

**AGENDA**  
**BOARD OF TRUSTEES**  
**PORTLAND WATER DISTRICT**  
**225 Douglass Street, Portland, Maine**  
**Jeff P. Nixon Training Center**  
**Monday, January 23, 2017**

- |    |  |                                    |
|----|--|------------------------------------|
| 1. | <u>Convene Meeting</u> with Pledge of Allegiance and moment of silence.  | President Cote                     |
| 2. | <u>Roll Call</u>   | Clerk                              |
| 3. | <u>Acceptance of Minutes</u> of Regular Meeting of December 27, 2016, and the Workshop Meeting of January 9, 2017.                                 | President Cote                     |
| 4. | <u>Invitation for Public Comment</u>   | President Cote                     |
| 5. | <u>Reports:</u>  |                                    |
|    | ▪ Operations Committee Reports   | Trustee Lunt                       |
|    | ▪ Planning Committee Reports   | Trustee Swinton                    |
|    | ▪ Administration & Finance Committee Reports   | Trustee Garrison                   |
|    | ▪ General Manager's Report   | General Manager                    |
| 6. | <u>New Business</u>  |                                    |
|    | <b>A. <u>Order 17-001</u></b> , authorizing the Treasurer to begin the process of increasing water rates an average of 1.0% effective May 1, 2017. | Administration & Finance Committee |
|    | <b>B. <u>Order 17-002</u></b> , authorizing the Design-Build Method of procurement for the Northeast Pump Station Project.                         | Operations Committee               |
|    | <b>C. <u>Order 17-003</u></b> , authorizing the General Manager to execute an easement modification agreement for 989 Shore Road, Cape Elizabeth.  | Planning Committee                 |
|    | <b>D. <u>Order 17-004</u></b> , authorizing a contribution to the Western Foothills Land Trust.  | Planning Committee                 |
|    | <b>E. <u>Order 17-005</u></b> , authorizing a contribution to the Panther Pond Conservation Project.   | Planning Committee                 |
|    | <b>F. <u>Order 17-006</u></b> , authorizing a contribution for a water quality monitoring buoy.  | Planning Committee                 |
|    | <b>G. <u>Resolution 17-001</u></b> , appointing representatives to the Southern Maine Regional Water Council Board of Directors.                   | President Cote                     |
|    | <b>H.</b> Consideration of appointment of the General Manager  | President Cote                     |

7. Executive Session. A motion may be made to go into Executive Session at any time during the meeting to discuss, pursuant to 1 M.R.S. §405(6)(A) personnel, 1 M.R.S. §405(6)(C) real estate, 1 M.R.S. §405 (6)(D) labor negotiations, or 1 M.R.S. §405(6)(E) legal matters. President Cote
8. Other Business. An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas. President Cote
9. Second Invitation for Public Comment. President Cote
10. Trustee Comments. President Cote
11. Adjournment. President Cote

Donna M. Katsiaficas  
Clerk

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

**January 23, 2017**

**New Business**

**Agenda Items 6A-6H**



Portland Water District  
*From Sebago Lake To Casco Bay*

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

Agenda Item: 6A Order 17-001  
Date of Meeting: January 23, 2017  
Subject: Water Rates Adjustment  
Presented By: David Kane, Executive Director of Administration

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### **RECOMMENDATION**

The following proposed language is presented to the Board of Trustees for their approval:

ORDERED, pursuant to Board of Trustees Policy, the Treasurer shall prepare the supporting documents for a water rate increase of approximately 1.0% with new rates to be effective May 1, 2017, with the District allocating the increase to the capital reserve fund to finance the installation of water mains included in the System Infrastructure Assessment report.

### **BACKGROUND ANALYSIS**

The Board of Trustees approved the 2017 budget assuming an average water rate increase of 1.67% with a target effective date of May 1, 2017. Staff provided updated financial information and a specific rate proposal at the January 9, 2017 Administration and Finance Committee.

Significant decisions to be made by the Board are listed below.

#### **Revenue Requirement – How much do we need to operate?**

The 2017 net expenditure operating budget is \$22.6 million as approved by the Board. Consistent with the Board's policy of small annual rate adjustments and continue to make progress towards the operation contingency fund balance of 25%, staff included in the budget an increase of 1.67% which is projected to generate \$22.8 million of revenues. The amount covers the operating budget and a contribution to the contingency fund of \$179,000. Because of the higher than expected water sales, the projected 2016 financial results is a net income of \$1.2 million dollars. If those funds are added to the contingency fund balance, the balance now meets the 25% of budget target balance.

Because we are over the target balance, it is recommended to reduce the rate adjustment by eliminating the \$179,000 contribution to the contingency fund resulting in the need for a 1% increase.

**Water Consumption – How much do we assume customers will use?**

Staff recommends using the actual 2016 consumption for the 12 months ending May 31, 2016. This was adjusted for estimated declines of consumption to account for conservation efforts.

**Rate Design – How should the rate adjustment be allocated?**

The recently completed cost of service report indicated that industrial/commercial customers generate less revenue than the costs to serve them. The report recommended that the gap be closed over future rate adjustments by increasing rates at higher increments for industrial/commercial customers. The proposed rate schedule will continue to have larger commercial customers’ rates increase 150% of the small residential customers’ rates increase.

The report recommended adjusting seasonal rates by lowering the amount of water included in the annual minimum bill, reflecting the decrease in average consumption. Staff will incorporate this change in the rate schedule.

The report also recommended adjusting fire protection charges by either the same percent increase to both public and private fire protection or to adjust only public fire protection. The report indicated that private fire protection rates are subsidizing public fire protection rates. By not adjusting private fire protection rates, public fire protection rates would need to be increased by an additional \$8,544. However, there is some concern that municipalities may balk at paying the additional amount. It should be noted that the fire departments are expecting a higher increase than proposed. The Administration and Finance Committee discussed at their January 9, 2017 meeting and recommended both public and fire protection be increased by 1%.

<b>Public Fire Impact</b>	<b>Current</b>	<b>Option 1 -1% both Public/Private</b>			<b>Option 2-1.6% Public/No Private</b>		
Portland	379,656	382,788	3,132	0.8%	384,792	5,136	1.4%
South Portland	166,080	167,820	1,740	1.0%	168,936	2,856	1.7%
Westbrook	134,916	136,152	1,236	0.9%	136,944	2,028	1.5%
Cape Elizabeth	91,668	92,520	852	0.9%	93,072	1,404	1.5%
Falmouth	116,772	118,080	1,308	1.1%	118,920	2,148	1.8%
Cumberland	61,248	62,208	960	1.6%	62,820	1,572	2.6%
Raymond	6,240	6,300	60	1.0%	6,336	96	1.5%
Scarborough	159,444	161,124	1,680	1.1%	162,192	2,748	1.7%
Gorham	73,728	74,688	960	1.3%	75,300	1,572	2.1%
Windham	100,104	101,184	1,080	1.1%	101,868	1,764	1.8%
<b>Total Member</b>	<b>\$ 1,289,856</b>	<b>\$ 1,302,864</b>	<b>13,008</b>	<b>1.0%</b>	<b>\$ 1,311,180</b>	<b>21,324</b>	<b>1.7%</b>
Standish	46,776	47,136	360	0.8%	47,364	588	1.3%
<b>Total Revenue</b>	<b>\$ 1,336,632</b>	<b>\$ 1,350,000</b>	<b>\$ 13,368</b>	<b>1.0%</b>	<b>\$ 1,358,544</b>	<b>\$ 21,912</b>	<b>1.6%</b>

**Regulatory Process – What regulatory process will be used?**

For the second time, the water rate adjustment will not need additional Maine Public Utilities Commission approval in addition to the Board of Trustees approval. Per Board policy, information will be available for public review in February and a public hearing on the proposed rate adjustment will be held in March.

The proposed schedule to implement the rate adjustment is as follows:

- November 28, 2016 Board approves 2017 Budget
- January 9, 2017 Administration and Finance Committee reviews and make final recommendation to be sent customers
- January 23, 2017 Board consider approving Administration and Finance Committee’s recommendation
- February 14, 2017 Supporting documentation for rate adjustment available to the public
- February 27, 2017 Publish notice of rate adjustment and provide notice to all customers
- March 13, 2017 Special public hearing on proposed rate adjustment
- March 27, 2017 Board business meeting – Approve final rate schedule
- April 28, 2017 File final rate schedule based on public hearing and Board review
- May 1, 2017 Rate adjustment effective date

**Water Rate Adjustment Impact**

The customer impact of an average 1% adjustment is listed in table 1.

**Option 1: Public and Private (Sprinkler) Fire Protection are Both Increased 1%**

<b>Typical Customer Increases</b>		<b>Current</b>	<b>Proposed</b>	<b>\$</b>	<b>%</b>
Residential	.62" meter, 7 HCF	\$ 22.59	\$ 22.79	\$ 0.20	0.9%
Commercial	.75" meter, 80 HCF	171.18	173.36	2.18	1.3%
Small Industrial	2" meter, 1,300 HCF	1,656.08	1,675.21	19.13	1.2%
Large Industrial	8" meter, 56,000 HCF	53,319.95	53,889.40	569.45	1.1%
Sprinkler	6" meter	408.93	413.02	4.09	1.0%
Public Fire (per year)		1,336,632.00	1,350,000.00	13,368.00	1.0%
Seasonal (per year)	.62" meter	227.88	216.90	(10.98)	-4.8%

**LEGAL REVIEW**

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

**ATTACHMENT**

None



Portland Water District  
*From Sebago Lake To Casco Bay*

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

Agenda Item: 6B Order 17-002  
Date of Meeting: January 23, 2017  
Subject: Northeast Pump Station – Professional Services Contract –  
Engineering Method Approval  
Presented By: Gordon Johnson, Engineering Services Manager

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### **RECOMMENDATION**

The following proposed language is presented for Committee approval:

ORDERED, pursuant to the District's Purchasing Policy the Design-Build Method is authorized for the procurement of engineering services for the Northeast Pump Station Odor Control Project, and that the General Manager and the Treasurer, each acting singly, are authorized to take such other steps as may be necessary to accomplish the intent of this vote.

### **BACKGROUND ANALYSIS**

Pursuant to the District's purchasing policy, staff is seeking approval from the Board of Trustees to procure engineering services (design-build method) for the design and construction of an odor control system for the Northeast Pump Station.

The Northeast Pump Station is the largest wastewater pumping facility in the system (50 MGD). The proposed project would install an odor scrubber similar to the system in operation at the India Street station to mitigate odors. Staff estimates the total project cost to be \$550,000; project completion is anticipated by the end of the first quarter of 2018.

Once the Method is approved, staff will issue a request for proposals. It is expected that a recommendation will be offered to the Board at the April meetings.

### **FISCAL REVIEW/ FUNDING**

The project was included in the 2017 CIP, Subprogram 420 project 2532.

### **LEGAL REVIEW**

Corporate Counsel has reviewed and approved the form of motion.

**CONCLUSION(S)**

Staff recommends that design-build engineering method be utilized for design and construction of this project. The committee voted 3-0 to forward to the full Board for their consideration.

**ATTACHMENTS**

None



Portland Water District  
*From Sebago Lake To Casco Bay*

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

Agenda Item: 6C Order 17-003  
Date of Committee Meeting: January 23, 2017  
Subject: Easement Modification Agreement - 989 Shore Road - CE  
Presented By: Norman Twaddel, Right of Way Agent

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### **RECOMMENDATION**

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

**ORDERED**, the General Manager is hereby authorized to execute an Easement Modification Agreement with Timothy and Jennifer Fitzpatrick adjusting the sewer easement limits to solve an encroachment issue at 989 Shore Road in Cape Elizabeth, and further to authorize the General Manager and the Treasurer, each acting singly to take such other steps as may be necessary to accomplish the intent of this vote.

### **BACKGROUND ANALYSIS**

The District has an 8" sewer line running cross country in a 30 foot wide easement between Littlejohn Road and Olde Fort Road in Cape Elizabeth. The property at 989 Shore Road was recently sold.

The new buyers had a mortgage inspection survey done as part of their due diligence and the survey showed that the house and a portion of the deck encroached into the sewer easement by about nine feet at the nearest corner. The owner then had a formal survey done (copy attached) and confirmed that a portion of the house and a portion of the deck does encroach into the easement. Prior mortgage inspection plans did not find this issue.

Because it is not feasible to move the house, District staff proposed a Modification Agreement (copy attached) where the District would release the easement in the area of encroachment of the house and deck in exchange for an additional ten foot strip of easement on the opposite side of the encroachment. The Fitzpatricks would also remove the steps off the deck or relocate them outside the easement area.

**FISCAL REVIEW / FUNDING**

The Fitzpatrick's have paid the \$350 fee to process the agreement.

**LEGAL REVIEW**

Corporate Counsel and Counsel for the Fitzpatrick's have reviewed and agreed to the proposed Agreement.

**CONCLUSION(S)**

The Committee voted 2-0 to approve the recommendation and forward to the full Board for their consideration.

**ATTACHMENTS**

Survey Plan  
Agreement

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

**SEBAGO**  
TECHNICS

WWW.SEBAGOTECHNICS.COM  
75 John Roberts Rd.  
Suite 1A  
South Portland, ME 04106  
Tel. 207-200-2100  
250 Goddard Rd.  
Lewiston, ME 04240  
Tel. 207-783-5656

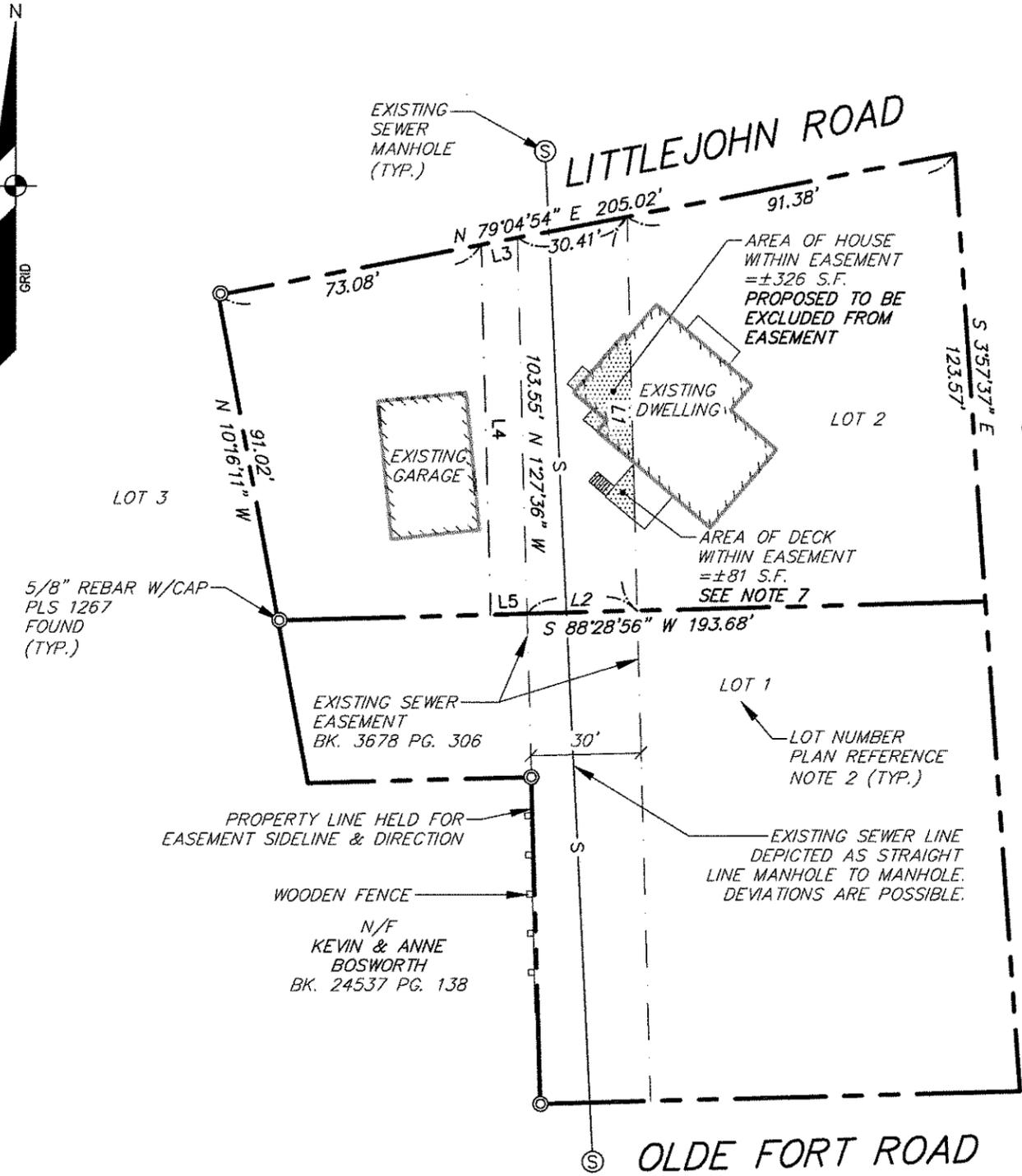
**NOTES:**

1. THE RECORD OWNER OF THE PROPERTY (LOT 2) IS MOMENJAN T. ABDULLAYOF BY DEED DATED MAY 28, 2002 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 17718, PAGE 302.
2. REFERENCE IS MADE TO PLAN ENTITLED "SHERWOOD FOREST CAPE ELIZABETH, MAINE AMENDED SUBDIVISION PLAN - LOUIS B. MAIETTA/ROBERT L. TINSMAN, 129 WALNUT STREET, SOUTH PORTLAND, MAINE 04106" DATED AUGUST 10, 1984 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 151, PAGE 8.
3. SEE DEED FROM I. ALAN BALFOUR TO THE PORTLAND WATER DISTRICT DATED MAY 12, 1975 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3678, PAGE 306 REGARDING THE EASEMENT DEPICTED HEREON.
4. INFORMATION DEPICTED HEREON IS BASED ON FIELDWORK PERFORMED BY SEBAGO TECHNICS, INC. ON DECEMBER 1, 2016.
5. BEARINGS DEPICTED HEREON ARE BASED ON GRID NORTH, MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE 1802, NAD83 FROM DUAL FREQUENCY GPS OBSERVATIONS.
6. BOUNDARY LINES DEPICTED HEREON ARE BASED ON THE EXISTING MONUMENTS AND GEOMETRY FROM PLAN AS REFERENCED IN NOTE 2.
7. THE PORTLAND WATER DISTRICT WILL CONSIDER TO CONSENTING THAT THE DECK MAY CONTINUE TO EXIST WITHIN THE EASEMENT AREA AND ALLOW CONTINUED USE AND MAINTENANCE OF THE EXISTING DECK. ANY FUTURE REPLACEMENT OF THE DECK WOULD BE LOCATED OUTSIDE OF THE PORTLAND WATER DISTRICT EASEMENT AREA.
8. THE PORTLAND WATER DISTRICT WOULD NOT BE RESPONSIBLE FOR ANY DAMAGE DONE TO THE BUILDING OR DECK CAUSED BY THE PORTLAND WATER DISTRICT MAINTENANCE OF THE SEWER LINE.
9. THE EASTERLY SIDELINE OF THE EXISTING 30' WIDE PORTLAND WATER DISTRICT EASEMENT WILL REMAIN AS DEPICTED HEREON WITH THE PROPOSED EXCLUSION OF THAT PORTION OF THE EXISTING HOUSE LYING WITHIN THE EXISTING EASEMENT.

**SURVEYOR'S STATEMENT**

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT WAS DONE IN ACCORDANCE WITH CHAPTER 90, PART 1 (PROFESSIONAL STANDARDS OF PRACTICE) AND PART 2 (TECHNICAL STANDARDS OF PRACTICE) OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS.

*Charles D. Marchese*  
CHARLES D. MARCHESE, PLS 2009 DECEMBER 7, 2016



**EASEMENT LINE TABLE**

LINE	DIRECTION	DISTANCE
L1	S 1°27'36" E	108.52'
L2	S 88°28'56" W	30.00'

**EASEMENT LINE TABLE**

LINE	DIRECTION	DISTANCE
L3	N 79°04'54" E	10.14'
L4	N 1°27'36" W	101.90'
L5	S 88°28'56" W	10.00'

**SITE PLAN**  
OF: PWD SEWER EASEMENT  
BETWEEN LITTLEJOHN ROAD AND OLDE FORT ROAD  
CAPE ELIZABETH, MAINE  
FOR RECORD OWNER:  
**MOMENJAN T. ABDULLAYOF**  
989 SHORE ROAD  
CAPE ELIZABETH, MAINE 04107

DESIGNED SPP	CHECKED CDM
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PROJECT NO. 16511	SCALE 1" = 40'
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**SHEET 1 OF 1**

## EASEMENT MODIFICATION AGREEMENT

This Agreement made on \_\_\_\_\_ by and among the **PORTLAND WATER DISTRICT**, a quasi-municipal corporation organized and existing under the laws of the State of Maine with a principal place of business at 225 Douglass Street, Portland, in the County of Cumberland and State of Maine (hereinafter the "DISTRICT") and **TIMOTHY J. FITZPATRICK and JENNIFER R. FITZPATRICK**, with a mailing address of 989 Shore Road, Cape Elizabeth, Maine 04107 (hereinafter "FITZPATRICK").

Whereas, FITZPATRICK owns a parcel of land located on the northerly side of Shore Road in the Town of Cape Elizabeth, County of Cumberland and State of Maine, which was conveyed by Momenjan T. Abdullayof to FITZPATRICK, by deed dated December 9, 2016 and recorded at the Cumberland County Registry of Deeds in Book 33679, Page 41; and

Whereas, the DISTRICT has an easement across the land of FITZPATRICK referred to as the "DISTRICT EASEMENT" in this Agreement, as described in a deed from Alan Balfour, which deed is dated May 12, 1975 and recorded in the Registry of Deeds in Book 3678, Page 306; and

Whereas, a recent survey of the property shows that the house and deck encroach into the DISTRICT EASEMENT as shown on a plan attached hereto and made a part hereof as Exhibit A, and the language in the Easement prohibits the placing of permanent structures within the DISTRICT EASEMENT; and

Whereas, the DISTRICT and FITZPATRICK agree to modify the limits of the DISTRICT EASEMENT subject to the terms and conditions described hereafter:

Now, therefore, in consideration of the mutual promises contained in this Agreement, and subject to the terms and conditions contained herein, the parties agree as follows:

1. The DISTRICT hereby releases to FITZPATRICK that portion of the DISTRICT EASEMENT that the existing dwelling and deck encroach, as shown on Exhibit A.
2. FITZPATRICK hereby conveys to the DISTRICT, an easement on an additional strip of land abutting the DISTRICT EASEMENT, which said additional strip shall become part of the DISTRICT EASEMENT, said additional strip being bounded and described as follows:

Beginning at a point on the southerly sideline of Littlejohn Road, said point being seventy-three and eight hundredths (73.08) feet as measured N79°-04'-54"E along the southerly sideline of Littlejohn Road from the northwest corner of land of FITZPATRICK;  
Thence N79°-04'-54"E along Littlejohn Road ten and fourteen hundredths (10.14) feet to the westerly sideline of the DISTRICT EASEMENT;  
Thence S1°-27'-36E by said DISTRICT EASEMENT one hundred three and fifty-five hundredths (103.55) feet to a point on the southerly boundary line of land of FITZPATRICK;  
Thence S88°-28'-56"W along the southerly boundary line of land of FITZPATRICK ten and zero hundredths (10.00) feet to a point;

Thence N1°-27'-36"W one hundred one and ninety hundredths (101.90) feet to the southerly sideline of Littlejohn Road and the point of beginning.

3. FITZPATRICK shall remove the steps from the deck or relocate them outside the DISTRICT EASEMENT.
4. FITZPATRICK agrees that the deck shall not be expanded in the future into the DISTRICT EASEMENT.
5. Each of the parties agrees to notify the other party at least forty-eight (48) hours prior to conducting work within the DISTRICT EASEMENT which would involve excavation, disturbance of the earth or soil or construction, except in an emergency, when either party shall notify the other party immediately or as soon as is reasonably possible.
6. FITZPATRICK shall indemnify and save harmless the DISTRICT from any and all loss, damage, cost, and expense caused by or arising out of any and all construction, maintenance, reconstruction, operation or removal of the deck and its appurtenances described in this Agreement which may be performed by FITZPATRICK or its agents including, but not limited to, reasonable attorneys' fees.
7. After laying, relaying, maintaining or removing any existing or future pipelines, the DISTRICT agrees to restore any portion of the DISTRICT EASEMENT to a condition as close as practicable to its condition before said pipeline laying, relaying, maintenance or removal, and will take steps to protect the house and deck of FITZPATRICK located in the DISTRICT EASEMENT to the fullest extent possible.
8. The DISTRICT continues to hold the unlimited right to lay a line or lines of pipe within the DISTRICT EASEMENT including the area of the FITZPATRICK'S improvements, but not including the house or deck which are hereafter excluded from the DISTRICT EASEMENT, as the DISTRICT may in its sole discretion determine as allowed by the terms of the DISTRICT EASEMENT. In the event of any exercise by the DISTRICT of any rights related to the DISTRICT EASEMENT it shall have no obligation to FITZPATRICK or to any third party, beyond the terms of section 7 of this Agreement, for any loss, damage, cost or expense caused by or arising out of any such exercise, including, without limitation, any loss of business suffered by FITZPATRICK or any such third party, or damage to the deck or the home of FITZPATRICK.
9. This Agreement shall be binding upon and for the benefit of the parties to it and their respective heirs, successors and assigns, and shall be a covenant running with the land of FITZPATRICK.
10. The failure of the DISTRICT to enforce or insist upon compliance with any of the terms or conditions of this agreement shall not constitute a general waiver or relinquishment of any of its terms or conditions, but all terms and conditions shall remain in full force and effect at all times.

The parties have signed two original agreements as sealed documents to be effective on the date at the top of the agreement.

Witness:

PORTLAND WATER DISTRICT

\_\_\_\_\_

\_\_\_\_\_  
Ronald Miller  
General Manager

\_\_\_\_\_

\_\_\_\_\_  
By: Timothy J. Fitzpatrick

\_\_\_\_\_

\_\_\_\_\_  
By: Jennifer R. Fitzpatrick

State of Maine  
Cumberland County

Date:

Ronald Miller personally appeared before me and acknowledged that his signature on this document was his free act and deed on behalf of the Portland Water District.

Before me,

\_\_\_\_\_  
Norman V. Twaddel  
Notary Public - Maine  
My Commission Expires 12/17/2023

State of Maine  
Cumberland County

Date: \_\_\_\_\_

Timothy J. Fitzpatrick and Jennifer R. Fitzpatrick personally appeared before me and acknowledged that their signature on this document was their free act and deed.

Before me,

\_\_\_\_\_  
Notary Public - Maine  
My Commission Expires



Portland Water District  
*From Sebago Lake To Casco Bay*

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

Agenda Item: 6D Order 17-004  
Date of Meeting: January 23, 2017  
Subject: Request for contribution of \$3,200 to Western Foothills Land Trust to support the conservation of 40-acre Howe Woodlot parcel located in Waterford, Maine  
Presented By: Laurel Jackson, Water Resources Specialist

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### **RECOMMENDATION**

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

ORDERED, the General Manager is authorized to contribute up to \$3,200 to the Western Foothills Land Trust, to support the conservation of the 40-acre Howe Woodlot property.

### **BACKGROUND**

The Sebago Lake watershed encompasses 450 square miles and includes parts of more than 20 towns. The long term water quality of the lake is in large part a function of the nature and scope of development of the watershed. The District's 2013 Watershed Land Conservation Policy states the District's commitment to and support for locally-initiated land conservation efforts.

The Howe Woodlot parcel is 40 acres and is located in the town of Waterford. It is a forested lot that will be protected from future development with a conservation easement. Runoff from the site drains to a small stream which flows to the Crooked River. The Crooked River is the major tributary to Sebago Lake, supplying 38% of its surface water inflow.

The conservation easement will be held by Western Foothills Land Trust.

### **ANALYSIS**

The contribution of \$3,200 represents about \$80 per acre of protected land within the watershed. The District's conservation value for the parcel is calculated to be \$70,000. The District's contribution is to be used for legal costs associated with the closing and future monitoring of the easement. The entire parcel is within the watershed of Sebago Lake.

**FISCAL REVIEW / FUNDING**

The recommended contribution of \$3,200 is the amount requested by Western Foothills Land Trust. The contribution to this project shall be funded through the District's watershed protection fund.

**LEGAL REVIEW**

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

**CONCLUSION(S)**

This project will contribute to the long term protection of Sebago Lake and the recommended contribution meets the guidelines of the District's 2013 Watershed Land Conservation Policy. The Committee voted 2-0 to approve the recommendation and forward to the full Board for their consideration.

**ATTACHMENT(S)**

Letter of request from Western Foothills Land Trust  
Howe Woodlot Report

Western Foothills Land Trust  
P.O. Box 107 Norway, Maine 04268  
Endowment Estimation For Howe Woodlot Easement- 40 acres

HOWE, JOHN & DEBORAH  
298 MCINTIRE ROAD  
WATERFORD ME 04088  
Waterford M52-L02

**First Year Costs:**

Legal Fees approx.	\$500
Staff Time/ baseline data compilation-	\$100
Survey Costs- To be determined if necessary	N/A
<b>Total first year costs</b>	<b>\$600</b>

**Annual Costs:**

Legal stewardship contribution	\$40
Insurance- \$1/Acre	\$40
Monitoring Visits-	\$0
Maintenance of Property Boundaries-(\$1/acre)	\$40
Total Annual Costs	\$120
Contribution @4.5% yield to cover annual costs:	<b>\$2,600</b>
<b>Total First Time and Annual Costs</b>	<b>\$3,200</b>

# PORTLAND WATER DISTRICT

## Land Conservation Program

### Site-Specific Assessment



Howe Woodlot Property  
Waterford, Maine



This report was prepared by PWD's  
Environmental Services Department

November 30, 2016

**Howe Woodlot, Waterford, ME**  
**Site Visit by Laurel Jackson, 2/24/16**

**Description**

The Howe woodlot is a 40 acre parcel located in the Sebago Lake watershed in the town of Waterford. It is adjacent to the Howe farm parcel which will be conserved via a separate easement funded by the Maine Farmland Trust. The land trust is not requesting any financial assistance from the District for the conservation of the field parcel. The forested parcel will be managed as a working forest. Though the easement does not require public access, the current owners allow cross country skiing and snowshoeing across the property.

**Site Features**

**Location**

The property is located on McIntire Road in Waterford. McIntire Road is accessed via Route 118.

**Land Use/Land Cover**

The parcel contains approximately 40 acres of mixed growth forest.

**Water Resources**

There is a small tributary stream that flows near the eastern edge of the property. The stream flows into the Crooked River approximately one-half mile south of the property.



Howe farm and woodlot

**Connection to Sebago Lake**

The land to be conserved drains to a stream which flows into the Crooked River. The Crooked River is the largest tributary to Sebago Lake and supplies nearly 40% of the surface water inflow. Preserving land in the Crooked River watershed is important to maintaining its excellent water quality into the future.

### SITE-SPECIFIC PROPERTY ASSESSMENT

Property Name

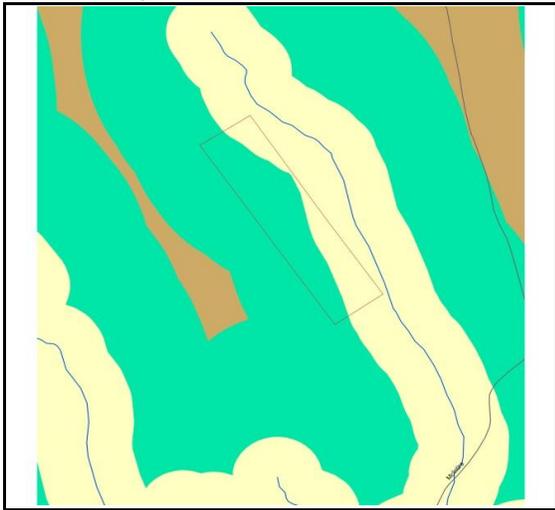
Area (acres)

Location

Land Trust

Description

**Location map**



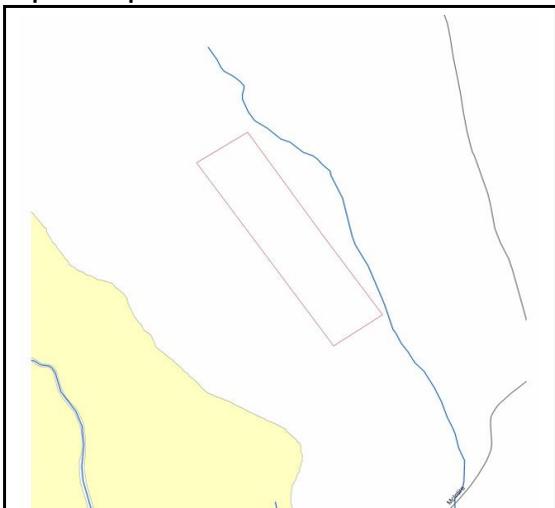
**Land cover map**



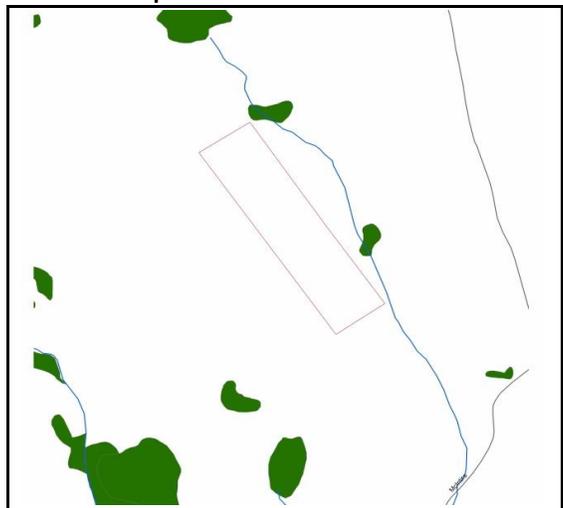
	acres	percent
<b>Prioritization Zone 1</b>	15	38
<b>Prioritization Zone 2</b>	25	62
<b>Prioritization Zone 3</b>		

<b>Forest cover</b>	<input type="text" value="40"/>	acres
	<input type="text" value="100"/>	percent

**Aquifer map**



**Wetlands map**



<b>Sig. sand and gravel aquifers</b>	<input type="text" value="0"/>	acres
	<input type="text" value="0"/>	percent

<b>Mapped wetlands</b>	<input type="text" value="0"/>	acres
	<input type="text" value="0"/>	percent

**SITE-SPECIFIC PROPERTY ASSESSMENT**

Property Name

**Est. Value of Development Rights**

PWD Value:  $(15 \times 3000) + (25 \times 1000)$

Appraisal: n/a

**Watershed Zone**

Highest priority zone encompassing at least 25%

**Low Percentage of Contribution Range**  %

Zone I = 15-25%

Zone II = 10-20%

Zone III = 5-15%

**Factors**

Located in 7 shoreland towns?  add  %

More than 50% forested  add  %

More than 10% aquifer?  add  %

More than 20% wetlands?  add  %

Other (explain)  add  %

**Recommended contribution (percent)**  %

**Calculated contribution**

**Recommended contribution**



Portland Water District  
*From Sebago Lake To Casco Bay*

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

Agenda Item: 6E Order 17-005  
Date of Meeting: January 23, 2017  
Subject: Request from Town of Raymond for PWD support for implementation of Panther Pond watershed conservation project phase III  
Presented By: Paul Thomas Hunt, Environmental Manager  
Nate Whalen, Water Resources Specialist

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### **RECOMMENDATION**

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

ORDERED, the General Manager is authorized to make a cash contribution of up to \$1,000 and an in-kind contribution of \$6,038 to support the Town of Raymond and Cumberland County Soil and Water Conservation District's proposed \$119,000 Panther Pond Conservation Project – Phase III.

### **BACKGROUND**

Panther Pond is a 1,439-acre lake located in the Town of Raymond in central Cumberland County, Maine (see attached map). The Panther Pond Watershed covers 12.3 square miles. The larger watershed covers 25 square miles and includes Crescent Lake, Raymond Pond, and several other smaller ponds. Panther Pond empties into Sebago Lake and contributes about 18% of the flow to Sebago Lake, a public drinking water source for over 200,000 households in Southern Maine.

The primary purpose of the project is to significantly reduce erosion and export of sediment and phosphorus into Panther Pond. Conservation practices that reduce erosion and polluted runoff will be installed at 20 of the highest erosion impact sites identified in the 2014 watershed survey. In addition, the project will raise awareness about watershed problems and foster long term watershed stewardship.

In addition to a Portland Water District contribution, match will be provided by the Town of Raymond (\$10,800 in-kind services), the Panther Pond Association (\$3000 cash match and \$3,400 in kind services), and Raymond Waterways Protective Association (\$1000 cash match and \$350 in kind services).

### **ANALYSIS**

The total project cost for the Panther Pond watershed conservation is \$119,000 which breaks down to \$65,000 in federal grant funds and \$54,000 in matching funds. Matching funds include both cash contributions and in-kind services.

The Planning Committee has provided staff guidance on past 319 requests regarding the scope of financial support the committee believes is reasonable. Specifically, the committee has a policy that District supports match that of contributing municipalities, with the District contribution not to exceed 10% of the total project costs. This recommendation meets those suggested criteria.

### **FISCAL REVIEW / FUNDING**

The recommended cash contribution is \$1,000, and recommended in-kind contribution is \$6,038. Past support for similar projects has been disbursed from the watershed fund.

### **LEGAL REVIEW**

Corporate Counsel has reviewed the proposed motion as to form.

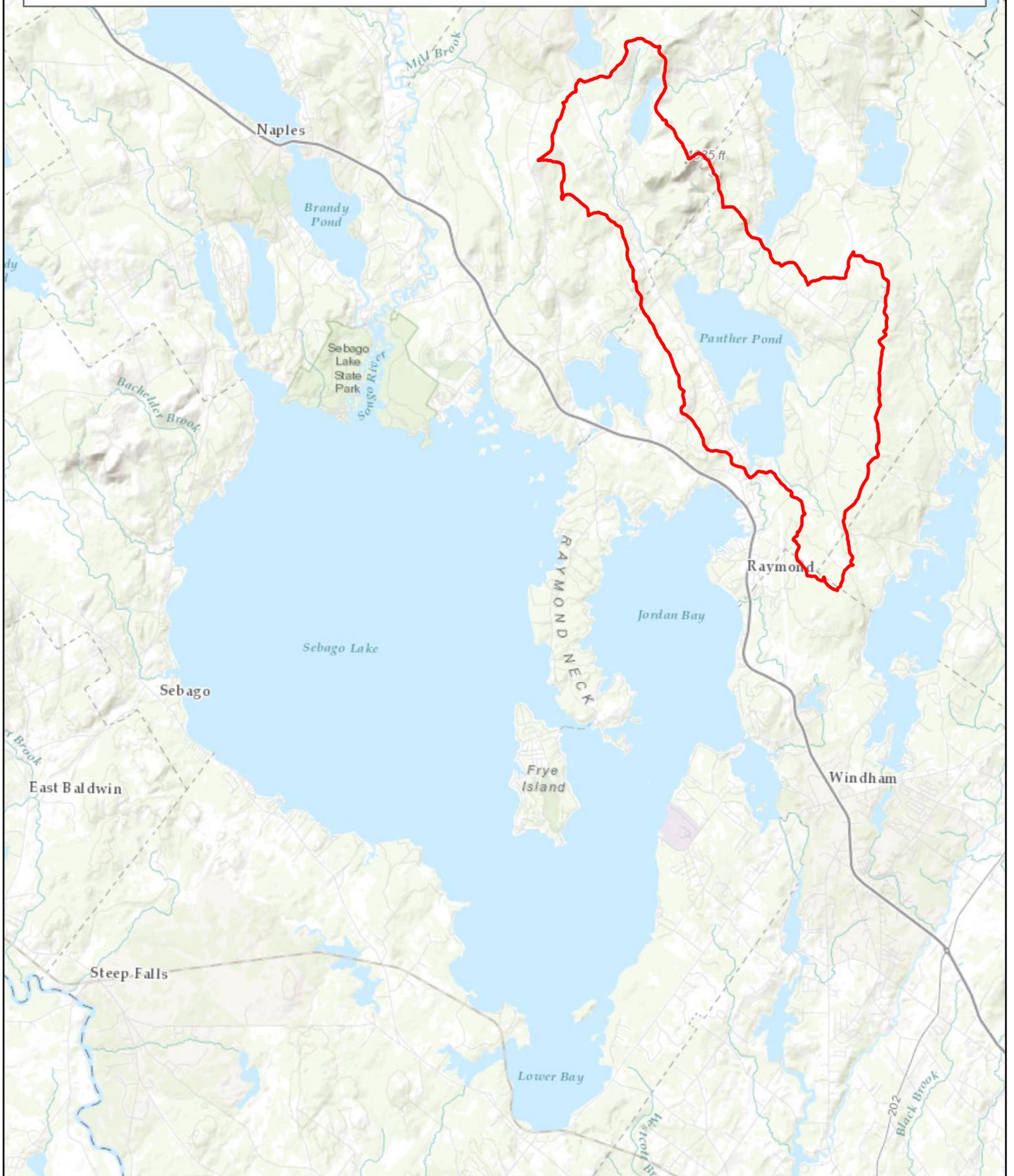
### **CONCLUSION(S)**

Since Panther Pond discharges directly to Sebago Lake, work that reduces pollution to Panther Pond ultimately reduces pollution to Sebago Lake. The Committee voted 2-0 to forward to the full Board for approval.

### **ATTACHMENTS**

Location map

# Panther Pond Watershed





Portland Water District  
*From Sebago Lake To Casco Bay*

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

Agenda Item: 6F Order 17-006  
Date of Meeting: January 23, 2017  
Subject: Request for matching funds for purchase of a water-quality monitoring buoy  
Presented By: Paul Thomas Hunt, Environmental Manager  
Brie Holme, Water Resources Specialist

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### **RECOMMENDATION**

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

ORDERED, the General Manager is hereby authorized to make a cash contribution of up to \$24,000 and a \$7,300 in-kind contribution to support the purchase, installation, and maintenance for one year of a real-time water quality monitoring buoy in the Lower Bay of Sebago Lake.

### **BACKGROUND**

The District has partnered with St. Joseph's College to apply for a Water Resources Sustainability Research Grant from the Maine Water Resources Research Institute. Pending board approval, the District will be awarded a grant of \$25,200 to purchase and install a real-time water quality monitoring buoy. The data generated by the buoy would serve multiple purposes. It would help the District better understand the lake and the factors that affect water quality. It would influence operations, management, and decision making surrounding source water protection. It would help the District, St. Joseph's College, and the global community better understand lake dynamics, particularly the interactions between lakes and climate. And it would serve as a focal point in educating neighbors who live and recreate on the lake about the importance of the sustainability of Sebago Lake and its watershed.

St. Joseph's College plans to use the buoy to involve environmental science students in the monitoring and protection of Sebago Lake.

Additional in-kind match of \$22,471 will be provided by St. Joseph's College.

### **ANALYSIS**

The total project cost is \$78,971 which breaks down to \$25,200 in grant funds and \$53,771 in matching funds. Matching funds include both a cash contribution and in-kind services.

**FISCAL REVIEW / FUNDING**

The proposed District contribution is \$24,000 cash and \$7,300 in-kind match. The in-kind match is water resources staff time to purchase and oversee installation of the buoy, analyze the data, and conduct outreach to lakefront and watershed landowners and lake users; general services staff time to install and remove the buoy; and instrumentation support to perform monthly sensor maintenance.

**Sebago Lake Watershed Assessment and Prioritization Project Match Sources and Amounts:**

<b>Match Source</b>	<b>Cash Match Planned</b>	<b>In-kind Match Planned</b>	<b>Total</b>
Portland Water District	\$24,000	\$7,300	\$31,300
St. Joseph's College	0	\$22,471	\$22,471
Maine Water Research Inst.	\$25,200		\$25,200
Total Cost (Buoy + Setup + maintenance + one year of operation)			<b>\$78,971</b>

This purchase will be made from the Watershed Protection Fund.

**LEGAL REVIEW**

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

**CONCLUSION(S)**

A high frequency data collecting and transmitting buoy will provide the ability to monitor the lake's response to stress and build an understanding of fundamental lake dynamics. The data and research resulting from it will inform sustainable management of the lake in the short and long term. The Committee voted 2-0 to forward to the full Board for their consideration.

**ATTACHMENTS**

None



Portland Water District  
*From Sebago Lake To Casco Bay*

**BOARD OF TRUSTEES / AGENDA ITEM SUMMARY**

Agenda Item: 6G Resolution 17-001  
Date of Meeting: January 23, 2017  
Subject: Southern Maine Regional Water Council Representatives  
Presented By: Ronald Miller, General Manager

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The Board of Trustees must annually appoint a representative to serve on the Southern Maine Regional water Council. Presently, Chris Crovo is the District's representative, with Trustee Lunt designated as the District's alternate representative.

Pursuant to the Council's bylaws, the District's appointment would be confirmed by the membership at the next annual meeting, which will occur in April, 2017. The period of appointment as PWD's representative will be for the period January 1, 2017 through December 31, 2017.

The following motion is proposed:

BE IT RESOLVED that Christopher Crovo is appointed as Portland Water District's representative to the Board of Directors of the Southern Maine Regional Water Council; and

BE IT FURTHER RESOLVED that Trustee William M. Lunt III is designated as the District's non-voting Alternate Representative to the Southern Maine Regional Water Council. Both appointments shall be through December 2017.