



Long Creek Watershed Management District Board of Directors

Minutes from December 10, 2019 Meeting

Location: South Portland Water Pollution Control Facility, 111 Waterman Drive,
South Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:04a.m.
2. **Roll Call:**
 - a. Attendance: Curtis Bohlen, Arthur Colvin, Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Will Haskell, Taylor LaBrecque, Ed Palmer, Doug Roncarati, Michael Vail
 - b. Absent: Angela Blanchette, Craig Gorris, Susan Henderson
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District), Jim Katsiaficas, Esq. (Perkins Thompson), Chris Brewer (Cumberland County Soil & Water Conservation District); Jami Fitch (Town of Scarborough)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the October 30, 2019 meeting.
 - b. **Mr. Haskell made a motion to accept the minutes from the October 30, 2019 meeting. Mr. Roncarati seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Bohlen reviewed the November Financial Report.
 - b. Mr. Bohlen noted that the fiscal year 2020 financial audit has been completed.
 - c. Mr. Bohlen said the audit looked great and there was one minor audit finding which had no impact on LCWMD's books, but rather required a change in Smith & Associates records.
 - d. Mr. Brewer said the auditor noted LCWMD's significant cash balance and, as LCWMD has done in the past, it should plan for long-term use of the funds.
 - e. Mr. Bohlen noted that the auditor was pleased with the most recent round of revisions to LCWMD's financial controls. The auditor noted that regular revision of financial controls to maintain consistency with the accounting system is a good practice. The report noted that LCWMD's financial controls are one of the better documents out there.
 - f. There was a brief discussion of current accounts receivable.
 - g. Mr. Brewer noted that construction of the Main Stem Restoration Project is complete. A payment of approximately \$365,000 to the construction contractor is not reflected in this month's financial report because it occurred after the closing date for the report. That payment, and likely the next and final payment for the project, will be reflected in next month's financial report.
 - h. Mr. Carney said that he and Mr. Brewer are currently developing the draft fiscal year 2021 budget. The Board needs to approve a provisional budget prior to February 1, 2020. The finance committee will need to meet before then to discuss the assessments and prepare the draft budget. Mr. Carney said we should aim for having the next Board meeting in late January.

- i. Mr. Carney noted that given LCWMD's cash reserves, there needs to be a discussion about possibly lowering the annual assessment rate moving forward.
- j. Mr. Goldberg asked about projected costs for long-term maintenance, repair, and replacement of structural Best Management Projects (BMP) projects.
- k. Mr. Brewer said he will send the long-term maintenance, repair, and replacement cost estimate worksheets to the Finance Committee.

5. Maritime Farms & Land Management, LLC; Change Order No. 5 – Convert Hot Spot #3 to a Full Sweep as Approved in FY2019 Budget Proposed Motion:

- a. Mr. Carney advised that the Board approved conversion of the final scheduled sweeping in 2020 to a full sweep, rather than a hot spot sweep, as part of the fiscal year 2020 budget.
 - b. Mr. Carney said this change order is an administrative matter to formally amend the sweeping contract to reflect the change to the sweeping program already approved as part of the budget. The change order allows the Executive Director to sign the check for the work as an expense in a contract approved by the Board. The sweeping contractor has already completed the final sweeping.
 - c. **Mr. Goldberg made a motion to authorize the Executive Director to enter into a change order with Maritime Farms & Land Management, LLC to add approximately 213 acres of pavement sweeping in November 2019 as approved by the Board in the Long Creek Watershed Management District's Fiscal Year 2020 budget. Mr. Haskell seconded the motion. The motion carried unanimously.**
6. There was a brief return to the discussion of the accounts receivable report. Mr. Carney provided an update on his and Mr. Brewer's meeting with Maine DEP concerning parcels requiring stormwater discharge permits, but which do not presently have them. While, ultimately, it is Maine DEP that has authority to require stormwater discharge permits, research duties relevant to the properties that need permits and their ownership have been divided up between LCWMD and Maine DEP. LCWMD will provide the results of its research to Maine DEP.

7. Executive Session – Personnel Matter (re: Annual Performance Review)

- a. **Mr. Dillon made a motion that the Board go into executive session under 1 M.R.S. § 405(6)(A) to discuss a personnel matter where public discussion could reasonably be expected to damage the employee's reputation or violate his/her right to privacy. Mr. Vail seconded the motion. The motion carried unanimously.**
- b. **Following the executive session, Mr. Haskell made a motion to increase Executive Director's salary by 3.75%; apply the existing health insurance stipend of 15% to the new base salary amount; apply the existing employer Simple IRA contribution of 3% to the total of the new base salary amount plus the amount of the health insurance stipend; and to authorize the Executive Director to carry over up to 40 leave hours from 2019 to 2020. Mr. Palmer seconded the motion. The motion carried unanimously.**

8. South Branch Stormwater BMP Retrofits, Engineer Design Services Agreement Award:

- a. Mr. Carney provided background for this project, noting the name of the project has been changed from "Hannaford Basin" to "South Branch BMP Retrofits" to reflect the evolving scope of the project.
- b. Mr. Carney reminded the Board that the primary objective of this project will be the retrofit of an existing stormwater detention basin adjacent to T.J. Maxx to a gravel wetland. The project

will treat stormwater from approximately 47 acres of impervious surface. The project area is based on a modified footprint which the Board approved in 2010 to allow expansion of the building where T.J. Maxx is located.

- c. Mr. Carney noted that the scope of work also includes a feasibility study for the entire 47-acre catchment to identify additional treatment options within other portions of the catchment. This could be a benefit because this gravel wetland is smaller than LCMWD's earlier gravel wetland project on Philbrook Avenue, but it will be treating a larger catchment area.
- d. Mr. Carney summarized for the Board the request for proposals for the engineering design services for the project, noting that the request for proposals was issued on November 8, 2019, a mandatory Pre-Bid Conference was held at the project site on November 19, 2019, and proposals were due on December 5, 2019.
- e. Mr. Carney advised that fourteen entities attended the pre-bid conference and four proposals were submitted. Mr. Carney said that two entities that attended the pre-bid conference, but did not submit proposals, said that they found LCWMD's insurance requirements problematic.
- f. Mr. Carney also informed the Board that Horsley Whitten, the firm that designed the Maine Mall Gravel Wetland and "Greening of the Maine Mall" project, had intended to submit a proposal, however, a commercial carrier did not deliver the proposal on time.
- g. Per instructions of LCWMD counsel, Mr. Brewer will return the Horsley Whitten application unopened.
- h. Mr. Carney noted that the base price of proposals includes the design work for the gravel wetland structural BMP retrofit as well as the work for preparing the feasibility study. If, as a result of the feasibility study, LCWMD decides to pursue additional BMPs the design cost for this work will be added to the contract as a change order.
- i. Mr. Carney identified the proposal review team which included Board members Mr. Donohue, Ms. LaBrecque, and Mr. Dillon, as well as Chris Baldwin the District Engineer for the Cumberland County Soil & Water Conservation District, and himself.
- j. Mr. Carney noted that the review team worked hard over the past five days to check references, and review and score the applications.
- k. Mr. Carney directed the Board's attention to the South Branch BMP RFP Summary of Proposals memorandum and Scoring Summary, both of which were handed out at today's meeting (Exhibits A and B, respectively, to these minutes).
- l. Each of the review team members, with the exception of Mr. Baldwin who was not in attendance, provided the Board with their thoughts on the proposals.
- m. It was noted that the scoring was very close. There was a consensus among the reviewers that experience with Maine's permit procedures and stormwater regulations as well as structural BMP design in Maine was a significant benefit and distinguished those applications demonstrating such experience over others not demonstrating such experience. The prices were comparable, with the exception of one, which was notably lower than the other three.
- n. A consensus developed that the proposal submitted by Acorn Engineering, Inc. demonstrated the strongest experience with Maine's permit procedures, regulations, and local structural BMP design. In addition, the price provided by Acorn Engineering, Inc. was notably lower than the other proposals.
- o. **Mr. Dudley made a motion to authorize LCWMD's Executive Director to enter into a Services Agreement with Acorn Engineering, Inc. in an amount not to exceed \$89,963.00 to perform engineering design services in accordance with the Long Creek Main Stem Restoration Project Construction Services Request for Proposals issued by LCWMD on November 8, 2019. Mr. Vail seconded the motion. The motion carried unanimously.**

9. Public Comments: None.

10. Next Meeting: The next meeting will be held on January 30, 2019 at 9:00a.m. at the Portland Sheraton at Sable Oaks, 200 Sable Oaks Drive, South Portland, Maine.

11. Adjourn: The meeting adjourned at 10:40a.m.