

**AGENDA**  
**PORTLAND WATER DISTRICT**  
**225 Douglass Street, Portland, Maine**  
**Jeff P. Nixon Training Center**  
**6:00 p.m., Monday, October 23, 2017**

1. Convene Meeting with Pledge of Allegiance and moment of silence. President Lunt
2. Roll Call Clerk
3. Acceptance of Minutes of the Regular Meeting of September 25, 2017, and the Workshop Meeting of October 10, 2017. President Lunt
4. Invitation for Public Comment President Lunt
5. Reports:
  - Operations Committee Reports Trustee Douglas
  - Planning Committee Reports Trustee Levinsky
  - Administration & Finance Committee Reports Trustee Garrison
  - General Manager's Report General Manager
    - 2018 Budget/CIP Introduction
6. New Business
  - A. **Order 17-027** authorizing amendments to the District's Defined Benefit Plans and the Deferred Compensation Plan. Administration & Finance Committee
  - B. **Resolution 17-012** accepting the revisions to the District's Terms and Conditions. Administration & Finance Committee
  - C. **Order 17-028** authorizing the phased engineering method for the procurement of engineering services for the East End WWTF Secondary Clarifier and Return Activated Sludge Assessments. Operations Committee
7. Executive Session. A motion may be made to go into Executive Session at any time during the meeting to discuss, pursuant to 1 M.R.S. §405(6)(A) personnel, 1 M.R.S. §405(6)(C) real estate, 1 M.R.S. §405 (6)(D) labor negotiations, or 1 M.R.S. §405(6)(E) legal matters. President Lunt
8. Other Business. An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas. President Lunt
9. Second Invitation for Public Comment. President Lunt
10. Trustee Comments. President Lunt
11. Adjournment. President Lunt

Donna M. Katsiaficas  
Clerk

**Portland Water District**  
**Board of Trustees Regular Meeting**

**October 23, 2017**

**New Business**

**Agenda Items 6A-6C**



Portland Water District  
*From Sebago Lake To Casco Bay*

**BOARD OF TRUSTEES / AGENDA ITEM SUMMARY**

Agenda Item: 6A Order 17-027  
Date of Meeting: October 23, 2017  
Subject: Pension Plan Amendment Allowing Bargaining Unit Employees Transferring to the Non-Bargaining Unit to Retain Participation in the Defined Benefit Pension Plan  
Presented By: David Kane, Treasurer

---

**RECOMMENDATION**

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

ORDERED, amendments to the District's Defined Benefit Plans and the Deferred Compensation Plan, as recommended by legal counsel, are hereby authorized to allow bargaining unit employees who accept a non-bargaining unit position the option of electing to receive benefits upon retirement calculated in the same manner as in the bargaining unit pension plan, with this election available to bargaining unit employees employed by the District and covered by the bargaining unit agreement prior to January 1, 2011; and

BE IT FURTHER ORDERED, that this election must be a one-time, irrevocable election made by the bargaining unit employee at the time of acceptance of the non-bargaining unit position; and

BE IT FURTHER ORDERED, amendment to the District's Defined Benefit Plans are hereby authorized to amend the definition of credited service to include all of the participants years of service; and

BE IT FURTHER ORDERED, that the Plan Amendments shall have an effective date of October 1, 2017; and

BE IT FURTHER ORDERED, that the General Manager and the Treasurer, each acting singly, is hereby authorized and directed to take any actions, and to execute any and all documents, as may be necessary or appropriate to carry out the intent of this vote.

## **BACKGROUND**

Two changes to the Defined Benefit Pension Plan are proposed:

- Allowing an Union employee that is currently in the defined benefit plan to continue accruing benefits if they take a non-union position, and
- Calculating benefits for the participants for all their years of service.

### **Union Employees Continue Accruing Benefits if they take a Non-union position**

Effective December 31, 2011, the non-bargaining defined benefit pension was frozen allowing no new plan participants. With the freezing of the plan, bargaining unit employees accepting a transfer into a non-bargaining unit position starting on January 1, 2012 or later were required to participate in the deferred compensation (457) retirement plan. For some employees, this requirement discouraged them from considering to apply and/or accept a non-bargaining position.

During the General Manager's meetings with employees, it was suggested the District consider amending the pension plan to allow bargaining unit employees to retain participation in the defined benefit plan if they accept a non-bargaining position. Staff reviewed the suggestion and determined that the plans could be amended to allow union employees' continued participation, with employees moving from a union to a non-union position retaining the same benefit as they would have received in the bargaining plan had they continued in the bargaining position. The amendments would have a neutral impact on the District's current pension liability.

Staff recommends such bargaining unit employees be given a one-time irrevocable option to either continue participation in the defined benefit plan OR participate in the deferred compensation (457) plan, with the election being made when the non-bargaining unit position is accepted.

### **Benefits Includes All Years of Service**

Currently benefits are calculated based on the number of years services, except it excludes any time before the age of 21. The amendment proposes to include all years of service for participants retiring in the future. Currently, five employees would be impacted.

## **FISCAL REVIEW / FUNDING**

Actuarial Design Service, the District's actuary, confirmed the current liability and expense is not impacted by the proposed amendment to allow union employees continue accruing benefits if they take a non-union position because their calculation of liability and expense already includes the employees and assumes that the employees would continue accruing and receiving future benefits.

The financial impact to the outstanding pension liability of calculating the benefits to include all years of service is estimated to be \$23,000.

## **LEGAL REVIEW**

Corporate Counsel has reviewed the proposed Motion and has approved as to form.

## **CONCLUSION(S)**

Staff recommends the proposed motion be approved to remove, effective October 1, 2017, a possible deterrent for a bargaining unit employee from taking a non-bargaining unit position. The Administration and Finance Committee reviewed at their October 10, 2017 meeting and recommended the item be forwarded to the full Board for its consideration.



Portland Water District  
*From Sebago Lake To Casco Bay*

## **BOARD OF TRUSTEES / AGENDA ITEM SUMMARY**

Agenda Item: 6B Resolution 17-012  
Date of Meeting: October 23, 2017  
Subject: Terms and Conditions Change – Multi-Unit Tenant Property Delinquent Fee  
Presented By: Robin Doiron, Customer Service Manager

---

### **RECOMMENDATION**

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

RESOLVED, the revisions to the District's Terms and Conditions of water service are hereby adopted in substantial form as attached hereto.

### **BACKGROUND**

On September 22, 2017, the Consumer Assistance & Safety Division (CASD) issued an interpretation of Chapters 815 and 660 of the Rules of the Public Utilities Commission. The interpretation clarified that a utility must charge a fee before the disconnection of service to a single-meter, multi-unit building for non-payment. Currently, the District assesses a fee for all tenant occupied accounts including single-meter, one-unit buildings. CASD informed us that PWD needed to have a unique separate fee for single-meter, multi-unit buildings. The proposed amendment to the District's Terms and Conditions establishes a \$100 fee for those circumstances. It eliminates the fee for single-meter, one-unit buildings since there are only a few instances per month.

The Administration and Finance Committee reviewed and recommended the motion be forwarded to the full Board for its consideration.

### **FISCAL REVIEW / FUNDING**

The impact is expected to increase water revenues. The amount of increase is estimated to be \$70,000.

### **LEGAL REVIEW**

Corporate Counsel has reviewed the proposed Motion and has approved as to form.

### **ATTACHMENT**

Attachment A– Blue-lined Version of the Terms and Condition

**2) Collection Charge for Past Due Bills**

If District personnel visit the customer's premises to disconnect service for nonpayment and in lieu of actual disconnection, the customer pays or makes a payment arrangement for the entire balance due the District will charge a collection fee \$21.00.

~~If District personnel visit the premises to post notice of disconnection as required by Chapter 660 of PUC rule, District shall charge \$21.00 for each visit to the premises made to post such notice.~~

**2.1) Unauthorized use/Theft of service Charge**

If District personnel expend time investigating and documenting a diversion of water by a customer, the customer shall be responsible for all documented costs of investigation and adjustment incurred by the District, unless fees are otherwise recovered pursuant to 35-A M.R.S. § 2705. For purposes of this section, Diversion shall mean the diversion of flow around the meter to evade charges as well as the unauthorized reconnection of service by a customer or his/her representative after water has been shut off due to nonpayment.

**2.2) Disconnection of Leased or Rental Single-Meter, Multi-Unit Dwellings**

Pursuant to Chapter 660, before the Utility disconnects service to a leased or rented single meter, multi-unit dwelling, the Utility will:

- a. Apply any existing deposit to the current account balance.
- b. Assess against the landlord a collection fee of \$1060.00 in addition to any applicable reconnection fee set forth in Section 30 of these Terms and Conditions.

**3) Restoration of Service**

The District will charge a customer a connection fee to restore service at the customer's premises if service was disconnected for nonpayment of bills, violation of the Terms and Conditions, fraudulent use of water, dangerous conditions on the customer's premises, violation of Commission rules, or at the customer's request, including requests to have the curb stop operated to enable work to be done on private property.

When the District is notified during \*Normal Business Hours to restore service or is requested to restore service during Normal Business Hours, a reconnection fee of \$56.00 will be charged. When the District is notified during \*Other Hours to restore service or is requested to restore service during Other Hours, the charge is \$38.00 per hour with a minimum charge of \$100.00.

The District will make a reasonable effort to reconnect service during \*Normal Business Hours on the same day the request to reconnect is received. At the latest, reconnection must be made by 5:00 p.m. the following business day after the request.

\* Refer to Terms and Condition 40 for definition of Office Hours, Normal Business Hours and Other Hours



Portland Water District  
*From Sebago Lake To Casco Bay*

## **BOARD OF TRUSTEES / AGENDA ITEM SUMMARY**

Agenda Item: 6C Order 17-028  
Date of Meeting: October 23, 2017  
Subject: East End WWTF Secondary Clarifier and Return Activated Sludge Assessments – Professional Services Contract – Engineering Method Approval  
Presented By: Gordon Johnson, Engineering Services Manager

---

### **RECOMMENDATION**

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

**ORDERED**, that the Phased Engineering Method is authorized for the procurement of engineering services for the East End WWTF Secondary Clarifier and Return Activated Sludge Assessments, 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 (phased method) to perform a condition assessment of the secondary clarifiers and evaluate return sludge withdrawal, pumping and flow split. The phased method for engineering will limit the scope of services of this contract to condition assessment, alternatives analysis, and budget level costing.

Staff estimates that the cost for this effort to be \$55,000. This project will include assessing the concrete and steel structures as well as the sludge withdrawal mechanisms, which are nearing the end of their service life. This project will also evaluate alternatives to provide an even distribution of return sludge and associated piping and valves nearing the end of their service life.

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 January meetings.

### **FISCAL REVIEW/ FUNDING**

Associated projects were included in the 2016 CIP, Subprogram 409 project #2545 (Return Activated Sludge Assessment) and #2557 (Secondary Clarifier Assessment).

**LEGAL REVIEW**

Corporate Counsel has reviewed and approved the form of motion.

**CONCLUSION(S)**

Staff recommends that the phased engineering method be utilized for engineering services for this project. The Committee voted unanimously to send to the full Board for their consideration.

**ATTACHMENTS**

None.