

Long Creek Watershed Management District Governing Board

Minutes – August 3, 2010 Meeting

1. Call to order – 9:00 am

2. Roll call

- **Dan Bacon (absent)**, Curtis Bohlen (arrived late), Mary Costigan, Brian Goldberg, **Craig Gorris (absent)**, Jim Hughes, Gerard Jalbert, John O'Hara, Ed Palmer, Tom Raymond, David Russell, David Thomes

3. Minutes (*Attachment A*)

- Ms. Costigan made the motion to accept the minutes as presented. Mr. O'Hara seconded the motion. The motion was approved unanimously.

4. Treasurer's report

- \$324,000 in the bank; \$65,000 Accounts receivable; \$140,000 due from CCSWCD; bottom line – solidly in the black
- Fiscal year began July 1, 2010; Banking accounts are open; LCWMD accounting has begun; Audit of CCSWCD is in progress; Integration of funds from CCSWCD will occur once audit is complete.
- Once the audit is complete and the integration of funds from CCSWCD has occurred, then the Long Creek finance activities will only be on LCWMD books and it will be much simpler to present the financial reports. Reports will be posted on the restore long creek website (currently all info is provided on the website as part of the board packets).

5. Executive Director's report

- PLA update
 - As of August 2, 2010 the designated impervious area totaled 548.22 acres.
 - 92.63% of the designated acreage has PLAs executed (98) or in progress (10).
 - Four properties (14 acres) have conveyed that they are seeking individual permits.
 - Three properties (3.25 acres) are working to get their properties to under one acre.
 - Met with DOT who is seeking in lieu of payment credit for work on Maine Mall Road.

6. **Maine Charitable Solicitation Act.** To authorize the President/Chair to file all documents necessary to conform to the requirements of the Maine Charitable Solicitations Act and to execute and deliver such documents and instruments as may be necessary to comply with such Act.

- Mr. Thomes moved item as presented. Mr. Palmer seconded the motion. The motion was approved unanimously.

7. **Good Housekeeping & Pollution Prevention.** To direct the Executive Director to issue Request for Proposals for BMP maintenance services and vacuum sweeping and catch basin cleaning.

- Recommended that the RFPs be for three year contracts
- Mr. Hughes moved item as presented. Mr. O'Hara seconded the motion. The motion was approved unanimously.

8. **Cost Sharing with change in development.** Property owners/operators whose change in property development creates additional expenses to LCWMD for changes in watershed treatment and administrative costs may be required to share in the increase of expenses to the extent that changes are needed to meet the additional watershed treatment above the current PLA plan.

- Determined that Jim should draft a policy to be brought back to the board.
- Jerry to call Mastoran.

9. **Contractor Insurance Policy.** To discuss the intent of the PLA insurance requirements for contractors and to determine whether to differentiate between contractors based on work provided.

- PLA specifies \$2 million combined single limit. Everyone agreed that this makes a lot of sense when the contractor has a crane on your property, but the \$1 million for standard for professional is acceptable.
 - Recommended to leave this to the discretion of the Executive Director.
10. **Late Policy.** To provide the Executive Director direction on acceptance of designated landowners who choose to enter into the General Permit after the timeframe that is allowed for in the PLA. Under its authority to adopt Rules and Regulations under Section 5.D. of the Interlocal Agreement and Art. II, Sec. 2.D. of the Bylaws of Long Creek Watershed Management District, the LCWMD Board of Directors can adopt Rules and Regulations. The *Attachment B* Draft Rules and Regulations are provided for adoption by the LCWMD Board.
- Copy the language from B.2.a. to B.1.a and remove language, “and also shall pay 0.25% interest per month amount of such Initial Assessment and/or Annual Assessment(s) calculated from the due date of each such Assessment.”
 - Remove B.2.a. language, “and also shall pay 0.25% interest per month amount of such Initial Assessment and/or Annual Assessment(s) calculated from the due date of each such Assessment.”
 - Mr. Hughes moved to adopt the policy as amended. Mr. Russell seconded the motion. The motion was approved unanimously.
11. **Conflict of Interest Policy.** To adopt the attached (*Attachment C*) Conflict of Interest Policy as the Conflict of Interest Policy of the LCWMD; the attached is a standard policy for nonprofit corporations approved by the Internal Revenue Service that has been modified to reflect that the District also is a quasi-municipal corporation whose directors also are governed by Maine’s conflict of interest statute, 30-A M.R.S.A. § 2605.
- Mr. Raymond moved to adopt the policy as presented. Mr. Hughes seconded the motion. The motion was approved unanimously.
12. **Board Insurance.** To review and approve Executive Director’s purchase of insurance for the District (commercial general liability coverage) and for the Board of Directors (directors and officers liability or public officials liability coverage) (*Attachment D*).
- Mr. O’Hara moved that the Executive Director purchase the Public Officials Insurance (\$2,019.00) and the General Liability (\$500.00) from Cross Agency. Mr. Russell seconded the motion. The motion was approved unanimously.
13. **Procurement Policy.** To adopt the attached (*Attachment E*) Procurement Policy as the Procurement Policy of the LCWMD.
- Add “e. LCWMD reserves the right to reject any and all bids/proposals and to reject non-responsive bids/proposals.” under C.3. and C.4.
 - Mr. Goldberg moved to adopt the policy as amended. Mr. Russell seconded the motion. The motion was approved unanimously.
14. **501(c) 3 Application.** To approve the application for nonprofit corporation status under Section 501(c) 3 of the Internal Revenue Code and to authorize the President/Chair to sign and submit that application (*Attachment F* (included in this packet is the 1023 form and supporting information, the application in its entirety includes supporting documents (Interlocal Agreement, PLA, etc.) and can be downloaded at www.restorelongcreek.org)).
- a. Mr. O’Hara moved item as presented. Mr. Palmer seconded the motion. The motion was approved unanimously.
15. **Public Comments – none.**
16. **Meeting adjourned at 10:50 a.m.**