AGENDA
BOARD OF TRUSTEES
PORTLAND WATER DISTRICT
225 Douglass Street, Portland, Maine
Jeff P. Nixon Training Center
6:00 p.m., Monday, December 16, 2019

1. Convene Meeting with Pledge of Allegiance and moment of silence. President Cote

2. Roll Call Clerk

3. Inauguration for the Trustee representing Westbrook elected on November 5, 2019. Clerk

4. Acceptance of Minutes of Regular Meeting of November 25, 2019, and the Workshop Meeting of December 9, 2019. President Cote

5. Invitation for Public Comment President Cote

6. Reports:

   ▪ Operations Committee Reports Trustee Siviski
   ▪ Planning Committee Reports Trustee Lunt
   ▪ Administration & Finance Committee Reports Trustee Garrison
   ▪ General Manager’s Report General Manager

7. New Business
   
   A. Resolution 19-021 awarding the Water Bottle Filling Station Grants. President Cote
   
   B. Order 19-040 authorizing actions related to the 3rd Floor HVAC Upgrades Project for the East End WWTF. Operations Committee
   
   C. Order 19-041 authorizing a contribution to the Western Foothills Land Trust for property located in the Town of Waterford. Planning Committee
   
   D. Order 19-042 authorizing a land swap between the District and Thomas Smillie for property that is located in Gorham. Planning Committee

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. 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

Over
12. **Adjournment.**

Donna M. Katsiaficas
Clerk
Portland Water District

Board of Trustees Regular Meeting

December 16, 2019

New Business

Agenda Items 7A-7D
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7A Resolution 19-021
Date of Meeting: December 16, 2019
Subject: Water Bottle Filling Station Grant Awards
Presented By: Michelle Clements

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

BE IT RESOLVED, that the Board of Trustees hereby awards the following Water Bottle Filling Station Grants for the installation year of 2020:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Location</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windham Christian Academy</td>
<td>Windham, ME</td>
<td>Retro</td>
</tr>
<tr>
<td>Mason-Motz Activity Center</td>
<td>Falmouth, ME</td>
<td>Retro</td>
</tr>
<tr>
<td>Falmouth High School</td>
<td>Falmouth, ME</td>
<td>Stand Alone</td>
</tr>
<tr>
<td>The Governor Baxter School of the Deaf</td>
<td>Falmouth, ME</td>
<td>Stand Alone</td>
</tr>
<tr>
<td>Apex Racket and Fitness</td>
<td>Portland, ME</td>
<td>Stand Alone</td>
</tr>
</tbody>
</table>

BACKGROUND
In 2013, the Board of Trustees authorized the development of the Water Bottle Filling Station Grant program and subsequent funding not to exceed $7,000 annually for water bottle filling equipment. Annually, the Portland Water District awards water bottle filling station grants - maximum value of $5,000 for outdoor units, $2,000 for internal units, and $650 for retrofits - to entities within the service territory.

This year, ten applications were received for water bottle filling fountain grants.

The Water Bottle Filling Fountain Grant Committee met on December 9 and selected five recipients for the Board’s consideration. Applications were reviewed and judged primarily on potential exposure and public access and the promotion of healthy tap water.

FISCAL REVIEW / FUNDING
Funding of $7,000 is included in the public relations budget for 2020. If all applicants accept the grants, funding will still fall within the budgeted amount.

LEGAL REVIEW
Corporate Counsel has reviewed and approved the proposed motion as to form.
CONCLUSION(S)
The Water Bottle Filling Station Grant Sub Committee endorses the proposed motion for the full Board’s consideration.

ATTACHMENTS
The five applications.
Name: Jaclyn Sands
Company or Organization: Windham Christian Academy
Street Address: 1051 Roosevelt Trail
City: Windham
State: ME
Zip Code: 04062
Phone Number: 2078922244
Email Address: office@windhamchristian.org
Installation Year: 2020
Which type of unit are you applying for?: Retro
Describe the location of proposed installation: In a school lobby
Describe exposure, approximate number of people passing by the unit, current use of fountains, etc.: The unit would be located in the main lobby of the school building. 100+ people travel by each day.
Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain: Students currently fill up water bottles at a water fountain which typically takes 2-3 minutes per bottle. The bigger the class, the more time this takes!
Who is your primary audience for the unit?: school children
Who will be installing the unit?: Internal
How did you learn of the grant program?: Other
Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes
Do you need to pursue additional approvals in order to install the unit?: No
Name: Lucky D'Ascanio  
Company or Organization: Town of Falmouth  
Street Address: 190 MIDDLE RD  
City: FALMOUTH  
State: ME  
Zip Code: 04105  
Phone Number: 2076995313  
Email Address: ldascanio@falmouthme.org  
Installation Year: 2020  
Which type of unit are you applying for?: Retro  
Describe the location of proposed installation: Mason-Motz Activity Center - a renovated school building for community use in the hallway  
Describe exposure, approximate number of people passing by the unit, current use of fountains, etc.:  
MMAC is a community center with daily activities for all ages. We currently offer a before/after care programs for school-age children, host a pre-school, have a dedicated senior center room, offer daily fitness/wellness classes, safe indoor walking programs for senior citizens, meeting space for residents and civic groups, etc.  
Approximate number of patrons per day is anywhere from 250-400 on a regular basis.  
Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain:  
The Town of Falmouth is committed to conservation on all levels and the Parks & Community Programs Department would love to be proactive in fostering that commitment. Our department is also wellness centered and would like to support healthy habits for all of our participants as well as staff by encouraging them to be conservation-minded as the same time by refilling their own water bottles. Currently we do not have funds for upgrades to our center such as this and would be grateful for any assistance the PWD could provide.  
Who is your primary audience for the unit?: All ages of activity center participants and staff from preschool to senior citizens.  
Who will be installing the unit?: Contractor  
How did you learn of the grant program?: Other_brochure  
Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes  
Do you need to pursue additional approvals in order to install the unit?: No
Name: Peter Badalament
Company or Organization: Falmouth Public Schools
Street Address: 74 Woodville Rd.
City: Falmouth
State: ME
Zip Code: 04105
Phone Number: 5089583279
Email Address: peter.badalament@falmouthschools.org
Installation Year: 2020
Which type of unit are you applying for?: Stand
Describe the location of proposed installation: 1st floor of Falmouth High School
Describe exposure, approximate number of people using the unit, current use of fountains, etc.: proximity to the cafeteria / students and staff could fill bottles throughout the school day (6.5 hours) additionally outside groups use our building 7 days a week approximate number of people = 760 our current fountains are heavily used
Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain: We (a student and I) are concerned with the number of plastic water bottles that are purchased and disposed of daily in the school. We would like to transition our school community to the use of reusable water bottles. There currently is no water bottle filling station near the cafeteria. Additionally, adding a filling station would give students and staff the opportunity to utilize many times during the school day.
Who is your primary audience for the unit?: students and staff of a high school
Who will be installing the unit?: Internal
How did you learn of the grant program?: Internet
Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes
Do you need to pursue additional approvals in order to install the unit?: No
Name: Catherine Murphy
Company or Organization: Maine Education Center for the Deaf and Hard of Hearing, The Governor Baxter School of the Deaf
Street Address: 1 Mackworth Island
City: Falmouth
State: ME
Zip Code: 04105
Phone Number: 2077816294
Email Address: catherine.murphy@mecdhh.org
Installation Year: 2019
Which type of unit are you applying for?: Stand
Describe the location of proposed installation: School entrance
Describe exposure, approximate number of people passing by the unit, current use of fountains, etc.: There will be approximately 40-60 people each day, and on occasion up to 100 as this is also an entrance to our conference center.
Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain: Our fountain in our school area is not currently working. We would like to replace this with a fountain/filling station. We are a state school for the deaf and hard of hearing but our funds are almost entirely allocated to instructional staff. We have minimal funds to apply to capital repairs/upgrades and they are expended on needs such as roof repair, air quality, etc.
Who is your primary audience for the unit?: Pre-School students, staff and parents and others who will be using our conference center.
Who will be installing the unit?: Contractor
How did you learn of the grant program?: Other brochure
Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes
Do you need to pursue additional approvals in order to install the unit?: No
Name: Apex Racket and Fitness
Company or Organization: Apex Racket and Fitness
Street Address: 2445 Congress Street
City: Portland
State: ME
Zip Code: 04102
Phone Number: 2077756128
Email Address: stephanwoods@icloud.com
Installation Year: 2019
Which type of unit are you applying for?: Stand
Describe the location of proposed installation: 1st floor water fountain located in the main corridor. Highly visible next to our main tennis and racquetball court entrance.
Describe exposure, approximate number of people passing by the unit, current use of fountains, etc.: We are an open to the public facility and not a private club offering indoor fitness center, racquetball, tennis, table tennis, indoor golf and squash. Opened in 1970 we are the HUB of tennis in Maine and have been in continuous operation for and approaching 50 years of operation. We are the largest indoor racket club north of Boston offering adult and junior tennis services. We don't have members but serve more then 12,000 customers annually, through hosting high school matches, tournaments, clinics, lessons, USTA team matches and court time.
Explain your organization's need / reason for applying for a grant and interest in a bottle filling fountain: Our current water fountain while functional is very old and does not offer the bottle filling station option. Many of our customers would use this function rather then purchasing the plastic bottle of water that we offer reducing waste generated from disposable water bottles. Ideally, we would like to install two of these systems as we have another unit located on our second floor that currently not working and turned off. This system does not offer the water bottle function and is original to the club. We function much like a not for profit offering tennis and community fitness services to the greater Portland area. We could really use the grant to install this system.
Who is your primary audience for the unit?: All our customers, general audience and staff would use this unit as this is our primary water system.
Who will be installing the unit?: Contractor
How did you learn of the grant program?: Brochure
Does your organization agree to pay all installation, maintenance, and water costs associated with the unit?: Yes
Do you need to pursue additional approvals in order to install the unit?: No
RECOMMENDATION
The following proposed language is presented for Board of Trustee approval:

ORDERED, that the Comprehensive Method is authorized for the procurement of engineering services for the East End WWTF 3rd Floor HVAC Upgrades Project, pursuant to the District’s Purchasing Policy, 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.

ORDERED, a professional services contract with Triple Point Engineering LLC is hereby authorized in the amount of $89,875 for design phase engineering services for the East End WWTF 3rd Floor HVAC Upgrades Project (CIP 2019-21/3017); 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
PWD conducted an HVAC system assessment and planning effort for all four wastewater treatment facilities in 2016. As a result of that effort several upgrade projects were recommended and prioritized into proposed CIP projects. This project will address heating, cooling and ventilation needs for the third floor of the East End WWTF which includes the laboratory, reception area, operations control center, lavatories, conference room, and five offices.

Staff recommends a "design-bid-build" approach to this effort which would include detailed design and development of plans and specifications as part of a request for bids (RFB) issued to contractors for competitive pricing. Therefore, the Comprehensive Method for professional services is requested, such that the firm responsible for development of the contract documents may be recommended to continue providing professional services through project completion. Using the Comprehensive Method, recommendation for construction phase professional services will be made upon completion of the RFB.

Three professional services firms were invited to a request for proposals (RFP) for design of the East End 3rd Floor HVAC upgrades. Two firms responded and described their proposed approach
to meet the project objectives; a ranking committee comprised of three PWD staff members was assembled and reviewed the responses and ranked each team based on the qualitative criteria described in the RFP, where a ranking of 1 was given to the firm that best met the project's objectives. The Purchasing Agent then opened the fee proposals and added the quantitative ranking to each team's overall score based on the comparative cost formula published in the RFP. Triple Point Engineering was the successful respondent with a score of 100, which represents unanimous top ranking of the qualitative criteria and the lowest fee proposal. Staff recommends award of professional services for the East End 3rd Floor HVAC upgrade to Triple Point Engineering.

**Project #:** 2019 CIP, Subprogram 21 project #3017 (East End WWTF 3rd Floor HVAC Upgrades Project).

**FISCAL REVIEW/FUNDING**
This project includes comprehensive engineering services for the East End WWTF 3rd Floor HVAC Upgrades Project which has a budget of $575,000. The project has been submitted for consideration for the CWSRF project list for funding through MMBB. Estimated annual operating fund impact for this project is approximately $50,000.

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

**CONCLUSION(S)**
Staff recommends awarding a contract for engineering design services under the Comprehensive Method for the East End WWTF 3rd Floor HVAC Upgrades Project to Triple Point Engineering. The Committee voted 2-0 to forward the recommendation to the full Board for their consideration.

**ATTACHMENT(S)**
SUPPORTING INFORMATION
SUPPORTING INFORMATION

PWD conducted an HVAC system assessment and planning effort for all four wastewater treatment facilities in 2016. As a result of that effort several upgrade projects were recommended and prioritized into proposed CIP projects. This project will address heating, cooling and ventilation needs for the third floor of the East End WWTF which includes the laboratory, reception area, operations control center, lavatories, conference room, and five offices.

This project includes design phase engineering services, including preliminary design, detailed design and bidding. This effort will include establishing a design basis outlining the components of the preliminary design and associated cost breakdown, followed by development of the plans and specifications with intermediate milestones to confirm scope objectives and project cost. The scope of the construction phase engineering services will be refined based on work sequencing and other project requirements developed during design.

Three qualified engineering firms were invited to respond to the RFP: Colby Company, Tighe & Bond, and Triple Point Engineering. Two firms responded: Colby Company and Triple Point. A selection team of three PWD staff including representation from Operations and AMaP was assembled to review the proposals. The selection committee reviewed the proposals and held meetings to discuss the team’s responses.

Each selection team member reviewed the proposals based on the two non-fee categories identified in the RFP; Methods & Approach (35%) and Qualifications & Experience (35%). The two proposals were ranked for each category, where a 1 ranking represented the team that best met the requirements. The rankings for each firm were averaged for the entire review team.

Following the team review, the lump sum fee was opened. It was added to the overall ranking of the proposals (at 30%). A total of 100 represents a perfect score and the lowest fee. Based on the outcome of the review and ranking, Triple Point Engineering received the best overall score (100).

Key factors that led to recommendation of the Triple Point team include the following:
- Well defined project approach including establishment of intermediate milestones and project team member responsibilities;
- Recognition of the need to comply with Clean Water SRF procurement requirements;
- Emphasis on the need for assessment and upgrade scope refinement;
The following table summarizes the results of the selection committee’s evaluation of each respondent, including a scoring breakdown:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Triple Point</th>
<th>Colby Company</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Methods &amp; Approach</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weight - 35% (Best Score = 35)</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Methods Score</strong></td>
<td>35</td>
<td>70</td>
</tr>
<tr>
<td><strong>2. Qualifications &amp; Experience</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weight - 35% (Best Score = 35)</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Qualifications Score</strong></td>
<td>35</td>
<td>70</td>
</tr>
<tr>
<td><strong>3. Fee</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weight - 30% (Best Score = 30)</td>
<td>1</td>
<td>2.32</td>
</tr>
<tr>
<td>Lump Sum Fee (through Final Design and Bidding)</td>
<td>89,875</td>
<td>149,064</td>
</tr>
<tr>
<td><strong>Fee Score</strong></td>
<td>30</td>
<td>69</td>
</tr>
<tr>
<td><strong>Total Score</strong></td>
<td>100</td>
<td>210</td>
</tr>
<tr>
<td><strong>Rank</strong></td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

As a result of the review, the team recommends award to Triple Point Engineering for an amount of $89,875 for completion of the East End WWTF 3rd Floor HVAC Upgrades Project design. It is recommended that the comprehensive method for procuring engineering services be used for this project, meaning that it is anticipated that the same firm will be utilized for preliminary and final design as well as construction services.
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7C Order 19-041
Date of Meeting: December 16, 2019
Subject: Request for contribution of up to $9,000 to Western Foothills Land Trust to support the conservation of the Briggs property in Waterford
Presented By: Laurel Jackson, Water Resources Specialist

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

ORDERED, that the General Manager is authorized to contribute up to $9,000 to the Western Foothills Land Trust, to support the conservation of the 28 acre Briggs parcel.

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 Briggs property is a 28-acre property located in the town of Waterford. The Western Foothills Land Trust will accept the donated land with the purpose of conserving it in perpetuity. With the adjacent parcels already conserved, the donation of this land will create a contiguous area of over 200 acres of conserved land on Hawk Mountain.

The land will be owned and managed by Western Foothills Land Trust. The District will require that the land be legally protected from development in perpetuity.

ANALYSIS
The funding requested by the land trust is less than the contribution amount determined using the District’s site-specific analysis therefore the recommended contribution is the amount requested by the land trust. The District’s conservation value for the parcel is calculated to be $50,000. The contribution of $9,000 represents about $321 per acre of protected land within the watershed. The District’s contribution is to be used towards stewardship. The entire parcel is within the watershed of Sebago Lake.
FISCAL REVIEW / FUNDING
The recommended contribution of $9,000 was calculated using the District’s site-specific assessment. 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 Watershed Land Conservation Policy. The Committee unanimously agreed to forward the contribution to the Board for approval.

ATTACHMENT(S)
Letter of request from Western Foothills Land Trust
Briggs Report
Laurel Jackson  
Portland Water District  
PO Box 3553  
Portland, ME 04104-3553

Dear Portland Water District,

Enclosed please find The Western Foothills Land Trust’s request for stewardship support for the fee donation of three forested parcels - 28 acres total - adjacent to our 160-acre Hatch Preserve at Hawk Mountain in Waterford. The land is in the Sebago Lake Watershed and includes 1,200’ of frontage on Mud Pond.

The value of the fee donation was recently appraised at a total of $103,000 for the 28 acres; WFLT is requesting $9,000 for the stewardship fund. The Trust will keep the lands in tree growth taxation and will work with PWD on the management plan for the parcel.

The parcels may be identified as Waterford maps M-9 L4, M9 L4a, and M9 L5. The three parcels are 30% wetlands, which corresponds to high watershed protection value (SCW Mapper, see photo). The remaining 70%, the area outside of wetlands, is rated as high working land value (SCW Mapper, see photo). The same area (70% of the whole) has medium development threat (SCW Mapper, see photo).

Colonel Errol Briggs, the donor, a naturalist for the State of Vermont, has identified *Spahagnum* moss, black spruce, cranberries, grass pink orchid, white fringed orchid, rose pogonia, northern yellow-eyed grass, horned bladderwort, sundews, pitcher plants, and numerous other fen species on site.

Thank you for your consideration of this project. And please do not hesitate to let us know if you need anything else from us. Mr. Briggs would like to close in 2019. We are aiming for the week before Christmas.

Lee Dassler  
Executive Director
PORTLAND WATER DISTRICT

Land Conservation Program
Site-Specific Assessment

Briggs Property
Waterford, Maine

This report was prepared by PWD’s Environmental Services Department
November 25, 2019
Briggs Property, Waterford, ME
Site Visit by Laurel Jackson, 6/31/2019

Description
The Briggs property is three parcels, totaling 28 acres, located in the town of Waterford. The land is entirely forested and has 1200 feet of frontage on Mud Pond. It is adjacent to a 160-acre preserve owned by Western Foothills Land Trust on Hawk Mountain. The Trust plans to maintain the property as a managed forest, allowing public access but not creating a trail system or formalized recreation area.

Site Features
Location
The property is located approximately 17 miles north of Sebago Lake. The access is via Hawk Mountain Road.

![Location of property](image)

Land Use/Land Cover
The property is entirely forested.

Water Resources
There are eight acres of mapped wetlands associated with Mud Pond and 1200 feet of shoreline on the pond.

Connection to Sebago Lake
The land to be conserved drains to Mud Pond. Located in the indirect watershed, Mud Pond drains to Sebago Lake via a chain of lakes.
SITE-SPECIFIC PROPERTY ASSESSMENT

Property Name: Briggs  Area (acres): 28
Location: Waterford  Land Trust: WFLT

Description: Forested parcels adjacent to Hawk Mountain conservation area

<table>
<thead>
<tr>
<th>Prioritization Zone</th>
<th>Acres</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone 1</td>
<td>11</td>
<td>40</td>
</tr>
<tr>
<td>Zone 2</td>
<td>17</td>
<td>60</td>
</tr>
<tr>
<td>Zone 3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Forest cover: 24 acres  85 percent
- Sig. sand and gravel aquifers: 0 acres  0 percent
- Mapped wetlands: 8.5 acres  30 percent
### SITE-SPECIFIC PROPERTY ASSESSMENT

**Property Name**: Briggs

<table>
<thead>
<tr>
<th>Estimated Conservation Value</th>
<th>PWD Value: $50,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appraisal: $103,000</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Watershed Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highest priority zone encompassing at least 25%</td>
</tr>
</tbody>
</table>

#### Low Percentage of Contribution Range

<table>
<thead>
<tr>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone I = 15-25%</td>
</tr>
<tr>
<td>Zone II = 10-20%</td>
</tr>
<tr>
<td>Zone III = 5-15%</td>
</tr>
</tbody>
</table>

#### Factors

<table>
<thead>
<tr>
<th>Factor</th>
<th>Value</th>
<th>Add</th>
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</thead>
<tbody>
<tr>
<td>Located in 7 shoreland towns?</td>
<td>No</td>
<td>0 %</td>
</tr>
<tr>
<td>More than 50% forested</td>
<td>Yes</td>
<td>2 %</td>
</tr>
<tr>
<td>More than 10% aquifer?</td>
<td>No</td>
<td>0 %</td>
</tr>
<tr>
<td>More than 20% wetlands?</td>
<td>No</td>
<td>2 %</td>
</tr>
<tr>
<td>Other (explain)</td>
<td></td>
<td>0 %</td>
</tr>
</tbody>
</table>

#### Calculated contribution (percent)

| 19 % |

#### Calculated contribution (dollars)

| $9,500 |

#### Recommended contribution (dollars)

| $9,000 |
BOARD OF TRUSTEES / AGENDA ITEM SUMMARY

Agenda Item: 7D Order 19-042
Date of Meeting: December 16, 2019
Subject: Land Swap – Wescott Road – Gorham
Presented By: Norman Twaddel, Right of Way Agent

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

ORDERED, a land swap is authorized between the Portland Water District and Thomas Smillie related to land off Wescott Road in Gorham;

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

BACKGROUND ANALYSIS
Thomas Smillie owns a 55 acre parcel of land located on Wescott Road in Gorham. The District has an easement and fee strip of land that runs through the property from side to side for the 42” cast iron transmission main, a large portion of which is fee owned land. This ownership was recently discovered in the process of having the land surveyed. Historically, the access road across the main from Wescott Road to the rear of the property has been located in the area where PWD owns the fee of the land. The area where PWD only has an easement is not suitable for a driveway /access road due to wetlands.

Mr. Smillie has requested that the District swap fee strips of land as shown on the attached map so that he can build a roadway across the main in the location where the existing woods road crosses. The parcel that is proposed to be deeded to Smillie contains 46,000 SF. The District would retain easement rights in that strip for the water main and would need to approve any road design over the pipe crossing before it is built. Mr. Smillie would also be held liable for any damage done to the main due to his road construction.

In exchange for that parcel, the District would receive a 57,000 SF adjacent fee parcel which contains transmission valves and bridge crossings that we need to maintain and a permanent access easement to the transmission line from Wescott Road. The current fee piece contains only a pipe line with no other structures. The District has used this access road from Wescott Road in the past to get access to the transmission main, although we do not have any permanent easement rights.
Mr. Smillie plans to sell one house lot on Wescott Road and build his future home in the rear of the property. He also has future plans to develop approximately 3-4 more lots on the rear parcel as shown on the attached development plan. Staff has checked with the Town CEO to assure that this plan can be done under Town land use regulations.

Staff has determined that this easement swap will continue to provide adequate easement rights for the transmission mains and will provide us with a permanent access point to get to our main. Therefore, staff is recommending that the Board of Trustees authorize the General Manager to sign the deeds to complete this easement swap.

**FISCAL REVIEW / FUNDING**
The proposed easement swap will not involve any cash payments.

**LEGAL REVIEW**
Corporate Counsel will review the proposed deeds prior to execution.

**CONCLUSION(S)**
Staff recommends that PWD proceed with the proposal described above. The Committee voted unanimously to send to the full Board for their approval.

**ATTACHMENTS**
Land Swap Plan
Proposed Development Plan