



Long Creek Watershed Management District Board of Directors

Minutes from May 21, 2019 Meeting

Location: Marriott at Sable Oaks, 200 Sable Oaks Drive, South Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at 2:07p.m.
2. **Roll Call:**
 - a. Attendance: Curtis Bohlen, Fred Dillon, Sean Donohue (arrived at 2:18p.m., following vote on the minutes), Brian Goldberg, Craig Gorris, Will Haskell, Susan Henderson, Taylor LaBrecque, Doug Roncarati
 - b. Absent: Angela Blanchette, Arthur Colvin, Eric Dudley, Ed Palmer, Michael Vail
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District), Chris Brewer (Cumberland County Soil & Water Conservation District), David D'Andrea (Marriott at Sable Oaks)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the April 3, 2019 meeting.
 - b. **Mr. Roncarati made a motion to accept the minutes from the April 3, 2019 meeting. Ms. Henderson seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Brewer reviewed the April Financial Report.
 - b. Mr. Bohlen noted that there were few expenditures in April because no substantial construction or field work activities occur in April due to the weather.
 - c. Mr. Bohlen noted there is a large balance to spend on construction efforts.
 - d. Mr. Brewer noted that current construction budget projections account for approximately \$1.5 million for the planned Main Stem and Hannaford Basin projects.
5. **LCMWD Meeting with U.S. Environmental Protection Agency and the Maine Department of Environmental Protection:**
 - a. Mr. Dillon asked Mr. Carney to provide an update on LCWMD's recent meeting with the U.S. Environmental Protection Agency ("EPA") and the Maine Department of Environmental Protection ("Maine DEP") concerning the future of LCWMD's work in the Long Creek Watershed.
 - b. Mr. Carney reported that LCWMD Board members and staff recently met with EPA and Maine DEP in anticipation of the end of the current Long Creek General Permit five-year permit cycle and to discuss planning steps for the next permit cycle.
 - c. Mr. Carney noted that EPA and Maine DEP would like to hold off on making decisions on requirements for the next permit cycle until the monitoring data analysis (award of the contract for which is a subject for today's meeting) is complete so that this analysis can be used as the basis for revisions to the Long Creek Watershed Management Plan (the "Watershed Management Plan").

- d. An option that was discussed for the third permit cycle was to hold off on any new construction projects for the first year or two of the third five-year permit cycle while continuing with monitoring and maintenance efforts.
- e. This one-or-two-year period would be used to determine whether more construction is needed and, if so, what the nature of the new construction would be to best serve restoration of the stream.
- f. It is anticipated that the process for revising the Watershed Management Plan for the next permit cycle will include stakeholder engagement in addition to the required public comment period.

6. Watershed Monitoring Data Analysis Services Agreement Award:

- a. Mr. Carney provided background on the development of the Request for Proposals ("RFP") pertaining to this work.
- b. Mr. Carney noted that the end of the second five-year permit cycle of the Long Creek General Permit is in June 2020.
- c. The end of the second permit cycle will mark ten years of implementation of the Watershed Management Plan.
- d. The Watershed Management Plan contemplated a ten-year implementation period and is silent on what should happen after the first ten years of implementation.
- e. The Board has in the past acknowledged the need to undertake a detailed assessment of the first ten years of implementing the Watershed Management Plan and allocated a budget for this work in LCWMD's Fiscal Year 2019 budget.
- f. LCWMD's Board and staff identified the analysis of LCWMD's monitoring data that has been collected over the past nine years as the best way to determine what impacts implementation of the Watershed Management Plan has had thus far.
- g. Furthermore, a review and analysis of the available data was requested by EPA and Maine DEP to guide decisions on the requirements of the next cycle of the Long Creek General Permit and revisions to the Watershed Management Plan.
- h. Mr. Carney worked with Mr. Bohlen on the RFP to develop the best approach to analyzing LCWMD's existing data set.
- i. The process outlined in the RFP requires a statistical analysis of the millions of data points that have been collected through LCWMD's monitoring program to determine if impacts on water quality can be tied to implementation of stormwater BMPs, climate and weather, good housekeeping practices, and other questions that are detailed in the RFP.
- j. Mr. Carney advised that one proposal was received in response to the RFP, which is from GZA GeoEnvironmental, Inc., LCWMD's current water quality monitoring contractor.
- k. Mr. Dillon, Mr. Bohlen, and Mr. Carney reviewed and scored the proposals in accordance with the scoring criteria identified in the RFP. A scoring summary was handed out at the Board meeting and is attached to these minutes as Exhibit A.
- l. The proposal reviewers recommended to the Board that a services agreement for the data analysis work identified in the RFP be awarded to GZA GeoEnvironmental, Inc.
- m. Mr. Carney noted that in addition to being the only proposal received, the GZA GeoEnvironmental, Inc. proposal was responsive to the RFP and the proposal was scored highly by the reviewers.

- n. Mr. Carney noted that a large portion of the GZA GeoEnvironmental, Inc. team would be from its Chicago office because staff in that office have the best expertise to perform the work, however, GZA's Portland, Maine staff will oversee the project.
- o. Mr. Carney advised that he spoke with the three references provided in the proposal concerning GZA GeoEnvironmental, Inc.'s Chicago staff and each of the references spoke highly of their work.
- a. **Mr. Goldberg made a motion to authorize LCWMD's Executive Director to enter into a Services Agreement with GZA GeoEnvironmental, Inc. in an amount not to exceed \$47,029 to perform data analysis services in accordance with the Watershed Monitoring Data Analysis Services Request for Proposals issued by LCWMD on April 4, 2019. Mr. Bohlen seconded the motion. The motion carried unanimously.**

7. Maritime Farms & Land Management, LLC, Change Order:

- a. Mr. Carney noted that this change order pertains to replanting of the Blanchette Brook riparian buffer which was implemented as part of a larger riparian corridor restoration project that LCWMD implemented at 1 Thomas Drive in Westbrook.
- b. The riparian corridor restoration project was performed in 2011 and the riparian buffer was partially replanted once before in 2015.
- c. Mr. Carney noted that the original design for the riparian buffer called for primarily smaller plants because they were deemed most suitable to address concerns of the commercial landowner and tenant at the time of the original design.
- d. Over the years, the plantings have become degraded as the result of a combination of plant mortality and inadvertent mowing by landscape contractors operating in the area.
- e. Mr. Carney noted that he worked with Chris Baldwin, engineer with the Cumberland County Soil & Water Conservation District, and David Moore of Maritime Farms & Land Management, LLC, LCWMD's landscaping contractor, to develop a revised planting plan for the riparian buffer.
- f. The proposed planting plan entails replanting the riparian buffer with trees, rather than smaller plants, which should alleviate the issue of inadvertent mowing.
- g. Mr. Moore developed the planting plan with input provided by the landowner and tenant to identify plant materials that will further LCWMD's restoration goals while being consistent with maintaining the aesthetics of this commercial property.
- h. Mr. Carney further noted that the trees identified in the planting plan will provide more shading for this portion of the stream than was provided by the smaller plants which is important because a biomonitoring station is located at the downstream end of this reach of the stream.
- i. Furthermore, "no mowing" signs have been obtained and will be posted as a further deterrent to keep landscaping contractors out of the riparian buffer area.
- j. Mr. Carney advised that the change order requires that the plants be warranted for one year and that they will be installed with water bags to ensure they will survive the summer.
- k. Mr. Goldberg asked whether a financial contribution should be made by either the tenant or the landscaping contractor for encroachment into LCWMD's buffer.

- l. Mr. Carney replied that degradation the buffer occurred over a long-period of time and it was not attributable to any one incident of encroachment. Furthermore, landscaping contractors may have been unaware that the riparian buffer was planted as a stream restoration measure.
- m. Mr. D'Andrea, in attendance on behalf of Mr. Palmer and the Marriott at Sable Oaks, noted that he managed the Sable Oaks golf course for several years and that LCWMD should reach out to landscaping contractors to make sure that they are aware of the riparian restoration project.
- n. **Ms. Henderson made a motion to Motion to authorize LCWMD's Executive Director to enter into a Change Order to the Landscaping Services Agreement with Maritime Farms & Land Management, LLC dated December 17, 2018 in the amount of \$23,856.75 to perform to perform replanting of the riparian corridor restoration project previously implemented by LCWMD on the property located at 1 Thomas Drive in Westbrook. Mr. Bohlen seconded the motion.**
- o. Prior to a vote Mr. Goldberg offered an amendment to the motion to include as part of the replanting project the installation of signage and outreach to the landowner and tenant to make clear LCWMD's expectations regarding encroachment into LCWMD's easement and raising the possibility of LCWMD seeking compensation for future encroachments into the easement area.
- p. **The motion, with the amendment offered by Mr. Goldberg, carried unanimously.**

8. Annual Nomination and Election of Board Officers: Chair, Vice Chair, Treasurer, and Secretary:

- a. Mr. Carney noted that LCWMD's organizational documents require that an "annual meeting" be held by the Board in May of each year at which time the Board elects a Chair, Vice Chair, Treasurer, and Secretary for the following year.
- b. The Board briefly discussed retaining the same slate of officers for the ensuing year.
- c. Ms. Henderson nominated the current slate of officers to serve for another term, that being Mr. Dillon as Chair, Mr. Roncarati as Vice Chair, Mr. Bohlen as Treasurer, and Mr. Goldberg as Secretary.
- d. **Mr. Haskell made a motion to nominate and elect as officers, Mr. Dillon for the position of Chair, Mr. Roncarati for the position of Vice Chair, Mr. Bohlen for the position of Treasurer, and Mr. Goldberg for the position of Secretary. Ms. LaBrecque seconded the motion. The motion carried unanimously.**

9. Public Comments: None.

10. Next Meeting: The next meeting will be held on June 11, 2019 at 9:00a.m. at with the location to be determined.

11. Adjourn: The meeting adjourned at 2:54p.m.