

Long Creek Watershed Management District Governing Board

Minutes – May 22, 2013 – 9:00 a.m. meeting

Location: Westbrook Housing Authority, Liza Harmon Drive

1. Call to order – 9:01

2. Roll call

Dan Bacon, David Russell, Curtis Bohlen, John Branscom (absent), Jerry Collett, Brian Goldberg, Craig Gorris (absent), Gerard Jalbert, Ed Palmer (absent), Adam Pitcher (late), Tom Raymond (absent), Doug Roncarati, Stephen Tibbetts (late)

3. **Minutes** - Mr. Jalbert made the motion to accept the 4-5-13 minutes as presented. Mr. Russell seconded the motion. The motion was approved unanimously (Bacon/Goldberg – abstained).

4. Treasurer's Report

- a. Report looks good – what we expect for outgoing expenses in spring with sweeping, engineering, inspections, etc.
- b. Things to consider for the finance committee: cash flow projections; explore investment policy; revisit FY2014 in light of recent awards

5. Executive Director's Report

- a. Construction projects
 - Catchment C-08 (Fairchild/Texas Instruments) – Planning Bd approval 5/14; DEP permitting in progress; construction bid in June; construction start June/July
 - (1) Action – Ex. Director will follow up with DEP regarding retrofit policy and handling soil from basins.
 - Maine Mall – data collection to assess potential water quality improvements from tree cover will begin in June
- b. Upcoming RFPs:
 - Audit (posted 5/31; due 6/14)
 - Catchment C-08 (due July10)
 - Expert Review Panel (postponing to fall'13) – discussion ensued regarding the potential role for Geosyntec on the Expert Review Panel. Board directed Executive Director to pursue a workplan with clear deliverables. Board expressed most interest in strategic evaluation of plan elements to support documentation for the process of negotiating the next permit.
 - Maine Mall catchment design (fall '13)
- c. Annual report due out in July; website revision still on to-do list (need to meet with subcommittee to clarify goals of where we are going with the direction and purpose of website)

6. **Contract Services, Engineering Design Services.** Mr. Bohlen made the motion to award a contract for Engineering Design Services to **Sebago Technics** for time and materials for **\$97,127.15** for Gorham Road and Maine Mall Road as specified in the RFP and to authorize the LCWMD Executive Director to execute documents necessary thereto and work with Geosyntec to develop a workplan to bring back to the board for Geosyntec to collaborate on the design process. Mr. Roncarati seconded the motion. The motion was approved unanimously.

7. **Contract Services, Monitoring Services.** Mr. Goldberg made the motion to award a contract for monitoring services for the Long Creek Watershed to FB Environmental for \$151,809.00 as specified in the RFP and to authorize the LCWMD Executive Director to execute documents necessary thereto.

Mr. Jalbert seconded the motion. After much discussion, the board voted 6-2 (Bohlen, Roncarati). Motion passed.

8. Consideration of Changes to LCWMD Sample Agreement Insurance and Indemnification

Language. Goal with the proposed language was to find consensus between LC and the needs of the consultants. Next step - Jim Katsiaticas will provide language to Portland counsel for input.

9. Upcoming contracts

a. Sweeping contract – current contract with BMP Maintenance, LLC extends until the fall.

- Board to consider authorizing continuation of current sweeping contract for next three years.
- BMP Maintenance, LLC has expressed a willingness to maintain their existing rates if LCWMD would sign on for another three year contract.
 - (1) Caveats include: allowances for them to recapture any increases in fuel costs and disposal fees. In addition, LCWMD will be including increased sweeping frequency for Maine Mall Road porous pavement at \$250/sweep.
- Their current rates are ½ the going rate for vacuum sweeping. Total costs for FY2011: \$82,900.95; FY2012: \$102,556.15; FY2013 not to exceed \$134,500 (total to date \$82,220.49).
- FY2014 budget projection included doubling of cost for spring cleanup and corner to corner sweep for a total of \$201,600.
- Mr. Goldberg made a motion to authorize Executive Director to continue current sweeping contract for another three years as specified. Mr. Tibbetts seconded the motion. The motion was approved unanimously.

b. GIS data – outstanding needs: incorporating the municipal data from the watershed municipalities, incorporating the data from the LCWMD construction projects, and re-evaluating the existing infrastructure data.

- Potential exists for only two bidders. Discussion to include board consideration of requesting proposal from only GZA and Tom Burns.
 - (1) GZA did the first leg of work for \$6,200. They completed the work on budget and ahead of schedule.
 - (2) Tom Burns is a local contractor who manages the GIS data for South Portland and Westbrook.
- Board directed Executive Director to proceed with informal bid process.

c. Ordinance Review – municipal ordinance review is included in the Management Plan. The Town of Scarborough has been working with AMEC on ordinances for Red Brook Watershed, specifically, but work has included full review of existing ordinances. Discussion to include board consideration of requesting proposal from AMEC for ordinance review work for watershed municipalities.

- Board directed Executive Director to compile existing ordinance work as a first step. Ordinance review has been completed by CBEP Muskie Intern, UMaine law student of Professor Dave Owen and SSI effort through UMaine.

10. Discussion

a. Coal Tar Sealants – LD 1212 – An Act to Prohibit Coal Tar Pavement Products. Workshop was held May 16th with the Committee on the Environment and Natural Resources. A vote was held and the listed result is divided report. This means that if Committee members disagree on a recommended action multiple reports are submitted for the Legislature to consider. More information has been requested from the Representative Daughtry who sponsored the bill.

- Board directed Executive Director to look into this between now and the next legislative session. LCWMD needs to be in a position of understanding the views of its landowners before providing education to legislators about the impacts of Coal Tar Sealants.

b. Approach to BMP maintenance – seeking board input on timeliness of BMP maintenance.

- Board discussed BMP maintenance and the importance of aesthetics in the urban landscape and that you cannot skimp when you are transforming the way an urban landscape looks, performs and is accepted. It was discussed that as part of the design process for new BMPs, landowners and their landscapers should be educated on what the maintenance requirements will be so that if the landowner wants to accept responsibility for maintenance they have the tools to do it right.

11. Public Comments.

12. Adjourn. Mr. Pitcher made the motion to adjourn. Mr. Collett seconded the motion. The motion was approved unanimously. The meeting adjourned at 12:12 p.m.