsel reviewed the proposed motion and approved it as to form.

CONCLUSION(S)

Staff recommends approval of the Agreement. The Committee concurred with staff's recommendation to amend the original motion to allow the cost not to exceed 10 cents per kilowatt.

ATTACHMENT(S)

A. Renewable Energy Project Status Report and Projected Completion Date Timeline

Portland Water District

CES Maine Distributed Generation Consortium

CMP Net Energy Billing Credit Agreements (NEBCAs) Summary

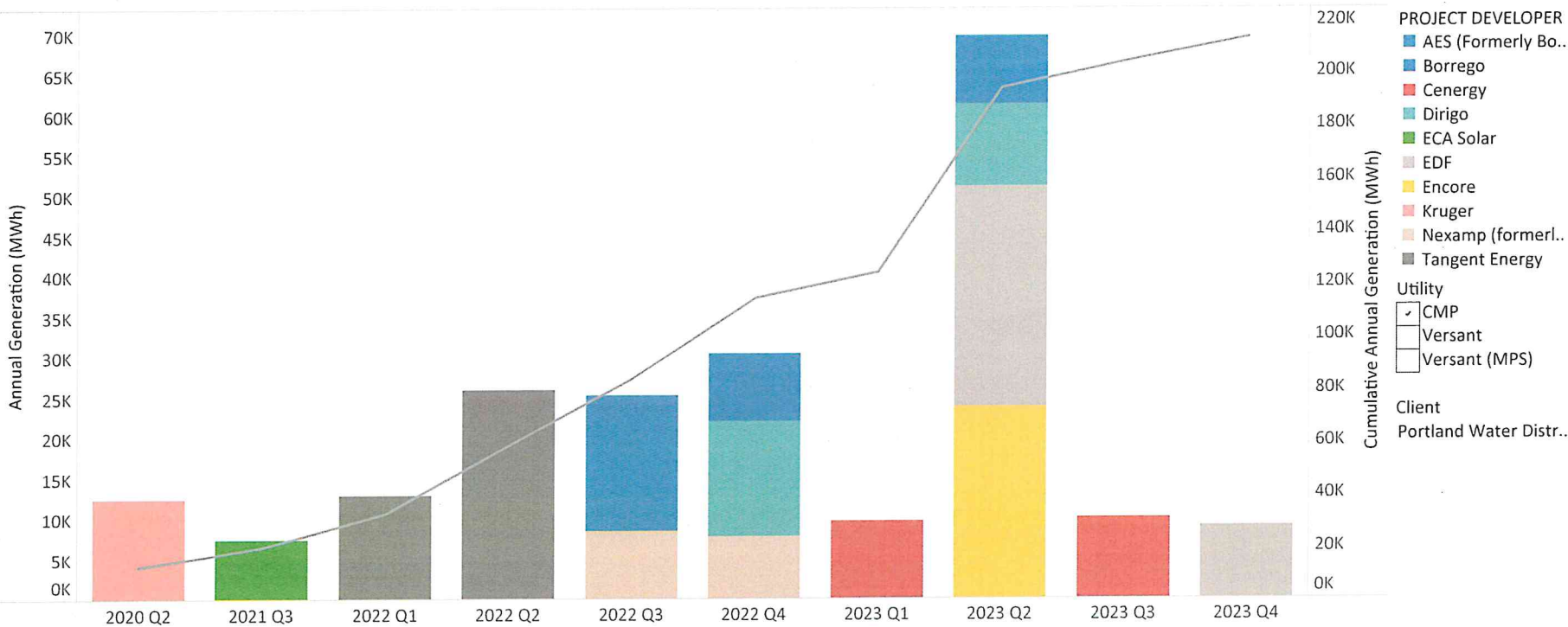
Confidential



**Projections assume a credit rate of \$135/MWh, ME Class I REC value of \$30/MWh, ME Class II REC value of \$5/MWh*

DEVELOPER	LEGAL NAME	STATUS	CONTRACT RATE (\$/MWH)	TOTAL ANNUAL PROJECT GEN. (MWH)	SHARE OF GEN. (MWH)	ANNUAL CREDIT VALUE	ANNUAL COST TO DEVELOPER	ANNUAL NET SAVINGS	ANNUAL REC REVENUE
Kruger	KEI (Maine) Power Management (I) LLC and KEI (Maine) Power Management (IV) LLC	Operational	\$55.00	12,449	583	\$78,700	\$32,000	\$46,700	\$2,900
Cenergy	MEVS Clark LLC	In Development	\$89.00	9,688	453	\$61,200	\$40,400	\$20,800	\$13,600
	MSD Sanford LLC	In Development	\$86.00	10,071	471	\$63,600	\$40,500	\$23,100	\$14,100
Encore	Encore Redevelopment, LLC dba Encore Renewable Energy	In Review	\$92.90	18,213	853	\$115,100	\$79,200	\$35,900	\$25,600
Tangent	hep Barefoot SPV LLC	In Construction	\$97.91	6,232	292	\$39,400	\$28,600	\$10,800	\$8,800
	hep Broadhead SPV LLC	In Construction	\$97.91	6,198	290	\$39,200	\$28,400	\$10,800	\$8,700
	hep USA SPV 5 Unity, LLC	In Construction	\$97.91	7,145	334	\$45,200	\$32,700	\$12,500	\$10,000
	hep USA SPV 6 Hartland, LLC	In Construction	\$97.91	5,710	267	\$36,100	\$26,200	\$9,900	\$8,000
	hep Waterboro SPV, LLC	In Construction	\$97.91	6,985	327	\$44,100	\$32,000	\$12,100	\$9,800
	hep Farmington SPV LLC	In Construction	\$97.91	6,560	307	\$41,500	\$30,100	\$11,400	\$9,200
Standard Solar	ECA Maine Bet, LLC	Operational	\$96.50	7,439	348	\$47,000	\$33,600	\$13,400	\$10,400
Dirigo	BD Solar Fryeburg LLC	In Development	\$99.00	10,151	475	\$64,100	\$47,000	\$17,100	\$14,300
	BD Solar Larson LLC	In Development	\$99.00	10,151	475	\$64,100	\$47,000	\$17,100	\$14,300
	BD Solar North Anson LLC	In Development	\$99.00	4,068	190	\$25,700	\$18,900	\$6,800	\$5,700
	BD Solar Standish LLC	Terminated	\$74.00	10,151	0	\$0	\$0	\$0	\$0
	BD Solar Corinna LLC	Proposed	\$99.00	3,767	176	\$23,800	\$17,500	\$6,300	\$5,300
	BD Solar Dexter LLC	Proposed	\$99.00	8,137	381	\$51,400	\$37,700	\$13,700	\$11,400
Borrego	Norton Road Solar 1 LLC	In Development	25%	8,506	398	\$53,800	\$40,300	\$13,500	\$11,900
	Orland Solar 1 LLC	In Development	25%	8,411	394	\$53,200	\$39,900	\$13,300	\$11,800
	Randolph Solar 1 LLC	In Development	25%	8,246	386	\$52,100	\$39,100	\$13,000	\$11,600
	Ricker Hill Solar 1 LLC	In Development	25%	7,869	368	\$49,700	\$37,300	\$12,400	\$11,100
	Roosevelt Trail Solar 1 LLC	In Development	26%	8,316	389	\$52,600	\$38,900	\$13,700	\$11,700
	Treasure Lane Solar 1 LLC	In Development	26.67%	8,488	397	\$53,600	\$39,300	\$14,300	\$11,900
EDF	Shining Solar Partners, LLC	In Review	\$87.15	8,629	359	\$48,500	\$31,300	\$17,200	\$10,800
	Hayworth Solar Partners, LLC	In Review	\$87.15	9,315	436	\$58,900	\$38,000	\$20,900	\$13,100
	Gilead Solar Partners, LLC	In Review	\$87.15	9,339	437	\$59,000	\$38,100	\$20,900	\$13,100
	Barrens Solar Partners, LLC	Terminated	\$87.15	9,079	0	\$0	\$0	\$0	\$0
	Tower and Overlook Solar, LLC	Proposed	\$97.33	18,218	1,001	\$135,100	\$97,400	\$37,700	\$30,000
Avg/Total For All Projects			\$93.74	247,531	10,790	\$1,456,700	\$1,011,400	\$445,300	\$309,100

NEBC PROJECT ANNUAL GENERATION BY COD





BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 5D Order 22-003
Date of Meeting: January 24, 2022
Subject: Engineering Method Approval - Comprehensive Infrastructure Asset Management Plan
Presented By: Helen Newman, Project Engineer

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, that the Comprehensive Method is authorized for the procurement of engineering services for the Comprehensive Infrastructure Asset Management Plan Project, pursuant to the District's Purchasing Policy, and that the General Manager and the Treasurer, each acting singly, are authorized to take such other steps as may be necessary to accomplish the intent of this vote.

BACKGROUND ANALYSIS

Pursuant to the District's purchasing policy, staff is seeking approval from the Board of Trustees to procure engineering services (Comprehensive Method) for the continued development and expansion of PWD's asset management program for both water and wastewater assets. The effort will produce documentation and tools that will allow PWD to continuously improve and fine tune project prioritization as new information is learned. The Comprehensive Method for engineering would result in one professional services procurement for delivery of this project (plan development) as well as follow-up process refinement and system optimization efforts.

The project will develop asset management plans for several critical asset classes (including water mains), develop condition based monitoring plans, and determine an optimized financial strategy. Staff estimates that the cost for the Plan to be \$750,000. It is anticipated that this effort will recommend additional planning efforts that will be included in future CIPs. If approved by the Board, the intent of this Order is to negotiate professional services with the firm selected for this Project.

Once the Method is approved, staff will issue a request for proposals. It is expected that a recommendation will be offered to the Board at the April meeting.

FISCAL REVIEW/ FUNDING

The project was included in the 2021 CIP, Subprogram 3, Project 3071. The Board authorized the creation of a reserve to fund the project on January 27, 2020 (order 20-002). The reserve is sufficient to fund the project.

LEGAL REVIEW

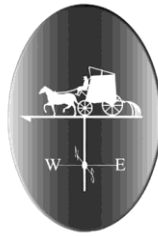
Corporate Counsel has reviewed and approved the form of motion.

CONCLUSION(S)

Staff recommends that the comprehensive engineering method be utilized to deliver this project. The Committee unanimously recommended that the item be forwarded for consideration by the full Board.

ATTACHMENT(S)

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 5E Order 22-004
Date of Meeting: January 24, 2022
Subject: FWP Realty Lease Agreement
Presented By: Laurel Jackson, Right of Way Agent

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, the General Manager is authorized to execute a new lease agreement with FWP Realty LLC for a driveway and parking area on PWD land located on Broadway in South Portland in accordance with the terms described herein; and

BE IT FURTHER ORDERED, that the General Manager and the Treasurer, each acting singly, are authorized to take such other steps as may be necessary to accomplish the intent of this vote.

BACKGROUND ANALYSIS

FWP Realty LLC, owner of Pape Automotive, has a lease with Portland Water District to use a portion of the District's fee-owned land located on Broadway in South Portland as a driveway entrance to the car dealership. The current lease expires in April 2022 and FWP Realty LLC has requested a new lease and to expand the leased area to include a paved vehicle display area.

Staff recommends that the agreement be in the form of a ten year lease beginning April 2022. The lease will include an option to extend the lease after the initial lease term and can be terminated if necessary by either party upon 30 days written notice. The District has similar leases with Maplewood Dental in Gorham and the Coast Guard Commissary in South Portland. Using these existing leases as well as comparing recent assessment data done by the City of South Portland as guidance to determine an annual lease payment; staff recommends an annual payment of \$11,000 for the first five years of the lease term to increase 10% in each subsequent five-year term.

FISCAL REVIEW / FUNDING

FWP Realty LLC will pay annual rent as described above.

LEGAL REVIEW

Corporate Counsel will review the proposed lease prior to execution.

CONCLUSION(S)

Staff recommends that PWD proceed with the proposal described above. The Committee voted unanimously to send to the full Board for approval.

ATTACHMENT(S)

Current Lease Agreement

LEASE AGREEMENT

THIS LEASE is made this 24th day of April, 2002, by and between the **PORTLAND WATER DISTRICT**, a quasi-municipal corporation organized and existing under the laws of the State of Maine with a principal place of business at Portland, in the County of Cumberland and State of Maine (hereinafter the "DISTRICT") and **FWP REALTY COMPANY, L.L.C.**, a Maine Limited Liability Company of South Portland, County of Cumberland and State of Maine (hereinafter "FWP REALTY").

BASIC FACTS

- 1) The DISTRICT owns a parcel of land located on the northerly side of Broadway in the City of South Portland, County of Cumberland and State of Maine as described in a deed from Horace W. Wilder dated and recorded in the Cumberland County Registry of Deeds in Book 2387, Page 459 (hereinafter the "DISTRICT LAND").
- 2) The DISTRICT has a 36" water transmission main with appurtenant facilities crossing under the DISTRICT LAND.
- 3) FWP REALTY and FREDERICK W. PAPE, III own land on both sides of the DISTRICT LAND as described in deeds from Louis Kyle et al to FWP REALTY dated January 26, 2001 and recorded in the Registry of Deeds in Book 15982, Page 75 and from CLP Servico, Inc. to Frederick W. Pape, III dated December 18, 1998 and recorded in the Registry of Deeds in Book 14405, Page 123.
- 4) FWP REALTY wishes to construct and maintain a driveway and utilities to connect the parcels of FWP REALTY and FREDERICK W. PAPE, III across a 50 foot wide strip of the DISTRICT LAND shown as "50' Access Easement From Portland Water District" on Sheets 2 and 3 of a set of plans entitled "Pape Property, Broadway, South Portland, Maine" prepared by Mitchell & Associates dated November 21, 2001 as amended February 3, 2002, the plans being on file at the offices of the DISTRICT and FWP REALTY (hereinafter the "LEASED LAND"), a copy of that portion of said plan showing the LEASED LAND being attached as Schedule A hereto.
- 5) The DISTRICT is willing to allow this driveway and utility crossing of the LEASED LAND as shown on the above plans, subject to the terms and conditions of this Lease Agreement.

AGREEMENT

The parties hereto agree as follows:

- 1) The DISTRICT does lease to FWP REALTY and FWP REALTY accepts such leasehold and agrees to be bound by the terms hereof, the right to enter the LEASED LAND for the purposes of constructing and maintaining a paved driveway, landscaping and utilities as shown on the above described plans and crossing the LEASED LAND on foot and with

vehicles of all types for a period of twenty (20) years beginning on the date of this Lease. FWP REALTY agrees to pay the DISTRICT an annual lease payment upon the execution of this Lease and on or before the anniversary date for each successive year of the Lease. The annual lease payment for the first five years period shall be \$1500.00. The annual payment will increase 10% of the immediately prior rental for each successive five-year period of the Lease. The DISTRICT acknowledges and agrees that the rights leased to FWP REALTY hereunder may be utilized by any tenant of FWP REALTY, and/or the employees, agents, customers, patrons, visitors, and invitees of either FWP REALTY or any tenant of FWP REALTY.

- 2) FWP REALTY, prior to constructing any additional improvements, facilities or pavement on the LEASED LAND that are not shown on the above described plans, shall submit a plan of such improvements, facilities or pavement to the DISTRICT for its review and approval, which approval will not be unreasonably withheld. The DISTRICT shall review the plan with respect to the protection of its present and future pipelines and its ability to operate maintain and repair the pipelines and will respond in writing within 10 business days.
- 3) Each party agrees to notify the other at least 48 hours prior to conducting work on the LEASED LAND that will involve excavation or construction, except in an emergency, whereupon either party shall notify the other immediately.
- 4) FWP REALTY shall reimburse, fully and completely indemnify and save harmless the DISTRICT from any and all loss, damage, cost and expense caused by or arising out of FWP REALTY'S use of the LEASED LAND, including without limitation any and all such costs and expenses, including reasonable attorney's fees, incurred to assure the safety, securement, protection and continuity of present and future operations which are deemed necessary by the DISTRICT, including but not limited to the cost of inspection. FWP REALTY agrees to carry, at its expense, for the benefit of the DISTRICT public liability insurance in an amount of not less than \$1,000,000 and property damage insurance in an amount of not less than \$500,000, said insurance to be in the usual form for the protection of the DISTRICT and FWP REALTY and listing the DISTRICT as an additional insured. Any FWP REALTY property on the LEASED LAND shall be at the sole risk of FWP REALTY. The DISTRICT shall not be liable to FWP REALTY or its employees, agents, customers, patrons, visitors or invitees for any loss or damage to person or property caused by any act, omission or neglect of FWP REALTY, their employees, agents, customers, patrons, visitors or invitees.
- 5) In the event of any exercise by the DISTRICT of any rights related to the LEASED LAND, it shall have no obligation to FWP REALTY or to any third party, for any loss, damage, cost or expense caused by or arising out of any such exercise, including, without limitation, any loss of business suffered by FWP REALTY or any such third party, except for any such loss, damage, cost, expense or loss of business arising out of the gross negligence or willful misconduct of the DISTRICT.

- 6) The DISTRICT reserves the right perpetually and without limitation to possession of the LEASED LAND in common with FWP REALTY, and to lay additional line or lines of pipe within the LEASED LAND at such proximity to the improvements of FWP REALTY as the DISTRICT may, in its sole discretion, determine.
- 7) The DISTRICT agrees to restore any portion of the LEASED LAND to a reasonable condition after the laying, re-laying, maintenance or removal of any existing or future pipelines, and will take reasonable steps to protect the improvements of FWP REALTY located on the LEASED LAND, however, the DISTRICT shall not be responsible to replace any pavement, shrubs, trees or other ornamental plantings.
- 8) Finished grades of any new construction over the DISTRICT'S present or future pipelines shall provide the DISTRICT with a minimum of 4 feet and a maximum of 7 feet of cover over its pipelines. Underground utilities shall cross perpendicular to DISTRICT pipelines allowing a minimum vertical separation of one foot.
- 9) This lease shall be binding upon and inure to the benefit of the parties of this Lease and their respective successors and assigns. FWP REALTY may not assign this Lease to another party, except to any owner of land adjacent to the LEASED LAND and to the holder of any mortgage on the land adjacent to the LEASED LAND, which mortgage holder shall have the right to further assign this Lease to any party who acquires title to the mortgaged premises by foreclosure or deed in lieu of foreclosure.
- 10) If FWP REALTY defaults in the performance of any of the obligations of this Lease, then upon thirty days' written notice, if the default has not been cured, the DISTRICT may terminate this LEASE by entering upon the LEASED LAND, and upon such entry, this Lease shall terminate, provided FWP REALTY shall remain responsible for all the damages caused by the default. FWP REALTY will pay all legal fees of the DISTRICT related to any default by FWP REALTY.
- 11) The failure of the DISTRICT to enforce or insist upon compliance with any of the terms and conditions of this Lease Agreement shall not constitute a general waiver or relinquishment of any of the terms or conditions, but same shall remain in full force and effect at all times.
- 12) Notwithstanding anything contrary contained in this Lease, FWP REALTY may, following not less than 30 days' prior written notice to the DISTRICT, terminate this Lease, in which case neither party shall have any further liabilities or obligations hereunder except for liabilities or obligations as are by their terms, to survive the termination hereof.
- 13) Tenant may record a memorandum of this lease in the CCRD with a description of the premises and term only; provided, however, that if the lease is terminated prior to the end of the term for any reason, then Tenant will promptly record a release of its lease rights. Failure of Tenant to do so shall allow Landlord to bring an action against Tenant to enforce this clause, and the District shall be entitled to collect all damages resulting from

Tenant's failure to release its lease rights, and to collect all legal fees reasonably necessary to have Tenant's lease rights released of record and to recover the District's damages.

The parties have signed two original agreements as sealed documents to be effective on the date at the top of the agreement.

Witness:

PORTLAND WATER DISTRICT

Janaine J. Neal

Ronald Miller

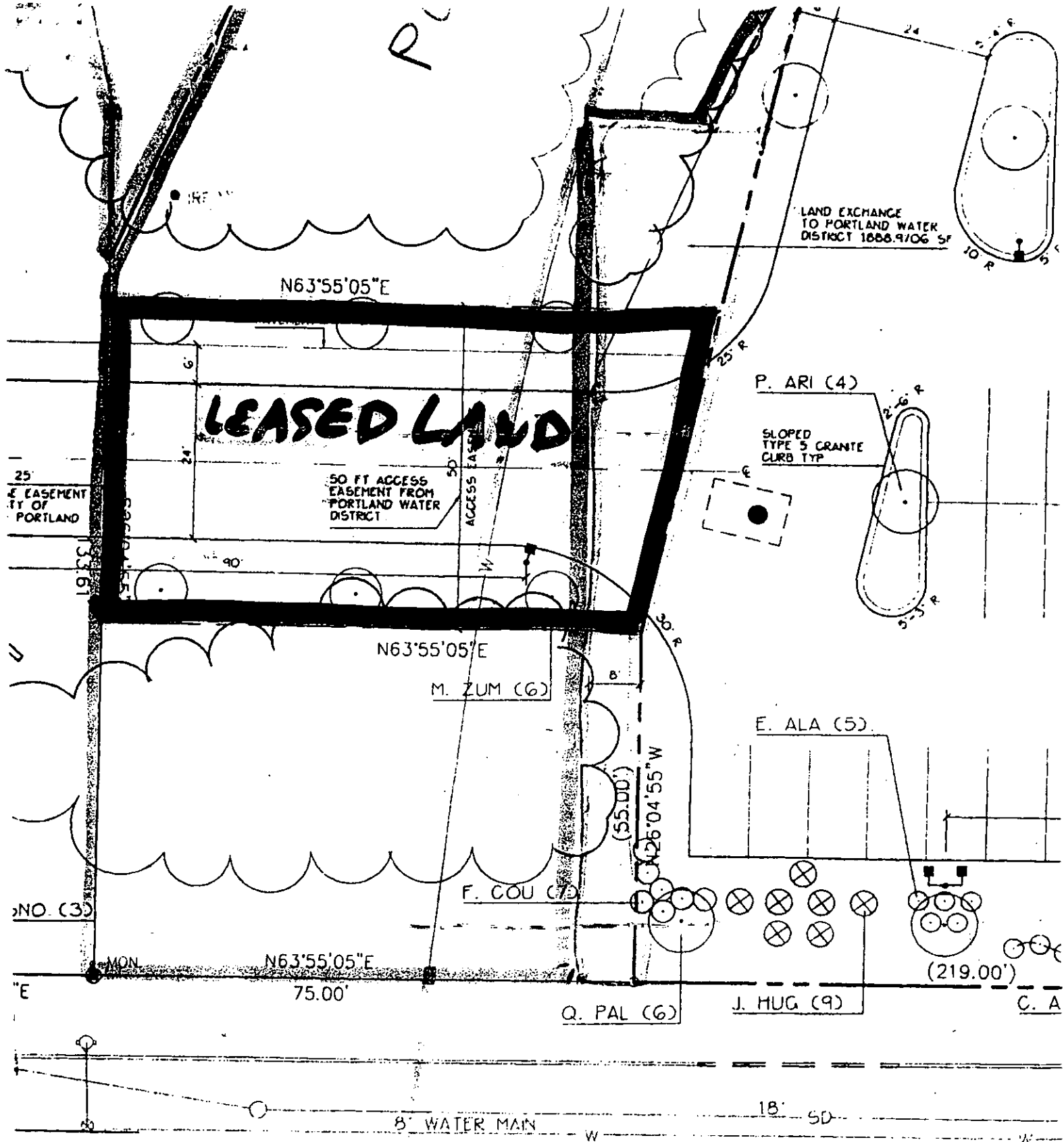
Ronald Miller
General Manager

FWP REALTY COMPANY, L.L.C.

Donald L. Chase

Frederick W. Pape, III

By: Frederick W. Pape, III
Its: Sole Member and Manager



LEASED LAND

N63°55'05"E

50 FT ACCESS
EASEMENT FROM
PORTLAND WATER
DISTRICT

25'
EASEMENT
OF
PORTLAND

LAND EXCHANGE
TO PORTLAND WATER
DISTRICT 1888.9/06 5f

P. ARI (4)

SLOPED
TYPE 5 CRANTE
CURB TYP

N63°55'05"E

M. ZUM (6)

E. ALA (5)

NO. (3)

F. COU (7)

N63°55'05"E

75.00'

Q. PAL (6)

J. HUG (9)

C. A

8" WATER MAIN

18' SD



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 5F Order 22-005
Date of Meeting: January 24, 2022
Subject: Request from Cumberland County Soil and Water Conservation District for a PWD Contribution to the Trickey Pond Protection Project
Presented By: Carina Brown, Water Resources Specialist

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, the General Manager is authorized to make a cash contribution of up to \$8,000 and an in-kind contribution of \$1,350 to support Cumberland County Soil and Water Conservation District's Trickey Pond Protection Project.

BACKGROUND

Trickey Pond is a 315-acre lake located in the Town of Naples. The Trickey Pond Watershed covers 870 acres and is part of the indirect watershed of Sebago Lake.

The primary purpose of the project is to improve Trickey Pond's declining water quality trends by limiting the export of sediment and phosphorus into the lake and increasing vegetated shoreline buffers. Conservation practices that reduce erosion and polluted runoff will be installed at 20 high and medium erosion impact sites identified in the 2019 watershed and shoreline survey. In addition, the project will raise public awareness through public notices and educational flyers, one-on-one technical assistance site visits, and a series of educational videos on lake protection practices.

Additional match for the project will be provided by the Town of Naples, the Trickey Pond Environmental Protection Association, Lakes Environmental Association, landowners, and the Stormwater Compensation Fund.

ANALYSIS

The total project cost for the Trickey Pond Protection Project is \$128,410 which breaks down to \$75,811 in federal grant funds and \$52,599 in matching funds. Matching funds include both cash contributions and in-kind services.

The recommended contribution of up to \$9,350 in matching funds meets the District policy for contributions to implementation projects in the indirect watershed of Sebago Lake. The policy states that contributions to this type of project not exceed 10% of the total project cost. The cash and in-kind contributions of \$9,350 represent 7% of the total project cost.

FISCAL REVIEW / FUNDING

The recommended cash contribution is \$8,000. The recommended in-kind contribution is \$1,350 to serve on the project steering committee. The cash contribution will come from the Watershed Protection Land Fund.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed motion as to form.

CONCLUSION(S)

Since Trickey Pond discharges directly to Sebago Lake, work that reduces pollution to Trickey Pond ultimately reduces pollution to Sebago Lake. The Committee voted unanimously to send to the full Board for approval.

ATTACHMENT(S)

Location map

Watershed Area:
870 Acres

Long Lake

Naples

Trickey Pond

Sebago Lake

11

Whitney Brook

Maine Geolibary



- Town Boundary
- Watershed
- Stream
- Major Road

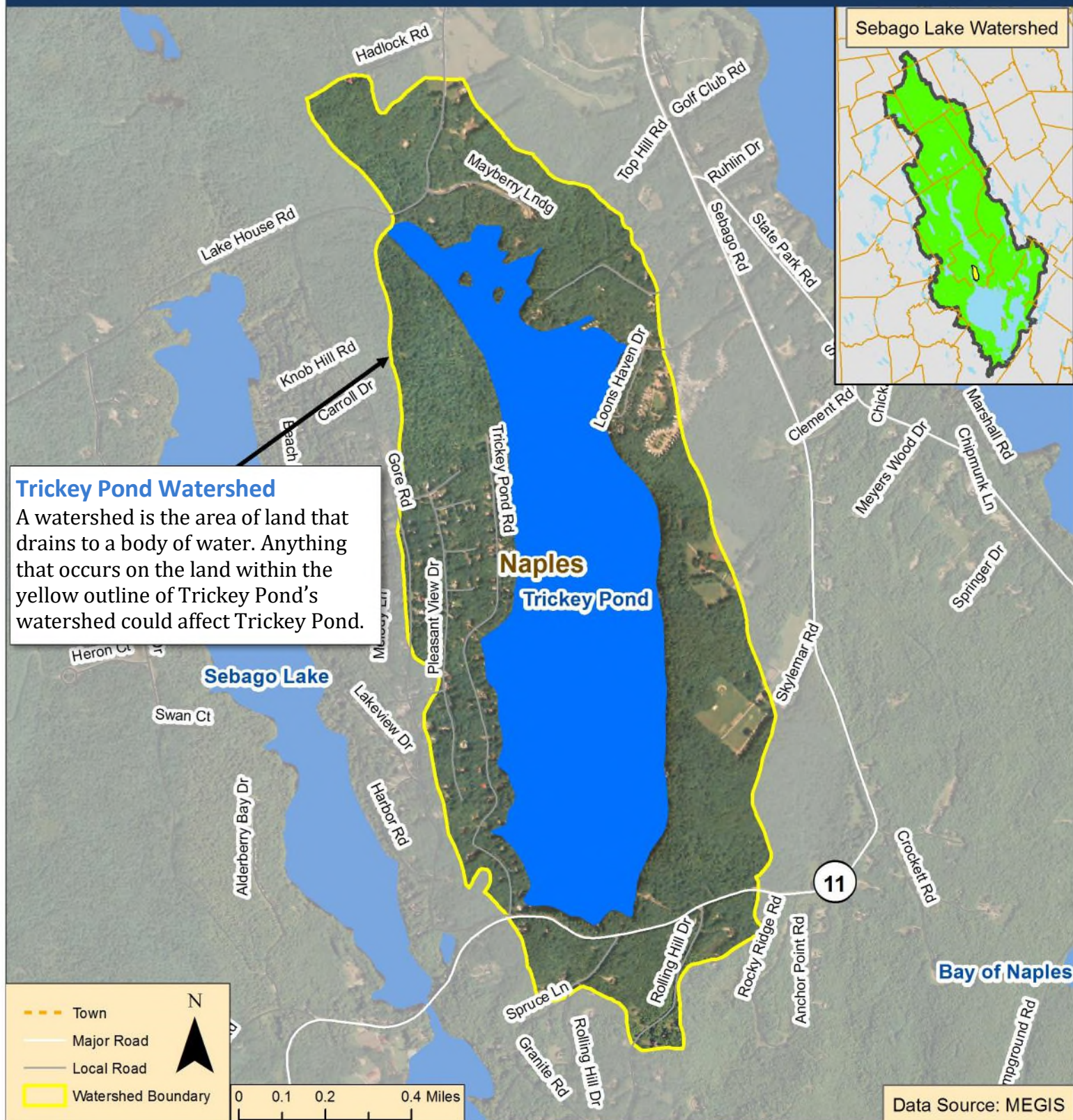
0 0.1 0.2 0.4 Miles

Fig 1: Trickey Pond Watershed
Naples, ME

Data: MEGIS, CCSWCD, ESRI Coordinates: NAD83, UTM, 19N
Drawn by Damon Yakovleff, CCSWCD Spring, 2021

Disclaimer- Watershed boundaries and other datasets
represented here are not warranted for completeness
or accuracy by CCSWCD. This map is to be used for planning
and demonstration purposes only.

Trickey Pond and Surrounding Area.



Partners

This fact sheet was created under the Sebago Lake Watershed Assessment and Prioritization Project. Funding for this project was provided in part by the U.S. Environmental Protection Agency under Section 604(b) of the Clean Water Act. Section 604(b) grants are administered by the Maine Department of Environmental Protection (Maine DEP) in partnership with EPA. Project partners include Maine DEP, Portland Water District, Cumberland County Soil & Water Conservation District, Lakes Environmental Association, Maine Forest Service, and the Town of Standish.

Budget and Match Information

Overall Project Budget				
Total Project Cost:	=	Federal 319 \$:	+	Non-federal Match \$:
\$128,410.54		\$75,811.28		\$52,599.28

PWD Support Requested		Municipal Match		
Cash Match	\$8,000.00	Municipality	Naples	
In-kind Match	\$1,350.00	Cash Match	\$4,000.00	
		In-kind Match	\$1,125.00	

Match from Other Partners				
Organization	TPEPA	LEA	Landowners	Storm. Comp. Funds
Cash Match	\$4,000.00			
In-kind Match	\$2,095.92	\$4,200.00	\$17,728.36	\$10,100.00



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item:	5G Resolution 22-002
Date of Meeting:	January 24, 2022
Subject:	<u>Southern Maine Regional Water Council Representative</u>
Presented By:	Carrie Lewis, General Manager

The Board of Trustees must annually appoint a representative to serve on the Southern Maine Regional Water Council. Presently, Chris Crovo is the District's representative.

Pursuant to the Council's bylaws, the District's appointment would be confirmed by the membership at the next annual meeting, which will occur in May 2022. The period of appointment as PWD's representative will be for the period January 1, 2022 through December 31, 2022.

The following motion is proposed:

BE IT RESOLVED, that Christopher Crovo is appointed as Portland Water District's representative to the Board of Directors of the Southern Maine Regional Water Council.



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item:	5H Order 22-006
Date of Meeting:	January 24, 2022
Subject:	<u>General Manager Annual Review</u>
Presented By:	President Louise Douglas

The 2021 annual review of the General Manager's performance has been completed. Due to the General Manager's extraordinary job performance and exemplary leadership of the District during the challenging conditions of the COVID-19 pandemic, the successful implementation of a significant computer billing system and asset management upgrade, and the results of a market study showing that the general manager position at the District was significantly underpaid, the following Order is proposed:

ORDERED, that the General Manager shall receive a one-time bonus of \$10,000, and

BE IT FURTHER ORDERED, that the General Manager's annual compensation shall increase to \$192,000 effective January 3, 2022.