

AGENDA
BOARD OF TRUSTEES
PORTLAND WATER DISTRICT

225 Douglass Street, Portland, Maine
Jeff P. Nixon Training Center

6:00 p.m. on Monday, November 27, 2023

Remote Meeting Participation Available to the Public via Zoom at:

<https://us06web.zoom.us/j/83807968247?pwd=2QqLuCGS1uOTEjNlOziimn4n2T7je6.1>

1. Convene Meeting with Pledge of Allegiance and moment of silence President Lunt
2. Roll Call Clerk
3. Declaration of Election Results and Inauguration for the Trustees representing Portland and Scarborough elected on November 7, 2023 Clerk
- 4a. Acceptance of Minutes of the Regular Meeting of October 23, 2023 President Lunt
- 4b. Acceptance of Minutes of the Workshop Meeting of November 13, 2023 President Lunt
5. Invitation for Public Comment President Lunt
6. Reports:
 - Operations Committee Report Trustee McCann
 - Planning Committee Report Trustee Douglas
 - Administration & Finance Committee Report Trustee Cote
 - General Manager's Report General Manager
7. New Business:
 - A. Order 23-047 authorizing a letter of intent with Silver Street Development Corporation for the sale of surplus District property Planning Committee
 - B. Public Hearing regarding the issuance of water bonds Admin. & Finance Committee
 - C. Order 23-043 authorizing the issuance of up to \$700,000 of Water Bonds Admin. & Finance Committee
 - D. Order 23-038 adopting the 2024 Budget and Wastewater Assessments Admin. & Finance Committee
 - E. Order 23-039 authorizing the final rate schedule for the water rate increase Admin. & Finance Committee
 - F. Order 23-040 accepting the revisions to the District's Terms and Conditions Admin. & Finance Committee
 - G. Resolution 23-041 authorizing revisions to the Fee Schedule for Non-Water Tariff Services Admin. & Finance Committee

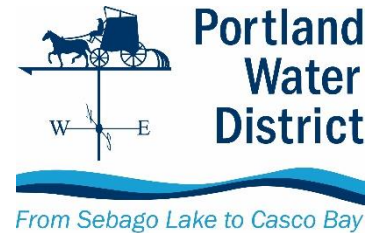
- H. **Order 23-042** adopting the 2024-2028 Capital Improvement Plan Admin. & Finance Committee
 - I. **Resolution 23-014** declaring the Board's intent to issue debt to reimburse costs incurred for the Water fund, and the Wastewater funds for Cape Elizabeth, Cumberland, Portland, Westbrook, Gorham, and Windham projects identified in the 2024 CIP Admin. & Finance Committee
 - J. **Order 23-044** authorizing a contract with Diameter, Inc. for consulting services to assist with the Advanced Meter Infrastructure/Automated Meter Reading Assessment and Meter Renewal Planning (AMI/AMR Meter Planning) Project Admin. & Finance Committee
 - K. **Order 23-045** authorizing an adjustment in pension benefits for eligible retirees and annuitants Admin. & Finance Committee
 - L. **Order 23-046** authorizing an amendment to the professional services contract with Wright-Pierce regarding the Westbrook Long-Term Combined Sewer Overflow Plan (LTCP) Operations Committee
 - M. **Resolution 23-015** adopting the Board of Trustees meeting schedule for 2024 General Manager
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. 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
 12. Adjournment President Lunt

Donna M. Katsiaficas
Clerk

Portland Water District
Board of Trustees Regular Meeting
November 27, 2023

New Business

Agenda Item 7A – 7M



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7A Order 23-047
Date of Meeting: November 27, 2023
Subject: Sale of Walnut Street Property and Underground Reservoir
Presented By: Laurel Jackson, Right of Way Agent

RECOMMENDATION

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

ORDER, The General Manager is authorized to sign the Letter of Intent with Silver Street Development Corporation for the sale of surplus District property on Walnut Street in Portland known as the Munjoy Hill Reservoir; 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

The District owns a 1.56-acre parcel of land in Portland at the intersection of Walnut and North Streets. In the 1970's the District constructed a 2 million-gallon concrete, underground reservoir on the property. The adjacent property, the Island View Apartments, has easement rights over the surface of the District's reservoir parcel. The easement area is currently being used for parking, utility lines, a playground, a gazebo, and lawn.

In the early 2000's, the District determined that the underground reservoir was no longer needed, disconnected it from the water system, and the parcel was declared "surplus property." It was offered to the City of Portland on two occasions, in 2007 and 2019. Both times the City indicated that it was not interested in acquiring the property.

The City of Portland has assessed the land value at \$611,500. However, this does not account for the encumbrances on the parcel. Island View Apartment owners have perpetual easement rights to use the surface of the property, making it essentially useless to any other potential developer.

Silver Street Development Corporation, owners of the Island View Apartment property, have submitted a Letter of Intent (attached) to the District proposing to purchase the property with the ultimate goal of developing it into affordable housing. If the District were to retain the property, eventually the reservoir would need to be removed or filled with a solid material to prevent it from collapsing.

Based on the potential investment required by the District to maintain the property, and its negligible value for development by anyone other than the owners of the Island View Apartments, staff recommends that the District sell the property to Silver Street Development Corporation. The Purchase and Sale Agreement will include the terms outlined in the attached Letter of Intent.

The deed will specify that it is being sold "As is, where is" and will absolve the District of all further responsibility or liability for the reservoir or the property.

FISCAL REVIEW / FUNDING

The proposed sale price is proposed to be \$15,000.

LEGAL REVIEW

Corporate Counsel will review the proposed deed prior to execution.

CONCLUSION(S)

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

ATTACHMENT(S)

Silver Street Development Corporation - Letter of Intent

September 26, 2023

Laurel Jackson
Right of Way Agent
Portland Water District
225 Douglas Street
PO Box 3553
Portland, ME 04104-3553

Re: Letter Of Intent to Purchase 1 Walnut Street, Portland, ME (Parcel ID: 015 A003001)

Dear Ms. Jackson,

Island View Apartments, LLC (“Silver Street” or “Buyer”), an affiliate of Silver Street Development, is pleased to present this Letter of Intent to the Portland Water District (“PWD” or “Seller”) to purchase the property known as 1 Walnut Street (Parcel ID: 015 A003001) located in Portland, ME 04101 (the “Property”).

Silver Street and its affiliates own approximately 8,000 units of affordable housing throughout the United States, including Island View Apartments (“Island View”), a seventy unit (70 unit) residential development directly adjacent to the Property.

This letter is not a binding purchase and sale agreement to purchase the Property. Such purchase and sale agreement would be negotiated and signed by both parties within 60 days after acceptance of this letter of intent (the “LOI”).

Sale Price

The Buyer proposes a sale price of **Fifteen Thousand Dollars (\$15,000.00)** paid by the Buyer via wire transfer or certified check. Seller shall convey to Buyer all real property, improvements and personal property located at the Property. Seller agrees to deliver the Property free and clear of all encumbrances and liens. Customary prorations, transfer taxes and fees shall be incorporated into the purchase and sale agreement, and the sale price shall be subject to adjustments and prorations as shall be further described in the purchase and sale agreement.

Note about Sale Price: Due to the unique nature of the Property and the presence of the PWD 2-million-gallon underground reservoir beneath it, Silver Street views the acquisition of the Property as a potential liability and long-term maintenance issue. However, control of the Property through ownership, either to keep as-is in perpetuity or for the potential development of additional affordable housing, has initiated Silver Street to put forth this proposal. Due to the current affordable housing crisis in Maine, and nationally, Silver Street would like to see the Property developed for additional affordable housing and has the capacity and experience to do so. However, due to the challenging nature of both the Property

and affordable housing development in general, Silver Street is unable to guarantee that it will be developed for affordable housing at this time. A brief summary of challenges to developing Property are included here.

1. **MaineHousing:** The financing of new affordable housing development in Maine is almost exclusively controlled by resources made available by the Maine State Housing Authority (“MaineHousing”). The award of financing is competitive and typically heavily oversubscribed on an annual basis. Acquisition cost and overall project cost are two key parameters governing the award and execution of such financing. Thus, in this instance, keeping the sale price nominal greatly increases the probability of a future financing award from MaineHousing.
2. **City of Portland:** The City of Portland, through its City Council and Planning Board, will have to approve potential zoning proposals/amendments for a new affordable housing development, an amended Site Plan for the existing Island View development, and a new site plan for any new affordable housing development. While the City has generally been supportive of new affordable housing development, it would be premature to predict whether the specific proposal that we would bring forth to develop the Property as affordable housing would gain the ultimate support of the neighborhood and the approval by these governing bodies.
3. **Challenging Design:** The presence of the PWD 2-million-gallon underground reservoir presents a unique design challenge to any developer looking to build on this site. The cost to remove and/or backfill the reservoir in order to establish a more conventional building footprint would be cost prohibitive for any affordable housing project. Silver Street has consulted with the architect and structural engineer that worked on the original Island View project. They have come forward with a conceptual design that would attempt to reuse the reinforced concrete structure as a platform or foundation upon which to construct a new building. However, this conceptual design would require further due diligence, refinement, and development in order to determine its ultimate feasibility in terms of cost and design. That work would be done in conjunction with a specific proposal brought before the City of Portland and MaineHousing. Therefore, while the reuse of the existing reservoir structure is a very promising and creative idea, it is premature to predict whether the conceptual design is ultimately executable.

Due Diligence

The purchase and sale agreement will be subject to the Buyer’s review of and satisfaction with the following items within one hundred eighty (180) days after the execution of the purchase and sale agreement (the “Due Diligence Period”):

- a) **Phase I Environmental Study.** If a Phase II Study is recommended, an automatic 30-day extension of the Due Diligence Period shall be granted.
- b) **Additional structural survey of the second chamber of the concrete reservoir.** The Seller will allow access for this purpose and shall provide PWD personnel with appropriate training and equipment to assist in the due diligence efforts by the Buyer. (Note: A survey of one of the two chambers was completed on July 26, 2023. The second chamber still needs to be surveyed.) The Seller will continue to provide this access and PWD personnel beyond the due diligence period up until the time of closing.
- c) **Satisfactory Title Commitment.**

Deposit

Five Thousand Dollars (**\$5,000**) at signing of purchase and sale agreement to be deposited with an escrow holder. The deposit will become non-refundable upon Buyer’s waiver of its right to terminate the purchase and sale agreement during the Due Diligence Period (defined above).

Closing

Buyer shall have the option of closing on the later of: (i) 30 days after the expiration of the Due Diligence Period and (ii) closing on the financing necessary to commence development of the Buyer’s proposed affordable housing project.

Assignment or Sale of the Purchase Contract to a Silver Street Entity

The Buyer shall have the right to assign or sell its rights and obligations in the purchase and sale agreement to a single-purpose entity, formed for the specific purpose of developing the Property. Such entity shall be controlled by the principals of Silver Street. If the Buyer assigns or sells its rights and obligations in the purchase and sale agreement to a Silver Street entity, it shall assign a price to this transfer sufficient to cover the transactional costs of the Buyer and the assigned entity as well as any sunk costs the Buyer has incurred to date. If the Buyer sells or assigns the Property for a profit (profit being defined as any proceeds over and above any transactional or sunk costs the Buyer has incurred, or will incur, to either acquire or sell the Property), the Buyer agrees to pay 50% of the profit earned by the Buyer to PWD.

Sale of Property to a non-Silver Street Entity

The Buyer, or any subsequent Silver Street entity, shall have the right to sell the Property to a non-Silver Street entity for the purposes of affordable housing development. If the Buyer, or any subsequent Silver Street entity, sells the Property for a profit (profit being defined as any proceeds over and above any transactional or sunk costs the Buyer has incurred, or will incur, to either acquire or sell the Property), the Buyer, or any subsequent Silver Street entity, agrees to pay 50% of the profit earned by the Buyer to PWD.

Contiguous Sale of the existing Island View development and the Property together

Silver Street shall have the right to sell Island View together with the Property. Under such a scenario, Silver Street would not be required to share any proceeds of such sale with PWD.

If this LOI is acceptable, please sign a copy of this letter and return.

Sincerely,

Island View Apartments, LLC

Agreed:

Portland Water District

Roger J. Gendron
Manager

Name:
Title:



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7B-C Order 23-043
Date of Meeting: November 27, 2023
Subject: Water Bond - \$700,000
Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

RESOLVED, the issuance of up to \$700,000 of Water Bonds is hereby authorized to finance the purchase of a vacuum excavator. The full form of the Resolution is attached hereto and incorporated as part of the minutes of this meeting.

BACKGROUND ANALYSIS

The Board of Trustees at its October 23, 2023, meeting authorized the purchase of a Hydro Vacuum Excavator for up to \$700,000. Financing has tentatively been approved by the Maine Drinking Water Program to come from their Lead Copper Loan fund for assessing water lines for lead and mitigating lead from water distribution systems. The loan is expected to be designated as 55% Principal Forgiveness at 0% interest loans for a maximum of 20 years. The proposed motion authorizes the bonds to be issued.

FISCAL REVIEW / FUNDING

The proposed bond is included in the proposed 2024 Budget. The budget assumed a cost of \$800,000 with an annual debt service of \$33,750. A \$700,000 bond debt service payment would be \$31,500, which is \$2,250 lower.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed Resolution as to form.

CONCLUSION(S)

Staff recommended the motion be approved. The Committee unanimously recommended the motion be forwarded to the Board for its consideration.

ATTACHMENT(S)

A. Full Form of Motion

**PORTLAND WATER DISTRICT
RESOLUTION OF BOARD OF TRUSTEES
AUTHORIZING WATER BONDS IN THE AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$700,000**

WHEREAS, the Portland Water District (the “District”) intends to finance the Costs (as defined herein) to purchase a vacuum excavator (the “Project”);

WHEREAS, the District desires to finance the Costs of such Project by issuing its sewer bonds in the maximum aggregate amount of \$700,000 and to borrow such money through the Maine Municipal Bond Bank’s Drinking Water State Revolving Loan Fund program or its general resolution borrowing program or other qualified purchaser of the bonds or a combination thereof;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Trustees of the Portland Water District (the “Board”) Assembled, following a public hearing duly called, noticed and held under District Policy No. 6.50-15:

THAT: Pursuant to the District’s Charter, Chapter 84 of the Private and Special Laws of 1975 and all amendments thereof and acts additional thereto, and all other authority thereto enabling, there is hereby authorized and approved the issuance of the District’s sewer bonds (the “Bonds”), and notes in anticipation thereof, in the aggregate principal amount not to exceed \$700,000, the proceeds of which are appropriated for and shall be used to finance the Costs of the Project.

THAT: The Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to issue the Bonds and notes authorized hereby through a public offering (on a competitive or negotiated basis or a combination thereof) or through the Maine Municipal Bond Bank’s Drinking Water State Revolving Loan Fund programs or its general resolution borrowing program or to another qualified purchaser of the Bonds or a combination thereof, all as the Treasurer shall determine to be appropriate in his sole discretion.

THAT: Each Bond or note authorized hereby shall be signed in the name of and on behalf of the District, by the Treasurer and the President of the District, and shall be sealed with the seal of the District, attested to by its Clerk.

THAT: The Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to establish, determine and approve the form, date(s), maturity(ies) (not to exceed 40 years from the date(s) of issuance), denomination(s), interest rate(s), place(s) of payment, and other details of the Bonds and notes authorized hereby, including the timing and provision for their sale and award, and to provide that any of such Bonds and notes may be made subject to call for redemption, with or without a premium, before the stated maturity date(s) of such Bonds or notes, such establishment, determination and approval to be conclusively evidenced by his execution thereof.

THAT: The Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, deeds, assignments, certificates, memoranda, abstracts, and other documents (collectively with any other agreements authorized herein, referred to as the “Bond Documents”) as may be necessary or advisable, with the advice of counsel for the District, to carry out the provisions of these resolutions in connection with the Project, the issuance, sale, and delivery by the District of the Bonds and the execution and delivery of the documents, including the entering into of

loan agreements or interim loan agreements with the Bond Bank, should the Bonds and notes (or any portion thereof) be purchased by the Bond Bank, the entering into of investment agreements regarding the proceeds of the Bond and notes hereinabove authorized, and the waiving of the District's sovereign or governmental immunity with respect to the enforceability of any of the forgoing.

THAT: If the Bonds or notes (or a portion thereof) are issued in a public offering, the Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to select the underwriter for such Bonds and notes and the Treasurer be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

THAT: If the Bonds or notes (or a portion thereof) are issued in a public offering, the Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of such Bonds and notes, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the District in connection with offering such Bonds and notes for sale be and hereby is approved.

THAT: If the Bonds or notes (or any portion thereof) are issued to the Maine Municipal Bond Bank (the "Bond Bank") pursuant to the State's Drinking Water Revolving Loan Fund program established under Title 30-A, §§5953-A and 6006-A, or its general borrowing program established under Title 30-A, §5953, the Treasurer and the President of the District be and hereby are authorized and empowered, in the name and on behalf of the District, to execute and deliver, under the seal of the District attested by its Clerk, one or more loan agreements between the District and the Bond Bank providing for loans from the Bond Bank to the District in an amount not to exceed such amount, said loan agreements to be in the usual and ordinary form utilized by the Bond Bank in connection with the Drinking Water Revolving Loan Fund program or its general borrowing program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer and the President of the District may approve, their approval to be conclusively evidenced by the execution thereof.

THAT: The Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds and notes hereinbefore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

THAT: If the Bonds and notes (or any portion thereof) hereinbefore authorized are issued on a tax-exempt basis, the Treasurer be and hereby is authorized to covenant and certify in the name of and on behalf of the District that no part of the proceeds of the issue and sale of such Bonds and notes shall be used directly or indirectly (a) to acquire any securities or obligations, the acquisition of which would cause such Bonds or notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (b) to cause such notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code.

THAT: If the Bonds and notes (or any portion thereof) hereinbefore authorized are issued on a tax-exempt basis, the Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to designate such Bonds and notes as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

THAT: If the Bonds and notes (or any portion thereof) hereinbefore authorized are issued on a tax-exempt basis, the Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to covenant and agree, for the benefit of the holders of such Bonds or notes, that the District will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds or notes will remain exempt from federal income taxation, and that the District will refrain from any action that would cause interest on such Bonds or notes to be subject to federal income taxation.

THAT: The term “Cost” or “Costs” as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost to design, construct, renovate, improve, furnish and equip the Project; (3) the cost of land, easements and other real property interests, landscaping and site preparation, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; and (5) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

THAT: The investment earnings on the proceeds of the Bonds and notes hereinbefore authorized, if any, and the excess proceeds of such Bonds and notes (including premium), if any, be and hereby are appropriated for the following purposes, such proceeds to be held and applied in the order of priority determined by the Treasurer, for the following purposes:

1. To any Costs of the Project in excess of the principal amount of the Bonds or notes;
2. If issued on a tax-exempt basis, in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or notes;
3. To pay debt service on the Bonds; and
4. To the District’s general fund.

THAT: The District covenants to establish, maintain, apportion and collect fees, charges and assessments for sewer and wastewater services furnished by the District, to pay when due current expenses of operating and maintaining the sewer system and to pay when due principal, interest and premium, if any, of all outstanding sewer indebtedness, including any Bonds hereinabove authorized, created or assumed by the District to provide a waste water and sewage system or otherwise for sewer purposes.

THAT: If the Treasurer, President of the District or Clerk are for any reason unavailable to approve and execute the Bonds and notes hereinbefore authorized, or any of the Bond Documents to be delivered with respect thereto, the person or persons then acting in any such capacity, whether as an assistant or a deputy, on an acting or interim basis or otherwise, is authorized to act for such official with the same force and effect as if such person had himself or herself performed such act.

THAT: If any authorized representative of the District who has signed or sealed the Bonds and notes hereinbefore authorized shall cease to be such officer or official before the Bonds or notes so signed and sealed shall have been actually delivered by the District and / or authenticated, such Bonds or notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds notes had not ceased to be such officer or official. also any such Bonds or notes may be signed and sealed in the name of and on behalf of the District by those persons who, at the actual date of the

execution of such Bonds or notes, shall be the proper officers and officials of the District, although at the nominal date of such Bonds or notes any such person shall not have been such officer or official.

THAT: If the Bonds or notes authorized hereunder, or any portion of them, are issued through the Drinking Water Revolving Loan Fund Program, the following resolutions required by Section C(4)(e) of the State of Maine Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and the Bond Bank (the "SRF Regulations"), and governing any loan to be made to the District under the State Revolving Loan Fund Program be and hereby are adopted with respect to the said Bonds or notes issued through the Drinking Water Revolving Loan Fund Program:

(1) that a Project Account shall be created for the Project which shall be separate from all other accounts of the District. If operating revenues are to be used to retire the debt, a sub-account will be established.

(2) that the Project Account shall be maintained in accordance with standards set forth by the Maine Municipal Bond Bank and in accordance with generally accepted government account standards.

(3) that a final accounting shall be made to the Bond Bank of the total cost of the Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the District acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built.

(4) that an annual audit of the District, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan.

(5) that the District shall maintain insurance coverage on the Project in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee.

(6) that the District will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged.

(7) that the District certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment.

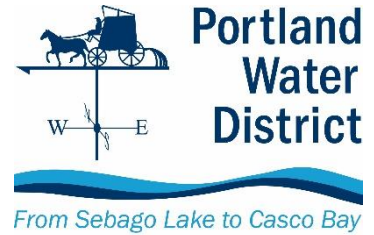
(8) that the District establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient.

(9) that the District must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project.

(10) that the District abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine.

THAT: During the term any of the Bonds are outstanding, in order to obtain additional debt service savings, the Treasurer be and hereby is authorized and empowered, in the name of and on behalf of the District, to issue and deliver refunding bonds, on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the form, date(s), maturity(ies) (not to exceed 40 years from the date of issuance of the original Bonds), denomination(s), interest rate(s), place(s) of payment, and

other details of the Bonds and notes authorized hereby, including the timing and provision for their sale and award, and to provide that any of such refunding bonds may be made subject to call for redemption, with or without a premium, before the stated maturity date(s) of such refunding bonds, and all other details of such refunding bonds, including the form and manner of their sale and award, and to execute and deliver, all in the name of and on behalf of the District, such establishment, determination and approval to be conclusively evidenced by his execution thereof, and each refunding bond issued hereunder shall be signed by the Treasurer and the President of the District, and shall be sealed with the seal of the District, attested to by its Clerk.



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7D Order 23-038
 Date of Meeting: November 27, 2023
 Subject: 2024 Wastewater Assessment and Billing Service Fee
 Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

ORDERED, that the 2024 Budget and Wastewater Assessments as presented by the General Manager at the October 23, 2023, Regular Board meeting are accepted and adopted and shall be filed with the minutes of this meeting; and pursuant to Section 12 of the District’s Charter, to assess for 2024 the participating municipalities for wastewater related costs as follows:

Town of Cape Elizabeth	\$2,390,220
Town of Cumberland	\$1,279,680
Town of Falmouth	\$314,112
Town of Gorham	\$1,675,344
City of Portland	\$16,543,176
City of Westbrook	\$3,995,964
Town of Windham	\$808,488

and to assess non-participating municipal corporations for billing-related costs as follows:

City of South Portland	\$236,916
Scarborough Sanitary District	\$13,944

BACKGROUND

PWD staff prepared the 2024 Comprehensive Budget Report and presented the report to the Board at the October 23, 2023 meeting. The Administration and Finance, Operations, and Planning Committees reviewed their respective areas of the budget at the November 13, 2023 Committee meetings. Incorporated in the proposed budget, the assessment amounts included provide funding to fully support the 2024 budgeted expenses.

LEGAL REVIEW

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

CONCLUSION(S)

Staff recommends that the Board approve the proposed motion. The Administration and Finance, Operation, and Planning Committees reviewed and recommended forwarding these budgets to the full Board for their consideration.

ATTACHMENT(S)

None

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7E Order 23-039
Date of Meeting: November 27, 2023
Subject: 2024 Water Rates
Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

ORDERED, that the final rate schedule for the water rate adjustment, attached hereto and incorporated herein by reference, is hereby adopted with an effective date of January 1, 2024.

BACKGROUND

The proposed 2024 Budget assumes a water rate adjustment with an average adjustment of 6.4% effective January 1, 2024. The adjustment includes a rate differential between residential and commercial/industrial rates resulting in an increase of residential customer rates by 5.9%, commercial customers by 7.3%, and industrial customers by 9.0%. Fire protection charges are increasing by 5.7%.

Pursuant to Board rules, a public hearing was held on November 13, 2023. All customers received notification of the meeting to review the proposed rate adjustment. Supporting documentation was posted to the District's website. Two comments were received from the public and were distributed to the Board at the public hearing.

FISCAL REVIEW / FUNDING

The average 6.4% rate adjustment is projected to increase water revenue by \$1,851,280 in total. With the rate adjustment, water revenues in 2024 are expected to meet the projected expenses.

LEGAL REVIEW

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

CONCLUSION(S)

Staff recommends that the Board approve the proposed motion.

ATTACHMENT(S)

- A. Proposed Rate Schedule
- B. Customer Comments

PORTLAND WATER DISTRICT
SCHEDULE OF RATES

Effective date:
January 1, 2024 PWD Board of Trustees Order 23-039 on November 27, 2023

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	2.87 per 100 cubic feet	I
For the next	7,000 cubic feet	2.65 per 100 cubic feet	I
For the next	40,000 cubic feet	2.34 per 100 cubic feet	I
In excess of	50,000 cubic feet	1.35 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	2.87 per 100 cubic feet	I
In excess of	90,000 cubic feet	2.34 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	\$ 11.49	100	\$ 331.59	\$ 279.10	3,000	I
3/4	13.54	100	429.86	377.35	6,300	I
1	17.57	100	511.03	458.52	9,000	I
1 1/2	31.22	100	781.62	729.11	18,000	I
2	52.90	100	1,106.30	1,053.80	28,800	I
3	95.99	100	1,972.18	1,919.68	57,600	I
4	144.48	100	2,946.32	2,893.80	90,000	I
6	279.16	100	5,652.19	5,599.69	180,000	I
8	440.75	100	8,899.27	8,846.76	288,000	I
10	638.18	100	17,558.10	17,505.61	576,000	I
12	844.79	100	27,351.76	27,299.26	900,000	I
Low Income	2.87	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.

January 1, 2024 PWD Board of Trustees Order 23-039 on November 27, 2023

 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	3.32 per 100 cubic feet	I
For the next	7,000 cubic feet	3.06 per 100 cubic feet	I
For the next	40,000 cubic feet	2.67 per 100 cubic feet	I
In excess of	50,000 cubic feet	1.56 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	3.32 per 100 cubic feet	I
In excess of	90,000 cubic feet	2.67 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	\$ 13.22	100	\$ 381.35	\$ 320.96	3,000	I
3/4	15.56	100	494.32	433.93	6,300	I
1	20.23	100	587.70	527.32	9,000	I
1 1/2	35.89	100	898.86	838.49	18,000	I
2	60.81	100	1,272.25	1,211.87	28,800	I
3	110.35	100	2,268.05	2,207.67	57,600	I
4	166.14	100	3,388.27	3,327.88	90,000	I
6	321.02	100	6,500.03	6,439.65	180,000	I
8	506.87	100	10,234.17	10,173.78	288,000	I
10	733.91	100	20,191.80	20,131.41	576,000	I
12	971.48	100	31,454.55	31,394.17	900,000	I
Low Income	3.32	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.

January 1, 2024 PWD Board of Trustees Order 23-039 on November 27, 2023

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	\$ 114,660	\$ 9,555	I
Cumberland	93,792	7,816	I
Falmouth	152,484	12,707	I
Gorham	105,708	8,809	I
Portland	470,412	39,201	I
Raymond	7,944,	662	I
Scarborough	213,000	17,750	I
South Portland	213,300	17,775	I
Standish	63,732	5,311	I
Westbrook	174,324	14,527	I
Windham	128,832	10,736	I
Total:		\$1,738,188	

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.

January 1, 2024 PWD Board of Trustees Order 23-039 on November 27, 2023

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"	\$ 4.65	\$ 5.34	I
3"	10.40	11.93	I
4"	18.54	21.32	I
6"	44.30	50.92	I
8"	74.16	85.24	I
10"	115.84	133.29	I
12"	166.79	191.83	I
16"	296.53	341.03	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.

January 1, 2024 PWD Board of Trustees Order 23-039 on November 27, 2023

Treasurer

Customer's Comments on the Proposed Water Rate Adjustment

From: Bill Daviero via Portland Water District <PWDwebform@pwd.org>

Sent: Wednesday, October 25, 2023 11:39 AM

To: Customer Help <CHelp@pwd.org>

Subject: Rate increase

Comment: Your mail card indicates a 5.9% increase (WOW!)...seems overtly high. There is an indicator of \$1.52 monthly average increase for the "typical customer in this classification". What is that? What is the classification according to monthly billed amounts. If your bill is \$50 or \$100 or \$150, what would the dollar increase be? I've complained about being overbilled as a single person/resident and cant figure out why my bill is so high.

Service Address: [REDACTED]

Account Number [REDACTED]

PWD Response:

Bill,

Thanks for taking the time to provide feedback on the proposed water rate change. We will share your comment with the Board.

The 'typical' residential customer is a customer with a 5/8 size meter using 7 hundred cubic feet (HCF) of water. Each HCF of water is 748 gallons. Your account shows lower monthly usage so your increase will be less than the typical bill. To better understand your monthly bill, I've attached how the bill is calculated assuming your typical monthly usage of 3 HCF. The notice you received only impacts the water part of the bill – see orange below. Currently, the monthly amount is \$16.31 for water and it would increase to \$17.23 if the proposed rate is implemented (a \$0.92 increase). The fee for water is about 20% of the bill. The remaining 80% is for wastewater charges, which are set by the Town. We have a contract with the Town to include sewer charges on the water bill.

Your usage of 3 HCF a month is close to what we estimate a single person household uses.

We are sensitive to any rate adjustment as it does impact our customer. We have strived to keep our increases no higher than the rate of inflation over the long run. More recently, we have seen significant cost increases in a number of items such as electricity and chemicals costs. Also, our water infrastructure is aging, with some pipes older than 100 years old, and we feel additional investment are necessary to maintain reliable system. We'll continue to strive to find ways to minimize rate adjustments.

If you have additional questions/comments, please contact me .

Monthly Usage	How many HCF?	3			
Current					
	Minimum(includes 1 HCF)		Usage Charge	Total	Rate per HCF
Water	\$ 10.87	\$ 5.44	\$ 16.31	\$ 2.72	
Sewer	\$ 52.51	\$ 12.06	\$ 64.57	\$ 6.03	
Total		\$	\$ 80.88		
Proposed					
	Minimum(includes 1 HCF)		Usage Charge	Total	Rate per HCF
Water	\$ 11.49	\$ 5.74	\$ 17.23	\$ 2.87	
Sewer	\$ 52.51	\$ 12.06	\$ 64.57	\$ 6.03	
Total		\$	\$ 81.80		
	Increase		\$ 0.92		
	Increase of Total Bill			\$ 1.1%	

From: Becky Delcourt via Portland Water District <PWDwebform@pwd.org>
Sent: Monday, October 30, 2023 4:21 PM
To: David Kane <dkane@pwd.org>
Subject: Rate increase

Who to Contact: Executive Director of Administration and Treasurer
Subject: Rate increase

Comment: I understand needs for improvement and increases but what needs to go is the charge for online payments. It is a base rate % so if you increase the monthly amount that means your out of date online bill payment penalization will increase too so I will go back to paying by check and using a stamp which is way less than your charge. So it will take even longer for you to get your money vs. auto pay. Why do you even penalize those who pay automatically?? Not one other utility does this so why do you?

PWD Response:

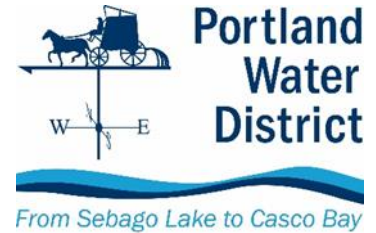
Becky,

Thanks for taking the time to share your thoughts. They will be shared with our Board of Trustees.

The District does offer a free payment option – e-check. When on the site, it is the third item from the left (see yellow item below). Credit card company assess a fee for each transaction that the District passes along to those customers that choose to use a credit card. We follow the common practice of governmental entities by assessing fees to customers for credit card transactions to recover the credit card companies fees.

Now accepting PayPal products and Venmo!





BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7F Order 23-040
Date of Meeting: November 27, 2023
Subject: 2024 Water Terms and Conditions
Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

ORDERED, that the revisions to the Portland Water District's Terms & Conditions of water service, attached hereto and incorporated herein by reference, are hereby adopted with an effective date of January 1, 2024.

BACKGROUND

Starting in 2022, the Water Terms and Conditions (T&C) are annually reviewed as part of the budget process with the fees updated to reflect current costs. The last fee update was approved on November 28, 2022 (Order 22-046). Because the District was granted a waiver from the Maine Public Utilities Commission (PUC) rate-related filings requirements, the T&C changes need only Board approval.

The changes being proposed include the following:

- Updating fees to current costs
- Section 410: New fees for planning and engineering new water services projects and a new Maine Department of Transportation (DOT) highway opening and utility location permit fee
- Section 411: New fee for service line admin fee for main extension projects
- Section 410 and 411: Several clarifications on the circumstances when fees will be assessed

FISCAL REVIEW / FUNDING

The changes will result in estimated water revenues and capital fees of \$258,100 and \$162,323, respectively. (See Attachment B for details).

LEGAL REVIEW

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

CONCLUSION(S)

Staff recommends that the Board approve the proposed motion. The Administration and Finance Committee reviewed at the October 13, 2023 meeting and concurred with Staff's recommendation.

ATTACHMENT(S)

- A. Terms and Conditions - Redlined with changes noted
- B. Summary of fees with the impact of the proposed changes

TERMS & CONDITIONS

Filed at the Office of the Public Utilities Commission
As Amended January 1, 202~~4~~³

PORTLAND WATER DISTRICT

225 Douglass Street, Portland, Maine

TERMS & CONDITIONS

These Terms and Conditions produced by the Portland Water District, and accepted by the Maine Public Utilities Commission will govern and guide the District in the operation of its business.

All District provision of service and credit and collection procedures in these Terms and Conditions will conform and be based upon rules of the Maine Public Utilities Commission except as hereinafter noted.

Except as explicitly provided herein, these Terms and Conditions are not intended to modify any rights or duties of the District or any customer or any authority of the Public Utilities Commission under any provision of Maine law, including Title 35-a of the Maine Revised Statutes Annotated or the rules and regulations of the Maine Public Utilities Commission.

REVISION TABLE

Date	PWD Motion	Sections	Description
4/1/22	Resolution 22-005	Entire Document	Restatement of T&C issued.
1/1/23	Order 22-046	Sheets 2,6,12,15-20	Updating fees to current costs
<u>1/1/24</u>	<u>Order 23-040</u> XX	<u>Sheets 3, 7, 12, 14-20</u>	<u>Updating fees to current costs</u>

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Section 470	- Charges for Testing Cross Connection Backflow Devices	SHEET 20
Section 480	- Low-Income Customer Assistance Program	SHEET 20

SECTION 100 - GENERAL

Section 110. Appeals Process

Disagreements or disputes regarding the application of Terms and Conditions relating to water service standards, water line standards, or water main extension standards shall be decided by the District's Board of Trustees.

Disagreements or disputes regarding the application of Terms and Conditions or relating to Chapter 660 of the Rules of the Public Utilities Commission shall be decided by the Public Utilities Commission.

Section 120. Office Hours, Normal Business Hours, Other Hours and Emergency Hours

Office Hours are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays. Office hours may change due to training, staffing, weather conditions, etc.

Normal Business Hours, for the purpose of charging disconnection, reconnection and damaged meter fees, are 7:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

Other Hours, for the purpose of charging disconnection, reconnection and damaged meter fees, are 4:30 p.m. to 7:30 a.m. Monday through Friday, holidays, Saturday and Sunday.

Emergency Hours are 24 hours a day, seven days a week.

Section 130. Access to Premises Served by PWD

Employees of the District, shall have free access at all reasonable hours to all premises served by the District by providing proper identification to either the customer or owner. The District's employees, with authority from the customer or the owner, will be permitted to inspect all plumbing and fixtures, to set, remove, or read meters, to ascertain the amount of water used and the manner of use, and to enforce these terms and conditions.

Section 140. Tampering With District Property

There shall be no tampering with District property. No District owned valve, shut-off, hydrant, or standpipe shall be opened, closed, or otherwise operated by any person other than District authorized persons.

Section 150. Unauthorized Use of Water

No customer shall supply water to another customer, nor shall water be used for any other purpose except normal domestic usage and fire protection without District approval. No unauthorized person shall obtain water from a hydrant or other District fixture without prior District consent.

Section 151. 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.

Section 160. Liability

The District will only be liable for any damages arising from any claim by a customer to the extent liability is expressly provided in the Maine Tort Claims Act as set forth in Title 14, Chapter 741 of the Maine Revised Statutes Annotated. The District makes no representations or warranties about the suitability of any water provided by the District for any particular purpose.

Section 170. Water Supply Emergency

Customers who fail to implement mandatory water conservation and/or utilization restrictions during a District declared water supply will be subject to a fee on the customer's next water bill equal to twice the general reconnection fee, per the Portland Water District Board of Trustees Policy 620. Each 24-hour period for which the customer is not in compliance with the District's water conservation and/or utilization restrictions constitutes a separate violation. The District may disconnect customers for repeated violations of the water company's water conservation and/or utilization restrictions.

SECTION 200 - BILLING

Section 210. Billing and Payment Procedures

The due date of a bill must be at least 25 days after the bill is mailed or otherwise delivered to the customer. A bill is considered “mailed” on the date the bill is postmarked. If there is no postmark (as with an electronic bill) the District will send the electronic notification to the customer no more than 1 day after the bill date.

Bills may be rendered monthly, bimonthly, quarterly, or by the season at the option of the District. Metered minimum charges and private fire service charges, except for seasonal main charges, may be prorated for the exact number of days of service when service is open or closed.

The customer will be responsible for providing a correct billing address or email address if bill notification is received electronically. Failure to receive a bill does not relieve the customer of the obligation of its payment, nor from the consequence of nonpayment.

Applicants or customers may notify the District in writing if they wish to designate a Third Party to receive copies of customer bills and disconnection notices.

When a billing error is discovered, the District will have up to 90 days to correct the error.

Section 211. Seasonal Billing Procedures

A seasonal customer regularly takes service for only a portion of the year from either a surface or deep main. A seasonal customer will be subject to seasonal rules and rates. An initial bill will be generated and no additional charges will be assessed unless the consumption, upon closing the account, exceeds the usage allowed in the seasonal rate. When the account is closed the meter must be removed and the water service must be disconnected. Seasonal customers served by a surface main shall be provided water service between May 1 and October 15.

If a non-seasonal customer on a deep main vacates the premises for 3 months or less, and elects to remain on monthly rates, the District must be notified in writing. The account will be closed. The customer’s meter must be removed and the water service disconnected. Upon request to establish the service again, a reconnection fee pursuant to Section 3 of these Terms and Conditions will be charged.

Section 220. New Customer Activation Fee

The customer shall pay a ~~\$19.21~~00 fee when the customer requests a change to an existing account causing an additional customer account record to be created.

Section 230. Late Payment Charges

Late payment charges are assessed for overdue water bills that are not paid within 25 days from the postmarked date, or 25 days from the e-bill notification date. The interest rate charged will be the interest rate established for delinquent taxes by the State Treasurer.

Section 231. 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 ~~\$285.00~~.

Section 232. Lien Charges for Multi-Unit Properties

The District may enforce its lien rights in accordance with 35-A M.R.S.A, Section 6111-A to collect a past due water bill. A \$58.00 charge covering lien notification, preparation, filing, and processing will be added to the past due amount, and included as part of the lien filing.

Section 233. Disconnection of Multi-Unit Properties

Before disconnection of a single meter, multi-unit property, for non-payment of basic service, the District will:

- Mail a disconnection notice to the customer in accordance with Chapter 660 of the Maine Public Utilities Commission Rules guidelines.
- Post a disconnection notice at or near the front and rear entrances of the affected building(s), to inform tenants how service can be continued. The disconnection notice will be posted at least 10 days prior to disconnection of the water service.
- In lieu of filing a water lien, the District will notify the appropriate participating sewer municipality, if applicable, of the pending disconnection to provide it an opportunity to solicit payment from the owner. If the bill remains delinquent and the municipality does not relocate the tenants and seeks to have water restored, the District will restore the water either per a court order, or if the municipality pays the District for the delinquent water balance and accepts a transfer of the delinquent sewer balance.

The District may authorize separate metering of each dwelling unit at the landlord's expense, if the dwelling is disconnected for nonpayment of an overdue amount.

Section 234. Disconnection of Leased or Rental Single-Meter, Multi-Unit Dwellings

Pursuant to Chapter 660 of the Maine Public Utilities Commission Rules, 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 \$100.00 at the time the location is posted as required by Chapter 690. This fee is in addition to any applicable reconnection fee set forth in Section 3 of these Terms and Conditions.

Section 235. Disconnection Process for Overdue Combined Water and Municipal Sewer Balances

The following section outlines the Terms and Conditions related to the disconnection process for overdue combined water and municipal sewer balances

Section 235.1. Policy

The District, as sewer billing agent for participating municipalities, will issue a disconnection notice to delinquent customers that may result in the disconnection of water service pursuant to Section 34-D of these Terms and Conditions

Section 235.2. Definitions

- Service Classification - “Service classification” includes water and sewer services billed as residential, commercial, industrial, and governmental accounts.
- Total Amount Due - “Total Amount Due” means the total water and sewer amount owed by a customer that has been properly billed.
- Total Amount Overdue – For the purpose of issuing a disconnection notice, “Total Amount Overdue” means the total water and sewer amount billed to a customer that is greater than \$100.00 and more than 50 days old. For the purpose of assessing a late fee, “Total Amount Overdue” means the water and sewer balance that has not been paid within 25 days of the bill postmark date, or 25 days from the electronic notification date of the e-bill.

Section 235.3. Billing

Bills shall be issued in accordance with applicable sections of Public Utilities Commission Chapters, i.e. Chapters 660 and 870, and the Portland City Code, Section 24.

Section 235.4. Disconnection and Reconnection

A 14-day disconnection notice shall be issued to a delinquent customer when the Total Amount Overdue is greater than \$100.00 and more than 50 days old, the account is not on an active payment arrangement, and the account is not on dispute. A 3 business day disconnection notice shall be issued for the Total Amount Due when a customer does not comply with the terms of the established payment arrangement and the account is not on dispute

When a customer has received a 14 day disconnection notice and makes a partial payment that reduces the Total Amount Overdue to \$100.00 or less, the customer will be subject to disconnection until the Total Amount Overdue is paid in full, or the customer makes a payment arrangement. When a customer has received a 3 business day disconnection notice due to a broken payment arrangement, and makes a partial payment on the installment amount, the customer is subject to disconnection until the installment amount is paid in full.

Section 235.5. Payment Allocation

In the event that a payment is received by the District which does not clearly indicate whether the payment is for water or sewer, the payment shall be applied to the oldest outstanding basic service bills.

Section 235.6. Payment Arrangement

The District shall offer a Regular Payment Arrangement to customers who cannot pay the Total Account Balance in accordance with Chapter 660 of the Maine Public Utilities Commission Rules and these Terms and Conditions.

Section 235.7. Dispute Resolution

Disputes related to Chapter 660 of the Maine Public Utilities Commission Rules shall be resolved in accordance with the Rules of the Public Utilities Commission.

The District shall accept and respond to inquiries and complaints related to the amount or composition of charges. The appropriate municipality shall accept and respond to inquiries and complaints relating to the sewer collector system or the Municipality's Sewer Ordinance.

Section 240. Rebate Policy

The District may rebate a portion of a customer's bill for leakage. The rebate will only be available one time during a five-year period on each account. Proof may be required to substantiate the leakage and repair. The rebate will be based upon deducting one-half of the billing in excess of normal usage. In no event will the rebate apply to leakage that occurred more than one year prior to the time the customer notifies the District of the leakage.

Section 241. Time Period for “Make-Up” Bills for Previously Unbilled Service Due to Unauthorized Use or Fraud

For residential and commercial accounts, the District may issue a “make-up” bill for service that was previously unbilled because of unauthorized use or fraud by the customer for service that occurred up to six (6) years before the issuance of the “make-up” bill”.

Section 242. Charge for Payments Returned

A charge will be made to the account of any customer whose check is returned by the bank for reason of insufficient funds or incorrect bank information. The charge shall be the greater of \$5.00 or an amount equal to the actual bank charges. The utility will furnish the customer with proof of any bank charges in excess of \$5.00.

Section 243. Interruption of Service

The District will provide notice of any shut off to affected customers in accordance with Portland Water District Board of Trustees Policy 620(2)(G) and will make a prorate reduction in the customer’s bill as provided in that subsection.

Section 250. Deposits

The interest rate paid on all deposits will be in accordance with Chapter 870 of the Commission's Rules and Regulations.

The amount of the deposit will be based on the amount of the basic service in accordance with Chapter 660 of the Maine Public Utilities Commission Rules guidelines.

SECTION 300 - SERVICE STANDARDS

Section 310. Maintenance of Plumbing

To prevent leaks and damages, all customers shall maintain at their own expense the plumbing and fixtures within their own premises in good repair and protect them from freezing. In the event of a frozen service, the District will inspect and determine where the service line is frozen. All costs associated with inspecting and thawing a frozen service line on private property shall be borne by the customer. All costs associated with inspecting and thawing a frozen service line in the public right of way shall be borne by the District.

Section 311. Fluctuation of Pressures by Customer's Apparatus

No customer shall install or use a water consumption apparatus that will affect the District's pressure or operating conditions so as to interfere with the service of another customer. If a customer has, or proposes to install an apparatus which requires water in sudden and/or material quantities, the District reserves the right to require the customer to install devices or apparatuses, which will confine such fluctuations of demand or reduction of pressure within reasonable limits as determined by the District.

If the customer, after receiving written notice from the District, fails to present an acceptable remedial plan within a time limit set by the District, service will be discontinued pursuant to provisions of the Chapter 660 of the Maine Public Utilities Commission Rules.

Section 312. Isolation Valve

Every service must be equipped with operable isolation valves, with one valve above and one valve below the meter. The valves and meter shall be protected from freezing either within a building or inside a meter pit. All piping shall be arranged to prevent back siphonage and to permit drainage whenever necessary. The isolation valves shall be owned and maintained by the customer.

Section 313. By-Pass Valve

Effective February 1, 2008 customers desiring a by-pass valve must file an application for such valve with the District. Services shall be equipped with a by-pass valve only if the meter is 1.5-inch or larger, and if the applicant can document a need for business continuity to the satisfaction of the District. A by-pass valve shall be owned and maintained by a customer; it shall only be installed after the approval by the District, and shall be sealed shut. It can only be operated with the consent or approval of the District. In the event that the by-pass valve is unsealed or operated without the consent or approval of the District, the District, in its discretion, may require removal of the by-pass valve at the customer's expense.

Section 314. Safeguarding Direct Pressure Water Devices and Systems Supplied by Automatic Feed Valves

All customers having direct pressure water devices, including but not limited to booster pumps, hot water tanks, or secondary systems supplied by automatic feed valves, shall install and maintain at their own expense appropriate vacuum, temperature, pressure relief valves, and lower water cutouts in their water system to prevent damage., Water service supplied to any customer not providing such protective devices will be strictly at the risk of the customer, and the District will not be held liable for damage resulting from lack of or failure of such protective devices.

Section 315. Cross-Connections

No cross connection between the public water supply and any other supply will be allowed unless properly protected and supervised in accordance with the Department of Human Services rules, the District's formal Cross Connection Control Program, and the Portland Water District Board of Trustees Policy 620.

Section 316. Private Fire Protection

Customers requiring private fire protection should contact the District to determine the availability of fire service at their location. Fire service, if available, will be installed at the customer's expense within the bounds of the public way or right-of-way. The fire service line, after installation, will be owned and maintained in the public way or right-of-way by the District. The District does not guarantee any quantity of water or pressure available through a fire protection service. The owner of such service shall determine the adequacy of supply through the fire service by conducting tests of the private system. The District must be given timely notice so a representative of the District can be present to observe the test.

Section 320. Water Meters and Meter Reading Device

The District will install one meter per service line. Meters must be installed in a safe, clean, dry, warm area at the service entrance and must be readily and safely accessible to District representatives. Maintenance of all District meters is provided at the District's cost. If additional auxiliary, or memo meters are required by the customer for calculating subdivision of water supply, they shall be purchased, installed, and maintained by the customer.

The District shall install meter reading devices for meters owned by the District. The most beneficial location of this device, for efficient and safe meter reading purposes, will be determined by the District.

Section 321. Meter Maintenance and Accuracy

The District has a program that repairs, tests, and replaces(if necessary) all meter sizes on the following service periods:

5/8-inch through 2-inch:	20 Years
3-inch:	4 Years (field)
4-inch:	2 Years (field)
6-inch and larger:	1 Year (field)

Meters are tested in conformance with Section 3G. of the District’s Water Service Standards Policy enacted by the Board of Trustees. Customer requests to test a water meter for accuracy are accommodated by the District without charge once every 18 months. More frequent tests of meters larger than ~~two~~ inch are at the customer’s expense based on the District’s actual costs. More frequent tests of meters ~~two~~- inch or smaller are subject to a \$~~5441~~.00 charge. It is recommended that the customer witness the meter test. If a meter is determined to be malfunctioning, the customer bill shall be adjusted according to the average historical usage.

Section 322. Meter Pit Policy

The District may require the customer of a property to supply, install, and maintain a meter pit(s) to District specifications at the customer’s expense as a condition of service when:

- a. The actual laying length of the service pipe measures over 300-feet from the street line.
- b. The service location makes discovery of a possible leak unlikely.
- c. The use of service pipe deemed by the District to be inferior makes the possibility of a leak likely. (Copper pipe must be type K; plastic pipe must be rated 160 PSI.)
- d. A single service supplies two or more units with no suitable common area (accessible independently of any individual tenant/owner) in which to install the meter.
- e. A property of two or more units is supplied through multiple services, any one of which is located in front of, or enters a unit other than, the one it serves.
- f. The customer does not provide a clean, warm, dry, and safely accessible location for the meter and its appurtenances.
- g. The customer does not furnish an otherwise suitable location for a meter inside the customer’s building.

All meter pits shall be installed on the customer’s property and installed as follows:

- a. In such manner to keep the meter pit clean and dry at all times.
- b. In such manner to allow District representatives to have access to the meter pit.
- c. In such manner that all confined space entry equipment can be safely utilized in accordance with OSHA standards for confined space entry.
- d. In such manner to conform to District Standards and Specifications.

The customer shall be responsible for maintaining the meter pit at its cost such that it can accommodate the District's meter.

Section 330. Application for New Water Service

To qualify for new water service, all applicants must demonstrate a need for water service that meets the conditions contained herein.

The application for a new water service shall include at a minimum:

- A project description (i.e., type of use, project location, project schedule, etc.).
- A site plan showing the location of the proposed service.
- An inventory of all water fixtures in the building to be served.

Section 331. Conditions for Water Service

- (a) All water service lines must conform to Portland Water District Board of Trustees Policy 620. New water service must be established from a water main having direct frontage to the lot or building being served.
- (b) Multiple buildings on a single lot all owned by a single entity may be served by a single water service with a single meter installed in accordance with other provisions herein. When there are multiple detached buildings on one lot served by one service line, PWD may require a covenant to be recorded in the Cumberland County Registry of Deeds affirming that if the lot is ever subdivided, an independent water service shall be installed and operational for each building.
- (c) If a single building is ever split into more than one unit, utilizing a party wall, each unit will be required to have an independent water service at the time that the split occurs and the additional units are created. If the split has occurred prior to service being provided (i.e., duplex construction), an independent water service must be established to each individual unit prior to new service activation.
- (d) If water service to a new building or lot cannot be obtained without crossing the property of another then one or more permanent easements for water facilities, having terms acceptable to the District, must be created and recorded in the Cumberland County Registry of Deeds, for the benefit of the District and all new owners. Granting water service through an easement shall be at the discretion of the District.

(e) The District may require, in its discretion, that customers bring their service into conformance with current District standards if the following occurs:

1. Changes in water demand or use that necessitate a change in service line or meter size changes.
2. The addition of an irrigation system to an existing domestic service lines.
3. The installation or upgrade of a fire sprinkler system or the addition of a private hydrant to an existing service line

(f) Customers shall comply with the Portland Water District Board of Trustees Policy 620. The District reserves the right to suspend water service to a customer until the service line setup meets current District standards.

Section 340. Fire Hydrants

Fire hydrants may not be used for any purpose other than extinguishing fires, training purposes, or for such other purposes as may be agreed upon by the District and the municipality or owner of a private hydrant. In no case shall fire hydrants be operated by a person other than an agent of the District, except when used for fire protection or training purposes.

If the District approves a request for a hydrant meter, unless otherwise authorized, the District will install and will assess a fee of \$~~15700~~.00 if installed and removed during normal business hours and \$~~303465~~.00 if installed during non-business hours.

Section 350. Size of Water Distribution Mains

The District provides water for domestic and fire protection purposes. The District requires all distribution water mains be adequately sized in accordance Portland Water District Board of Trustees Policy 650: Water Main Extension and Service Line Rule enacted by the Board of Trustees.

Section 360. Winter Construction

No new public water mains or services will be installed during winter conditions unless specifically approved by the District. The customer assumes all extra expenses over the ordinary construction expense.

SECTION 400 - SERVICE PROVISIONS

Section 410. New Meter or Service Fees and Deposits

This Section defines the fees and deposits associated to requests for new water services. Fees and deposits are dependent on the scope of the new water service project and shall be determined by the District. Fees and deposits are required to be submitted with a completed Application for New Service. Deposits related to Service Inspection shall be reconciled by the District at the time of service installation, and deposits related to Service Activation shall be reconciled by the District at the time of Service Activation.

- **Service Application-Administration Fee.** All ~~new~~ services in a New Service project shall carry a non-refundable \$~~939~~89.00 application fee.

- **Planning and Engineering Fee (New Service Project).** Applicants for new service projects shall be responsible for a Planning and Engineering fee equal to \$106.00 per service.

- **Inspection Fee/Deposit.** The Applicant shall provide a deposit for the cost of inspection of the installation of the new service. Depending on the size of the new service, and how many services are be installed in the project, the fee will either be a ~~f~~Flat ~~r~~Rate or ~~a~~Actual ~~c~~Cost, as defined below.
 - **Flat Rate (Fee).** All new services that are 2-inches or less in diameter and that are the only service installed in a project will carry a Flat Rate fee of \$~~218~~2934.00 for inspection.

 - **Actual Cost (Deposit).** All new services that are greater than 2-inches in diameter and/or those that are one of multiple services installed as part of a project shall be inspected at ~~a~~Actual ~~c~~Cost. Actual cost will be calculated by taking the actual number of hours multiplied by \$ 85. This shall also apply to projects where an existing service must be retired as a condition of service installation.

- **Meter Fee.** The Applicant shall provide the cost of the new meter associated to a new domestic service. The cost of the water meter is defined as the meter cost, ERT (remote reader) cost, typical plumbing fitting costs, and a \$25.00 inventory overhead fee.
 - **Existing Meters.** In a situation where a new domestic service is installed to a Lot, and that Lot has previously had a domestic water service and a meter that has since been recovered in good working condition by the District, the cost of that existing meter shall be accounted for in the Meter Fee for the new service. When determining the cost of the existing meter, current meter prices will be used.

- **Meter Installation Fee/Deposit.** The Applicant shall provide a fee or deposit for the cost of installing the meter for all new domestic services where the meter is not to be installed in a small diameter meter pit. Depending on Tthe size of the new meter shall determine if a fee or deposit is required. ~~, the fee will either be a Flat Rate or Actual Cost.~~
 - **Flat Rate (Fee).** All new meters that are 2-inches and smaller and that are not being installed in a confined space meter pit/vault will carry a Flat Rate fee of \$~~77~~53.00 for installation.
 - **Actual Cost (Deposit).** All new meters that are greater than 2-inches and/or those that are being installed in a confined space meter pit/vault shall be installed at aActual cCost. If the meter is to be installed in a large diameter meter pit or vault, inspection of that pit/vault prior to meter installation shall be included in the aActual cCost time.
- **Water Sample Fee.** New domestic services that are 2-inches or greater in diameter require a water sample. This also applies to domestic services installed in a parent/child configuration (i.e., a new domestic service that takes from a fire service rather than a water main). The cost of that water sample shall be \$~~193~~93.00, to be provided by the Applicant.
- **Small Meter Installation in Small Diameter Meter Pit Fee-Inspection Deposit.** All new domestic services that require a small diameter (2-inches and smaller) meter to be installed in a small diameter confined space meter pit shall carry a \$~~12930~~12930.00 fee to install the meter. This fee shall include the inspection of the meter pit prior to installation of the meter. ~~New domestic services that are installed with a meter pit or vault carry an inspection charge to ensure the pit/vault meets District specifications. This inspection time shall be assessed at Actual Cost.~~
- **Fire Service Activation Fee.** All new fire services that are installed carry a \$~~491~~20.00 fee to activate the service.
- **Private Hydrant Inspection Deposit.** New private fire hydrants installed on fire services must be inspected by the District prior to activation of the hydrant. This inspection time shall ~~be assessed at Actual Cost~~carry a fee of \$53.00.
- **Initial Backflow Inspection Fee.** All new Backflow Prevention Devices must be inspected prior to service activation. The District will perform the initial test of the device at the time of service activation and meter set. The inspection shall carry a fee of \$~~102~~53.00 ~~for the first device tested, and carry a fee of \$51.00 for each subsequent device to be tested.~~

- **Maine Department of Transportation (DOT) Highway Opening & Utility Location Permit Fee.** All fees associated to permits required to install a new water service in a State Highway shall be assessed by the District to the Applicant
- **Inspection of new Public Infrastructure Deposit.** Occasionally a new service project will include the installation, removal, or relocation of public infrastructure (e.g., relocation of an existing hydrant). Inspection of this portion of a project is tracked separately and is assessed at ~~a~~Actual ~~c~~Cost. Actual cost will be calculated by taking the actual number of hours multiplied by \$ 85.
- **Installation of Services as Part of a District Renewal Project Fee.** During a District organized water main renewal project, property owners who have frontage on the water main being renewed may request new services to their properties be added to the project. Addition of these services to the project is at the discretion of the District and their Contractor. If these services are added to the project, the cost of installation shall be determined by the District's Contractor and assessed to the Applicant through the Application.
- **Customer Contribution Fee.** As outlined in Portland Water District Board of Trustees Policy 650, new services installed on water mains that are less than 10-years old carry a Customer Contribution Fee. This fee is to be determined by the District per Policy 650 and assessed to the Applicant, to then be conveyed back to the original Developer of the water main.

When submitting an Application for new service, the Applicant shall be considered the owner of the building or Lot to be served. The Application shall be signed and dated by the Applicant.

A deposit for the required fees associated with that Application may be provided by the Applicant or a separate entity in their project team. If an entity other than the Applicant provides the required deposit, that entity must sign the Application as the Depositor. Reconciliation of all deposits will be processed with the Depositor.

Section 411. New Main Extension Application Fees and Deposits

This Section defines the fees and deposits associated with requests for new water main extension projects. Fees and deposits are dependent on the scope of the project and shall be determined by the District. Payment for fees and deposits are required to be submitted with a completed Main Extension Agreement. All deposits shall be reconciled by the District at the time of Final Completion.

- **Main Extension ~~Application~~ Administration Fee.** All new main extension projects shall carry a non-refundable ~~\$279~~1,178.00 application fee.

- **Planning and Engineering Fee (Main Extension Project).** Applicants for main extension projects shall be responsible for a Planning and Engineering fee equal to \$~~600~~590.00 per work day spent assisting in the design and plan review of the project.
- **Service Line Admin Fee (Main Extension Project).** All new services in a Main Extension project shall carry a non-refundable \$22.00 admin fee.
- **Inspection Deposit.** The Applicant shall provide a deposit for the cost of inspection of the main extension installation. The deposit shall be assessed against actual cost. Actual cost will be calculated by taking the actual number of hours multiplied by \$85.00.
- **Valve Box Deposit.** Applicants shall provide a \$25.00 deposit for each valve box installed as part of a main extension project, to be returned at final inspection if the valve boxes are appropriately raised.
- **Fire Protection Deposit.** Applicants shall provide a Fire Protection Deposit related to the portion of the water main installed without a public hydrant. The Deposit shall be \$8.00 per linear foot in Scarborough and Raymond, and \$4.00 in all other municipalities in the PWD Service Area.

Section 420. Disconnection/Restoration of Service

The District will charge a customer a fee to disconnect or 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 Hours¹ to disconnect or restore service or is requested to restore service during Normal Business Hours, a fee of \$~~413~~8.00 will be charged.

When the District is notified during Other Hours¹ to disconnect or restore service or is requested to restore service during Other Hours, the charge is \$~~524~~8.00 per hour with a minimum charge of \$1~~10~~2.00.

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.

¹ - Refer to Section 120 for definition of Normal Business Hours and Other Hours

TERMS & CONDITIONS

Section 430. Charges for Replacement of Damaged Water Meters

The charges to customers for costs incurred for the replacement of meter(s) two inch or less damaged due to improper care by customers are as follows:

Meter Size	Charges to Replace During Normal Business Hours ¹	Other Hours ¹²
Meters up to 2 inch		
<u>Not in Pit</u>	\$5377.00 + cost of meter	\$1 6081.00 + cost of meter
<u>In Pit</u>	<u>\$129.00 + cost of meter</u>	<u>\$451.00 + cost of meter</u>

¹ - Refer to Section 120 for definition of Normal Business Hours and Other Hours

² - Reflects minimum three-hour call out and overtime rate.

All meters that are greater than 2-inches and/or those that are being installed in a confined space meter pit/vault shall be installed at ~~a~~Actual ~~c~~Cost.

Section 440. Closing Metered Accounts

To close an account, the District may require the meter to be removed and the service shut at the curb stop.

Upon closing the account, the customer requesting the account be closed shall pay for the cost of removing the meter if no one else is taking responsibility for billing and if the District is not provided access to retrieve the meter or the meter cannot be located on the customer premises. The fee charged shall be the fees noted in section 430 of these Terms and Conditions. If the customer does not have the ability to provide access to the meter, the fee shall not be charged. The fee shall be refunded to the customer if another customer takes responsibility for the account or the meter is retrieved subsequently.

When the customer requests the District to close the account, and there is no new customer taking service, the outgoing customer is responsible to make arrangements for removal of the meter. Failure to obtain the meter will result in billing the outgoing customer the fees noted in Section 430 of these Terms and Conditions. The fee will be refunded if the meter is subsequently obtained and is not damaged.

Section 450. Temporary Water Service

A customer can apply for temporary water service in support of project delivery. Temporary service will be established from the customer's domestic water service line only. The District will supply the temporary service assembly for the customer to install and maintain once service line installation and passing of pressure and purity tests is complete. The customer will be charged for the water consumption in addition to an inspection fee of ~~\$100~~120.00 for each installation of the temporary service assembly. Temporary water service shall be granted on a limited basis depending on the availability of temporary service assemblies and the requested duration of use. Details of the temporary water service can be acquired from Customer Service.

Section 460. Charges to Perform Flow Tests on Hydrants

For a hydrant flow test to generate the static pressure, residual pressure and the water flow for a single hydrant, the charge is ~~\$223~~241.00. For each additional hydrant flow test concurrently administered at the same site, an additional ~~\$46.00~~50.00 will be charged.

Section 480. Low-Income Customer Assistance Program

The following section outlines the District's Low-Income Customer Assistance Program.

Section 480.1. General Program Description

The District is supporting, in conjunction with City of Portland (COP) a program to provide financial assistance to low-income residential customers for the purpose of taking positive steps towards reducing water consumption to make water more affordable.

The District has authorized COP to administer a program to repair, replace or install plumbing fixtures and water saving devices with regard to the following:

- Leaking or broken water pipes
- Toilets
- Hot water tank
- Kitchen faucets
- Bathtub faucets
- Showerheads
- Outside faucets
- Toilet dams
- Low-flow devices

This program will be offered to all qualified residential customers of the District.

Section 480.2. Program Participation Requirements

A qualified residential customer must:

- Own and occupy a year-round residence within the District service area.
- Be low-income qualified, by showing evidence of having an annual household income that is 80% of area median income (AMI) as defined by US HUD.
- Demonstrate through a home audit provided by COP, a need for the program's services.

Section 480.3. General Provisions

The dwelling unit owner must agree to leave in place at the premises any water saving measures installed under this program.

COP will determine customer eligibility, complete a home audit, develop a remediation plan, subcontract work to be completed, and inspect completed work.

Qualified applicants will be assisted on a first come, first served basis up to the allocated amount provided to the program by the District. Exceptions will be made at the discretion of COP for emergency situations that jeopardize health or safety.

The District will fund this program on an annual basis and reserves the right to discontinue program support at any time.

Section 480.4. Miscellaneous

The District along with municipalities, COP Central Intake and Outreach staff, Human Service organizations, and the public at large, will refer homeowners to COP for qualification.

All specific services provided by this program will be delivered to qualified participants at no cost to the participant.

Portland Water District
Terms and Conditions Fee Change

<u>T & C Section</u>	<u>Description</u>		<u>2023</u>		<u>2024</u>
2 - 231	Collection Charge for Past Due Bills	\$	25.00	\$	28.00
2 - 234	Collection Charge for Tenant Postings	\$	100.00	\$	100.00
3a - 420	Restoration of Service: TOBH	\$	38.00	\$	41.00
3b -420	Restoration of Service: TOAH, Other Hours that Exceeds Minimum Charge	\$	48.00	\$	52.00
3b1 - 420	Restoration of Service: TOAH	\$	102.00	\$	111.00
4 - 232	Lien for Multi-unit	\$	58.00	\$	58.00
7 - 242	Charge for Returned Check, including incorrect bank information	\$	5.00	\$	5.00
7 - 242	Incorrect Bank information	\$	5.00	\$	5.00
8a - 410J	Cross Connection Backflow	\$	102.00	\$	53.00
Eliminated		\$	51.00	\$	-
9a - 460	Hydrant Flow Test	\$	223.00	\$	241.00
9b - 460		\$	46.00	\$	50.00
	Replace Meter (admin fee not including meter cost)				
10p - 430 same as 410 E	2 in and less	\$	77.00	\$	53.00
10p - 430 same as 410 E	2 in and less	\$	181.00	\$	160.00
10p - 430 same as 410 G	small meter in pit			\$	129.00
10p - 430 same as 410 G	small meter in pit			\$	451.00
24 - 321	Meter tests <2" meter	\$	141.00	\$	154.00
25	Close meter - same as 10 replace meter				
29 - 340	Hydrant Meter Set - Business Hours	\$	100.00	\$	157.00
29 - 340	Hydrant Meter Set - Non- Business Hours	\$	165.00	\$	303.00
36 - 220	New Customer Activation Fee	\$	19.00	\$	21.00
	<u>Operating Revenue</u>				
New 410B	New Service(s) - Planning & Engineering Fee				
37 - 411	New Main Extension Fee Application	\$	279.00	\$	1,177.00
38 - 410A	New Service Line Application	\$	93.00	\$	98.00
38a	2" and under Service Inspection	\$	218.00	\$	293.00
38d - 410 E	2" and under Meter Admin not inc meter	\$	77.00	\$	53.00
38G - 410	Water Quality Samples	\$	193.00	\$	93.00
41 - 450	Temporary Water Service		100	\$	157.00



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7G Order 23-041
Date of Meeting: November 27, 2023
Subject: 2024 Non-Water Tariff Services
Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

ORDERED, that the revision to the Fee Schedule for Non-Water Tariff Services, attached hereto and incorporated herein by reference, is hereby adopted with an effective date of January 1, 2024.

BACKGROUND

Starting in 2022, PWD reviews the Fee Schedule for Non-Water Tariff Services annually and updates the fees to reflect current costs as part of the budget review. The Fee Schedule for Non-Water Tariff Services schedule of fees outlines miscellaneous fees not included in the Water Schedule of Rates and Terms & Conditions. Staff is requesting no changes except for a 4% increase in the septage fee and a \$1 increase in the submeter fee.

FISCAL REVIEW / FUNDING

Septage waste fee and sewer submeter revenue is estimated to increase by \$9,000 and \$10,000, respectively, a year. The proposed increased revenue was included in the proposed 2024 Budget.

LEGAL REVIEW

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

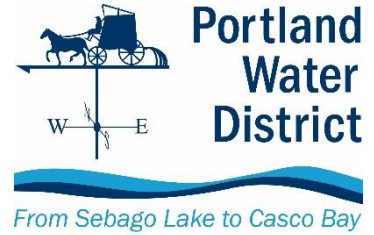
CONCLUSION(S)

Staff recommends that the Board approve the proposed motion. The Administration and Finance Committee reviewed at the October 13, 2023 meeting and concurred with Staff's recommendation.

ATTACHMENT(S)

A. Fee Schedule for Non-Water Tariff Services

Description		Fee
A. Water		
1. Winter hydrant inspection	Inspection of private hydrants to verify the operability of hydrant during winter months	\$4 per month on monthly water bill. Cost covers the average cost to inspect hydrant.
2. Damage Hydrants	Repair of hydrants damaged by customers	Costs to repair including labor, benefit overhead, stock items with normal markup (25%), third-party expenses and \$7 finance department administrative fee
B. Wastewater		
1. Industrial pretreatment permit	Initial and periodic review of the customer premises to assure compliance with IPT regulations	\$300 for initial and every 3-year renewal.
2. Septage and Holding Tank Waste	Qualifying haulers may deliver septage, holding tank and other waste to PWD treatment facilities (adopted Board Order 22-038)	<p>The fees for septage will increase from \$132/1000 gal to \$137/1000 gal.</p> <p>The fee for holding tank waste will increase from \$58/1000 gal to \$60/1000 gal.</p> <p>The administration fee will increase from \$60/1000 gal to \$62/1000 gal.</p> <p>The fee for other waste will be determined based on the relative strength of the waste compared to the most current rates for holding and septage</p>
3. Submeter Fee -Monthly	Covers the operating and capital cost of the submeter program	\$2 per month at the request of Cumberland, Gorham, South Portland and Westbrook
4. Submeter Fees -Other	The cost to investigate why a submeter cannot be read after the initial installation of meter/Encoder Receiver Transmitter (ERT).	Sub meter verification fee from \$19 to \$20
5. Submeter Fees – Portland Only	Costs or replacing submeters for Portland residents.	Submeter ERT Only Upgrade fee \$105 Fees are per City’s request.
6. Sewer Manhole/Main Inspection Fees	Applicants installing sewer main infrastructure shall be responsible for the cost of inspection of all manholes installed as well as CCTV inspection of all new sewer mains to NASSCO Standards. (adopted Board Order 22-010 3/28/2022)	These fees are to be determined at the time of Main Extension Agreement development.
C. General		
1. Purchases from Stock Room	Qualified third-parties and employees may purchase items from the stockroom – see policy 7.15-02.	Inventory value plus a 50% mark up (See Policy 7.15-02).



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7H Order 23-042
 Date of Meeting: November 27, 2023
 Subject: 2024 Capital Budget
 Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

ORDERED, the 2024-2028 Capital Improvement Plan is hereby adopted and the General Manager is authorized to solicit bids or proposals for the 2024 projects; except CIP# 182, project 3241\North Windham Wastewater system, and to authorize the General Manager to award contracts for approved projects to the lowest bidder if the bid is within the project budget and meets qualifications; and

BE IT FURTHER ORDERED, the General Manager shall solicit bids or proposals and partner with municipalities, Maine Department of Transportation (MDOT), and developers for the replacement and extension of water mains, services, valves, and hydrants as outlined in the Water Distribution Systems Program and to authorize the General Manager to award and enter into contracts if the bid or partnering proposals are within the overall program budget.

BACKGROUND

PWD staff prepared a detailed five-year capital plan (see pages 269 to 370 of the 2024 Comprehensive Budget Report). At the November 13, 2023 Board workshop, the Board of Trustees received a presentation outlining the proposed projects and recommended funding. The five-year total is over \$210M (see table below).

	-2024-	-2025-	-2026-	-2027-	-2028-
Comprehensive Planning	\$1,000,000	\$900,000		\$500,000	
SCADA & Technology	\$405,000	\$950,000	\$325,000	\$325,000	\$450,000
Vehicle/Equipment Replacement	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
Water Distribution System	\$11,375,000	\$16,275,000	\$18,775,000	\$34,075,000	\$13,475,000
Water Facilities Program	\$3,185,000	\$8,730,000	\$3,040,000	\$1,800,000	\$2,700,000
Water Supply	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
WW Collection & Pumping	\$5,770,000	\$1,895,000	\$1,060,000	\$6,225,000	\$3,785,000
WW Treatment	\$26,455,000	\$17,145,000	\$9,320,000	\$15,215,000	\$3,115,000
Grand Total	\$48,615,000	\$46,320,000	\$32,945,000	\$58,565,000	\$23,950,000

FISCAL REVIEW / FUNDING

The fiscal impact of the five-year plan is included in the 2023 Comprehensive Budget Report (for the PWD as the whole on page 390).

LEGAL REVIEW

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

CONCLUSION(S)

Staff recommends that the Board approve the proposed motion. The Committee made no requests to change the proposed budget.

ATTACHMENT(S)

None



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 71 Resolution 23-014
Date of Meeting: November 27, 2023
Subject: 2024 Intent to Borrow
Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

RESOLVED, the Board of Trustee hereby declares its intent to issue debt to reimburse costs incurred by the Portland Water District for the Water fund, and the Wastewater funds for Cape Elizabeth, Cumberland, Portland, Westbrook, Gorham, and Windham projects identified in the 2024 CIP. The full form of the resolution is attached hereto and incorporated herein by reference, and shall be part of the minutes of this meeting.

BACKGROUND

The proposed 2024 Budget includes over \$48.6 million of capital projects. In compliance with Internal Revenue Service (IRS) regulation, an 'intent to borrow' motion must be approved by the Board before expenditures are incurred on a project that may be financed with tax-exempt financing. Resolution 23-014 indicates the intent to borrow motion for all funds. Before a bond is actually authorized or issued, a public hearing will be held. Subsequent to the hearing, the Board will consider authorizing the bond.

FISCAL REVIEW / FUNDING

Tax-exempt financing has a 20 to 40 percent lower interest cost than conventional taxable bonds. The proposed motion enables PWD to borrow at a lower cost.

LEGAL REVIEW

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

CONCLUSION(S)

Staff recommends that the Board approve the proposed motion. The Committee unanimously recommended the motion be forwarded to the Board for its consideration.

ATTACHMENT(S)

A. Full Form of the Motion

Resolution 23-014
DECLARATION OF OFFICIAL INTENT PURSUANT TO
TREASURY REGULATION §1.150-2

WHEREAS, the Portland Water District (the “Issuer”) intends to proceed with the projects described in Section 2 below (the “Projects”); and

WHEREAS, the Issuer intends to finance some or all of the costs of the Projects through the issuance of tax-exempt bonds or notes in anticipation thereof; and

WHEREAS, the Issuer may incur certain of the costs of the Projects prior to the issuance of such bonds or notes and the Issuer expects to be reimbursed from the proceeds thereof; and

WHEREAS, Treasury Regulation §1.150-2 requires that the Issuer declare its official intent to reimburse itself for such expenditures with the proceeds of such bonds or notes.

NOW, THEREFORE, the Issuer does hereby declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse itself for expenditures made on the Projects with the proceeds of tax-exempt bonds or notes in anticipation thereof to be issued by the Issuer to finance the costs of the Projects in the maximum principal amount of \$43,615,000.
2. **General Description of Property to which Reimbursement Relates.** The following is a reasonably accurate general functional description of the type and use of the property with respect to which reimbursements will be made:

Water Fund CIP Projects

- Construction or installation of new water mains, valves, hydrants, services and meters;
- Acquisition of vehicles, leak detection and related equipment;
- Renovation of various water facilities, including the Sebago Lake Treatment facility roof and the intake screen;
- Acquisition and installation of various computer and other IT-related equipment; and
- Building improvements at the Douglass Street facilities including but not limited to the HVAC system and roof.

Cape Elizabeth Wastewater Fund CIP Projects

- Renovation of the Cape Elizabeth Treatment Facility’s aeration and clarification system; and
- Replacement of obsolete assets at various pump stations, including but not limited to Peabble Cove pump station.

Cumberland Wastewater Fund CIP Projects

- Replacement of obsolete assets at various pump stations, including but not limited to Powell Road pump station, and Tuttle Road force main.

Portland Wastewater Fund CIP Projects

- Renovation, repair and replacement of machinery and equipment and facilities at the East End and Peaks Island wastewater treatment facilities, including but not limited to projects related to the return sludge piping, influent screen, dewatering system, and entry gate;
- Replacement of obsolete assets, machinery and equipment or installation of new machinery and equipment and force mains at various pump stations, including but not limited to the Fore River and Northeast pump stations.

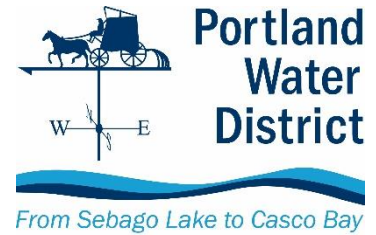
Westbrook, Gorham and Windham Wastewater Funds CIP Projects

- Construction and equipping of a new wastewater treatment plant and related infrastructure in the North Windham area of Windham, and
- Renovation, repair and replacement of machinery, equipment and facilities at the Westbrook Regional Treatment Plant and various pump stations in Gorham, Westbrook and Windham.

3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.

4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations § 1.150-2.

5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by the Portland Water District Board of Trustees.



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7J Order 23-044
Date of Meeting: November 27, 2023
Subject: Meter Replacement and Leak Detection Plan: Professional Services Contract
Presented By: Peter Cutrone, Project Manager-Administration

RECOMMENDATION

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

ORDERED, the General Manager is hereby authorized to execute a contract with Diameter, Inc. for consulting services to assist the Portland Water District with the Advanced Meter Infrastructure/Automated Meter Reading Assessment and Meter Renewal Planning (AMI/AMR Meter Planning) project as a subcomponent of the Meter Replacement and Leak Detection project (CIP 2023-63/3046); and

BE IT FURTHER ORDERED, that an amendment to the 2023 capital improvement plan of \$400,000 is hereby authorized; 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 ANALYSIS

In 2009, PWD completed a three-year project that changed out nearly all of its 50,000 plus meters with a drive-by radio read Automated Meter Reading (AMR) system. There was a substantial customer impact to change meters since they are located inside customers' homes and businesses. The replacement of meters and meter reading technology improved customer levels of service by reducing estimated bills, meter reading related adjustments, and the labor required to read meters every month, as well as providing the ability to recover lost revenue due to declining registration accuracy with respect to consumption.

The drive-by system includes both a meter and an attached battery powered endpoint receiver transmitter (ERT). The meters and batteries were expected to function without intervention for 20 years for the smaller diameter meters and less for the larger diameter meters. We are approaching the end of life for both small meters and their batteries.

The Board of Trustees adopted Policy 620 – Water Service Standards which includes a reference to American Water Work Association (AWWA) standards for testing meters to determine whether water flow is accurately measured and thus billing the customer correctly. Meter testing is done at a low, medium, and high flow rate with a fixed volume of water. The volume and flow rate vary based on meter size and design. However, the results are expressed as a % of accuracy with 100% being the ideal for each flow rate. The policy states a meter is acceptable if it tests within +/-2% at the medium and high flow rate and greater than 90% at the low flow rate.

Current testing of small diameter meters (1" and less) indicates a nearly 60% failure rate, primarily on the low flow registration.

PWD sent a sample of ERTs that were installed between 2006 and 2008 to their manufacturer, Itron, to test for the remaining life of the batteries. The samples represented the two models installed during the drive-by project, 50W and 60W. Itron tested the 60W endpoints first and the results indicate that model is failing sooner than expected; the estimated useful life is 17.5 years. There are just over 9,000 60W actively installed at this time. The 50W endpoints are still undergoing the capacity tests, which are expected to be complete by the end of October 2023. Early results suggest that this model is exceeding the expected 20-year battery life. There are over 44,000 active 50W endpoints installed.

Meter and meter reading technology has evolved significantly over the last five to ten years. The range of detectable consumption has expanded on both low and high flows, and newer meters offer affordable non-mechanical options that also provide abilities including leak detection, reverse flow detection, and pressure and temperature monitoring.

Meter reading technologies continue to offer drive-by systems, but also offer Advanced Meter Infrastructure (AMI) which essentially is a communication backbone that provides two-way communication with the meter or other sensors. These sensors can be attached and the meters can act as a data repository that can collect information every hour or more frequently.

The consulting services recommended would help PWD understand the type of information available and how it can apply that information to improve not only the customer experience and level of service but also improve operational efficiency and engineering/planning.

This engagement has two significant phases, planning and procurement. The planning phase takes PWD through an assessment of its current metering solution, a review of current meters and meter reading technology, an evaluation of goals and objectives, and the business case analysis for the various opportunities that the new technologies offer. The planning portion culminates with a Request for Proposal (RFP) that reflects the District's strategic goals, needs, and valuations.

In addition to the planning and design, the engagement retains the consulting service to assist in the procurement process of soliciting bids, evaluating the responses, vendor interviews and demonstrations, selection, and contract negotiations.

A five-person team reviewed and scored seven qualification packages from consultants that provided methods for achieving the project goals. Based on the outcome of the review and ranking, Diameter received the best overall score. Staff therefore recommends an award to Diameter for an amount of \$384,115, with a project contingency of \$15,885, and a total project budget not to exceed \$400,000.

FISCAL REVIEW/FUNDING

This project was included in the 2023 CIP, Subprogram 63, Project 3046. The 5-year estimated cost is \$13.3M. The proposed motion authorizes the planning and procurement phases of the project to begin in 2023.

LEGAL REVIEW

Corporate Counsel has reviewed the proposed order as to form.

CONCLUSION(S)

Staff recommends the contract with Diameter be authorized. The Committee unanimously recommended the motion be forwarded to the Board for its consideration

ATTACHMENT(S)

A. Additional Background Information

Additional Background Information

Over a dozen firms were invited to attend an online pre-bid meeting to discuss the project and the RFQ. Seven consulting firms submitted a response.

The selection team was comprised of representatives from those departments directly impacted by a meter project. Those departments are Water Operations, Engineering, Information Services and Customer Service.

Selection team members reviewed proposals independently and held several review meetings. Each selection team member ranked the proposals based on the three non-fee categories identified in the RFQ; Qualifications and Experience (50%), Project Approach (25%) and References (15%). Each proposal was ranked for each category using a 1-7 scale where a #1 ranking represented the proposal that best met the category requirements. The rankings for each firm were averaged for the entire review team and the average was multiplied by the percentage of the category. The lower the score, the more favorable.

Qualifications and Experience (50%) and Project Approach (25%) were ranked first and based on the results the team eliminated two teams from further consideration. References were contacted for the remaining teams. The selection team reconvened to review the conversations with the references and those scores were added in. Cost consideration was 10% of the value of the proposal and those were opened after the first three categories were ranked and scored.

Based on the outcome of the review and ranking, Diameter received the best overall score (1.8).

Key factors that led to the recommendation of Diameter include:

- This is their niche service offering. They specialized in meters, AMR, and AMI.
- They possess a high degree of experience with these types of projects and with a range of vendors and solutions.
- Their approach reflected PWD unique circumstances with respect to indoor locations for meters and endpoints.
- They will provide a better understanding of the business drivers and building the business case to ensure PWD solution is the best fit and value.
- They provided a very strong public outreach plan.
- They have been used as experts by other firms that submitted bids.

The following table summarizes the results of the selection committee's evaluation of each respondent.

Proposers:	Qualifications 50%	Approach 25%	Subtotal Q&A	References 15%	Costs 10%	Total Score	Rank
Diameter	0.60	0.35	0.95	0.15	0.70	1.80	1
Arcadis	1.40	0.50	1.90	0.41	0.30	2.61	2
Jacobs	1.40	0.80	2.20	0.45	0.60	3.25	3
Weston & Sampson	2.20	1.15	3.35	0.45	0.10	3.90	4
Black & Veatch	2.40	1.20	3.60	0.56	0.40	4.56	5
ESource	2.50	1.30	3.80	n/a	n/a	n/a	
Lemmerhirt	3.50	1.75	5.25	n/a	n/a	n/a	

The services Diameter will provide are shown in the table below. Not all are shown.

Area	Service	Description
Design	Background Information	Collect and analyze data and information from District current water meter population, organization structure, meter reading equipment, current business practices, billing and maintenance, and existing software and integrations.
Workshop	Organizational & Project Goals	Key stakeholders engaged in a guided discussion to determine the biggest issues affecting PWD, key initiatives PWD intends to pursue and how meters and meter reading can support. Must align with District's strategic plan, Board Directives and goals.
Workshop	Assessment of ERTs and Meters	In depth analysis of the data previously collected of PWD metering profile and future recommendations
Workshop	Overview of AMR/AMI and Metrology	Technical education focused on evaluation and comparison of available technologies that are best suited to meet the needs of the District.
Workshop	Systems Assessment on Interface requirements	How our systems currently interact and how they could change.
Workshop	Business Drivers	An assessment of the qualitative and quantitative value-added aspects of AMR versus AMI as they pertain to PWD.
Workshop	Capital and Lifecycle Costs	Presentation of cost projections based on comprehensive financial model for at least three different solution designs.
Workshop	Recommendations	Compilation of all previous workshops and sets overall strategy of RFP.
Workshop	Procurement Strategy and Implementation Schedule	Impacts of metering decisions, technology directions and ROI.
Workshop	Public Outreach Design	This is especially important for PWD since we have indoor sets.
RFP	Specification Development	Detailed list of specifications, importance, scoring metrics including <ul style="list-style-type: none"> • Water MAR/AMI technology • Water Meters • Installation • Meter Data Management/Analytics • Evaluation criteria
Procurement Support		From publication of RFP to evaluation of submittals, vendor presentations, contract negotiations and recommendation report.

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7K Order 23-045
 Date of Meeting: November 27, 2023
 Subject: 2024 Pension Adjustment
 Presented By: David Kane, Executive Director of Administration

RECOMMENDATION

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

ORDERED, an adjustment of 2.2% in pension benefits is authorized for eligible retirees and annuitants, effective January 1, 2024, in accordance with Article X of PWD's pension plans.

BACKGROUND ANALYSIS

Since 1989, the Board of Trustees has the authority to grant an annual adjustment in pension benefits equal to one-half of the previous year's consumer price index (CPI) increase up to a maximum of 5%. The adjustment is not automatic; it is subject to the Board's approval each year. The table below indicates increases given since 2009:

1989 - 2008:	50% of CPI
2009:	Eligible for 2.41%, no increase granted
2010:	CPI negative, no increase granted
2011:	Eligible for 1.14%, no increase granted
2012:	50% of CPI, 1.61%
2013:	50% of CPI, 1.20%
2014:	50% of CPI, 0.72%
2015:	50% of CPI, 0.82%
2016:	CPI negative, no increase granted
2017	50% of CPI, 0.36%
2018	50% of CPI, 1.03%
2019	50% of CPI, 1.29%
2020	50% of CPI, 0.82%
2021	50% of CPI, 0.67%
2022	50% of CPI, 2.10%
2023	50% of CPI 4.32%
2024	50% of CPI 2.20%

The CPI average for 2023 (November 2022 to October 2023) increased 4.4% over the 2022 average. Therefore, pension benefits for eligible retirees and beneficiaries could increase by 2.20%. The impact of providing the adjustment would be approximately \$3,417 per month and would bring the pension payments total to approximately \$158,749, per month for 135 pensioners and beneficiaries. Retirees eligible for an increase are pensioners receiving a pension as of January 1, 2024.

ALTERNATIVES CONSIDERED

The increase is discretionary and no increase is necessary. The Board could grant any increase up to 2.2%, which is 50% of the consumer price index.

FISCAL REVIEW / FUNDING

The last actuary study was done as of May 1, 2023. A summary of the study results is below:

	Non-Bargaining	Bargaining	Total
Assets	\$ 13,478,229	\$ 14,192,325	\$ 27,670,554
Liability	\$ 14,793,500	\$ 16,412,576	\$ 31,206,076
Unfunded	\$ (1,315,271)	\$ (2,220,251)	\$ (3,535,522)
	<hr/>	<hr/>	<hr/>
Funding Percent	91%	86%	89%

The proposed COLA adjustment would require an additional cash payment of \$41,007 (\$3,417*12 months) a year. The proposed change increases the pension liability by an estimated \$210,000.

LEGAL REVIEW

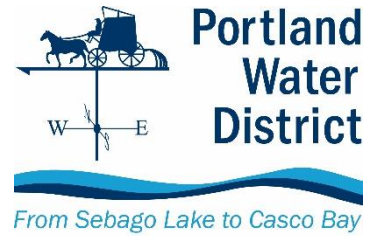
Corporate Counsel reviewed the proposed motion and approved it as to form.

CONCLUSION(S)

Staff recommends that the Committee approve forwarding this order to the Board for consideration. The Committee unanimously recommended the motion be forwarded to the Board for its consideration.

ATTACHMENT(S)

None



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7L Order 23-046
 Date of Meeting: November 27, 2023
 Subject: Westbrook Combined Sewer Overflow Long-Term Control Plan
 Presented By: Scott Firmin, Director of Wastewater Services

RECOMMENDATION

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

ORDERED, the General Manager is hereby authorized to execute an amendment to the professional services contract with Wright-Pierce in the amount of \$65,000 to complete flow monitoring and other work; and

BE IT FURTHER ORDERED, that the capital improvement plan for 2020 and 2021 is increased by \$5,000 and \$60,000 respectively, 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 ANALYSIS

In October 2021, a contract was approved for Wright-Pierce to provide an update to the Westbrook Long-Term Combined Sewer Overflow Plan (LTCP). The planning effort relies heavily on flow monitoring to calibrate a model that can be used to evaluate the need for and benefit of various recommendations.

The plan originally included several months of flow monitoring in 2022. Unfortunately, the amount of rain and intensity of storms was not sufficient to provide meaningful data. When reviewing the data, Maine DEP was contacted and requested that the study be extended to include flow monitoring in 2023. This work was completed and the amount and intensity of rain was more than sufficient to collect meaningful data.

This data will be used to develop the final recommendations to DEP on projects with both the Portland Water District and the City of Westbrook’s interception and collection systems. The report is due at the end of this year.

			<u>Original</u>		<u>Requested</u>
Model Update	2020-29-3164	\$	25,000	\$	30,000
CSO Master Plan	2021-29-3163	\$	75,000	\$	75,000
Flow Monitoring	2021-29-2320	\$	50,000	\$	110,000
			<u>\$ 150,000</u>		<u>\$ 215,000</u>

FISCAL REVIEW / FUNDING

The project cost of \$65,000 will be withdrawn from the City of Westbrook's capital reserves. The capital reserve account currently has an amount of nearly \$3,200,000.

LEGAL REVIEW

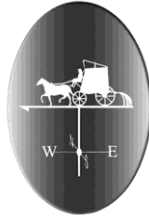
Corporate Counsel has reviewed the proposed order as to form.

CONCLUSION(S)

Staff recommends the contract be adjusted. The Committee voted 2-0 to forward the item to the full Board for consideration.

ATTACHMENT(S)

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7M Resolution 23-015
Date of Meeting: November 28, 2022
Subject: Board's Meeting Schedule for 2024
Presented By: Seth Garrison, General Manager

RECOMMENDATION

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

RESOLVED, to adopt the proposed Board of Trustees meeting schedule for 2024, attached hereto and incorporated herein by reference.

ATTACHMENT(S)

Proposed 2024 Meeting Schedule

**Portland Water District
Board of Trustees' 2024 Meeting Schedule**

<u>Month</u>	<u>Day</u>	<u>Meeting</u>	<u>Time</u>
January	8	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	22	Regular Meeting	6:00 p.m.
February	12	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	26	Regular Meeting	6:00 p.m.
March	11	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	25	Regular	6:00 p.m.
April	8	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	22	Regular Meeting	6:00 p.m.
May	13	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	(Tues.) 28	Regular Meeting	6:00 p.m.
June	17	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	24	Regular Meeting	6:00 p.m.
July	8	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	22	Regular Meeting	6:00 p.m.
August	12	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	26	Regular Meeting	6:00 p.m.
September	9	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	23	Regular Meeting	6:00 p.m.
October	(Tues.) 15	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	28	Regular Meeting	6:00 p.m.
November	(Tues.) 12	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	25	Regular Meeting	6:00 p.m.
December	9	Standing Committees Workshop	5:30 p.m. 6:30 p.m.
	23	Regular Meeting	6:00 p.m.

Industry Conferences:

WEF/AWWA UMC	Feb. 13 - 16	Portland, Oregon
AWWA	June 10 - 13	Anaheim, California
WEFTEC	Oct. 5 - Oct. 9	New Orleans, Louisiana
Rosh Hashanah	Oct. 2-4	
Yom Kippur	Oct. 11-12	