

AGENDA
MEETING OF THE BOARD OF TRUSTEES
PORTLAND WATER DISTRICT
225 Douglass Street, Portland, Maine
Jeff P. Nixon Training Center
6:00 p.m., Monday, November 28, 2022

- | | | |
|-----|--|------------------------------------|
| 1. | <u>Convene Meeting</u> with Pledge of Allegiance and moment of silence. | President Douglas |
| 2. | <u>Roll Call</u> | Clerk |
| 3. | <u>Declaration of Election Results and Inauguration</u> for the Trustees representing Portland, Gorham, Windham, and Raymond elected on November 8, 2022. | Clerk |
| 4a. | <u>Acceptance of Minutes</u> of the Regular Meeting of October 24, 2022. | President Douglas |
| 4b. | <u>Acceptance of Minutes</u> of the Workshop Meeting of November 14, 2022. | President Douglas |
| 5. | <u>Invitation for Public Comment</u> | President Douglas |
| 6. | <u>Reports:</u> | |
| | ▪ Operations Committee Reports | Trustee Beck |
| | ▪ Planning Committee Reports | Trustee Shattuck-Heidorn |
| | ▪ Administration & Finance Committee Reports | Trustee Siviski |
| | ▪ General Manager's Report | General Manager |
| 7. | <u>New Business</u> | |
| | A. <u>Order 22-044</u> adopting the 2023 Budget and Wastewater Assessments. | Administration & Finance Committee |
| | B. <u>Order 22-045</u> authorizing the final rate schedule for the water rate increase. | Administration & Finance Committee |
| | C. <u>Order 22-046</u> accepting the revisions to the District's Terms and Conditions. | Administration & Finance Committee |
| | D. <u>Order 22-047</u> authorizing revisions to the Fee Schedule for Non-Water Tariff Services. | Administration & Finance Committee |
| | E. <u>Order 22-048</u> adopting the 2023-2027 Capital Improvement Plan. | Administration & Finance Committee |
| | F. <u>Resolution 22-015</u> declaring the Board's intent to issue debt to reimburse costs incurred for the Water fund and Portland, Westbrook, Gorham, and Windham wastewater fund projects identified in the 2023 CIP. | Administration & Finance Committee |
| | G. <u>Order 22-049</u> authorizing an adjustment in pension benefits for eligible retirees and annuitants. | Administration & Finance Committee |

- H. Resolution 22-016** adopting the Board of Trustees meeting schedule for 2023. General Manager
8. Other Business. An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas. President Douglas
9. Second Invitation for Public Comment. President Douglas
10. Trustee Comments. President Douglas
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 Douglas
12. Adjournment. President Douglas

Donna M. Katsiaficas
Clerk

Portland Water District
Board of Trustees Regular Meeting
November 28, 2022

New Business

Agenda Item 7A-7H



BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7A Order 22-044
Date of Meeting: November 28, 2022
Subject: 2023 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 2023 Budget and Wastewater Assessments as presented by the General Manager 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 2023 the participating municipalities for wastewater related costs as follows:

Town of Cape Elizabeth	\$ 2,300,004
Town of Cumberland	1,184,904
Town of Falmouth	314,112
Town of Gorham	1,566,816
City of Portland	15,798,744
City of Westbrook	3,723,096
Town of Windham	515,808

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

City of South Portland	\$ 228,984
Scarborough Sanitary District	13,284

BACKGROUND

Staff prepared the 2023 Comprehensive Budget Report and presented the report to the Board at the October 24, 2022 meeting. The Administration and Finance, Operation and Planning Committees reviewed their respective areas of the budget at the November 14, 2022 Committee meetings. Incorporated in the proposed budget the assessment amounts included in the proposed budget providing funding to fully support the 2023 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



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7B Order 22-045
Date of Meeting: November 28, 2022
Subject: 2023 Water Rates
Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

ORDERED, that the final rate schedule for the water rate increase, attached hereto and incorporated herein by reference, are hereby adopted with an effective date of January 1, 2023.

BACKGROUND

The proposed 2023 Budget assumes a water rate adjustment with an average increase of 5.6% effective January 1, 2023. Pursuant to Board rules, a public hearing was held on November 14, 2022. All customers received notification of the meeting to review the proposed rate adjustment. Supporting documentation was posted to the District's website. No public comments were received.

The adjustment includes a rate increase differential between residential and commercial/industrial rates resulting in an increase of residential customer rates by 5.2% and commercial customers by 6.3% and industrial customers by 6.9%. Fire protection charges increase by 5.0%.

FISCAL REVIEW / FUNDING

The 5.6% rate adjustment is projected to increase water revenue by \$1,535,051 in total. With the rate adjustment, water revenues in 2023 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

PORTLAND WATER DISTRICT
SCHEDULE OF RATES

Effective date:
January 1, 2023 PWD Board of Trustees Order 22-045 on November 28, 2022

Treasurer

RATES FOR WATER TO METERED CUSTOMERS

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

MONTHLY RATES:

For the first	100 cubic feet	included in minimum charge	
For the next	2,900 cubic feet	2.72 per 100 cubic feet	I
For the next	7,000 cubic feet	2.51 per 100 cubic feet	I
For the next	40,000 cubic feet	2.21 per 100 cubic feet	I
In excess of	50,000 cubic feet	1.24 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	2.72 per 100 cubic feet	I
In excess of	90,000 cubic feet	2.21 per 100 cubic feet	I

MINIMUM CHARGES:

<u>MONTHLY RATES</u>			<u>SEASONAL RATES</u>			
<u>Meter Size</u>	<u>Minimum Charge</u>	<u>Allowance Cubic Feet</u>	<u>Surface Mains Min. Charge</u>	<u>Deep Mains Min. Charge</u>	<u>Allowance Cubic Feet</u>	
5/8	\$ 10.87	100	\$ 313.77	\$ 264.10	3000	I
3/4	12.81	100	406.76	357.07	6,300	I
1	16.63	100	483.56	433.88	9,000	I
1 1/2	29.54	100	739.61	689.92	18,000	I
2	44.23	100	1,046.84	997.16	28,800	I
3	80.26	100	1,866.18	1,816.50	57,600	I
4	120.81	100	2,787.96	2,738.27	90,000	I
6	233.42	100	5,348.40	5,298.72	180,000	I
8	368.53	100	8,420.96	8,371.27	288,000	I
10	533.61	100	16,614.40	16,564.73	576,000	I
12	706.37	100	25,881.68	25,832.00	900,000	I
Low Income	2.72	100				I

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

Effective date: January 1, 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	3.14 per 100 cubic feet	I
For the next	7,000 cubic feet	2.90 per 100 cubic feet	I
For the next	40,000 cubic feet	2.53 per 100 cubic feet	I
In excess of	50,000 cubic feet	1.44 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	3.14 per 100 cubic feet	I
In excess of	90,000 cubic feet	2.53 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	\$ 12.51	100	\$ 360.85	\$ 303.71	3,000	I
3/4	14.72	100	467.75	410.61	6,300	I
1	19.14	100	556.11	498.98	9,000	I
1 1/2	33.96	100	850.55	793.42	18,000	I
2	50.85	100	1,203.87	1,146.74	28,800	I
3	92.27	100	2,146.15	2,089.01	57,600	I
4	138.92	100	3,206.16	3,149.02	90,000	I
6	268.42	100	6,150.67	6,093.54	180,000	I
8	423.82	100	9,684.11	9,626.97	288,000	I
10	613.66	100	19,106.55	19,049.40	576,000	I
12	812.30	100	29,763.96	29,706.82	900,000	I
Low Income	3.14	100				I

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

Effective date: January 1, 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	\$ 108,492	\$ 9,041	I
Cumberland	88,752	7,396	I
Falmouth	144,288	12,024	I
Gorham	100,032	8,336	I
Portland	445,128	37,094	I
Raymond	7,512	626	I
Scarborough	201,552	16,796	I
South Portland	201,840	16,820	I
Standish	60,312	5,026	I
Westbrook	164,952	13,746	I
Windham	121,908	10,159	I
<hr/>			
Total:	\$1,644,768		

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

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

Effective date: January 1, 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"	\$ 4.40	\$ 5.05	I
3"	9.84	11.29	I
4"	17.54	20.17	I
6"	41.92	48.18	I
8"	70.17	80.66	I
10"	109.61	126.13	I
12"	157.83	181.52	I
16"	280.59	322.70	I

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

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

Effective date: January 1, 2023

Treasurer



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7C Order 22-046
Date of Meeting: November 28, 2022
Subject: 2023 Water Terms and Conditions
Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

ORDERED, that the revisions to the District's Terms & Conditions of water service, attached hereto and incorporated herein by reference, are hereby adopted with an effective date of January 1, 2023.

BACKGROUND

The District reviews and updates the Water Terms and Conditions (T&C) periodically and updates the fees to reflect current costs. The last fee update was approved on April 23, 2018 (Order 18-005). Because the District was granted a waiver from the Public Utilities Commission from rate-related filings, the T&C changes need only Board approval.

The changes being proposed include the following:

- Updating fees to current costs.
- Section 420: Changing to charge a separate fee for turn on and turn off. Currently we charge a fee only when we turn off.
- Section 440: Changing a reference to the old T&C section 10 to the new T&C section 430.

FISCAL REVIEW / FUNDING

The changes will result in an estimated increase in water revenues of \$31,000 and increase in capital fees of \$21,000 (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 17, 2022 meeting and concurs with Staff's recommendation.

ATTACHMENT(S)

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

TERMS & CONDITIONS

Filed at the Office of the Public Utilities Commission

As Amended ~~April 1, 2022~~January 1, 2023

PORTLAND WATER DISTRICT

225 Douglass Street, Portland, Maine

Effective Date: ~~April 1, 2022~~January 1, 2023

PWD ~~Resolution Order~~ 22-~~005~~046

By: David Kane, Treasurer

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

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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 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 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 ~~\$17.00~~19.00 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 ~~\$23.00~~25.00.

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 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 backsiphonage 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 one inch are at the customer's expense based on the District's actual costs. More frequent tests of meters one- inch or smaller are subject to a ~~\$121.00~~141.00 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 \$100.00 if installed and removed during normal business hours and \$165.00 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 Fee.** All new services shall carry a non-refundable ~~\$64.00~~\$93.00 application fee.
- **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 Flat Rate or Actual Cost.
 - **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 ~~\$197.00~~\$218.00 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 Actual Cost. 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.

TERMS & CONDITIONS

- **Meter Installation Fee/Deposit.** The Applicant shall provide a deposit for the cost of installing the meter for all new domestic services. Depending on the size of the new meter, 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 ~~\$69.00~~77.00 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 Actual Cost.
- **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 ~~\$175.00~~193.00, to be provided by the Applicant.
- **Meter Pit Inspection Deposit.** 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 \$49.00 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.
- **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 ~~\$90.00~~102.00 for the first device tested, and carry a fee of ~~\$45.00~~51.00 for each subsequent device to be tested.
- **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 Actual Cost.
- **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 Fee.** All new main extension projects shall carry a non-refundable ~~\$212.00~~\$279.00 application fee.

TERMS & CONDITIONS

- **Planning and Engineering Fee.** Applicants for main extension projects shall be responsible for a Planning and Engineering fee equal to \$600.00 per work day spent assisting in the design of the project.
- **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 ~~connection~~-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 ~~reconnection~~-fee of ~~\$60.00~~38.00 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 ~~\$42.00~~48.00 per hour with a minimum charge of ~~\$109.00~~102.00.

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	\$69.00 <u>\$77.00</u> + cost of meter	\$158.00 <u>\$181.00</u> + cost of meter

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 Actual 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 ~~10-430~~ 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 ~~10-430~~ 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 \$100.00 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 \$~~209.00~~223.00. For each additional hydrant flow test concurrently administered at the same site, an additional \$~~41.00~~46.00 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 Changes

<u>T & C Section</u>	<u>Description</u>	<u>2016</u>	<u>2018</u>	<u>2023</u>	<u>2022 Instances</u>	<u>Revenue Change</u>	<u>Total Revenue 2023</u>
2 - new 231	Collection Charge for Past Due Bills	\$ 21.00	\$ 23.00	\$ 25.00	649	\$ 1,298	\$ 16,225.00
2 - new 234	Collection Charge for Tenant Postings	\$ 100.00	\$ 100.00	\$ 100.00	692	\$ -	\$ 69,200.00
3a - new 420	Restoration of Service: TOBH	\$ 56.00	\$ 60.00	\$ 38.00	533	\$ 8,528	\$ 20,254.00
3b -new 420	Restoration of Service: TOAH, Other Hours that Exceeds Minimum Charge	\$ 38.00	\$ 42.00	\$ 48.00	0	\$ -	\$ -
3b1 - new 420	Restoration of Service: TOAH	\$ 100.00	\$ 109.00	\$ 102.00	56	\$ 5,320	\$ 5,712.00
4 - new 232	Lien for Multi-unit Charge for Returned Check, including		\$ 58.00	\$ 58.00	0	\$ -	\$ -
7 - new 242	incorrect bank information	\$ 5.00	\$ 5.00	\$ 5.00	500	\$ -	\$ 2,500.00
7 - new 242	Incorrect Bank information	\$ 5.00	\$ 5.00	\$ 5.00	111	\$ -	\$ 555.00
8a - new 410	Cross Connection Backflow	\$ 86.00	\$ 90.00	\$ 102.00	500	\$ 5,999	\$ 50,997.61
8b - new 410		\$ 43.00	\$ 45.00	\$ 51.00	100	\$ 600	\$ 5,099.76
9a - new 460	Hydrant Flow Test	\$ 200.00	\$ 209.00	\$ 223.00	35	\$ 490	\$ 7,805.00
9b - new 460		\$ 39.00	\$ 41.00	\$ 46.00	4	\$ 20	\$ 184.00
	Replace Meter (admin fee not including meter cost)					\$ -	
10m - new 430	5/8"	\$ 63.00	\$ 69.00	\$ 77.00	10	\$ 80	\$ 770.00
10n - new 430	3/4"	\$ 63.00	\$ 69.00	\$ 77.00	0	\$ -	\$ -
10o - new 430	1"	\$ 63.00	\$ 69.00	\$ 77.00	0	\$ -	\$ -
10p - new 430	5/8"	\$ 143.00	\$ 158.00	\$ 181.00	0	\$ -	\$ -
10q - new 430	3/4"	\$ 143.00	\$ 158.00	\$ 181.00	0	\$ -	\$ -
10r - new 430	1"	\$ 143.00	\$ 158.00	\$ 181.00	0	\$ -	\$ -
24 - new 321	Meter tests <1" meter	\$ 113.00	\$ 121.00	\$ 141.00	5	\$ 100	\$ 705.00
25	Close meter - same as 10 replace meter					\$ -	\$ -
29 - new 340	Hydrant Meter Set - Business Hours	\$ 100.00	\$ 100.00	\$ 100.00	47	\$ -	\$ 4,700.00
29 - new 340	Hydrant Meter Set - Non- Business Hours	\$ 165.00	\$ 165.00	\$ 165.00	0	\$ -	\$ -
36 - New 220	New Customer Activation Fee	\$ 16.00	\$ 17.00	\$ 19.00	4500	\$ 9,000	\$ 85,500.00
<u>Operating Revenue</u>						\$ 31,435	\$ 270,207
37 - new 411	New Main Extension Fee Application	\$ 201.00	\$ 212.00	\$ 279.00	22	\$ 1,474	\$ 6,138.00
38 - new 410	New Service Line Application	\$ 62.00	\$ 64.00	\$ 93.00	344	\$ 9,976	\$ 31,992.00
38a	2" and under Service Inspection	\$ 186.00	\$ 197.00	\$ 218.00	282	\$ 5,922	\$ 61,476.00
38d - new 410	2" and under Meter Admin not inc meter	\$ 63.00	\$ 69.00	\$ 77.00	282	\$ 2,256	\$ 21,714.00
38G - new 410	Water Quality Samples	\$ 166.00	\$ 175.00	\$ 193.00	63	\$ 1,134	\$ 12,159.00
41 - new 450	Temporary Water Service		100	\$ 100.00	12	\$ -	\$ 1,200.00
new 410	Fire Service Activation		49	\$ 49.00	40	\$ -	
new 411	Planning & Engineering		600	\$ 600.00	22	\$ -	
new 411	Valve Box		25	\$ 25.00	31	\$ -	
new 411	Fire Protection - Scarborough/Raymond		8	\$ 8.00	335	\$ -	
new 411	Fire Protection- All others		4	\$ 4.00	90	\$ -	
<u>Capital Fees</u>						\$ 20,762	\$ 134,679



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7D Order 22-047
Date of Meeting: November 28, 2022
Subject: 2023 Non-Water Tariff Services
Presented By: David Kane, Director of Administrative Services

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, 2023.

BACKGROUND

The District assesses fees for services provided. The Fee Schedule for Non-Water Tariff Services schedule of fees outlines miscellaneous fees not include in the Water Schedule of Rates and Terms & Conditions. Staff is requesting the following two changes:

- Incorporating changes to the septage and tank holding waste fees charged septage haulers discharging waste at the wastewater treatment plan that were approved by the Board at the September 19, 2022 meeting (order 22-038).
- Increasing the monthly fee charged customers requesting their private hydrant be inspected to \$4 from \$3.

FISCAL REVIEW / FUNDING

Septage waste fee and Private Hydrant Inspection revenue is estimated to increase by \$40,000 and \$ 10,000, respectively, a year. The proposed increased revenue was included in the proposed 2023 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 17, 2022 meeting and concurs 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)	The fees for septage will increase from \$115/1000 gal to \$132/1000 gal. The fee for holding tank waste will increase from \$50/1000 gal to \$58/1000 gal. The administration fee will increase from \$52/1000 gal to \$60/1000 gal. 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
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 \$19
5. Submeter Fees – Portland Only	Costs or replacing submeters for Portland residents.	Submeter Replacement ERT & Meter \$150 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).



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7E Order 22-048
Date of Meeting: November 28, 2022
Subject: 2023 Capital Budget
Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

ORDERED, that the 2023-2027 Capital Improvement Plan is hereby adopted and the General Manager is authorized to solicit bids or proposals for the year 2023 projects; excepting 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

BE IT FURTHER ORDERED, that the General Manager shall solicit bids or proposals and to partner with Municipalities, MDOT and Developers for the year 2023 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

Staff prepared a detail capital five-year capital plan (see page 269 to 364 of the 2023 Comprehensive Budget Report). At the November 14, 2022 Board workshop, a presentation outlining the proposed projects and recommended funding. The five year total is over \$204M (see table below).

	-2023-	-2024-	-2025-	-2026-	-2027-
Comprehensive Planning	\$1,100,000	\$400,000			
SCADA & Technology	\$735,000	\$925,000	\$350,000	\$350,000	\$325,000
Vehicle/Equipment Replacement	\$290,000	\$400,000	\$400,000	\$400,000	\$400,000
Water Distribution System	\$8,775,000	\$9,575,000	\$15,275,000	\$17,075,000	\$34,075,000
Water Facilities Program	\$890,000	\$4,780,000	\$7,955,000	\$550,000	\$3,250,000
Water Supply	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
WW Collection & Pumping	\$960,000	\$5,595,000	\$255,000	\$280,000	\$4,195,000
WW Treatment	\$10,315,000	\$36,275,000	\$13,515,000	\$9,340,000	\$15,235,000
Grand Total	\$23,090,000	\$57,975,000	\$37,775,000	\$28,020,000	\$57,505,000

FISCAL REVIEW / FUNDING

The fiscal impact of the five year plan is included in the 2023 Comprehensive Budget Report (for the District as the whole on page 384 and for each individual fund).

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)

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7F Resolution 22-015
Date of Meeting: November 28, 2022
Subject: 2023 Intent to Borrow
Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

RESOLVED, the Board hereby declares its intent to issue debt to reimburse costs incurred by the District for the Water fund, and the Wastewater funds for Portland, Westbrook, Gorham and Windham projects identified in the 2023 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 2023 Budget includes over \$23.1 million of capital project. The District intends to finance \$16.1 million of the projects with tax-exempt finance bonds. 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 22-015 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 is 20 to 40 percent lower interest cost than conventional taxable bonds. The proposed motion enables the District 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.

ATTACHMENT(S)

A. Full Form of the Motion

Resolution 22-015
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 \$43,805,000.
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;
- 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.

Portland Wastewater Fund CIP Projects

- Renovation, repair and replacement of machinery and equipment and facilities at the East End and Peaks Island Treatment Plant, including but not limited to projects related to the secondary clarifier sludge rake, parking lot, and dewatering system;
- 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 India Street pump station; and
- Acquisition and installation of SCADA equipment.

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.



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7G Order 22-049
Date of Meeting: November 28, 2022
Subject: 2023 Pension Adjustment
Presented By: David Kane, Director of Administrative Services

RECOMMENDATION

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

ORDERED, an adjustment of 4.32% in pension benefits is authorized for eligible retirees and annuitants, effective January 1, 2023, in accordance with Article X of the District's pension plans.

BACKGROUND

Since 1989, the Board of Trustees has 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%

The CPI average for 2022 (November 2021 to October 2022) increased 8.64% over the 2021 average. Therefore, pension benefits for eligible retirees and beneficiaries could increase 4.320%. The impact of providing the adjustment would be approximately \$6,410 per month, and would bring the pension payments total to approximately \$155,155, per month for 136 pensioners and beneficiaries. Retirees eligible for an increase are pensioners receiving a pension as of January 1, 2023.

ALTERNATIVES CONSIDERED

The increase is discretionary and no increase is necessary. The Board could grant any increase up to 4.32%, which is 50% of the consumer price index.

FISCAL REVIEW / FUNDING

The last actuary study was done as of May 1, 2022. At the time, the District's unfunded pension liability was \$2,545,799.

The proposed COLA adjustment would require an additional cash payment of \$76,930 (\$6,410*12 months) a year. The proposed change increases the pension liability by an estimated \$425,000.

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 their consideration. The Committee recommended the full Board authorize the increase effective January 1, 2023.

ATTACHMENT(S)

None



Portland Water District
From Sebago Lake To Casco Bay

BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7H Resolution 22-016
Date of Meeting: November 28, 2022
Subject: Board's Meeting Schedule for 2023
Presented By: Seth Garrison, General Manager

RECOMMENDATION

The attached Board of Trustees' 2023 meeting schedule is proposed for Board of Trustee approval:

RESOLVED, to adopt the proposed Board of Trustees' meeting schedule for 2023, attached hereto and incorporated herein by reference.

ATTACHMENT(S)

Proposed 2023 Meeting Schedule
Explanation of Date Changes



Portland Water District
PROPOSED Board of Trustees' 2023 Meeting Schedule

<u>Month</u>	<u>Day</u>	<u>Meeting</u>	<u>Time</u>
January	9	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	23	Regular Meeting	6:00 p.m.
February	13	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	27	Regular Meeting	6:00 p.m.
March	13	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	20	Regular Meeting (moved due to WEF/AWWA Utility Conf.)	6:00 p.m.
April	10	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	24	Regular Meeting	6:00 p.m.
May	8	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	22	Regular Meeting	6:00 p.m.
June	19	Standing Committees	5:30 p.m.
		Workshop (moved due to ACE Conference)	6:30 p.m.
	26	Regular Meeting	6:00 p.m.
July	10	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	24	Regular Meeting	6:00 p.m.
August	14	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	28	Regular Meeting	6:00 p.m.
September	11	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	18	Regular Meeting (moved for Yom Kippur)	6:00 p.m.
October	(Tues.) 10	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	23	Regular Meeting	6:00 p.m.
November	13	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	27	Regular Meeting	6:00 p.m.
December	11	Standing Committees	5:30 p.m.
		Workshop	6:30 p.m.
	18	Regular Meeting (moved for Christmas)	6:00 p.m.

Industry Conferences: AWWA June 11 – 14 Toronto, Canada
 WEFTEC Sept. 30 – Oct. 4 Chicago, Illinois
 Rosh Hashanah Sept. 15-17 Yom Kippur Sept. 24-25

WEF/AWWA Utility Management Conference, March 28-31, Sacramento, CA
Falls on March Business Meeting
Propose to move Business Meeting to March 20

AWWA Annual Conference, June 11-14, Toronto Canada
Passport will be needed
Falls during the June workshop
Propose to move Workshop Meeting to June 19

WEFTEC Annual Conference, Sept. 30 – Oct. 4, Chicago, Illinois
No Conflict with meeting dates for September or October

Rosh Hashanah Sept. 15-17, No Conflict with September Workshop

Yom Kippur Sept. 24-25, Falls on September Business Meeting
Propose to move Business Meeting to September 18

December Business Meeting falls on December 26.
Propose to move to Business Meeting to December 18 or cancel all together.