



Long Creek Watershed Management District Board of Directors

Minutes from the January 18, 2017 Board of Directors Meeting

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

1. **Call to Order:** Mr. Bacon called the meeting to order at 9:17a.m.
2. **Roll Call:**
 - a. Attendance: Dan Bacon, Curtis Bohlen, John Branscom, Fred Dillon, Brian Goldberg, Doug Roncarati, and Michael Vail. Ed Palmer arrived at 9:22a.m. and was present for all votes.
 - b. Absent: Tom Blake, Arthur Colvin, Craig Gorris, Peter Newkirk, and Adam Pitcher
 - c. Staff/Guests: Peter Carney (LCWMD Executive Director), Aubrey Strause (Cumberland County Soil & Water Conservation District), and Jim Katsiaficas (Perkins Thompson)
3. **Review of Board Meeting Minutes:** The Board reviewed the minutes from the December 7, 2016 meeting. Mr. Goldberg made a motion to accept the minutes from the meeting. Mr. Branscom seconded the motion. Prior to a vote on the motion, Ms. Strause offered three clarifications to the minutes, specifically: **(1)** in section 4(d), percentage of budget spent, relative to percentage of work completed, is calculated for active Long Creek Watershed Management District contracts, not all activities; **(2)** in section 8(d)(vi), Sterling Stormwater Maintenance Services, LLC did see a scope of work; **(3)** in section 10(f), the word “was” is missing following “Ms. Strause advised that she . . .” The motion carried unanimously, with the clarifications offered by Ms. Strause.
4. **Treasurer’s Report:**
 - a. Mr. Bohlen indicated that there was nothing major to report. The November Financial Report is included in Board packet.
 - b. There was a review of Accounts Receivable Aging Summary, noting that the report reflects several new past due accounts. Ms. Strause advised that it is anticipated some accounts will become current as the result of changes in ownership in Participating Landowner parcels, however, some referrals to Maine DEP are anticipated for collection of assessments.
5. **Executive Director’s Report:**
 - a. Mr. Carney advised that licenses for Microsoft Office 365 “Business Essentials” are available at no cost for Board members through Microsoft’s nonprofit program.
 - b. Mr. Carney asked if the Board still supports moving the Long Creek Watershed Management District’s electronic files to a cloud-based system. Several Board members indicated support for moving to a cloud-based system, and none objected to the concept. Ms. Strause indicated that the Cumberland County Soil & Water

Conservation District supports the move to cloud-based server as it would provide the ability for staff to access electronic records, and upload electronic data, from the field. Mr. Carney advised that he had a preliminary conversation with a contractor to perform this work and that the cost of the contract should not exceed the Executive Director's procurement authority. Mr. Carney will pursue the migration of the Long Creek Watershed Management District's electronic files to a cloud-based system with this contractor.

6. Committee Assignments and Reports:

- a. The Board reviewed the table of "Long Creek Watershed Management District Committees" that was included in the Board packet.
- b. Mr. Bacon and Mr. Dillon volunteered to be members of the "Long Creek Watershed Management Plan Committee."
- c. Mr. Vail volunteered to be a member of the "Policy, Guidance, and Standard Operating Procedures Committee."
- d. There then ensued a general discussion concerning the utilization of more committee meetings to vet proposals on behalf of the Board. Several Board members indicated that current Board members are already on several committees and have a limited time commitment for these activities. There was consensus that there should be an effort to recruit more non-Board members to serve on committees. Several Participating Landowners, or representatives of Participating Landowners, were suggested for potential committee membership. The persons suggested will be solicited for committee membership as appropriate needs and assignments arise.
- e. The committee membership discussion evolved into a larger discussion of making an effort to fill vacant seats on the Board, specifically, the vacant seats where South Portland and Westbrook have appointing authority. Mr. Goldberg suggested maximizing the number of property owners on the Board because of the direct financial impact of the financial decisions being made by the Board. Mr. Carney agreed to review the Bylaws to identify open vacancies.

7. Annual Meeting:

- a. Mr. Bacon initiated the discussion of whether the Board should host an annual meeting for Participating Landowners in 2017, noting that while there had been annual meetings for Participating Landowners in prior years, no annual meeting for Participating Landowners was held in 2016.
- b. The question, "what is the purpose of an annual meeting?", was posed.
- c. A discussion then ensued with the Board members offering suggestions on the purpose of an annual meeting for Participating Landowners. The identified purposes included: connecting with landowners; conducting a review of constructed projects; providing landowners with information of where money is being spent; informing landowners of the direction in which the District is heading; providing education and outreach on annual reporting requirements that landowners have under the General Permit; providing education and outreach on how to understand parcel-specific

operation and maintenance plans and annual parcel inspection reports; providing a description of the District's work in each subwatershed or catchment; providing information of how long the process of implementing the Long Creek Watershed Management Plan will go on; having a question and answer session for landowners; providing information on whether water quality is improving in Long Creek; summarizing the benefits that landowners receive by participating in implementation of the Long Creek Watershed Management Plan, such as avoiding the costs associated with individual permits and identifying the services provided to landowners; and reviewing the budget.

- d. There was a consensus among the Board that an annual Participating Landowner meeting should be held in 2017.
- e. The timing of a potential meeting was discussed, with Mr. Palmer advising that the meeting should be held no later than early April to avoid costs and conflicts associated with other conferences as the conference season starts to pick up after early April.
- f. Mr. Carney was tasked with preparing a draft agenda of what the annual landowner meeting could look like.

8. FY2018 Estimate of Expenditures and Anticipated Revenues and FY2018 Budget.

- a. Mr. Carney introduced the topic by reviewing the requirements of the District's Bylaws and the Board's past practices.
- b. Mr. Carney indicated that the Bylaws require that, on or before February 1 of each year, the Board prepare and submit to Participating Landowners an estimate of the expenditures and the anticipated revenues for the following fiscal year and, on or before July 1 of each year, adopt a final budget for the ensuing fiscal year.
- c. Mr. Carney indicated it was his understanding that the Board has traditionally adopted a final budget by February 1.
- d. Mr. Carney advised that the proposal before the Board today was to approve only the estimate of expenditures and anticipates revenues for Fiscal Year 2018, reserving the approval of a final budget for a later date prior to July 1. A proposed estimate of expenditures and anticipated revenues, as manifested in the document entitled "Profit & Loss Budget Overview July 2017 through June 2018," was circulated for review and approval by the Board (a copy of which is attached to these minutes).
- e. Mr. Carney advised that the estimate of expenditures and anticipates revenues allocates funds to certain budget accounts, but does not allocate funds to specific projects. However, allocations to specific projects would need to be assigned as part of the budget process.
- f. Mr. Carney related that while developing the draft budget proposal for Fiscal Year 2018 several major policy considerations arose that should be addressed by the Board before a final budget is approved. Mr. Carney advised that cash flow has been projected through the end of the current General Permit cycle (i.e. June 2020) and that decisions need to be made to equalize available cash flow with priority construction projects.

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- g. Specifically, questions concerning the status of the “Greening of the Maine Mall” project and the growing design and construction cost estimate for the “Main Stem Restoration Project” require resolution before a final Fiscal Year 2018 should be approved. Answering these questions is particularly important as the decisions not only impact the Fiscal Year 2018 budget, but have implications for budget through the end of the current permit cycle, and the theoretical end of implementing the Long Creek Watershed Management Plan.
 - h. Mr. Carney advised that \$1,600,000 had been allocated to the Main Stem Restoration Project (as reflected in the District’s Calendar Year 2015 annual report). During development of the Fiscal Year 2018 budget it was noted that the \$1,600,000 estimate for the Main Stem Restoration Project did not include design or construction oversight costs. Including design, construction, and other additions to the project, a full budget for the Main Stem Restoration Project was estimated to be as high as \$2,400,000. Because of limited cash flow, the budget for the Main Stem Restoration Project has significant implications on the scope of that project as well as other identified constructions projects.
 - i. The figures cited for construction and design of the Main Stem Restoration Project opened the door to a larger discussion of the District’s priorities and what projects the District should move forward with.
 - j. It was questioned whether allocating such a large budget to the Main Stem Restoration Project was the best use of those funds, given current cash projections.
 - k. Several Board members questioned the origin and scope of the Main Stem Restoration Project as a priority construction project.
 - l. A question was raised of what metrics support the scope and budget of the Main Stem Restoration Project.
 - m. There was a consensus that there needs to be a full review of relevant considerations before the Board can make decisions on specific restoration projects. The Board indicated that it needs this information to determine where “we get the most bang for our buck.”
 - n. Ms. Strause was asked what she thought a minimum estimate would be for construction and design of the Main Stem Restoration Project. Ms. Strause indicated that in her professional opinion the minimum construction and design estimates, for the conceptual design identified by the Expert Review Panel convened in 2014, would be \$1.4 million for construction, and \$400,000 design. However, Ms. Strause also indicated that the scale of the project could be adjusted and designed to price point identified by the Board.
 - o. There was a consensus among the Board members that they did not have enough information from the Expert Review Panel to make an informed decision on the scope of a budget for the Main Stem Restoration Project.
 - p. There was a consensus among the Board that priorities need to be established for construction prior to adopting a final budget and that more information is needed to identify those priorities.

- q. In order to provide the information required by the Board, and to vet and reassess identified construction priorities, Mr. Carney was tasked with: convening the South Branch Committee to make a recommendation to the Board on the resolving the ongoing capacity issue related to the South Branch; convening the Main Stem Committee to review the findings of the Expert Review Panel and make a recommendation on the prioritization, scope, and budget of the Main Stem Restoration Project; convening the Long Creek Watershed Management Plan committee to make a recommendation on how to prioritize the South Branch and Main Stem committee recommendations; and convening the Finance Committee to allocate funds to priority projects.
- r. Mr. Carney raised the issue of seeking Maine Department of Environmental Protection (“Maine DEP”) approval of any amendments to the Long Creek Watershed Management Plan before proceeding with a budget based upon amendments to the Long Creek Watershed Management Plan. Mr. Katsiaficas advised that the District should acquire Maine DEP approval of plan amendments, if any, prior to adopting a final budget.
- s. Mr. Goldberg moved to approve the estimate of expenditures and anticipated revenues as proposed. Mr. Vail seconded the motion. The motion carried unanimously.

9. Public Comments: None.

10. Next Meeting: The next meeting will be held on February 28, 2017 at 9:00a.m. The location is to be determined at a later date.

11. Adjourn: The meeting adjourned at 11:44a.m.