



## **Long Creek Watershed Management District Board of Directors**

Minutes from August 15, 2019 Meeting

Location: Maine Turnpike Authority, Administration & Public Safety Building,  
2360 Congress Street, Portland, Maine - Conference Room E

- 1. Call to Order:** Mr. Dillon called the meeting to order at 9:01a.m.
- 2. Roll Call:**
  - a. Attendance: Curtis Bohlen, Arthur Colvin (departed after vote on Main Stem Restoration Project, present for all earlier votes), Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Craig Gorris, Will Haskell, Susan Henderson (arrived at 9:16a.m. after vote on minutes, present for all subsequent votes), Doug Roncarati (arrived at 9:04a.m. after vote on minutes, present for all subsequent votes), Michael Vail
  - b. Absent: Angela Blanchette, Taylor LaBrecque, Ed Palmer
  - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District), Jim Katsiaficas, Esq. (Perkins Thompson), Chris Brewer (Cumberland County Soil & Water Conservation District)
- 3. Review of Board Meeting Minutes:**
  - a. The Board reviewed the minutes from the June 11, 2019 meeting.
  - b. **Mr. Haskell made a motion to accept the minutes from the June 11, 2019 meeting. Mr. Dudley seconded the motion. The motion carried unanimously.**
- 4. Treasurer's Report:**
  - a. Mr. Bohlen reviewed the June Financial Report.
  - b. Mr. Bohlen noted that LCWMD's financial auditor asked Mr. Brewer to perform some typical accounting system maintenance before the end of the fiscal year, instead of retroactively after the fiscal year which is the way accounting updates have been handled in the past.
  - c. With respect to the aging report there is nothing that has not been there in the past.
  - d. Mr. Carney and Mr. Brewer are planning to meet with Alison Moody of Maine DEP at the beginning of September to discuss past due accounts.
  - e. Mr. Bohlen noted that we do carry an account for bad debt because there is some money we may never get. It is a good practice to allocate for bad debt so that questionable funds are not allocated to expenditures.
- 5. Award Long Creek Main Stem Restoration Project Construction Services Agreement:**
  - a. Mr. Carney noted that the Board previously reviewed the design plans for the Main Stem Restoration Project.
  - b. A construction services request for proposals was issued on June 26<sup>th</sup>.
  - c. A mandatory bid conference was attended by nine contractors.
  - d. In the end, we received one bid. It is understood that several contractors did not submit bids due to the atypical nature of the project and others due to time constraints.
  - e. The one bid received was from SumCo Eco-Contracting, LLC ("SumCo") which specializes in stream restoration and dam removal work.

- f. The amount of the SumCo bid is \$670,300. This includes a base bid of \$650,300, plus \$22,000 for the alternate work of removing the sheet pile detention basin behind the Guitar Center and DSW shopping center. Chris Baldwin's, the project engineer, construction cost estimate was \$525,000 for the base work, and \$17,000 for the alternate work.
- g. SumCo's bid was reviewed and scored against the criteria identified in the Request for Proposals by Mr. Carney, Mr. Baldwin as the project engineer, and Mr. Haskell as a Board member representative, being the review team.
- h. The average score, based upon the scoring factors identified in the request for proposals, was 88.67 points out of a total of 100 points.
- i. Mr. Carney checked three references for SumCo, two from municipalities and one from a nonprofit, that have previously contracted for work with SumCo.
- j. Contracts for all but one of the projects performed by SumCo for the references were awarded via a competitive bidding process where SumCo was the low bidder.
- k. One reference noted that SumCo was typically the low bidder by margin of about 10% which was attributed to SumCo's focus on environmental work rather than traditional construction projects.
- l. Mr. Carney noted that SumCo is the contractor currently removing the dam on the Presumpscot River in Westbrook.
- m. Overall, the feedback received from the references was that SumCo's work is high quality.
- n. Mr. Carney noted that the Army Corps permit was issued without a deadline for completing the in-stream work by any specific date, therefore, the construction contractor will not need to adhere to a strict deadline.
- o. A strict deadline may have been a problem for the construction contractor to complete the work.
- p. If the contract is awarded today, it will take SumCo approximately ten days to obtain their construction performance bonds.
- q. Mr. Carney asked Mr. Haskell if he had anything to add as the Board member on the review team.
- r. Mr. Haskell seconded Mr. Carney's sentiments noting that he thought the bid appeared to be a good value based on the information received from the references.
- s. Mr. Haskell further noted that it is difficult to come up with an engineer's estimate in the current construction climate. Bids are typically coming in at 25% to 50% over engineer's estimates.
- t. Mr. Roncarati shared that Friends of the Presumpscot River was hoping to work with SumCo for the Presumpscot River dam removal project and they are happy with the work.
- u. Mr. Bohlen offered that the bid appeared to be a good value, particularly given that bids are coming in 25% to 50% over estimates.
- v. Mr. Carney advised that the estimated timeline for in-stream work is September 1, 2019 to October 15, 2019, with overall completion of the work scheduled for October 31, 2019.
- w. Mr. Goldberg asked whether landowners are being updated with information about the construction schedule.
- x. Mr. Carney advised that he has been periodically updating landowners as new information becomes available. The award of the construction today will provide concrete information for another update.

- y. Mr. Carney will send the landowners an email notifying them of the contractor's selection and of the estimated construction schedule.
- z. **Mr. Roncarati made a motion to: (1) authorize the Executive Director to enter into a Services Agreement with SumCo Eco-Contracting, LLC in an amount not to exceed \$670,300.00 to perform construction services in accordance with the Long Creek Main Stem Restoration Project Construction Services Request for Proposals issued by LCWMD on June 26, 2019 and (2) adopt the corporate resolution presented at the meeting evidencing the Executive Director's authority to execute the Agreement. Mr. Bohlen seconded the motion. The motion carried unanimously.**
- aa. Mr. Bohlen suggested a field-trip for Board members once construction for the project is under way.

**6. Change Order: GZA GeoEnvironmental, Inc. Water Quality Monitoring Services Agreement:**

- a. Mr. Carney noted that when the Board approved the fiscal year 2020 budget in June funds were allocated to perform voluntary biomonitoring at three monitoring locations. In addition, the Board allocated funds to perform another round of rapid bioassessments, an alternative method of conducting biomonitoring, and habitat assessments to collect additional pre-project information for the Main Stem restoration Project.
- b. The amount of the funds allocated in the budget was based upon a preliminary cost estimate from GZA GeoEnvironmental, Inc. ("GZA"), LCWMD's water quality monitoring contractor.
- c. At the time of adopting the budget, Mr. Carney noted that the additional biomonitoring work would be performed if stream conditions were favorable for performing the work.
- d. GZA, LCWMD's monitoring contractor, previously noted that in years that the stream had good flow in the spring it was more likely that water quality standards would be met at some biomonitoring stations in that year.
- e. Because we had excellent flow this spring, 2019 looked to be a good year to perform voluntary biomonitoring to see if water quality standards are being met at the three most likely location, S17, S05, and S07.
- f. In addition, the habitat assessments and rapid bioassessments were also recommended to be performed in 2019 given the favorable conditions.
- g. In July, GZA set rock baskets at the three locations in the stream to evaluate the macroinvertebrates and initiated the habitat and rapid bioassessment work.
- h. To complete contracting protocols, Mr. Carney asked GZA to provide a final proposal for the additional work. The estimated cost for performing the work is \$9,600. The estimated cost included in the fiscal year 2020 budget for the work was \$10,000.
- i. Today's proposed change order formalizes the contract amendment and allows Mr. Carney to sign a check for the work as an expense in a contract approved by the Board.
- j. **Mr. Haskell made a motion to authorize the Executive Director to enter into a change order with GZA GeoEnvironmental, Inc. to perform voluntary biomonitoring in 2019 as approved by the Board in the Long Creek Watershed Management District's Fiscal Year 2020 budget. Mr. Vail seconded the motion. The motion carried unanimously.**

**7. Change Order: Clean Venture, Inc. Catch Basin and Drain Manhole Cleaning Services:**

- a. Mr. Carney noted that the current catch basing cleaning contract with Clean Venture, Inc. provides for 400 catch basins to be cleaned annually.

- b. LCWMD manages approximately 800 basins in the watershed.
  - c. Because of the value and the benefits realized over the last few years of cleaning catch basins annually, it was decided as part of the FY2020 budget that funds be allocated for cleaning all 800 catch basins in 2019.
  - d. The rate for the additional 400 basins is at the same contract price of \$75.00 per basin.
  - e. Today's proposed change order formalizes the contract amendment and allows Mr. Carney to sign the check as an expense in a contract approved by the Board.
  - f. **Mr. Goldberg made a motion to authorize the Executive Director to enter into a change order with Clean Venture, Inc. to increase the number of catch basins cleaned in 2019 from 400 catch basins to 800 catch basins as approved by the Board in the Long Creek Watershed Management District's Fiscal Year 2020 budget. Ms. Henderson second the motion. The motion carried unanimously.**
8. Mr. Dillon noted that Mr. Carney's Annual Performance Review has been completed by Mr. Roncarati, Mr. Donahue, Mr. Bohlen, and Mr. Vail.
9. Mr. Goldberg asked for an update on the status of discussions with U.S. EPA and Maine DEP concerning requirements for the third permit cycle of the Long Creek General Permit.
- a. Mr. Carney noted that before any further action can be taken, we are waiting for the draft data analysis summary report that is being worked on by GZA under the data analysis contract previously awarded by the Board. This report is due in September.
  - b. We are anticipating a future permit that requires less construction and focuses more on larger land use issues in the watershed.
  - c. Mr. Carney advised that he has been meeting with several groups that work in the watershed that are focusing on big-picture land use issues. Examples of these groups include the South Portland Conservation Commission, which provides comments to the South Portland Planning Board for new and redevelopment projects, and the "West End Trails" working group which is looking at the recreational and conservations opportunities pertaining to the potential development of the Sable Oaks Golf Course.
  - d. In addition, the Greater Portland Council of Governments has been developing conceptual designs for what the Maine Mall could look like in ten to twenty years.
  - e. Ms. Henderson offered that LCWMD should share more updates with the municipal councils and the public on the restoration efforts.
10. **Public Comments:** None.
11. **Next Meeting:** The next meeting will be held on September 26, 2019 at 9:00a.m. with the location to be determined.
12. **Adjourn:** The meeting adjourned at 10:20a.m.