



Long Creek Watershed Management District Board of Directors

Minutes from December 20, 2017 Meeting

Location: ON Semiconductor, 333 Western Avenue, South Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:40a.m.
2. **Roll Call:**
 - a. Attendance: Angela Blanchette, Fred Dillon, Eric Dudley, Brian Goldberg, Will Haskell, Susan Henderson, Doug Roncarati, Michael Vail
 - b. Absent: Curtis Bohlen, Arthur Colvin, Craig Gorris, Peter Newkirk, Ed Palmer, Sarah Zagafos
 - c. Staff/Guests: Peter Carney (LCWMD Executive Director), Aubrey Strause (Cumberland County Soil & Water Conservation District), Jim Katsiaficas (Perkins-Thompson)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed minutes from the October 11, 2017 meeting. **Mr. Haskell made a motion to accept the minutes from the October 11, 2017 meeting, seconded by Mr. Roncarati. The motion carried unanimously.** No revisions were requested.
4. **Treasurer's Report:**
 - a. November Financial Report
 - i. Mr. Carney advised that there is a new configuration for Account 1740 on the Balance Sheet which is for "Infrastructure" under "Fixed Assets." This is the account that tracks infrastructure related to LCWMD construction projects.
 - ii. Formerly, Account 1740 was presented as a single lump-sum figure for all construction projects, however, this account is now broken down by individual project.
 - iii. There was a brief discussion of the Accounts Receivable report.
 - iv. Mr. Carney noted that two participating landowner entities have filed for bankruptcy protection.
 - v. Mr. Katsiaficas advised that he talked to Maine DEP staff about enforcement actions concerning past-due assessments. Maine DEP continues to assess what they will do.
 - vi. Mr. Carney and Ms. Strause discussed Account 6275 which tracks the CCSWCD Services Agreement.
 - vii. Mr. Carney advised that most subaccounts are at, or under, budget except for the subaccounts for parcel inspections and contract management which are overbudget, or trending overbudget
 - viii. Mr. Carney advised that the parcel inspection subaccount was overbudget due to the time required to follow up on and resolve issues identified during this year's parcel inspection season, such as the fat, oil, and grease impacted catch basins.
 - ix. Ms. Strause advised that when appropriate she is shifting tasks to other staff who have lower billing rates.
 - b. Financial Audit Report, June 30, 2017
 - i. Mr. Carney started the discussion by noting that LCWMD's financial controls require an annual audit of the organization's financial statements for each fiscal year. The audit for FY2017 was completed by the firm of Smith & Associates, CPAs. A copy of the audit report is included in today's Board packet as Attachment C.

- ii. Mr. Carney noted that only three minor recommendations were identified as part of the audit. The most substantive being that the Executive Director or Treasurer should review and initial monthly bank reconciliations and LCWMD should adopt a fraud prevention policy.
- iii. Mr. Goldberg inquired as to whether the Executive Director receives notice of, and approves, electronic fund transfers.
- iv. Mr. Carney responded that the Executive Director does not receive notice of, or approve, electronic fund transfers, electronic fund transfers are typically between LCWMD accounts. LCWMD does not pay third-party vendors via electronic fund transfers.
- v. Mr. Katsiaficas suggested that LCWMD review the audit report and determine whether notice and approval of electronic fund transfers is necessary.
- vi. Ms. Henderson inquired as to what is meant by a fraud prevention policy.
- vii. Mr. Carney advised that a fraud prevention policy prescribes how an organization would identify and respond to potential fraud. Mr. Carney added that Smith & Associates, CPAs provided several examples of fraud prevention policies that LCWMD could adapt to its use.

5. Executive Director Report:

- a. Implementation of the Long Creek Watershed Management Plan
 - i. Mr. Carney noted that construction of the Main Stem restoration project is anticipated in 2018. Mr. Carney recently received an inquiry from the project engineer and the 30% design drawings appear to be on track for delivery the first week of January.
 - ii. Mr. Carney noted that the next project scheduled for design and construction is the "Hannaford Basin" stormwater BMP retrofit project which initiated a discussion about chlorides in the South Branch of Long Creek.
 - iii. The results of conductivity sampling conducted in August was discussed.
 - iv. Additional grab samples were collected in late November to determine whether the conductivity results collected in August were attributable to chloride, rather than some other source. The November grab samples confirmed that the conductivity readings in the South Branch are reflective of high levels of chlorides.
 - v. The chloride numbers are quite high, often exceeding the chronic daily limit.
 - vi. Mr. Carney noted there is no known effective way to treat chloride and we need to focus on reduction. Mr. Carney is presently working with CCSWCD on a chloride reduction pilot project that could be broadly implemented next year.
 - vii. Mr. Carney offered that the Hannaford Basin project should proceed despite the high chloride levels in the South Branch, noting Mr. Roncarati's prior comment that we need to treat for the pollutants we know that we can address while continuing to work on the chloride issue.
 - viii. Ms. Strause noted that the conductivity results from the Maine Mall Gravel Wetland outfall indicate some reduction of chloride, likely as the result of dilution rather than removal. Ms. Strause added that the Hannaford Basin could be designed with dilution of chlorides in mind.
 - ix. Mr. Roncarati suggested that some plants are known to take up chloride and that the Hannaford Basin design could use plants that can remove chloride and then plan to remove the vegetation.

- x. Ms. Strause that she has had conversations with LCWMD's landscape contractor about what plants have been shown to take up chloride that could be a good fit for the Hannaford Basin project.
- b. Inspection and Maintenance
 - i. Mr. Carney advised that he will be recommending increased catch basin cleaning, increased sweeping frequency, and maintaining FY2018's levels of BMP inspection and maintenance, as part of the FY2019 budget.
 - ii. Mr. Carney offered that increased investment in maintenance has paid huge dividends as exemplified by LCWMD's recent maintenance work related to fats, oil, and grease impacted catch basins.
 - iii. Mr. Dillon noted that the City of South Portland has revised their internal processes for issuing notices of violation for discharges to the MS4.
- c. Revisions to the Long Creek Watershed Management Plan
 - i. Mr. Carney provided attendees with a revised inventory of Structural BMP projects, in-stream and riparian restoration projects, and summary of impervious cover presently treated by BMPs.
 - ii. Mr. Carney advised that he is ready to submit the request for revisions to the Long Creek Watershed Management Plan to Maine DEP as discussed at the October 11, 2017 Board meeting. The request seeks confirmation that the projects constructed, or planned for construction, will meet the requirements of the Long Creek Watershed Management Plan at the end of the present permit cycle in June 2020.
 - iii. Mr. Carney noted that LCWMD is on target to meet the Watershed Management Plan's goal of treating 150 acres of impervious area.
 - iv. Mr. Roncarati inquired as to whether LCWMD will have money left, after doing the Main Stem and Hannaford Basin projects, to do another project if it is needed?
 - v. Mr. Carney responded that, yes, LCWMD will have money left to do another project after Main Stem and the Hannaford Basin projects. This was a goal identified when reviewing the FY2018 budget with Mr. Bohlen.
 - vi. Mr. Goldberg sought to clarify that only after Main Stem and Hannaford Basin projects are completed and evaluated should LCWMD consider another construction project. Mr. Goldberg noted that landowners are at least looking for a reduction in the \$3,000 per acre of impervious cover annual fee should there be a third permit cycle.
 - vii. Ms. Strause asked whether it was envisioned that the per acre fee would decrease at the end of the permit term and/or upon meeting water quality goals?
 - viii. Mr. Katsiaticas said it was assumed that the \$3,000 per acre fee was for initial capital investment and that construction would shift to maintenance and repair which would be less per acre. The original intent was to not increase the fee above \$3,000 per acre, and that the amount would hopefully decrease.
 - ix. Mr. Goldberg said it is his hope to not take on new construction projects beyond the end of the present permit cycle, but to maintain and stabilize what we have already built.
 - x. Mr. Dillon noted that landowners have one expectation, but regulators have the expectation that the investment will have resulted in attaining water quality standards.
 - xi. Mr. Roncarati offered that LCWMD's work will shift from construction to maintenance and we will need to see what that cost will be before we can say that the per acre fee will change.

- xii. Ms. Strause advised that CCSWCD is wrapping up estimates for maintaining, repairing, and replacing structural BMPs over time, which will provide LCWMD with the information noted by Mr. Roncarati as necessary to budget for long-term maintenance, repair, and potentially replacement of structural BMPs.
- d. Long Creek Monitoring Plan and Quality Assurance Project Plan (“QAPP”)
 - i. Mr. Carney noted that the Board previously authorized submission of revisions to the Monitoring Plan and QAPP to Maine DEP, subject to resolution of issues raised during Mr. Bohlen’s review.
 - ii. Mr. Carney advised that he revised the documents based on Mr. Bohlen’s review and that he provided the revised documents to Mr. Bohlen to ensure that his comments were accurately addressed.
 - iii. Mr. Carney will submit the revised documents to Maine DEP upon Mr. Bohlen’s approval of the revisions.
- e. Main Stem Class B/Class C Water Quality Classification Issue in Westbrook
 - i. Mr. Carney provided an update on the Main Stem Class B/Class C issue in Westbrook.
 - ii. Mr. Carney noted that in 2009, based upon a request from Maine DEP, the Maine Legislature reclassified the Main Stem of Long Creek in Westbrook from Class B to Class C and that U.S. EPA disapproved the reclassification in 2015.
 - iii. Mr. Carney advised that he had reviewed the legislative history from the 2009 Maine Legislature to see how fully the reclassification issue was discussed at that time.
 - iv. Mr. Carney offered that the issue was fully discussed in the Legislature’s Natural Resources Committee in 2009.
 - v. Mr. Carney and Mr. Dillon agreed that the reclassification conversation should be with U.S. EPA, to ask them to reconsider their 2015 disapproval, rather than with the Maine Legislature or Maine DEP which already supported the reclassification.
 - vi. Mr. Carney advised that he will shortly be submitting a request to U.S. EPA to open a discussion on U.S. EPA’s reconsideration of its 2015 disapproval of the reclassification.
- f. Long Creek Water Quality Monitoring Database
 - i. Mr. Carney advised that the final data upload by LCWMD’s monitoring contractor has occurred and that migration of the database from the consultant’s server to LCWMD’s server can commence.
 - ii. Mr. Carney noted that the causes of “stoplight” inconsistencies have been identified with most inconsistencies being the result of human error during a time when the stoplight process was done manually. A small number of inconsistencies were attributable to a coding inconsistency in the database’s “stoplight” tool, which should be relatively easy to fix.

6. South Branch Maintenance Estimate

- a. Mr. Carney introduced the South Branch maintenance estimate included as Attachment D in today’s Board packet.
- b. Mr. Carney noted that the issue first came about as part of the “Greening of the Maine Mall” project which was put on hold by flooding the Sears parking lot.
- c. Mr. Carney noted that Ms. Strause previously completed a preliminary estimate of performing dredging maintenance in the South Branch.
- d. During discussion of the preliminary estimate it was the sentiment of the Board that the although the South Branch flooding issues affected LCWMD’s ability to carry out the Greening of the Maine Mall project, the dredging maintenance was ultimately not an obligation of

LCWMD. Nonetheless, the Board felt that LCWMD had enough of an interest in the dredging maintenance that it subsequently authorized a limited budget for Ms. Strause to develop the preliminary estimate into a final estimate.

- e. Ms. Strause noted that the purpose of the estimate is to share it with interested parties (e.g. Maine DOT, GGP-Maine Mall L.L.C., and the City of South Portland) so they can decide if they want to do the work. LCWMD is not obligated to contribute, but could if it so chose.
- f. Ms. Strause clarified that the estimate only considers the 1,000 linear feet of the South Branch between Jared's Galleria of Jewelry and the Maine DOT culvert at the connector to 295.
- g. Ms. Strause pointed out that the full cost of the work is estimated to be \$117,000.
- h. Ms. Strause noted that culverts under the Maine Turnpike are presently not flowing freely, which is in favor for now because they are holding back storm flow that otherwise could be exacerbating the downstream flooding issue. Ms. Strause noted that the culverts could be cleared if the Maine Turnpike widening project moves forward, which would affect downstream hydrology.
- i. Ms. Strause further noted that the culvert at the Maine DOT ramp at the downstream end of the maintenance area is restricting flow in this reach of the South Branch. Ms. Strause said that the dredging would ultimately provide more storage capacity in the South Branch, but the work may not have much effect on streamflow given the downstream restriction of the Maine DOT culvert. Replacement of the Maine DOT culvert is not part of the estimate.
- j. Mr. Dillon asked whether dredging downstream from the Maine DOT culvert was considered?
- k. Ms. Strause advised that it was not because of the high mobilization costs for what is a very small section of the stream between the Maine DOT and Hampton Inn culverts. The Philbrook Avenue riparian improvement project then begins downstream of the Hampton Inn culvert.
- l. Mr. Goldberg inquired whether LCWMD is now done with its involvement in the South Branch dredging maintenance issue.
- m. Mr. Dillon confirmed that with completion of the dredging estimate, LCWMD has concluded the work agreed upon by the Board on this matter.

7. Executive Session – Personnel Matter (re: Annual Performance Review): In the interest of time this matter was tabled to be taken up at the January 24, 2018 meeting.

8. Public Comment(s): None.

9. Next Meeting: The next meeting will be held on January 24, 2018 at 9:30a.m. at ON Semiconductor, 333 Western Avenue in South Portland, Maine.

10. Adjourn: The meeting adjourned at 11:41a.m.