



## Long Creek Watershed Management District Board of Directors

Minutes from January 15, 2019 Meeting

Location: Eco Maine, 64 Blueberry Road, Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:09a.m.
2. **Roll Call:**
  - a. Attendance: Curtis Bohlen, Arthur Colvin, Fred Dillon, Sean Donohue, Brian Goldberg, Will Haskell, Peter Newkirk, Doug Roncarati
  - b. Absent: Angela Blanchette, Eric Dudley, Craig Gorris, Susan Henderson, Ed Palmer, Michael Vail
  - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District), Chris Brewer (Cumberland County Soil & Water Conservation District), Jim Katsiaficas (Perkins-Thompson), Taylor LaBrecque (Maine DOT)
3. **Review of Board Meeting Minutes:**
  - a. The Board reviewed the draft minutes from the December 5, 2018 meeting.
  - b. Mr. Haskell noted that on page 4, in paragraph 9(g), the word “the” should be “that.”
  - c. Mr. ?????? noted that on page 4, paragraph 9(c), the word “bases” should be “based.”
  - d. **Mr. Haskell made a motion to accept the minutes from the December 5, 2018 meeting. Mr. Goldberg seconded the motion. The motion carried unanimously.**
4. **Treasurer’s Report:**
  - a. Mr. Bohlen reviewed the December Financial Report.
  - b. Mr. Bohlen noted that a significant cash balance is being carried in the District’s savings account.
  - c. A discussion ensued about potential uses of unallocated funds.
  - d. Mr. Brewer reviewed the receivables report.
  - e. Mr. Goldberg noted that there were a handful of long-outstanding, substantial balances on the receivables report.
  - f. Mr. Goldberg asked what leverage the Long Creek Watershed Management District has to ensure that outstanding balances are paid quickly, noting that it is a matter of equity that participating landowners timely contribute their fair share toward the District’s expenses.
  - g. Mr. Katsiaficas noted that there are provisions for penalties and interest for late payment of assessments in the District’s Rules and Regulations.
  - h. Mr. Katsiaficas offered to work with staff to research options to increase penalties and late fees for severely delinquent land owners.
5. **Carry Over Executive Director Leave Time from Calendar Year 2018 to Calendar Year 2019:**
  - a. Mr. Carney noted that under the terms of his employment as the District’s Executive Director, leave time may be carried forward from one year to the next with the approval of the Board.
  - b. Mr. Carney requested that the Board authorize carrying forward 31.82 hours of leave time from 2018 to 2019.
  - c. **Mr. Haskell made a motion to authorize the Executive Director to carry over 31.82 hours of leave time from 2018 to 2019. Mr. Newkirk seconded the motion. The motion carried unanimously.**

**6. Best Management Practices Easement Deed; City of Westbrook, Tax Map 3, Lot 114A:**

- a. Mr. Carney noted that structural Best Management Practice (BMP) projects constructed by the District are typically done so under the terms of easements under which the District constructs, inspects, maintains, and repairs the BMPs.
- b. Mr. Carney noted that the files for prior LCWMD construction projects were recently being reviewed to ensure that easements were on file for each project.
- c. During this review, it was noted that a final easement was not on file for the District-constructed gravel wetland on Thomas Drive which is on property owned by the City of Westbrook.
- d. Further investigation revealed that the easement had been approved by the City of Westbrook in 2013, however, the easement was apparently not signed at the time it was approved.
- e. Based on the prior approval, the City of Westbrook executed the easement in December 2018.
- f. Mr. Carney advised that for the easement to be effective it needs to be accepted by the District's Board.
- g. **Mr. Bohlen made a motion to accept the Best Management Practices Easement Deed from the City of Westbrook for the District-constructed gravel wetland on Tax Map 3, Lot 114A. Mr. Goldberg seconded the motion. The motion carried unanimously.**

**7. Fiscal Year 2019 Estimate of Expenditures and Anticipated Revenues:**

- a. Mr. Carney noted that the Long Creek Watershed Management's District's Interlocal Agreement and Bylaws require that the Board adopt an Estimate of Expenditures and Anticipated Revenues on or before February 1 of each year for the following fiscal year. On or before July 1 of each year the Board must adopt the final budget for the following fiscal year.
- b. Mr. Bohlen clarified that, today, the Board is only being asked to vote on an Estimate of Expenditures and Revenues for fiscal year 2019, and not the final fiscal year 2019 budget.
- c. Mr. Carney asked the Board to turn its attention to the Projected Statement of Cash Flows included in the Board packet which reflects that at the end of fiscal year 2020 it is projected that the District will have approximately \$2.4 million in unallocated funds on hand. Mr. Carney further noted that this amount takes into account construction of the Main Stem Restoration Project and the Hannaford Basin BMP retrofit project.
- d. Mr. Carney reminded the Board that construction of the Hannaford Basin BMP retrofit project has been the subject of an ongoing discussion on whether the project should be constructed given the high levels of chlorides in the South Branch of Long Creek, to which the Hannaford Basin BMP would discharge.
- e. Mr. Carney advised that there is a wide range of thoughts on how the unallocated funds should be applied including offering rebates, lowering future assessments, paying off the long-term Municipal Bond Bank loan, and keeping funds on hand for future maintenance, repair, and replacement of structural BMP projects.
- f. Mr. Carney noted that the Board should consider the implications of the chloride issue that has been documented while implementing the Long Creek Watershed Management Plan and should consider the implications of new development and redevelopment projects in the watershed which appear to be coming online at a rate increased from past rates of development.
- g. Mr. Colvin suggested that it may be time to consider other projects and that the money should go into ground not to paying off loan. Paying off the loan would have no water quality implications.

- h. Mr. Roncarati suggested that the District should get the Hannaford Basin BMP project done to treat those pollutants that we know can treat, even if the project would not be effective at treating chlorides.
- i. Mr. Katsiaficas asked how much basic annual maintenance and monitoring functions are expected to cost assuming there is a third permit cycle.
- j. Mr. Carney noted that annual expenses, excluding new construction costs, would be between \$750,000 and \$1,000,000 annually depending on what costs are considered as “basic” expenses.
- k. Mr. Bohlen noted that long-term repair and replacement costs for structural BMPs also need to be established.
- l. Mr. Carney noted that Mr. Brewer is in the process of preparing a long-term BMP maintenance, repair, and replacement projection which should be available for the next Board meeting.
- m. Mr. Haskell asked whether there are newer, better treatment technologies that could be used to replace old BMPs.
- n. Mr. Bohlen offered that there are unanswered questions concerning the long-term management of the watershed, noting that some of the data upon which the Long Creek Watershed Management Plan was based is now up to fifteen years old.
- o. Mr. Colvin suggested that if there is a second tier of structural BMP projects in which to invest, using the funds for such projects in the future is what the District should do.
- p. Mr. Goldberg suggested that capital projects should not be a focus if there is a third permit cycle as the participating landowners have already made a significant investment in the construction of structural BMPs.
- q. Mr. Katsiaficas noted that he had discussed with Mr. Dillon and Mr. Carney working with municipalities to update ordinances to improve low impact development and detach impervious acreage. Such ordinances could even the playing field among developers proposing new development or redevelopment in the watershed, while implementing measures to address issues such as chlorides.
- r. Mr. Goldberg asked whether it has not been the case that the plan has been under constant re-evaluation during its implementation.
- s. Mr. Carney noted that we have not been seeing a response in water quality commensurate with the investment in structural BMPs.
- t. Mr. Haskell noted that water quality impairments are seen at 10% impervious cover and that the effective impervious cover goal in some of the subwatersheds proposed under the Long Creek Watershed Management Plan do not come close to 10%. It may be that the Long Creek Watershed Management Plan’s goal of treating 150 acres of impervious surface is not a high enough level of treatment to meet water quality standards.
- u. Mr. Newkirk noted that the Long Creek Watershed Management Plan is ten years old, under which we attacked the question of effective impervious surface, but there are also significant hydrology and chloride issues. We need to look at the data, apply adaptive management, then revise the Long Creek Watershed Management Plan. The response by the stream system is going to take time. We also need to know whether the BMPs are effective and performing as intended.
- v. Mr. Donohue asked how we move forward if we do not know what the state of the stream.
- w. Mr. Bohlen noted that we know some basic things, but we have more questions based on information that has been collected since the inception of implementing the Long Creek Watershed Management Plan.

- x. Mr. Roncarati noted that the salt issue is important, but it should not drive the entire process.
- y. Mr. Colvin suggested that it will probably take a decade for anyone to figure out what to do with the chloride problem.
- z. Mr. Carney noted that in the fiscal year 2018 budget the Board approved the amount of \$50,000 to assess and revise the Long Creek Watershed Management Plan. Mr. Carney suggested that as a first step in assessing the plan, a consultant could be contracted with to conduct a wholesale assessment and analysis of the District's monitoring and hydrology data.
- aa. There was a consensus that Mr. Carney prepare a request for proposals to conduct the data assessment and analysis.
- bb. **Mr. Bohlen made a motion to approve the fiscal year 2019 Estimate of Expenditures and Anticipated Revenues as set forth in the Board packet. Mr. Haskell seconded the motion. The motion carried unanimously.**

**8. Long Creek Watershed Management Plan Assessment; Report out of Meeting with Maine DEP:**

- a. Mr. Carney noted that most of the issues discussed with Maine DEP were raised during the discussion on the fiscal year 2019 Estimate of Expenditures and Anticipated Revenues.
- b. In the interest of ending the meeting on time, there was no further discussion on this issue.

**9. Public Comments:** None.

**10. Next Meeting:** The next meeting will be held on February 27, 2019 at 9:00a.m. at the Scarborough Municipal Building.

**11. Adjourn:** The meeting adjourned at 11:02a.m.