# AGENDA PORTLAND WATER DISTRICT

225 Douglass Street, Portland, Maine Jeff P. Nixon Training Center 6:00 p.m. on Monday, February 24, 2025

6:00 p.m. on Monday, February 24, 2025 https://us06web.zoom.us/j/87956599281?pwd=08chzvLyixcLITlz9ee4jmdLofg0a7.1

President Lunt
Clerk
President Lunt
President Lunt
President Lunt
Trustee Shattuck-Heidorn
Trustee Douglas
Trustee Levinsky
Interim General Manager
Administration and Finance Committee
Administration and Finance Committee
Administration and Finance Committee
Operations Committee
Planning Committee
President Lunt

# Portland Water District Board of Trustees Regular Meeting February 24, 2024

**New Business** 

Agenda Item 6A – 6E



Agenda Item: 6A-B Resolution 25-003

Date of Meeting: February 24, 2024

Subject: Water Bonds - \$49,325,000

Presented By: David Kane, Executive Director of Administration

#### **RECOMMENDATION**

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

<u>RESOLVED</u>, the issuance of up to \$49,325,000 in water bonds to finance the installation and renewal of water mains and the 407 Zone Chute Road transmission line, replacement of water treatment plant chemical feed system and Douglass Street heating system, purchase of land rights for watershed protection purposes, installation of water meters and other related and ancillary water system infrastructure upgrades and improvements is hereby authorized. The full form of the Resolution attached hereto is hereby approved and shall be attached to and incorporated as part of the minutes of this meeting.

#### **BACKGROUND ANALYSIS**

The approved 2025 and 2024 Capital Improvement Plans (CIP) and the separately authorized Meter Replacement project includes \$49,325,000 of water projects to be financed by the issuance of water bonds.

Project	CIP Reference	202	5 Bonds	Total	Bonds	Comment
2025 CIP						
Water Mains	43/3121	\$	7,000,000	\$	7,000,000	20 year, market rate bond
407 Zone-Chute Road	307/3068	\$	5,000,000	\$	10,000,000	20 year, market rate bond
Ozone Plant - Chemical Storage	122/3210	\$	1,550,000	\$	1,550,000	20 year, market rate bond
Watershed Protection	43/3296	\$	1,500,000	\$	1,500,000	20 year, SRF with partial forgiveness
		\$	15,050,000	\$	20,050,000	
2024 CIP						
Douglass Street Improvement	68/3054	\$	525,000	\$	525,000	20 year, market rate bond
Specific Board Approval						
Meter Replacement		\$	7,000,000	\$	28,750,000	20 year, market rate bond
<b>Bond Authorization</b>		\$	22,575,000	\$	49,325,000	
PWD Market Bond		\$	21,075,000	\$	47,825,000	
PWD SRF Bond		\$	1,500,000	\$	1,500,000	
		\$	22,575,000	\$	49,325,000	

#### **GREEN BOND DESIGNATION**

The authorized projects are environmentally beneficial projects designed to ensure safe drinking water for the public in the State in accordance with State, Federal, and local standards. Therefore, the bonds can be designated as 'Green Bonds'. Based on discussions with Moors & Cabot, PWD's Financial Advisor, and published materials staff has reviewed, bonds designated as 'Green Bonds' obtain yields that, on average, are about 6 basis points below yields on otherwise equivalent bonds that do not have a 'Green Bonds' designation.

To obtain these debt service savings, PWD's Financial Advisor has recommended the Board designate the bonds as 'Green Bonds,' indicating that bond proceeds will be used for the indicated, environmentally beneficial 'Green' purposes. Other than declaring the bonds as 'Green' in the bond's Official Statement, the only other obligation of PWD would be to provide certain post-issuance reporting showing the actual use of the bond proceeds for its declared purpose.

#### FISCAL REVIEW / FUNDING

Staff currently expects to issue \$21,075,000 of bonds in a public sale on or about August 1, 2025, and estimates that the 'Green' bond designation will result in interest savings on the order of \$120,000 in the first year. Staff also expects to issue \$1,500,000 of bonds through the State SRF program in 2025 for watershed protection. The 2025 Budget included the impact of issuing bonds totaling \$22,575,000. The multi-year plan assumed the issuance of the remaining bonds in future years to fund the remaining 407 Zone-Chute Road and Meter Replacement projects.

#### **LEGAL REVIEW**

Corporation Counsel has reviewed the proposed Resolution as to form.

#### CONCLUSION(S)

The Water Fund has the debt, financial and economic capacity to issue the proposed bonds. Staff recommends the Committee approve the motion and forward the motion to the full Board for their consideration. The Committee unanimously recommended forwarding the motion to the full Board for its consideration

#### ATTACHMENT(S)

- A. Full Form of Motion
- B. Section 1 Support for Estimated Debt Service Savings
  Section 2 Draft Language to be included in the Official Statement for the publicly sold bonds

#### PORTLAND WATER DISTRICT RESOLUTION OF BOARD OF TRUSTEES AUTHORIZING WATER BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$49,325,000

WHEREAS, the Portland Water District (the "District") intends to finance the Costs (as defined herein) of the installation and renewal of water mains and the 407 Zone Chute Road transmission line, replacement of water treatment plant chemical feed system and Douglass Street heating system, purchase of land rights for watershed protection purposes, installation of water meters and other related and ancillary water system infrastructure upgrades and improvements (all collectively, the "Projects").

WHEREAS, the District desires to finance the Costs of such Projects by issuing its water bonds in the maximum aggregate amount of \$49,325,000 and to borrow such money through a public offering or through the Maine Municipal Bond Bank's Safe Drinking Water State Revolving Loan Fund program, or its general resolution borrowing program or other qualified purchaser of the bonds or a combination thereof:

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

- THAT:
- Pursuant to the District's Charter, Chapter 84 of the Private and Special Laws of 1975 and all amendments thereof and acts additional thereto, and all other authority thereto enabling, and the Decision and Order of the Public Utilities Commission of the State of Maine issued in Docket No. 2015-00159 dated November 13, 2015, there is hereby authorized and approved the issuance of the District's water bonds (the "Bonds")and/or temporary notes in anticipation thereof (the "Notes") in an aggregate principal amount not to exceed \$49,325,000, the proceeds of which are appropriated for and shall be used to finance the Costs of the Projects.
- THAT:
- The Board hereby finds and determines that the Projects are environmentally beneficial projects designed to ensure safe drinking water for the public in the State in accordance with State, Federal, and local standards and that in recognition thereof, the Bonds and Notes are hereby designated as 'Green Bonds', with the proceeds to be used for such 'Green' purposes.
- THAT:
- Each Bond or Note issued hereunder shall be signed in the name of and on behalf of the District, by the Treasurer and the President of the District, and shall be sealed with the seal of the District, attested to by its Clerk.
- THAT:
- The Treasurer is hereby authorized, in the name of and on behalf of the District, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time or from time-to-time, and which may be issued through a public offering (on a competitive or negotiated basis or a combination thereof) or through the Maine Municipal Bond Bank's Drinking Water State Revolving Loan Fund program or its general resolution borrowing program or to a bank or other qualified purchaser of the Bonds or Notes, or a combination thereof, and such Bonds and Notes may be issued in serial form or as term bonds, or some combination thereof, such establishment, determination and approval to be conclusively evidenced by his/her execution thereof.

**THAT:** The Treasurer is hereby authorized, in the name of and on behalf of the District, to establish, determine and approve the form, date, maturity (not to exceed 40 years from the date(s) of issuance), denominations, interest rates, payment dates, provisions for redemption prior to the stated maturity date(s), with or without a premium, and all other details of the Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by his execution thereof.

THAT: The Treasurer is hereby authorized, in the name of and on behalf of the District, to do or cause to be done all such acts and things as may be necessary or advisable in order to accomplish the issuance of the Bonds and Notes and the investment of the proceeds thereof, including to prepare, approve, execute and deliver, all contracts, agreements, loan agreements (including but not limited to one or more loan agreements with the Maine Municipal Bond Bank), investment agreements, bond purchase agreements, underwriting agreements, paying agent agreements, financial or municipal advisory agreements, continuing disclosure agreements, tax compliance agreements, official statements or other offering documents, instruments, a Letter of Representation or other agreement required to allow the Bonds or Notes to be issued through the Depository Trust Company Book-Entry Only System, and other documents and closing certificates (collectively, the "Bond Documents"), which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the District's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity with respect to the enforceability of any of the forgoing is hereby authorized, confirmed and approved, and such other details as he shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

**THAT:** If the Bonds or Notes (or any portion thereof) are issued on a tax-exempt basis, the Treasurer is hereby authorized, in the name of and on behalf of the District:

- To covenant and agree that (a) no part of the proceeds of the Bonds and Notes, or the Projects, shall be used directly or indirectly in any manner that would cause the Bonds or Notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) that the District will file any required reports and will perform, take and accomplish all acts and things as 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 the Bonds or Notes to be subject to federal income taxation; and
- To designate such Bonds or Notes as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code, but only to the extent such designation is available and permissible under said Section 265(b)(3).

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 District covenants to establish, maintain, apportion, revise and collect fees, charges and assessments for water services furnished by the District, to pay when due current expenses of operating and maintaining the water system and to pay when due principal, interest and premium, if any, of all outstanding water system indebtedness, including the Bonds, created or assumed by the District to provide a water system or otherwise for water system purposes.
- **THAT:** If the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project, or for any other reason, the Treasurer is hereby authorized, in his discretion, to reallocate proceeds of the Bonds and Notes to any other listed Project.
- **THAT:** The investment earnings on the proceeds of the Bonds and Notes, 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 Projects;
  - 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 by the District in connection with the issuance of the Bonds or Notes:
  - 3. To pay debt service on the Bonds;
  - 4. To any other project or improvement for which the Board has authorized the District's bonds; and
  - 5. To the District's general fund.
- THAT: If the Treasurer, President of the District or Clerk are for any reason unavailable to approve and execute the Bonds or Notes, or any of the Bond Documents, the person or persons then acting in any such capacity, whether on an interim or acting or temporary basis, as an assistant, a deputy, or otherwise, is hereby authorized to act for such official, in the name of and on behalf of the District, with the same force and effect as if such official had himself or herself performed such act.
- THAT: If any authorized representative of the District who has signed or sealed the Bonds and Notes shall cease to be such officer or official before the Bonds or Notes so signed and sealed shall have been actually delivered by the District and / or authenticated, such Bonds or Notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds aoor Notes had not ceased to be such officer or official, and also that 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: Notwithstanding the above provisions of this Order, to the extend deemed necessary or appropriate by the District Treasurer, the Bonds and Notes may be issued as water bonds, sewer bonds or some combination thereof as the Treasurer shall determine and establish and that the debt service on the Bonds and Notes shall be allocated annually between the water system and the waste water and sewage system in a manner consistent with Section 15 of the District's Charter.

- THAT: To the extent any of the Bonds and Notes shall be allocated to the District's waste water and sewage system as provided in the foregoing paragraph, the District covenants to establish, maintain, apportion, revise 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 so allocated, created or assumed by the District to provide a waste water and sewage system or otherwise for sewer purposes.
- 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 Projects 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: While any of the Bonds remain outstanding, the Treasurer is hereby authorized, in the name of and on behalf of the District, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to 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, which may be made callable, with or without premium, prior to their stated date(s) of maturity, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the Bonds, and to execute and deliver, all in the name of and on behalf of the District, such additional Bond Documents as may be reasonable or necessary with respect to such refunding.
- **THAT:** While any of the Bonds remain outstanding, all authority granted pursuant to this Resolution shall be, remain, and continue in full force and effect without the necessity of any further action of the Board of Trustees.

1. Excerpt from 'Financing the Response to Climate Change: The Pricing and Ownership of U.S. Green Bonds' by Malcolm Baker Harvard Business School and NBER, Daniel Bergstresser Brandeis International Business School, George Serafeim Harvard Business School and Jeffrey Wurgler NYU Stern School of Business and NBER:

"We confirm that green municipal bonds are indeed priced at a premium. After-tax yields at issue for green bonds versus ordinary bonds are, on average, about 6 basis points below yields paid by otherwise equivalent bonds. The estimates control for numerous factors related to ratings maturity, tax status, the yield curve, and other time-varying and bond-specific characteristics, even issuer fixed effects. On a bond with a 10-year duration, a yield difference of 6 basis points corresponds to approximately a 0.60 percentage-point difference in value, which seems plausible and economically meaningful."

#### 2. Bond Official Statement - Draft Sample Statement

PWD has designated the "X" Bonds as 'Green Bonds' based on the intended use of the proceeds of the bonds to finance environmentally beneficial projects as described below. Such projects are designed to ensure safe drinking for the public in accordance with State and Federal standards. The purpose of labeling the bonds as 'Green Bonds' is to allow investors to invest directly in bonds that finance such environmentally beneficial purposes. The holders of the bonds do not assume any specific project risk or economic benefit related to any of the funded projects as a result of the 'Green Bonds' designation.



Agenda Item: 6C Order 25-004

Date of Meeting: February 24, 2025

Subject: Designation of Refunding Water Bonds as 'Green Bonds'

Presented By: David Kane, Executive Director of Administration

#### **RECOMMENDATION**

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

<u>ORDERED</u>, that the water bonds to be issued to refund and refinance the current outstanding callable principal of PWD's \$2,235,000 water bonds previously issued in 2015 pursuant to Resolution 15-001 adopted January 26, 2015, are designated as 'Green Bonds', with the proceeds to be used for 'Green' purposes.

#### **BACKGROUND ANALYSIS**

The Board previously adopted Resolution 15-001 and authorized water bonds of up to \$8 million to finance the installation of water mains, fire hydrants, and related infrastructure and installation of an ozone destruct system at the water treatment facility. PWD issued its \$5.73 million bonds for these purposes on June 25, 2015. Those 2015 bonds are eligible to be refinanced this year and the PWD's Financial Advisor, Moors & Cabot, recommends considering including the refinancing in the PWD's regular annual water bond issue in August. The 2015 bonded projects relate to the installation of water mains and related infrastructure. These are environmentally beneficial projects designed to ensure safe drinking water for the public in the State in accordance with State, Federal, and local standards. Therefore, the refunding bonds can be designated as 'Green Bonds'.

Based on discussions with PWD's Financial Advisor, and published materials staff has reviewed, a 'Green Bonds' designation results in yields that, on average, are about 6 basis points below yields on otherwise equivalent bonds that do not have that designation. To obtain these debt savings, the District's Financial Advisor has recommended the Board pass an order indicating the bond proceeds will be used for 'Green' purposes. Other than declaring the bonds as 'Green' in the bond's Official Statement, the only other obligation of PWD would be to provide certain post-issuance reporting showing the actual use of the bond proceeds for its declared purpose.

#### **FINANCIAL REVIEW**

If debt service savings are available when the District issues its regular annual water bond issue in August, PWD may also issue \$2.235 million of refunding bonds on or about August 1. The annual interest savings will be determined on or about the bond sale date, and the refunding will only be done if it results in lower debt service costs.

#### **LEGAL REVIEW**

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

#### CONCLUSION(S)

Staff recommends the Committee approve the motion. The Committee unanimously recommended forwarding the motion to the full Board for its consideration



Agenda Item: 6D Order 25-005

Date of Meeting: February 24, 2025

Subject: SLWTF Unattended Operation Assessment
Presented By: Jim Wallace – Director of Operations, Water

Terran Siladi - SCADA Manager

#### RECOMMENDATION

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

<u>ORDERED</u>, an operational assessment contract with Tighe & Bond, Inc. is hereby authorized, for a sum not to exceed \$200,000 for Phase 1 of the SLWTF Unattended Operation project (CIP 2025 – 122/3329, the "Project"); and

<u>BE IT FURTHER ORDERED</u>, the SLWTF diesel tank replacement project (SLWTF – Fuel Storage Tank Upgrade CIP 2025 project# 122/3252) budget is decreased by \$200,000 and said amount transferred to the Project budget, increasing the total budget for the Project by that amount, for a total Project budget of a sum not to exceed \$200,000; and that the General Manager, and the Treasurer, each acting singly, are authorized to take such steps as may be necessary to accomplish the intent of the vote.

#### **BACKGROUND ANALYSIS**

The Sebago Lake Water Treatment Facility (SLWTF) provides all of the water for the Portland Water District's water distribution system (outside of the isolated Steep Falls system). The plant runs 24/7 in order to provide this water, and as job market conditions have changed in recent years, hiring qualified and reliable operators for this plant, especially to work overnight shifts, has become progressively harder. One way to alleviate this operational difficulty is to build and implement the ability for the SLWTF to run unattended for set periods of time. The first phase of this project will assess which processes, control systems, and operator work tasks need to be upgraded or modified to support said unattended operation mode. Recommendations from Phase 1 will later be fully designed (as needed) in Phase 2 and finally implemented and tested in Phase 3.

The majority of the funds that were allocated for the Fuel Storage Tank Upgrade CIP are no longer needed for that project, as PWD is now pursuing a State Fire Marshall approved inspection process to update the registration of the underground storage tank on an annual basis. The cost for this is minimal and will allow PWD to get more useful working life out of the existing fuel tank before replacement is actually necessary.

Tighe & Bond was engaged directly for this project because they employ Stephan Rafferty, PE, an engineer and previous water superintendent who is an expert in converting existing water plants to unattended operations. He successfully led an effort with the same end goal for the water plant in Falmouth, MA. In addition, he is familiar with the automation that PWD has at SLWTF, especially as it pertains to the Ozone system, as he was brought in as a specialist to help troubleshoot and get the system running when it was upgraded in 2015. That project ran into difficulties during startup, and

when Mr. Rafferty was brought in, and was able to successfully lead the team through those difficulties and to a stable operating state.

Project #: CIP 2025 - 122/3329

#### FISCAL REVIEW/FUNDING

The project will be financed by a withdrawal from the Water Fund's renewal and replacement fund. The motion authorizes a transfer between project budgets, so it has no financial impact.

#### **LEGAL REVIEW**

Corporation Counsel has reviewed the motion and approved as to form.

#### CONCLUSION(S)

Staff recommends awarding the contract to Tighe & Bond, Inc. due to their combined extensive experience with automation at the SLWTF plant during past projects and their successful implementation of unattended operations at similar plants. The Committee voted 3-0 to forward the item to the full Board for their consideration.

#### ATTACHMENT(S)

Supporting Information - Project scope proposal from Tighe & Bond

#### SUPPORTING INFORMATION- Full project scope proposal from Tighe & Bond

#### PHASE 1 - ASSESSMENT

Phase 1 will include an assessment of the control system and identification of upgrades including hardware, software, and additional equipment required to achieve redundant and reliable operation. The deliverable is anticipated to be a series of technical memoranda with estimated schedules and costs. We envision technical memoranda on the following items:

- 1. Assessment of the existing control system architecture's limitations relative to the implementation of automatic operation and a recommendation on needed revisions.
- 2. Evaluation of the District's current cyber security and data integrity protocols and how to create within that structure the ability for an on-call operator to remotely view the SCADA system and adjust plant operations when needed.
- 3. The existing primary and secondary instrumentation will be evaluated for critical functioning and ease of polling by the SCADA controls, including plant and remote instruments such as tank levels and remote system pressure monitoring. Critical instruments will be identified and evaluated for redundancy. This memorandum will identify and make recommendations regarding the ability of SCADA to access PI the District's data historian.
- 4. Conduct interviews of the plant operations and maintenance staff and, working with PWD's staff, extract and review existing data in PI for events over the last 4-year period that required direct operator action to maintain plant operation. Data to be extracted into an excel workbook.
- 5. Evaluate the current practice of stopping and starting the plant. This occurs because the plant has a production capacity of 50 mgd while average day demand is 21.5 mgd. This evaluation will include the District's water tank capacity, plant clear well capacity, and the turn down set point for the plant including influent pump controls. Incorporate into the evaluation the impact of peak demand pricing on electrical consumption.
- 6. Meet with operational staff to ascertain the current work assignments including reason and need. Determine when specific tasks related to operational support occur and parameters that will be needed to incorporate those tasks into the automation scheme.
- 7. Evaluate the reliability of the Plant's electrical supply, with specific emphasis on necessary revisions to the main switch gear to dampen known power variability. Contact Central Maine Power to obtain available data on the variability of the power and frequency of events.
- 8. Evaluate the SCADA system processor's exposure to downtime due to HVAC control, the uninterruptible power supply configuration and duration to cover power outages.
- 9. Evaluate the communication linkage between remote processors at the Ozone, UV, and emergency generator and identify any desirable redundancy of communication pathways.
- 10. Review the current radio communication system for the District's remote facilities including storage tanks, booster pump stations, and chlorination/pressure monitors. Determine which elements feed into operations that will be part of automated operation and the reliability of the radio elements.
- 11. Review the existing loop definitions and identify revisions to those loops and additional control loops needed to achieve remote operation. Working with PWD staff identify polling period on instrumentation that is integral to management of automated operation.
- 12. Working with District staff, solicit the input of State of Maine regulators and regulatory concerns on automation and unattended operation of the plant.

The technical memoranda will be incorporated into a recommended plan that will identify needs, costs, equipment, and schedule for implementation. Once accepted and approved by the District, Phase 2 – Design and Procurement will be initiated. It is likely that items in individual technical memoranda will be identified as items that should be fast-tracked by the District during Phase 2 rather than waiting for implementation during Phase 3.

#### PHASE 2 - DESIGN AND PROCUREMENT (TO BE FINALIZED AT COMPLETION OF PHASE 1)

Based on the District concurrence of the recommendations from Phase 1, Phase 2 will include preparation of design development documents to define the total scope and costs to implement necessary upgrades.

The intention is that Phase 2 will be fully scoped and priced after the conclusion of Phase 1; however, Tasks are anticipated to include the following:

- 1. Develop direct procurement documentation for items that the District can directly procure and implement.
- 2. Prepare plans and specifications for items that require public bidding.
- 3. If needed, evaluate and select external computer software and instrumentation support using a qualification-based approach.

## PHASE 3 – IMPLEMENTATION AND CONFIRMATORY TESTING (TO BE FINALIZED AT COMPLETION OF PHASE 2)

Based on the District concurrence of the recommendations from Phase 1 and Phase 2, Phase 3 will include engineering services during implementation and confirmatory testing.

The intention is that Phase 3 will be fully scoped and priced after the conclusion of Phase 2; however, Tasks are anticipated to address the following:

- 1. Need to define process of implementation who performs and how is QC/QA achieved?
- 2. What level of testing is needed to confirm automation?
- 3. Who does the testing?



Agenda Item: 6E Order 25-006

Date of Meeting: February 24, 2025

Subject: Marion Way Easement Relocation

Presented By: Laurel Jackson, ROW Agent

Robert Bartels, Senior Project Engineer

#### **RECOMMENDATION**

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

<u>ORDERED</u>, the General Manager is hereby authorized to execute an Easement Modification Agreement with Oceanview Retirement Community Limited Partnership for the relocation of a portion of an easement on Marion Way in Falmouth; and

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

#### **BACKGROUND ANALYSIS**

The District has a thirty-foot wide easement for an 8" water main in Marion Way, a private road, in the Town of Falmouth. The main was installed in 2013 and serves the Oceanview at Falmouth retirement community. The developer, Oceanview Retirement Community Limited Partnership, desires to relocate an approximately 350-foot portion of this water main and its associated easement, in order to expand one of its buildings adjacent to the District's water main. Currently, the building expansion is not possible without encroaching on the existing easement.

Staff has reviewed the proposal and has determined that the relocation of the water main in Marion Way will not negatively impact the District's ability to operate and maintain its infrastructure. The District will release a portion of its existing easement, and will be granted an easement of the same area and with the same terms as the existing easement. The main relocation will allow Oceanview to build additional housing units, and add to the District's customer base.

The engineering, design and construction of the new main will be done at Oceanview's expense.

#### FISCAL REVIEW / FUNDING

Applicants will pay the standard fee of \$350 for a major easement modification, per the District's Sale or Other Use of District real Property Policy.

#### **LEGAL REVIEW**

Corporation Counsel will review and approve the easement modification agreement prior to execution.

#### CONCLUSION(S)

Staff recommends that the agreement be approved. The Committee supported the request and voted to send it to the full Board for consideration and approval.

#### ATTACHMENT(S)

Oceanview Retirement Community Easement Relocation Packet



January 29, 2025 20.121

Robert Bartels, PE Senior Project Engineer Portland Water District 225 Douglass Street P.O. Box 3553 Portland, ME 04144-3553

## Oceanview Retirement Community, Falmouth Marion Way Water Main & Easement Relocation

#### Dear Robert:

On behalf of Oceanview Retirement Community, LP we are submitting for approval from the Portland Water District Board of Trustees, a request for a water main and easement re-location in Marion Way on the Oceanview campus in Falmouth.

Attached for staff and the Board's review are:

- Easement Modification Form (Fee submitted separately)
- Existing Easement (CCRD Plan Book 30533 Page 186)
- Water Main and Easement Relocation Plan, by Belanger Engineering, dated 01-29-25.
- 18<sup>th</sup> Amended Subdivision Plan, Oceanview Retirement Community, by Sebago-Technics, rev. 01-15-25 (Draft for Planning Board Approval on February 4<sup>th</sup>.)

#### **Background:**

As you are aware, Oceanview Retirement Community (Oceanview) is a full-continuum of care senior facility and has been expanding since its start in the mid 1980's to provide for current and future senior residents offering the highest quality independent living, assisted and memory care facilities on its 86-acre campus in Falmouth. The most recent project, the "Oceanview Expansion and Modernization Project" is proposed to meet the demand for increased independent living facilities while moving towards a Net-Zero campus energy goal. The project is currently in the final permitting and preconstruction phases.

This new project will include a net increase of 29 units including:

- BBC-4 a 4 story, 14 unit congregate living addition to the 3 Marion Way "Blueberry Commons" building, including underground parking. (East side of Blueberry Lane phase.)
- Removal of cottages C1-10 and replacing with state of the art, energy efficient new multiplex buildings and a triplex cottage for a net of 13 new units. (West side of Blueberry Lane phase.)
- Addition of a net 2 new cottages located off 7 Blueberry Lane.

The BBC-4 addition requires a 1-10 foot re-location/reconstruction of a portion of Marion Way, including approximately 350 ft. of the existing 8-inch water main and Portland Water District (PWD) easement to the north to accommodate the BBC-4 building expansion footprint. (Marion Way and all



internal roads within Oceanview are private with the exception of Blueberry Lane which is a Town road and ROW.).

Water Main and Easement Relocation: (Refer to attachments.)

Marion Way is subject to a 30/40 -foot wide PWD utility easement. This proposal to the Board of Trustees respectfully requests approval to relocate approximately 410 feet of the 30-foot section of the easement and 350+/- feet of 8-inch D.I. water main as shown graphically on the attached Watermain and Easement Relocation Plan. (Refer also to the 18<sup>th</sup> Amended Subdivision Plan.)

This request is required to provide appropriate setbacks from the proposed BBC-4 building and to move the easement out of the building footprint and provide new building services.

We appreciate your willingness to work through the engineering plan details which will require a temporary water service plan as well during construction of the main and services to the 5/7 Marion Way Blueberry Commons building and several potential cottages.

We look forward to meeting with the District Board of Trustees to present this request at their meeting of February 24<sup>th</sup>, 2025. Should you require any additional information please do not hesitate to contact me. We will continue to finalize the engineering details to address any District comments in the interim.

Sincerely,

Frederic (Rick) Licht, PE, LSE

Principal

Encl: As Noted

Cc: John Wasileski, Oceanview Retirement Community, LP

Christian Haynes, Seacoast Management Company

Chris Belanger, Belanger Engineering Charles Katz-Leavy, Jensen Baird



### **Easement Modification Agreement Request**

NAME OF REQUESTOR: Oceanview Retirement Con	nmunity Limited	d Partnership
PROPERTY ADDRESS: Marion Way, Falmouth DESCRIPTION OF PROPOSED USE: Relocation of obuilding expansion.  IS TRUSTEE APPROVAL REQUIRED?  CONTACT: Frederic (Rick) Licht, rlicht@securespective.  NOTE: Plans must be approved by Water Operation.	x No ed.net	
X If Trustee approval is required, there will related to obtaining approval of the application preparation, recording etc. payable at Agree	tion request an	d a \$150 fee to cover cost of document
If Trustee approval is not required, there the cost of document preparation and reco preparation of the Easement Modification A	ording) fee to co	ver all expenses payable prior to the
I hereby agree to pay all expenses incurred by the District in the  J. Clt.  Director of Development  Signature of Applicant Occaning the Sea Confi	1	request as described above.  Tan. 78, 2075  Date
Reviewed and approved by:	Initials	Date
Right of Way Agent		
Corporation Counsel		
Director of Asset Management & Planning		
General Manager		Date

Cumberland County Register of Deeds

Current datetime: 12/31/2024 2:46:43 PM

## **DETAILS REPORT**

\*\*Note: Report is Sorted in Ascending Order by Office, Recorded Date, Document Number

Doc#	Document Type	Book/VIm/Page	File Date	
19398	EASEMENT	30533/186	04/05/2013	
Street	Street Name		Description	
Grantors	Grantees	Street	Property Description	
OCEANVIEW	PORTLAND WATER			
COMMUNITY	DISTRICT			
RETIREMENT L P				
, OCEAN VIEW				
COMMUNITY				
RETIREMENT L P				
References				
Book/VIm/Page	Description		Recorded year	
Legal Description\Remarks				
Lot B	lock Su	bdivision	Plat	

#### EASEMENT DEED

Attraction of the second

OCEANVIEW RETIREMENT COMMUNITY LIMITED PARTNERSHIP, a Maine limited partnership of Falmouth, Maine ("OWNER") for consideration paid, hereby grant to the **PORTLAND WATER DISTRICT**, a public quasi-municipal Maine corporation of Portland, Maine ("DISTRICT"), with warranty covenants an easement on property located in the Town of Falmouth, Cumberland County, Maine, bounded and described as follows:

A strip of land shown as 30' Access and Utility Easement (#7B) on a plan entitled "10<sup>th</sup> Amended Subdivision Plat, Plummer, Motz & Lunt School Properties." prepared by Titcomb Associates, dated September 4, 2012 as revised January 7, 2013 and recorded at the Cumberland County Registry of Deeds in Plan Book 213, Page 24, extending easterly from easterly sideline of Blueberry Lane 409 feet more or less to the easterly property line of OWNER'S land as shown on said plan.

The DISTRICT shall have the following permanent easement rights in the easement area described above:

- 1. the right to install, maintain, replace and remove conduits or pipelines for conveying water, wastewater and/or stormwater, with all necessary fixtures and appurtenances, including electric or other energized control lines; and
- 2. the right to make connections with the conduits or pipelines on land adjacent to the easement area; and
- 3. the right to trim, cut down, and/or remove bushes, grass, crops, trees or any other vegetation, to such extent as is necessary for any of these purposes in the sole judgment of the DISTRICT; and
- 4. the right to change the existing surface grade of the easement area as is reasonably necessary for any of these purposes; and
- 5. the right to enter on the easement area at any and all times for any of these purposes.

The OWNER reserves the use and enjoyment of the easement area for any purpose that does not interfere with the use of the easement area by the DISTRICT for its own purposes; provided that none of the following improvements may be made by the OWNER in the easement area, without the written permission of the DISTRICT:

- 1. No buildings or any other permanent structures are allowed, except pavement and utilities.
- 2. No earth shall be removed, no fill may be added, and no other change shall be made to the final surface grade of the easement area.
- 3. No conduits, pipelines or facilities shall be installed within 5 feet of or above any conduit or pipeline installed by the DISTRICT, except that pipelines and conduits may be installed if they

cross perpendicular to the DISTRICT conduits and pipelines with a minimum vertical clearance of one foot.

If the DISTRICT grants permission for any such work by the OWNER, then the OWNER shall indemnify and hold the DISTRICT harmless for any claims against the DISTRICT or expenses of the DISTRICT resulting from such work.

This easement deed is signed as a document under seal.

E. Knowler

Dated: March 28, 2013

OCEAN VIEW COMMUNITY

RETIREMENT LIMITED PARTNERSHIP

By: Ocean View Management Company,

Its Manager

Its: President

State of Maine County of Cumberland

March 28, 2013

John B. Wasileski, President of Ocean View Management Company, the General Partner of Ocean View Retirement Community Limited Partnership personally appeared before me and acknowledged that his signature on this document was his free act and deed in said capacity and the free act and deed of Ocean View Retirement Community Limited Partnership.

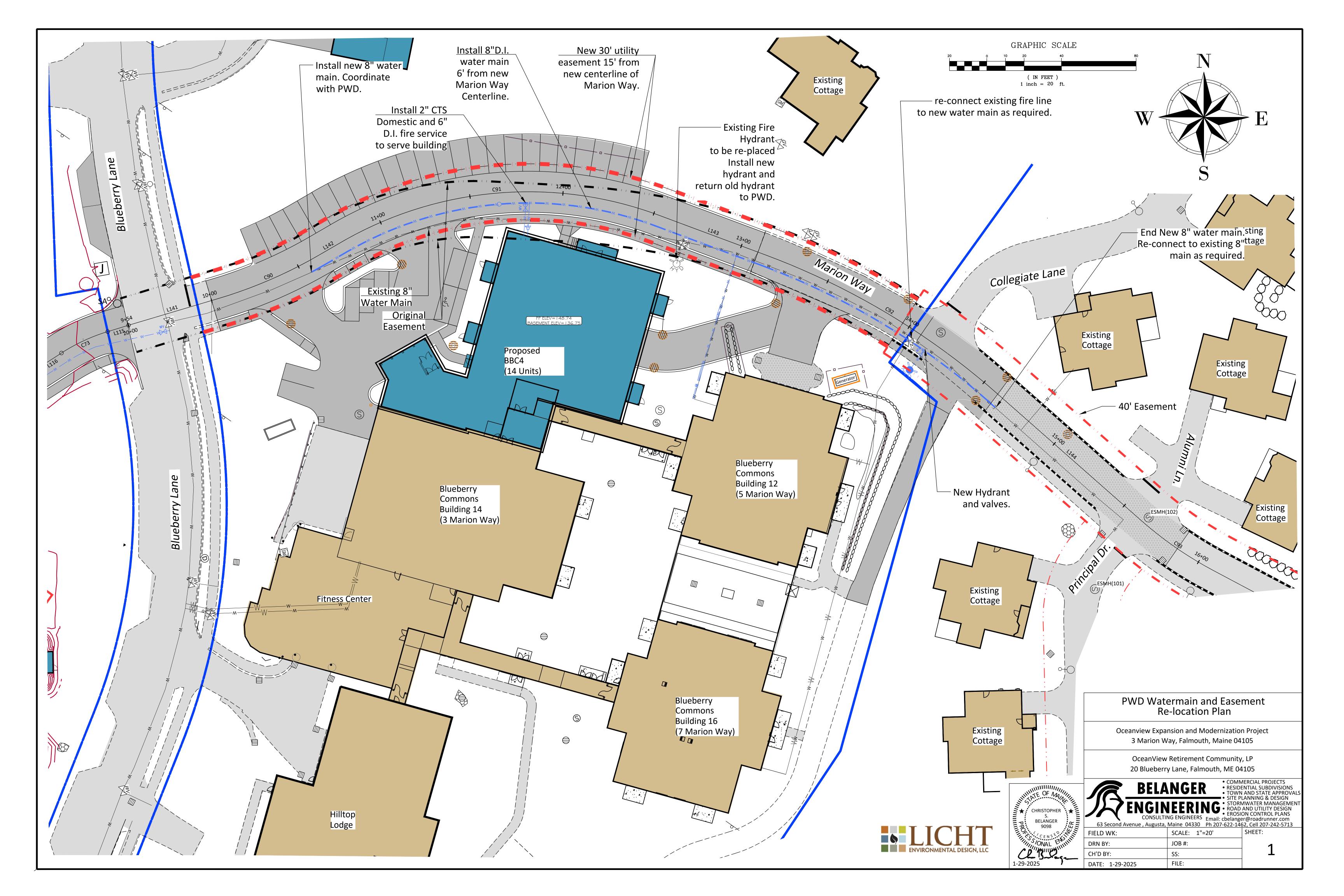
Anne E. Knowles

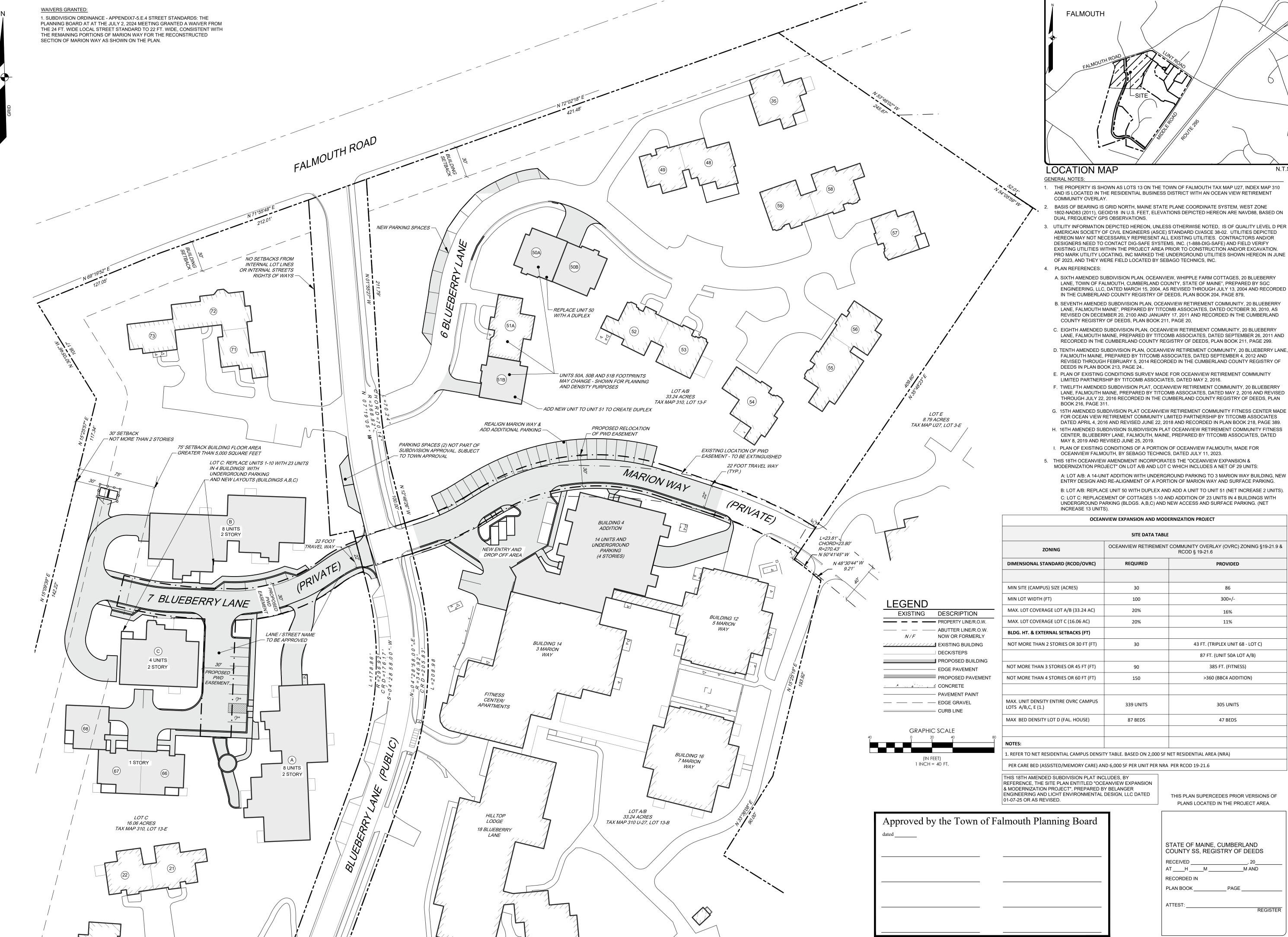
Print Name

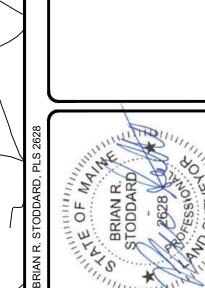
Notary Public State of Maine

My commission expires March 17, 2018.

Received Recorded Resister of Deeds Apr 05,2013 03:11:19P Cumberland County. Pamela E. Lovley







1802-NAD83 (2011), GEOID18 IN U.S. FEET, ELEVATIONS DEPICTED HEREON ARE NAVD88, BASED ON

UTILITY INFORMATION DEPICTED HEREON, UNLESS OTHERWISE NOTED, IS OF QUALITY LEVEL D PER AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) STANDARD CI/ASCE 38-02. UTILITIES DEPICTED HEREON MAY NOT NECESSARILY REPRESENT ALL EXISTING UTILITIES. CONTRACTORS AND/OR DESIGNERS NEED TO CONTACT DIG-SAFE SYSTEMS, INC. (1-888-DIG-SAFE) AND FIELD VERIFY EXISTING UTILITIES WITHIN THE PROJECT AREA PRIOR TO CONSTRUCTION AND/OR EXCAVATION. PRO MARK UTILITY LOCATING, INC MARKED THE UNDERGROUND UTILITIES SHOWN HEREON IN JUNE

- A. SIXTH AMENDED SUBDIVISION PLAN, OCEANVIEW, WHIPPLE FARM COTTAGES, 20 BLUEBERRY
- B. SEVENTH AMENDED SUBDIVISION PLAN, OCEANVIEW RETIREMENT COMMUNITY, 20 BLUEBERRY LANE, FALMOUTH MAINE", PREPARED BY TITCOMB ASSOCIATES, DATED OCTOBER 30, 2010, AS REVISED ON DECEMBER 20, 2100 AND JANUARY 17, 2011 AND RECORDED IN THE CUMBERLAND
- C. EIGHTH AMENDED SUBDIVISION PLAN, OCEANVIEW RETIREMENT COMMUNITY, 20 BLUEBERRY LANE, FALMOUTH MAINE, PREPARED BY TITCOMB ASSOCIATES, DATED SEPTEMBER 26, 2011 AND
- D. TENTH AMENDED SUBDIVISION PLAN, OCEANVIEW RETIREMENT COMMUNITY, 20 BLUEBERRY LANE, FALMOUTH MAINE, PREPARED BY TITCOMB ASSOCIATES, DATED SEPTEMBER 4, 2012 AND REVISED THROUGH FEBRUARY 5, 2014 RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF
- LANE, FALMOUTH MAINE, PREPARED BY TITCOMB ASSOCIATES, DATED MAY 2, 2016 AND REVISED THROUGH JULY 22, 2016 RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS, PLAN
- FOR OCEAN VIEW RETIREMENT COMMUNITY LIMITED PARTNERSHIP BY TITCOMB ASSOCIATES DATED APRIL 4, 2016 AND REVISED JUNE 22, 2018 AND RECORDED IN PLAN BOOK 218, PAGE 389. H. 16TH AMENDED SUBDIVISION SUBDIVISION PLAT OCEANVIEW RETIREMENT COMMUNITY FITNESS
- CENTER, BLUEBERRY LANE, FALMOUTH, MAINE, PREPARED BY TITCOMB ASSOCIATES, DATED
- THIS 18TH OCEANVIEW AMENDMENT INCORPORATES THE "OCEANVIEW EXPANSION &
- A: LOT A/B: A 14-UNIT ADDITION WITH UNDERGROUND PARKING TO 3 MARION WAY BUILDING, NEW ENTRY DESIGN AND RE-ALIGNMENT OF A PORTION OF MARION WAY AND SURFACE PARKING.
- B: LOT A/B: REPLACE UNIT 50 WITH DUPLEX AND ADD A UNIT TO UNIT 51 (NET INCREASE 2 UNITS) C: LOT C: REPLACEMENT OF COTTAGES 1-10 AND ADDITION OF 23 UNITS IN 4 BUILDINGS WITH

OCEANVIEW EXPANSION AND MODERNIZATION PROJECT					
SITE DATA TABLE					
ZONING	OCEANVIEW RETIREMENT COMMUNITY OVERLAY (OVRC) ZONING §19-21.9 RCOD § 19-21.6				
DIMENSIONAL STANDARD (RCOD/OVRC)	REQUIRED	PROVIDED			
MIN SITE (CAMPUS) SIZE (ACRES)	30	86			
MIN LOT WIDTH (FT)	100	300+/-			
MAX. LOT COVERAGE LOT A/B (33.24 AC)	20%	16%			
MAX. LOT COVERAGE LOT C (16.06 AC)	20%	11%			
BLDG. HT. & EXTERNAL SETBACKS (FT)					
NOT MORE THAN 2 STORIES OR 30 FT (FT)	30	43 FT. (TRIPLEX UNIT 68 - LOT C)			
		87 FT. (UNIT 50A LOT A/B)			
NOT MORE THAN 3 STORIES OR 45 FT (FT)	90	385 FT. (FITNESS)			
NOT MORE THAN 4 STORIES OR 60 FT (FT)	150	>360 (BBC4 ADDITION)			
MAX. UNIT DENSITY ENTIRE OVRC CAMPUS LOTS A/B,C, E (1.)	339 UNITS	305 UNITS			
MAX BED DENSITY LOT D (FAL. HOUSE)	87 BEDS	47 BEDS			
NOTES:					

THIS PLAN SUPERCEDES PRIOR VERSIONS OF PLANS LOCATED IN THE PROJECT AREA.

	,	STRY OF DEEDS	
RECEIVED		, 20	
ATH _	M	M AND	
RECORDED	) IN		
PLAN BOOK	<b>(</b>	PAGE	

230315-02 PROJECT

JMC / CNG

BRS 01/07/2025

1" = 40'

DESIGNED DRAWN

CHECKED

DATE

SCALE