AGENDA
PORTLAND WATER DISTRICT
225 Douglass Street, Portland, Maine
Jeff P. Nixon Training Center
6:00 p.m., Monday, July 22, 2019

1. Convene Meeting with Pledge of Allegiance and moment of silence. President Cote
2. Roll Call Clerk
3. Acceptance of Minutes of the Regular Meeting of June 24, 2019, and the Workshop Meeting of July 8, 2019. President Cote
4. Invitation for Public Comment President Cote
5. Reports:
   ▪ Operations Committee Reports Trustee Siviski
   ▪ Planning Committee Reports Trustee Lunt
   ▪ Administration & Finance Committee Reports Trustee Garrison
   ▪ General Manager’s Report General Manager
6. New Business
   A. Public Hearing regarding the issuance of wastewater bonds. Administration and Finance Committee
   B. Resolution 19-011 authorizing issuance of up to $750,000 of wastewater bonds to finance upgrades to the primary clarifier systems and related infrastructure at the East End Wastewater Treatment Facility. Administration and Finance Committee
   C. Order 19-027 authorizing the General Manager to execute a lease extension agreement with the Town of Cape Elizabeth. Planning Committee
   D. Order 19-028 authorizing changes to the Portland Water District Board of Trustees Standing Rules. President Cote
   E. Order 19-029 authorizing the appointment of an Assistant Clerk. President Cote
7. Other Business. An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas. President Cote
8. Second Invitation for Public Comment. President Cote
9. Trustee Comments. President Cote
10. Executive Session. Pursuant to 1 M.R.S. §405(6)(D) labor negotiations, the Board will go into Executive Session to discuss the status of labor union contract negotiations. President Cote
11. Adjournment. President Cote

Donna M. Katsiaficas
Clerk
Portland Water District

Board of Trustees Regular Meeting

July 22, 2019

New Business

Agenda Items 6A-6E
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6A-B Resolution 19-011
Date of Meeting: July 22, 2019
Subject: Wastewater Bond Authorizations
Presented By: David Kane, Director of Administration

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

RESOLVED, the issuance of up to $750,000 of Portland Wastewater Bonds is hereby authorized to finance upgrades to the primary clarifier systems and related infrastructure at the East End Wastewater Treatment Facility located in Portland. The full form of the Resolution is attached hereto and incorporated as part of the minutes of this meeting.

BACKGROUND ANALYSIS
The proposed motion provides funding for projects included in the 2019 Capital Improvement Plan (CIP):

2019 CIP 2019 21-3013 Primary Clarifier Rehabilitation $ 750,000

FISCAL REVIEW / FUNDING
The bond is planned to be issued through the Maine Municipal Bond Bank’s General program. The estimated debt service schedule is attached. It indicates that the first full year’s debt service payment would be $61,892. The financial impact was incorporated into the Portland Wastewater fund and assessment forecast provided to the municipalities.

LEGAL REVIEW
Corporate Counsel has reviewed the proposed Resolution as to form.

CONCLUSION(S)
The Committee recommended the motion be forwarded to the full Board for its consideration.

ATTACHMENT(S)
A. Full Form of Motion
B. Debt Service Amortization Schedule – Loan for $750,000
PORTLAND WATER DISTRICT
RESOLUTION OF BOARD OF TRUSTEES
AUTHORIZING SEWER BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED $750,000

WHEREAS, the Portland Water District (the “District”) intends to finance the Costs (as defined herein) of primary clarifier systems and related infrastructure at the East End Wastewater Treatment facility located in Portland (the “Project”);

WHEREAS, the District desires to finance the Costs of such Project by issuing its sewer bonds in the maximum aggregate amount of $750,000 and to borrow such money through the Maine Municipal Bond Bank’s Clean Water State Revolving Loan Fund program or its general 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 enabling, there is hereby authorized and approved the issuance of the District’s sewer bonds in an aggregate principal amount not to exceed $750,000, the proceeds of which are appropriated for and shall be used to finance the Costs of the Project (the “Bonds”).

THAT: The Bonds may be issued through a public offering or through one of the Maine Municipal Bond Bank’s State Revolving Loan Fund programs or its general borrowing program or other qualified purchaser of the bonds or a combination thereof.

THAT: Each Bond or note 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.

THAT: The Bonds may be issued in serial form or as term bonds, or some combination thereof, and may be issued at one time or from time to time, in an amount not to exceed the aggregate amount authorized herein, and shall mature at such times (but not to exceed 40 years from the date(s) of issuance), shall be dated, shall bear interest at such rate or rates, and otherwise shall be in such form and contain such other terms and provisions as the Treasurer may approve, subject to the provisions of the law, the District’s Charter and these Resolutions, such approval to be conclusively evidenced by his execution thereof.

THAT: The Bonds may be made subject to call for redemption, with or without a premium, before the date fixed for final payment of the Bonds, as shall be determined by the Treasurer.

THAT: The Treasurer is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation thereof and to determine the date, form, interest rate, maturities and all other details of each issue of notes, including...
the form and manner of their sale and award, subject to the provisions of the law, the District’s Charter and these Resolutions.

THAT: The Treasurer and President of the District from time to time shall execute such bonds as may be required to provide for exchanges or transfers of Bonds heretofore authorized, all such Bonds to be signed as provided in the next preceding paragraph.

THAT: The Bonds and notes may be sold on a competitive or negotiated basis or a combination thereof, as the Treasurer may determine to be appropriate.

THAT: The Treasurer be and hereby is authorized 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: The Treasurer be and hereby is authorized 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, with the advice of bond counsel for the District, 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 Clean 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 Clean 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 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, with the advice of bond counsel, be and hereby is authorized 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 officers executing such Bonds and notes be and hereby are individually authorized to covenant and agree, in the name of and on behalf of the District, 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: The Treasurer, President of the District and Clerk and other proper officials of the District be, and hereby are authorized and empowered in its name and on its behalf 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 as may be necessary or advisable, with the advice of counsel for the District, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Project, the issuance, execution, sale, and delivery by the District of the Bonds and the execution and delivery of the documents, including the entering into of a loan agreement or an interim loan agreement with the Bond Bank, should the Bonds and notes (or any portion thereof) be purchased by the Bond Bank.

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, a deputy, on an interim basis or otherwise, is authorized to act for such official with the same force and effect as if such person had herself performed such act.

THAT: If any of authorized representatives of the District who have signed or sealed the Bonds and notes hereinbefore authorized shall cease to be such officers or officials 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 Clean 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 Clean 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 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 determine the date, form, interest rate, maturities (not to exceed 40 years from the date of issuance of the original Bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The Treasurer be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and to make such designation or determination of such refunding bonds as he is authorized to make with respect to the original Bonds, 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.
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**TOTALS**: $750,000.00 | $281,435.31 | $1,031,435.31
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6C Order 19-027
Date of Meeting: July 22, 2019
Subject: Lease Extension – Cape Elizabeth Treatment Plant
Presented By: Chris Crovo, Director of Asset Management and Planning
              Donna Katsiaficas, Corporate Counsel

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

ORDERED, that the General Manager is authorized to execute a lease extension in substantial form as attached hereto with the Town of Cape Elizabeth for parcels located on Spurwink Avenue in Cape Elizabeth.

BACKGROUND ANALYSIS
In May, 1985 the District entered into a lease with the Town of Cape Elizabeth for land located on Spurwink Avenue. The lease was for a period of 40 years, expiring May 1, 2025. A wastewater treatment plant is located on the land.

The District is performing improvements on the site which include the installation of a UV system and HVAC upgrades. The improvements are financed by SRF funding. PWD is required to have an interest in the property for at least as long as the financing is outstanding – 20 years. For this reason, the lease with Cape Elizabeth must be extended.

The proposed lease extension would extend the lease term to May 1, 2055. It would increase the rental to $4,000 per year, effective May 1, 2020. The rental fee is actually charged back to Cape Elizabeth as part of its wastewater assessment. Pursuant to the terms of the Thomas Jordan will, through which the Town received the property it is leasing to PWD, proceeds from the lease payments are used to benefit the poor of the Town.

FISCAL REVIEW / FUNDING
The current lease fee is $2,500 for 40 years with no inflationary provision. The town requested that the fee increase to $4,000 per year along with an annual inflationary increase of 2% for a period of 30 years. The lease payment is assessed to the Town of Cape Elizabeth through our annual sewer assessment.

LEGAL REVIEW
Corporate Counsel will review the proposed lease prior to execution.
CONCLUSION(S)
Staff recommends that PWD proceed with the lease extension and terms described above. The Committee approved and agreed to send to the full Board for their consideration.

ATTACHMENT(S)
Original Lease
1st lease amendment
Plan
Proposed 2nd lease amendment
AGREEMENT FOR LEASE

This Agreement of Lease is made this 1st day of May, 1985, by and between the Town of Cape Elizabeth, Maine, a municipal corporation ("Town") and the Portland Water District, a quasi-municipal corporation ("District").

W I T N E S S E T H:

Section 1. Granting of Leasehold; Descriptions. The Town leases to the District for the term hereof and subject to the terms and conditions hereinafter set forth the following: Two certain parcels of land located in Cape Elizabeth, Maine, all as more specifically set forth on Exhibit A, incorporated herein.

Section 2. Term. The term of this Lease shall commence May 1, 1985 and shall expire on April 30, 2025. Thereafter the parties may renew this lease for such periods and upon such terms and conditions as the parties may mutually agree upon.

Section 3. Rent. The District shall pay Two Thousand Five Hundred Dollars ($2,500) per year as rent for the leased premises, payable in advance in annual installments due on or before the first day of May of each year, beginning May 1, 1985. The Town agrees that said rental shall be used solely and exclusively for the benefit of the poor of the Town of Cape Elizabeth in recognition of the provisions of the will of Thomas Jordan by which the Town acquired the premises.

Section 4. Costs of Development and Maintenance. The District shall provide at its own expense all utilities, roads, clearing, grading, construction of facilities and other development, all as deemed necessary by the District for its proposed use.
Section 5. **Location of Structures or Use.** All structures, site improvements, changes in the premises or its topography or any use of the premises shall be located or done in accordance with all applicable laws and regulations.

Section 6. **Use; Restrictions.** The District may use the premises for the construction and maintenance of wastewater and sewage treatment facilities. Said use shall conform to all Town, Federal, and Maine Department of Environmental Protection regulations. In the event the District does not use the premises for the commencement of the construction of a wastewater and sewage treatment facility within two years from the date hereof, then this Lease shall terminate and neither party shall thereafter be bound by the provisions.

Section 7. **Subletting or Assignment.** The District shall not sublet the premises or assign its rights hereunder without the express written approval of the Town, which approval shall not be unreasonably withheld or delayed.

Section 8. **Inspection.** The District shall allow the Town and its agents to inspect the premises at all reasonable times.

Section 9. **Indemnification and Insurance.** The District agrees to indemnify and hold the Town harmless from any claim, cause of action, or damages arising out of the District's use of the premises pursuant to this lease. The District agrees during the term of this Lease to maintain fire, property damage, and public liability insurance with respect to the premises, and such insurance will name the Town as an additional insured. The District shall provide the Town with a certificate of insurance annually.
Section 10. **Leasehold Improvements.** The District, at its own expense, shall have permission to make any leasehold improvements and changes thereto, on the premises in conformity with all municipal ordinances and codes.

Section 11. **Default.** The District promises to quit and deliver up the premises to the Town peaceably and quietly at the end of the term in as good order and condition, reasonable use and wearing thereof or inevitable accident excepted, and the District further agrees not to make or suffer any strip or waste thereof. The District agrees that the Town may enter to expel the District if it shall make or suffer any strip or waste, or shall fail to quit and surrender the premises to the Town at the end of the term, or if the District shall violate any of the covenants herein to be performed by the District, and shall have failed to cure such violation within thirty (30) days of written notification thereof by the Town.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed as of this 1st day of May, 1985.

Witness:

---
Norman V. Twaddle

The Town of Cape Elizabeth

By

Michael N. Harlow
Its Town Manager

Portland Water District

By

Joseph B. Taylor
Its General Manager

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EXHIBIT A

Two parcels of land located on Spurwink Avenue in the Town of Cape Elizabeth, County of Cumberland and State of Maine, said parcels being bounded and described as follows:

Parcel 1

Beginning at an iron pipe on the easterly sideline of Spurwink Avenue, said pipe being eighty-three and fifty hundredths (83.50) feet as measured South 07°-51' West along the easterly sideline of Spurwink Avenue from a granite monument marking an angle in said Spurwink Avenue opposite centerline Station 42+11.91 as shown on plan, Sheet #2, of a portion of Spurwink Avenue as redefined by the Cumberland County Commissioners dated November 4, 1966 and on file at the office of the County Commissioners; thence South 81°-57'-40" East three hundred ten and eleven hundredths (310.11) feet to an iron pipe; thence South 08°-02'-20" West two hundred twenty and zero hundredths (220.00) feet to an iron pipe; thence North 81°-57'-40" West three hundred nine and thirty-eight hundredths (309.38) feet to an iron on the easterly sideline of Spurwink Avenue; thence North 07°-51' East by Spurwink Avenue two hundred twenty and zero hundredths (220.00) feet, more or less, to said iron pipe and to the point of beginning.

Parcel 2

Beginning at an iron pipe on the westerly sideline of Spurwink Avenue, said pipe being one hundred seventy-six and fifty-eight hundredths (176.58) feet as measured North 18°-12' East along Spurwink Avenue from a granite monument marking an angle in said Spurwink Avenue opposite centerline Station 42+11.91 as shown on the plan described above; thence North 70°-01' West one hundred fifteen and zero hundredths (115.00) feet to an iron pipe; thence North 18°-12' East one hundred twelve and zero hundredths (112.00) feet to an iron pipe; thence South 70°-01' East one hundred fifteen and zero hundredths (115.00) feet to a point on the westerly sideline of said Spurwink Avenue; thence South 18°-12' West by Spurwink Avenue one hundred twelve and zero hundredths (112.00) feet, more or less, to said iron pipe and the point of beginning.
AMENDMENT TO LEASE

This Amendment to Lease is made this 10 day of May, 2017 by and between the Town of Cape Elizabeth, a municipal corporation with a mailing address of F. O. Box 6260, Cape Elizabeth, Maine 04107 ("Town"), and the Portland Water District a quasi-municipal corporations with a place of business at 225 Douglass Street, Portland, Maine (PWD).

Whereas, Town and PWD entered into a lease agreement dated May 1, 1985 ("Lease") for the lease of parcels located on Spurwink Avenue ("Premises") in the Town of Cape Elizabeth used by PWD for wastewater and sewage treatment facilities; and

Whereas, Parcel 2 of the area leased by PWD must be expanded to accommodate the installation of an underdrain on the Premises;

NOW THEREFORE, the parties agree to amend the Lease as follows:

1. The Town leases to PWD for the term of the Lease a certain additional parcel of land located on Spurwink Avenue, Cape Elizabeth, Maine, as more specifically set forth in Exhibit A, attached hereto and incorporated herein by reference.

2. Any and all terms of the original property description in the Lease and of the Lease itself not herein amended remain in full force and effect.

In Witness whereof, the parties have caused this Amendment to Lease to be signed the day and date above written.

TOWN OF CAPE ELIZABETH

[Signature]
Matthew E. Sturgis
Town Manager

PORTLAND WATER DISTRICT

[Signature]
Carrie M. Lewis
General Manager
EXHIBIT A

A parcel of land located westerly and adjacent to the existing Pump Station Lease area bounded and described as follows:

Beginning at the southwest corner of the existing leased parcel, thence westerly on the same course as the southerly boundary line of the existing leased parcel five (5) feet to a point;

Thence northwesterly sixty-five (65) feet to a point;

Thence northeasterly sixty-one (61) feet to appoint on the westerly boundary line of the existing lease parcel;

Thence southerly along the westerly boundary line of the existing lease parcel eighty-nine (89) feet to the point of beginning.

The above described parcel is shown on the attached plan.
SECOND AMENDMENT TO LEASE

This Amendment to Lease is made this day of , 2019 by and between the Town of Cape Elizabeth, a municipal corporation with a mailing address of P.O. Box 6260, Cape Elizabeth, Maine 04107 (“Town”), and the Portland Water District a quasi-municipal corporations with a place of business at 225 Douglass Street, Portland, Maine (PWD).

Whereas, Town and PWD entered into a lease agreement dated May 1, 1985 (“Lease”) for the lease of parcels located on Spurwink Avenue (“Premises”) in the Town of Cape Elizabeth used by PWD for wastewater and sewage treatment facilities; and

Whereas, Lease was amended on May 10, 2017 to expand the area leased by PWD (“Amendment”); and

Whereas, Lease term is scheduled to expire May 1, 2025; and

Whereas, PWD is performing improvements on the Premises which require an extension to the Lease;

NOW THEREFORE, the parties agree to amend the Lease as follows:

1. The Lease term shall be extended by Thirty (30) years to May 1, 2055.

2. The District shall pay Four Thousand Dollars ($4,000) per year as rent for the leased premises, payable in advance in annual installments beginning May 1, 2020, due on or before the first day of May of each year. The Town agrees that said rental shall be used solely and exclusively for the benefit of the poor of the Town of Cape Elizabeth in recognition of the provisions of the will of Thomas Jordan, by which the Town acquired the premises.

Rent for each year after 2025 shall be increased by two percent (2%) over the rent for the preceding year.

3. Any and all terms of the Lease and Amendment not herein amended remain in full force and effect.

In Witness whereof, the parties have caused this Amendment to Lease to be signed the day and date above written.
TOWN OF CAPE ELIZABETH

____________________
Witness

_____________________
Town Manager

PORTLAND WATER DISTRICT

________________________
Witness

________________________
Carrie Lewis
General Manager
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6D Order 19-028
Date of Meeting: July 22, 2019
Subject: Amendment to Standing Rules
Presented By: President Guy Cote

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

ORDERED, that Section 25 of the Standing Rules of the Portland Water District Board of Trustees are hereby amended to provide that the President and Vice President of the Board can vote in Committee in certain circumstances, as described in the Amendment attached hereto and incorporated herein by reference.

BACKGROUND ANALYSIS
On occasion, a Committee of the Board does not have a quorum of its members to conduct business. Pursuant to the Standing Rules of the Board, the President is an ex-officio member of all Committees, and has no vote. The proposed amendment to the Board’s Rules provides that both the President and Vice President shall be ex-officio members of any Committee, and that they shall have no vote unless there are insufficient members present at any Committee to act on an item. This will allow items to proceed through the Committee process without delay due to lack of attendance of Committee members.

FISCAL REVIEW / FUNDING
No fiscal impact.

LEGAL REVIEW
Corporate Counsel has reviewed the proposed Motion and drafted the Rules amendment.

CONCLUSION(S)
The President and staff recommend the approval of this appointment.

ATTACHMENTS
Rules Amendment
Amendment to Section 25 of the STANDING RULES of the PORTLAND WATER DISTRICT BOARD OF TRUSTEES

Section 25 of the STANDING RULES of the PORTLAND WATER DISTRICT BOARD OF TRUSTEES is hereby amended to read as follows:

Section 25. Committees. The President shall appoint at least three trustees, who shall elect from among themselves a Chair, to each of the following standing committees of the Board:

1. Administrative & Finance Committee
2. Operations Committee
3. Planning Committee

The President may assign items to any committee, and is the arbiter on issues of proper jurisdiction. Each Committee shall review and make recommendation, by majority vote, to the Board on the matters referred to it. The President and Vice President shall be ex-officio members of each committee, having no vote. The President and Vice President shall have no vote at any Committee unless there are insufficient voting members of the Committee present to act on any item before the Committee. In the event that insufficient voting members are present at any Committee to act on an item, the President and the Vice President shall each have one vote.
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 6E Order 19-029
Date of Meeting: July 22, 2019
Subject: Appointment of an Assistant Clerk
Presented By: President Guy Cote

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

ORDERED, that the District’s Executive Administrative Assistant is hereby appointed as the District’s Assistant Clerk;

BE IT FURTHER ORDERED, in the absence of the Clerk, the Assistant Clerk shall perform the duties of the Clerk as they are defined in the Bylaws or by law, or as directed by the Board of Trustees or by the Clerk. Any Action performed by the Assistant Clerk shall have the same force and effect as if performed by the Clerk.

BACKGROUND ANALYSIS
On occasion, the Clerk is not available to execute documents on behalf of the District for bond transactions or to sign other documents related to the business of the District. Appointing an Assistant Clerk to fulfill the Clerk’s duties assures that someone will be available to sign documents on behalf of the District.

FISCAL REVIEW / FUNDING
No fiscal impact.

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

CONCLUSION(S)
The President and staff recommend the approval of this appointment.

ATTACHMENT(S)
None