



Long Creek Watershed Management District Board of Director's Meeting

Minutes from the November 24, 2020 Meeting

Location: Remote participation due to COVID-19; members of the public may participate in the meeting telephonically by call (207) 352-4212 and entering the conference ID: 508 441 917#.

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:03a.m.
2. **Roll Call:**
 - a. Attendance: Curtis Bohlen, Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Craig Gorris (joined at 9:34a.m., left at 10:34 a.m.), Kerem Gungor, Will Haskell, Susan Henderson, Ed Palmer (joined at 9:08a.m.), Doug Roncarati
 - b. Absent: Angela Blanchette, Arthur Colvin
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District); Chris Brewer (Cumberland County Soil & Water Conservation District); Jim Katsiaficas, Esq. (Perkins Thompson); Madeline Tripp (AmeriCorps Program, Greater Portland Council of Governments); Phill Sexton (P.C. Sexton WIT Advisers, LLC)

3. **Review of Board Meeting Minutes:**

- a. The Board reviewed the minutes from the October 28, 2020 meeting.
- b. **Mr. Dillon made a motion to approve the October 28, 2020 Board meeting minutes. Mr. Roncarati seconded the motion. The motion carried unanimously.**

Mr. Palmer joined the meeting.

4. **Treasurer's Report:**

- a. Mr. Bohlen reviewed the October Financial Report noting that the financials are as expected.
- b. Mr. Brewer briefly reviewed the outstanding accounts receivable, with no new activity to report on follow up actions by Maine DEP.
- c. Mr. Brewer noted that there is a lot of activity occurring for non-routine maintenance and repairs, which is due to recently completing annual BMP inspections and scheduling required maintenance for the BMPs.
- d. Mr. Bohlen noted that the annual third-party audit of LCWMD's financials has been completed and the result of the audit was clean with no identified issues to report. The final report will be released by the auditor upon LCWMD signing a few required documents.
- e. Mr. Brewer confirmed there were no findings of note in the audit report.

5. **Sole Source Agreement, P.C. Sexton WIT Companies, LLC, Sustainable Winter Management (SWiM®) Program:**

- a. Mr. Carney gave an overview of the discussion from last month's meeting concerning LCWMD's implementation of WIT Companies' Sustainable Winter Management (SWiM®) program.
- b. Mr. Carney noted that while there was interest from the Board in the SWiM® program there was a consensus among Board members that additional information was necessary before a

- decision could be made on a sole source agreement. Mr. Carney, therefore, invited Phill Sexton of WIT Companies to present the SWiM® program to the Board at today's meeting, noting that Mr. Sexton will be available for questions from Board members following the presentation.
- c. Mr. Carney said he also worked with Mr. Sexton on the scope of work since the October Board meeting. While the SWiM® typically requires a minimum of four years of implementation, authorization of a sole source agreement for only the first year of the SWiM® program is before the Board for consideration today. This will allow the Board to make a decision on further pursuing SWiM® for subsequent years on an incremental basis, rather than authorizing implementation of the entire program all at once.
 - d. Mr. Carney introduced Mr. Sexton.
 - e. Mr. Sexton introduced himself and provided the Board with information on his background which includes an extensive history in the winter and landscape management industry, his former position as the Snow & Ice Management Association's Chief Knowledge Officer, and his acquisition of a master's degree in corporate sustainability and innovation where he authored a thesis on the commercial industry's use of salt.
 - f. Mr. Sexton review the SWiM® program and its implementation which includes a discovery phase, a data collection phase, and an intervention phase, thereafter, followed by optimization and continuous improvement through ongoing implementation training.
 - g. Mr. Sexton reviewed metrics from commercial and municipal properties where the SWiM® program has been implemented which reflects both economic savings to property owners and environmental benefits from reducing winter salt use from between 25% to 50%.

Mr. Gorris joined the meeting.

- h. Mr. Dillon noted that WIT Companies was recommended by the manager of the New Hampshire of Department of Environmental Services' "Green SnowPro" certification program because of the program's success in other areas such as the Lake George Watershed in New York.
- i. Mr. Goldberg asked what properties would be considered for the first year of program implementation, the information gathering phase.
- j. Mr. Carney responded that he and Mr. Dillon had met Mr. Sexton and they walked part of the Long Creek Watershed identifying a mix of commercial and retail properties, and municipal roadways that would be good candidates for the information gathering phase if the landowners were willing to participate.
- k. Mr. Goldberg asked what incentive contractors would have to implement SWiM® measures if it meant that their bottom line would be reduced on winter maintenance contracts.
- l. Mr. Sexton responded that part of the SWiM® program includes provision of a contract template the structure of which provides incentives to implement salt reduction practices and removes incentives to apply as much salt as possible. As a result of this contract structure, the aggregate cost of a contract for the landowner will be less, however, the net value of a contract to the contractor is not diminished.

Mr. Gorris left the meeting at 10:14a.m. for another obligation.

- m. With respect to the sole source requirements, Mr. Carney noted that the strengths of the SWiM® program are its focus on training landowners rather than contractors and its hands-

- on implementation with contractors. Mr. Carney suggested that Mr. Sexton's background in commercial property management would be an asset in implementing the program on the ground.
- n. Mr. Carney noted that other salt reduction programs typically involve training contractors who are not in a position to implement salt reduction efforts because they can only do what landowners ask them to do. Other programs also tend not to offer ongoing implementation of salt reduction methods and ongoing measurement of salt reduction.
 - o. Mr. Carney also suggested that the SWiM® program's focus on cost savings to landowners in the form of reduced maintenance costs and reduced damage to infrastructure caused by salt would be well-suited to implementation for participating landowners in the Long Creek Watershed. Implementation of the SWiM® program would have the double benefit of saving landowners money as well as reducing salt use to improve water quality in Long Creek.
 - p. Mr. Dillon asked for a motion of the sole source authorization.
 - q. **Mr. Gungor made a motion to authorize the Executive Director to enter into a sole source agreement with P.C. Sexton WIT Companies, LLC in the amount of \$29,620 to implement the Sustainable Winter Management Program in accordance with the attached proposal.**
 - r. After the motion, Mr. Goldberg said he was concerned Mr. Gorris was no longer on the call to vote as another landowner representative.
 - s. Mr. Carney noted that he spoke with Mr. Gorris after the October meeting and Mr. Gorris expressed interest in the program and was conceptually open to the Maine Mall being a pilot property for the information gathering phase of the SWiM® program.
 - t. **Mr. Roncarati seconded the motion. The motion carried unanimously.**

6. Long Creek Private BMP Incentive Program, Approve Addition to Rules and Regulations:

- a. Mr. Carney gave an overview of the discussion from last month's meeting noting that Board members has suggested several changes to the draft of the Rules and Regulations discussed at the October meeting.
- b. Mr. Carney directed the Board members to the revised draft in today's Board packet identifying revisions to the prior draft, including: clarifying the structure under which fund awards would be prioritized; adding a provision under which LCWMD would meet at a participating landowner's request prior to submitting a proposal; adding a provision that requirements for the provision of technical information, budget information, and post-project reporting be proportional to the scale of the project; and adding a scoring structure to determine levels at which a project may be funded if the Board awards less than the full amount requested.
- c. Mr. Goldberg asked whether a lack of competitive bidding would preclude a landowner from submitting a proposal under the program and whether a landowner would need to rebid a project, or portion of a project, for which program funds are being requested if a contract for the project had already been finalized prior to submitting a proposal under the program.
- d. Mr. Carney responded that competitive bidding is not required, and that rebidding would not be required where a contract had already been finalized prior to submitting a proposal under the program; however, Mr. Carney noted that a price that had been arrived at through a competitive bidding process might be deserving of a higher score under the scoring structure.

- e. Mr. Bohlen offered an amendment to the draft suggesting language be added under which, despite the scoring structure, an award of funds may be reduced to spread funding around if there are a lot of applications.
 - f. In response to Mr. Bohlen's suggestion, Mr. Katsiaticas offered that the following be added to the end of section 7: "provided that maximum award percentages may be adjusted downward to reflect available funding."
 - g. **Mr. Goldberg made a motion to approve amendments to the Long Creek Watershed Management District's Rules and Regulations in accordance with the attached draft to implement the Private Best Management Practice Incentive Program, with the amendment offered by Mr. Bohlen. Mr. Bohlen seconded the motion. The motion carried unanimously.**
7. **Public Comment(s):** None.
8. **Next Meeting:** The next meeting will be held in December with the date to be determined. Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.
9. **Adjourn:** The meeting adjourned at 10:50a.m.

Board attendance and voting record:

| Member | Attendance | Approval of October 28, 2020 Minutes | Sole Source Agreement, P.C. Sexton WIT Companies, LLC, Sustainable Winter Management | Long Creek Private BMP Incentive Program, Addition to Rules and Regulations |
|------------|--------------|--|---|--|
| Blanchette | N | — | — | — |
| Bohlen | Y | Y | Y | Y |
| Colvin | N | — | — | — |
| Dillon | Y | Y | Y | Y |
| Donahue | Y | Y | Y | Y |
| Dudley | Y | Y | Y | Y |
| Goldberg | Y | Y | Y | Y |
| Gorris | Y (9:34a.m.) | — | — | — |
| Gungor | Y | Y | Y | Y |
| Haskell | Y | Y | Y | Y |
| Henderson | Y | Y | Y | Y |
| Palmer | Y (9:08a.m.) | — | Y | Y |
| Roncarati | Y | Y | Y | Y |