



Long Creek Watershed Management District Governing Board

Minutes – October 22, 2014 – 9:00 a.m. meeting

Location: MTA Administration Building

1) **Call to order: 9:00 am**

2) **Roll call:** Dan Bacon, Gerard Jalbert, Curtis Bohlen (late), John Branscom, Brian Goldberg (late), Fred Dillon, Craig Gorris (absent), Peter Newkirk (absent), Ed Palmer (late), Adam Pitcher (absent), Tom Raymond, Doug Roncarati, Michael Vail

3) **Minutes:**

a) Mr. Vail made a motion to approve the August minutes as presented. Mr. Raymond seconded the motion. The motion was unanimously approved.

4) **Treasurer’s Report:**

- a) Audit Report: Mr. Bohlen was not involved with the day to day audit process. The auditors worked directly with Chris Brewer. The auditors really appreciated how easy it was to work with Staff. Curtis pointed out that Chris and Tamara should be commended for the bookkeeping.
- b) The board would like Chris Brewer to contact the landowners with the outstanding fees & interest to see why they haven't paid their bills to date.

5) **Maine Mall Feasibility Study – Conceptual Design Presentation by Rich Claytor of Horsley Witten**

a) **Table 1.** Sites were ranked into Tiers with 1 yielding the highest rate of treatment based on the investment

| Site | Rank/Score | IA Treated (acres) | Constr. Cost | Comment |
|----------------------------|------------|--------------------|------------------|---|
| 8. Sears-Loading | 44.5 | 0.8 | \$103,000 | Scores low on total pollutant avoided due to small area treated, but is the 2 nd lowest construction cost (4 th lowest \$/IA); the only site that meets 100% of the water quality volume target; and has the highest potential tree benefit. Drains to South Branch. |
| 6. David’s Bridal | 41.1 | 1.7 | \$116,000 | Small area draining to the Hannaford basin, but has the best \$/IA value of all sites; located at GGP’s busiest entrance, so high visibility; offers bioswale alternative and could be a good paired-monitoring station with similar lot opposite entrance. |
| 1. Macy’s/ Books-a-Million | 40.9 | 2.4 | \$369,000 | Highest \$/IA; drains to Hannaford basin; high visibility; significant opportunity to enhance failed landscaping and to alleviate undesirable surface drainage patterns/surface deterioration; significant conversion of impervious cover to pervious; identified as priority area by Macy’s on-site representatives. |
| Tier 1 Total | | 4.8 | \$588,000 | |

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|-------------------------|------|-------------|--------------------|--|
| 7. Sports Authority | 67.4 | 4.5 | \$459,000 | Highest ranking site; largest area managed and highest load avoided; largest amount of pavement reduction; offers significant opportunity for improving existing landscaping; high visibility near food court; High cost puts it in Tier II, but possibly to construction with GGP repaving in 2016. Drains to South Branch. |
| 3. Sears/ On the Border | 40.2 | 2.5 | \$347,000 | Second highest load reduction potential, but 3 rd highest \$/IA value due to extensive restriping and more complex design of BMPs needed to reach WQv target; opportunity to greatly enhance landscaping features. Drains to South Branch. |
| 4. Sears/ Jared | 37.7 | 0.8 | \$72,000 | The lowest construction cost retrofit and second most cost effective \$/IA. Drains to South Branch, but lowest pollutant removal score due to the small area treated. Limited area requiring restriping; location at entrance for high visibility; offers opportunity to expand vegetation along fitness trail. |
| 2. Macy's/ LongHorn | 37.2 | 3.1 | \$430,000 | In Hannaford drainage basin, large site, offers good opportunity to showcase improved pedestrian management; most cost-effective if timed with repair of deteriorating pavement; maintaining parking count requires small amount of sharing with GGP |
| 5. Sears-Service | 22.7 | 1.0 | \$148,000 | Second highest \$/IA; offers an opportunity to "organize" parking layout. |
| Tier 2Total | | 11.9 | \$1,456,000 | |

- b) The entire mall parcel was reviewed and only the areas that are feasible to install enhancements were addressed (some systems are too old or need major retrofits). This accounts for approximately 60% of the mall property. Resulting in a 26% reduced volume (18 acres).
- c) BMPS are sized to address Chapter 500 when feasible, however the design benchmark was targeted at treating about 0.6 inches of stormwater (the point of the greatest return on investment).
- d) Total budget 1.2 Million, \$500,000 for pond retrofits and \$700,000 for the mall retrofits.
- e) Site 6, stormwater will be directed into the new tree islands.
- f) Site 7 should be a Tier 1 site, because it has the greatest retrofit benefits. However because it is expensive and has the potential to be addressed at a later date in partnership with GGP it was grouped in Tier 2. GGP will potentially repave the site in 2016. By partnering with GGP it is possible the stormwater BMPs could be installed at a lower rate because the restriping and sealcoating costs would be removed from our budget. There seems to be some concern that we need to address stream backflow at this site. Mr. Claytor is aware that one of the pipes seems to be submerged and we may need to look at cleaning out the pipe.
- g) Tier 1 only addresses 8% of annual runoff and will cost \$588,000. If we can address all sites this will result in a 26% reduction.
- h) Costs estimates based on unit costs for implementation in New England, and they are conservative.
- i) Staff needs to create an estimate for the maintenances costs for these retrofits (an estimated annual cost of 3% to 5% of the total capital costs).
- j) Tree islands were estimated for a 20 year growth cycle, and the estimated volume is included in the runoff reduction calculations.

- k) Site 1 ranked highest because the retrofits will yield the greatest pollutant load reduction. GGP is working on a peer-to-peer basis to bring Sears and Macy's into the process. They are still slow to respond but they understand the need to invest in the property to address the stormwater issues.
- l) These estimates are based on 30% design so the numbers could change as the design process continues. This is also true for the pond retrofit design, however the design process is underway, it seems like it would make sense to have this design final before we decide how to proceed with the rest of the design work.
- m) There may be an option to ask the city of South Portland for a waiver on the green space requirement for the plan changes.
- n) There is a cost effectiveness factor to ensure that we have as much ready to go as possible, by adding the additional sites as bid alternates. Construction costs can see reductions when the company can stay in one location as long as possible. The design package could focus on the pond retrofit and then add the additional sites as bid alternates, using one or two contractors.
- o) It would seem that we would get the best effectiveness by addressing the top three sites, we can use these locations as Demonstration Sites, allowing us to work with each landowner. This should increase buy-in.
- p) Sears and Macy's have very rigid design standards, by addressing sites with them perhaps we can show them that these designs can provide access and safety while achieving everyone's goals.
- q) Estimated timeline would be to have the construction bid process in January/February.
- r) Mr. Bacon made a motion to work with Horsley Witten to design process the top six sites from both Tier 1 and Tier 2. Mr. Raymond seconded the motion. It was asked what would be the estimated Change Order to design all 8 sites. Mr. Claytor estimated that it could be around \$20,000, we also need to consider that the construction administration budget could change too. Based on discussion it was determined that we should focus on the following Tier 2 sites (4, 5, and 7). Mr. Bacon amended his motion to state that that we proceed with designing all sites excluding Sites 2 and 3. Mr. Raymond seconded the amendment of the motion. The amended motion now states **that the Board authorizes the staff to work with Horsley Witten to proceed with the design of 6 sites identified in this report excluding sites 2 and 3.** GGP does have a budget for enhancing landscaping around the mall, we are not sure how this budget is scheduled to be implemented. We will need to outreach to GGP regarding planting trees in an urban setting. Chris Baldwin will discuss the potential change order issue with Rich to determine the estimated budget we have available under the contract, we will allow design of all 8 if possible. Motion carried.

6) **100 Foden Road In-Stream Site**

- a) This project will address a site that is identified in the management plan. At this site the stream banks are experiencing severe erosion and it is recommended that we address this site at an earlier date than the plan specified.
 - b) Fairpoint, an abutting landowner, has been asked if they would be willing to help out with this retrofit. Chris Baldwin is waiting for a response. The erosion issue is having the greatest impact on their parcel (they are not a Participating Landowner). The hope is that they cover the planting to stabilize the slope in the spring.
 - c) Per the existing LCWMD Procurement Policy, the board must approve any waivers of the requirement for the competitive bidding/proposal for all purchases of goods and services in excess of \$10,000. It is the recommendation of the Executive Director that the Board waive the competitive bid requirements
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for the in-stream work at 100 Foden Road and authorize the Executive Director to execute documents necessary thereto. Mr. Bohlen made a motion to waive the competitive bid process, the motion was seconded by Mr. Vail and carried. Mr. Goldberg made a motion to approve the expenditure and authorize the Executive Director to execute documents necessary thereto, with the caveat that Mr. Baldwin continue to seek additional funding from Fairpoint to cover the cost of stabilizing the slope. The motion was seconded by Mr. Vail and carried.

7) **Executive Directors Report:**

- a) Gorham Road and Maine Mall road construction is substantially complete.
- b) Website contract has been initiated with Clear Path Innovations. The new site should be up and running by the end of December.
- c) **Permit renewal timeline:**
 - i) Public notice should have been initiated around October 1, it seems that this will now happen after elections in November.
 - ii) We should have the draft permit around November 1.
 - iii) The draft changes will reference some of the plan changes that have been identified through the Expert Review Panel process. For example the chop and drop sites on the Main Stem above the turnpike are no longer necessary. We need to concentrate more on review of chloride application data to determine what the toxicity issues are that are affecting aquatic habitat.
 - (1) Based on previous feedback from surveys, the contractors are not willing to share what they are applying in the winter, because their application rates for various parcels are proprietary. Our contracted employee that is reviewing data, Damon Yakovleff, would like to speak with Board members' contractors to determine what they are using. In order to respect the wishes of contractors, the information will not be tied to their sites. Rather, it will be utilized to create estimate application rates for different types of sites. We need to determine a baseline on the salt/chloride applications. To obtain this data Board Members will be hearing from staff via email to set up a time to collect the data over the phone.
 - (2) Kate McDonald is reviewing the data that we have accumulated through the monitoring program. She will be working with Curtis to review the data and determine if we are gathering the proper data to answer the questions that we need to pursue based on the plan and the expert review process. We are still looking at the hydrologic data as well to determine if the stream changes are meeting our goals as well.
- d) **In-situ monitoring highlights:** our consultants created chambers that hold the monitoring equipment, and habitat for the bugs. These chambers are designed to allow the flow of the stream to pass through. Based on the small sample size we didn't see that there wasn't a considerable difference between the reference stream and Long Creek aquatic organism survival. This shows that we need to build homes for aquatic organisms, through stream channel changes (adding wood, etc).
- e) **Monitoring contract:** Our monitoring contractor's primary staff has just taken a job at DEP. The contractor will not replace the position but they are promising that they can meet the remaining contract tasks with their current staff. This current contract expires in December 2015.
- f) **County Road water main break:** The City of Westbrook fined the Portland Water District \$500. These funds were paid to Long Creek to provide training for emergency response.

- g) **Mall Plaza sink hole:** We ended up paying one third of the costs because Ellen contacted her own contractor and the additional cost for not calling Risbara originally was equal to what she would have had to pay.
 - h) **Coal Tar sealants:** CCSWCD been in contact with a legislator that is interested in crafting a bill to ban Coal Tar Sealants on a state wide basis. The Board may want to consider testifying if this bill gets submitted.
 - i) Staff is working on a list of projects that have been completed and the prioritization of future projects that can be shared at the next Board Meeting.
- 8) **Public Comments:** None
- 9) **Next Meeting:** December 9, 2014 from 9:00 to 10:30
- 10) **Adjourn:** Mr. Bacon adjourned the meeting at 11:24 a.m.