



**Long Creek Watershed Management District Board of Directors**  
Minutes from the April 24, 2018 Meeting  
Location: ON Semiconductor, 333 Western Avenue, South Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at approximately 9:15a.m.
2. **Roll Call:**
  - a. Attendance: Angela Blanchette, Arthur Colvin (arrived approximately 9:35a.m., but was present for all votes), Fred Dillon, Eric Dudley, Brian Goldberg, Will Haskell, Susan Henderson (departed for another commitment at approximately 9:45a.m. and did not participate in any votes), Doug Roncarati, Michael Vail
  - b. Absent: Curtis Bohlen, Craig Gorris, Peter Newkirk, Ed Palmer
  - c. Staff/Guests: Peter Carney (LCWMD Executive Director), Aubrey Strause (Cumberland County Soil & Water Conservation District), Jim Katsiaticas, Esq. (Perkins-Thompson)
3. **Review of Board Meeting Minutes:**
  - a. The Board reviewed the minutes from the February 28, 2018 (there having not been a quorum for a vote at the March 28, 2018 meeting) and the March 28, 2018 Board meetings.
  - b. Mr. Goldberg noted that a comment was attributed to him in the March 28, 2018 minutes, however, he did not attend the March meeting.
  - c. Mr. Carney noted that he made the comment attributed to Mr. Goldberg, which was a reference to a comment Mr. Goldberg made at the February 28, 2018 meeting. Mr. Carney advised he would clarify this in the final version of the March 28, 2018 minutes.
  - d. **Mr. Vail made a motion to accept the minutes from the February 28, 2018 and March 28, 2018 meetings, with the clarification noted. The motion was seconded by Mr. Roncarati. The motion carried unanimously.**
4. **Gorham Sand & Gravel, Inc. Change Order – Maine Mall Gravel Wetland:**
  - a. Mr. Carney briefly reviewed the history of the Maine Mall gravel wetland project.
  - b. Mr. Carney noted that during closeout of the construction contract a review of the project's "as-built" drawings reflected that the invert elevation of the outlet pipe was constructed approximately 4" higher than its design elevation. The result being that the water level in the "gravel wetland" portion of the project is 4" too high.
  - c. Mr. Carney noted the project was designed to have a very precise water level in the gravel wetland, given the sensitivity of plants in the gravel wetland to the water level. Survivability of the plants in the gravel wetland has been an issue, and it is believed that the high water level is contributing to the poor survival rate because the roots of the plants are wet too often.
  - d. Mr. Carney noted that he and Ms. Strause worked with the project engineer, Horsley Witten Group, and the construction contractor, Gorham Sand & Gravel, Inc., to identify why the outlet pipe was not installed per the design drawing.
  - e. The construction contractor explained that the location of the outlet pipe was moved to avoid a seam when coring through the preexisting concrete outlet control to install the pipe.
  - f. The construction contractor advised that the change was authorized in the field by the design engineer.

- g. The design engineer has no recollection, or record, of authorizing a change in the invert elevation of the outlet pipe.
- h. The construction contractor has no written record of such authorization.
- i. Mr. Carney advised that he sought an estimate from the construction contractor to lower the invert elevation of the outlet pipe to determine the financial scope of correcting the elevation issue.
- j. The construction contractor provided the estimate included in today's Board packet, which reflects an amount of \$7,421.20 to perform the work.
- k. Mr. Goldberg stated that LCWMD should not bear the full responsibility of paying for this repair and inquired as to whether design engineer and construction contractor should share in the expense.
- l. Mr. Carney noted that the design engineer made a comment concerning the water level in the gravel wetland during its final inspection of the project in August 2016, noting that there appeared to be too much water in the gravel wetland and that the elevation of the gravel bed and invert elevation of the outlet pipe should be checked against "as-built" drawings for the project.
- m. It was during the review of the "as-built" drawing that the issue with the elevation of the outlet pipe was identified.
- n. Mr. Roncarati suggested that the work could be bid out to other contractors.
- o. **Mr. Dudley moved to authorize the Executive Director to enter into a change order with Gorham Sand & Gravel, Inc. in an amount up to \$7,421.20 to lower the invert elevation of the Maine Mall gravel wetland outlet pipe to elevation 39.00' as reflected in the project design plans.**
- p. On discussion of the motion, Mr. Goldberg requested that the motion be amended to reflect that the Board is approving the full amount of the change order request, but that Mr. Carney at least ask the construction contractor to contribute.
- q. Mr. Haskell suggested that LCWMD could ask the construction contractor to waive the "mobilization" fee reflected in the estimate.
- r. **Mr. Dudley amended the motion to include that while the full amount of the requested change order was being approved, Mr. Carney will ask the construction contractor to reduce the cost of the work by an amount equal to the "mobilization" cost identified in the estimate. The motion was seconded by Ms. Blanchette. The motion carried unanimously.**

##### **5. Disposition of Jellyfish Frames and Monitoring Equipment:**

- a. Mr. Carney asked the Board to direct their attention to the inventory included in today's Board packet.
- b. Mr. Carney noted that the inventory reflects unused monitoring equipment and filter frames from "Jellyfish" structural BMPs, the Jellyfish structures having been installed as part of an LCWMD construction project.
- c. Mr. Carney advised that the monitoring equipment had an original purchase price of an estimated \$35,000. However, the monitoring equipment was believed to have been purchased in 2010 and 2011 and has since been replaced by LCWMD. The monitoring equipment has not been used in several years and has been in storage at the Cumberland County Soil & Water Conservation District office.
- d. Mr. Carney noted that the Jellyfish frames were removed from the Jellyfish BMP structures during the 2017 BMP inspection and maintenance process. At the time, it was determined

- that the filters within the structures, which are similar to a swimming pool type cartridge filter, needed to be replaced. The cost of replacement was estimated to be approximately \$7,500.
- e. Upon being advised of the replacement cost, Mr. Carney noted that he conferred with Ms. Strause and determined that replacement of the filters was not worth the expense as the filters were providing little stormwater treatment.
  - f. Ms. Strause explained that the Jellyfish structures were installed without a recommended upstream “pretreatment” device, which would prevent the filter elements from becoming prematurely clogged. Without the pretreatment device, the filters will continue to become clogged, and as the result, be of limited effectiveness in removing stormwater pollutants.
  - g. Ms. Strause noted that without the filters, the Jellyfish structures will still act as a type of “vortec” unit and will, therefore, still be effective at removing the more coarse pollutants from stormwater entering the structures.
  - h. Mr. Carney noted that the filter frames are presently being stored by LCWMD’s inspection and maintenance contractor for the Jellyfish units, who offered to store them over the past winter.
  - i. Mr. Carney noted that there is possibly a limited secondary market for the used monitoring equipment, but that it is likely of little value. There is likely no secondary market for the Jellyfish filter frames.
  - j. Mr. Carney suggested that the most efficient means of disposing of the monitoring equipment would be to donate it to another nonprofit, or an academic institution, which may be able to use the equipment to informally gather monitoring data not subject to stringent quality assurance/quality control procedures.
  - k. Mr. Carney noted that the Jellyfish filter frames would most likely go to a recycling facility.
  - l. Mr. Goldberg moved to authorize the Executive Director to sell, donate, or dispose of the property identified in the inventory with the decision to sell, donate, or dispose of the property at the discretion of the Executive Director. The motion was seconded by Ms. Henderson. The motion carried unanimously.

**6. GZA GeoEnvironmental, Inc. – Sole Source – Habitat and Macroinvertebrate Assessments:**

- a. Mr. Carney advised that during the design process for the Main Stem restoration project, it was suggested that just prior to construction of the project would be a good opportunity to perform habitat and macroinvertebrate assessments to establish a baseline by which to determine the later effectiveness of the project.
- b. Both assessments would compare conditions in the restoration reach against conditions in an upstream “control” reach. The assessments would allow a comparison of pre-project habitat conditions and the representative macroinvertebrate populations in the restoration and control reaches, against post-project assessments.
- c. Mr. Carney noted that GZA GeoEnvironmental, Inc. (“GZA”) performed a habitat assessment once before in 2015 as part of the Expert Review Panel process, to assess habitat in the restoration reach and the reference reach. This study was one of the bases for pursuing the Main Stem Restoration Project.
- d. Mr. Carney noted that the assessments are not required by the Long Creek Monitoring Plan and that the results could not be used for compliance purposes, therefore, this would be an information-gathering exercise to provide documentation of the effectiveness of habitat restoration projects.
- e. Mr. Haskell inquired as to whether the amount requested includes the post-construction assessment.
- f. Mr. Carney advised that the request amount is solely for the pre-construction assessment.

- g. There ensued a discussion on the value of doing these assessments without a consensus being reached.
- h. It was suggested that it may be best to have this discussion at a future meeting when Mr. Bohlen, who has knowledge in these areas, was present.
- i. **Mr. Colvin moved to table a decision on the Habitat and Macroinvertebrate Assessments until a future meeting. The motion was seconded by Mr. Vail. The motion carried unanimously.**

**7. GZA GeoEnvironmental, Inc. – Sole Source – QA/QC Data:**

- a. Mr. Carney noted that following the recent migration of the LCWMD water quality monitoring database to LCWMD's server, he had conducted a limited data quality review of the data in the database.
- b. During this preliminary data quality review, several quality assurance/quality control ("QA/QC") issues were identified with the historic data in the database including duplicate entries, entries in incorrect units of measurement, and duplicate or inaccurate methods of analysis entered.
- c. Mr. Carney advised that this sole source request is for the funds necessary to conduct a comprehensive QA/QC review of historic data in the water quality monitoring database.
- d. Mr. Carney recommended that GZA be awarded this sole source contract because of GZA's familiarity with the data and LCWMD's water quality monitoring program.
- e. Mr. Carney advised that he discussed the QA/QC issues with Kate McDonald, who is presently an Assistant Project Manager with GZA, but was previously the staff scientist for the Cumberland County Soil & Water Conservation District ("CCSWCD") through December 2015.
- f. During her tenure at CCSWCD, Ms. McDonald advised that she conducted significant QA/QC analysis on data in the database.
- g. The documentation from Ms. McDonald's prior QA/QC work is maintained by CCSWCD and would be made available to her for the review contemplated under this contract.
- h. Mr. Carney noted that the process contemplated in the underlying scope of work would have GZA's staff, led by Ms. McDonald, identify what the problems are, suggest a way to resolve the issues (or not), and have a representative of LCWMD (most likely Mr. Bohlen and/or Mr. Dillon) review and approve (or not) the recommendations. GZA would then, where appropriate, generate an Excel file with corrections to be uploaded into the database.
- i. Mr. Carney further explained that the corrected data file would then be provided to Amec Foster Wheeler Environment and Infrastructure, Inc. ("Amec"), the database developer, to be input into the database. Given the proprietary nature of the database design, other users have been reluctant to directly edit data in the database. The database structure is complex and has many interconnecting tables, so it would be easy to "break" by someone unfamiliar with the database structure. There is presently an active contract with Amec for database.
- j. Ms. Strause recommended that a second Board member be involved in making decisions on GZA's recommendations so that the burden is not just on Mr. Bohlen, and so that there is consensus on the decisions.
- k. **Mr. Haskell moved to authorize the Executive Director to enter into a sole source contract with GZA GeoEnvironmental, Inc. in an amount up to \$10,000.00 to conduct a Quality Assurance and Quality Control review of water quality monitoring data. The motion was seconded by Mr. Vail. The motion carried unanimously.**

**8. Treasurer's Report:**

- a. Mr. Carney reviewed the March Financial Report, noting there were few highlights.
- b. The accounts receivable report was briefly reviewed.

**9. Executive Director's Report:**

- a. Mr. Carney advised that Ms. Strause asked for time today to provide an update on staffing at CCSWCD.
- b. Ms. Strause notified the Board that Scott Reynolds has accepted a new job with the City of Portland and is no longer with CCSWCD.
- c. Ms. Strause conveyed to the Board Mr. Reynolds's sentiment that he enjoyed having had the opportunity to work on the Long Creek restoration project during his time at CCSWCD.
- d. Ms. Strause advised that Mr. Reynolds performed most of the parcel inspections for CCSWCD on behalf of LCWMD.
- e. Ms. Strause noted and that the parcel inspection work would be reassigned to other staff for the 2018 inspection season.
- f. Mr. Carney noted that two significant contracts are scheduled to expire at the end of calendar year 2018, those being the water quality monitoring and landscaping contracts.
- g. Mr. Carney asked for guidance from the Board on how they would like to proceed with renewal of these contracts, which are typically long-term contracts, considering that the present permit cycle ends in June of 2020.
- h. Mr. Carney also noted that while LCWMD operates on a July 1 to June 30 fiscal year basis for accounting purposes, for practical purposes the monitoring and landscaping contracts are structured on a calendar year fiscal year basis.
- i. There then ensued a discussion of the advantages and disadvantages of short-term contracts to fill the gap between the end of the current contracts and the end of the present permit cycle, versus long-term contracts that would extend beyond the end of the current permit cycle.
- j. Mr. Carney said he would take the discussion under advisement and review the contracting options to be discussed at the next Board meeting.
- k. Mr. Dillon noted that he and Mr. Bohlen personally attended, and Mr. Katsiaficas and Mr. Carney telephonically attended, a meeting in St. Albans, Vermont at the invitation of the Conservation Law Foundation.
- l. Mr. Dillon noted that new statewide permitting requirements are being developed in Vermont based on impervious cover.
- m. Mr. Dillon noted that the meeting was also attended by the Secretary of the Vermont Agency of Natural Resources, the state's largest developer, and municipal officials from the City of St. Albans. The attendees from Vermont were interested in hearing about LCWMD's implementation of a cooperative approach to implementing permit requirements to see if elements of the LCWMD model could work in St. Albans.

**10. Annual Participating Landowner Meeting:**

- a. Mr. Carney advised that the date and venue for the Annual Participating Landowner Meeting have been finalized.
- b. The meeting will be held at the Marriott at Sable Oaks on May 14, 2018 from 3:00p.m. to 5:00p.m.

**11. Public Comment(s):** None.

**12. Next Meeting:** The next Board meeting will be held on either May 14, 2018 if the Marriott at Sable Oaks can accommodate the regular Board meeting just prior to the Annual Participating Landowner Meeting, which begins at 3:00p.m. In the event that the Marriott at Sable Oaks cannot accommodate the meeting, the meeting next Board meeting will be held on March 22, 2018 at 9:00a.m. at the Scarborough Town Hall.\*

*\*It was subsequently determined that the meeting would be held on May 14, 2018 at the Marriott at Sable Oakes at 1:00p.m.*

**13. Adjourn:** The meeting adjourned at 11:27a.m.