



**Long Creek Watershed Management District Board of Directors**  
Minutes from January 24, 2018 Meeting  
Location: ON Semiconductor, 333 Western Avenue, South Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:36 a.m.
2. **Roll Call:**
  - a. Attendance: Angela Blanchette, Curtis Bohlen, Fred Dillon, Brian Goldberg, Will Haskell, Susan Henderson, Peter Newkirk, Doug Roncarati, Michael Vail, Sarah Zografos
  - b. Absent: Arthur Colvin, Eric Dudley, Craig Gorris, Ed Palmer
  - c. Staff/Guests: Peter Carney (LCWMD Executive Director), Aubrey Strause (Cumberland County Soil & Water Conservation District), Chris Brewer (Cumberland County Soil & Water Conservation District), Jim Katsiaficas, Esq. (Perkins-Thompson)
3. **Review of Board Meeting Minutes:**
  - a. The Board reviewed minutes from the December 20, 2017 meeting.
  - b. Mr. Goldberg noted one typographic error, in section 5(c)(vi), the word “south” should be “sought.”
  - c. **Mr. Haskell made a motion to accept the minutes from the December 20, 2017 meeting with the noted correction. The motion was seconded by Mr. Vail. The motion carried unanimously.**
4. **Treasurer’s Report:** December Financial Report
  - a. Mr. Bohlen noted that Mr. Brewer revised the financial report to break out construction costs for individual construction projects, whereas, previously all construction projects were shown as a single line item.
  - b. Mr. Bohlen further noted that the long-term financial projection reflects that LCWMD will have a balance of \$2.4 million dollars in the bank at the conclusion of the current permit cycle in June 2020. The figure already accounts for the budgeted costs of design and construction for the Main Stem restoration project and Hannaford Basin project.
  - c. Mr. Brewer briefly reviewed the accounts receivable report.
  - d. Mr. Carney noted that Mr. Brewer has developed more-detailed financial reports for Account 6275, which reflect the CCSWCD Services Agreement. Mr. Carney advised that he and Ms. Strause have been using the detailed reports to manage the CCSWCD budget.
  - e. Mr. Carney noted that given the level of detail available in the accounting reports, information is available at a more granular level for the many subaccounts underlying the primary accounts reflected in the financial reports provided to the Board each month which are at a more summary level.
  - f. Mr. Carney inquired if it would be helpful for the Board to have more detail in the financial report, and, if so, to what level. Mr. Carney further inquired as to what the best process is to assess subaccounts that may be overbudget or underbudget.
  - g. Mr. Brewer noted that +/-10% of a budgeted account is a common accounting practice for identifying accounts that should be reviewed.

- h. Mr. Carney suggested that, in addition to the Profit and Loss Budget Performance report provided for the overall budget, a Profit and Loss Budget Performance report for Account 6275 be included in the next financial report.

**5. Executive Session – Personnel Matter (re: Annual Performance Review):**

- a. **Mr. Bohlen moved that the Board go into executive session under 1 M.R.S. § 405(6)(A) to discuss a personnel matter where public discussion could reasonably be expected to damage the employee’s reputation or violate his/her right to privacy. Ms. Henderson seconded the motion. The motion carried unanimously and the Board went into executive session.**
- b. Ms. Strause, Mr. Brewer, and Mr. Carney temporarily left the meeting for the Board to conduct the executive session.
- c. **At the conclusion of the executive session, Ms. Henderson moved that the Board go back into regular session. Mr. Haskell seconded the motion. The motion carried unanimously and the Board returned to regular session.**
- d. **Following the executive session, Ms. Blanchette moved to: (1) approve an annual increase in the Executive Director’s salary in the amount of \$2,500, (2) approve an increase in the Executive Director’s Paid Time Off each calendar year from fifteen (15) days to twenty (20) days; (3) authorize the opening of an employer-sponsored Simple IRA in the name of the Long Creek Watershed Management District maintaining the present level of a three-percent (3%) contribution of base salary; and (4) approving the Executive Director’s request to carry over 40 hours of Paid Time Off from calendar year 2017 to calendar year 2018. Mr. Goldberg seconded the motion. The motion carried unanimously.**

**6. A Partner in Technology:**

- a. Mr. Carney advised that the current contract with A Partner in Technology (“API”), LCWMD’s information technology contractor, is nearing its not to exceed limit of \$2,500.
- b. Mr. Carney advised that a new contract with a not to exceed limit of \$2,500, the monetary limit for the Executive Director to enter into contracts without competitive bidding, is being prepared for API for continued information technology support services.
- c. Mr. Carney referred the Board to the draft motion in today’s Board packet. Mr. Carney noted that the motion is similar to a motion the Board approved for API’s prior contract which modified the automobile insurance requirements in the contract based upon API’s work being performed remotely.
- d. Approval of the motion by LCWMD Board of Directors would authorize the District’s Executive Director to enter into a Services Agreement with API with Automobile Liability insurance in the amount of \$1,000,000, combined single limit, based upon API representing and warranting that the work under the Services Agreement will be performed remotely.
- e. **Mr. Goldberg moved to authorize the Executive Director to enter in a contract with API with the revised insurance limits as set forth in the proposed motion, however, striking the text “and that no automobiles will be used in performance of the work under the Services Agreement.” Mr. Haskell seconded the motion. The motion carried unanimously.**

**7. FY2019 Estimate of Expenditures and Anticipated Revenues:**

- a. Mr. Bohlen noted that the Long Creek Watershed Management’s District’s Interlocal Agreement requires that the Board adopt an “Estimate of Expenditures and 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 voting on the “Estimate of Expenditures and Revenues” and not the final budget. Mr. Bohlen explained that significant work was done to develop a near complete budget for FY2019 to provide a reasonably basis for the “Estimate of Expenditures and Revenues,” but figures in the final budget are subject to change.
- c. The discussion began with a review of the FY2019 Budget Narrative, which was handed out at the meeting (Attachment A to these minutes), summarizing the major points discussed during the Finance Committee’s review of the draft FY2019 budget materials at its January 17, 2018 meeting.
- d. Mr. Carney noted that much of the Finance Committee’s conversation pertained to the “Hannaford Basin” BMP retrofit proposed for inclusion in the FY2019 budget. Mr. Carney advised that the Finance Committee requested that certain information be available for the Board’s discussion of the “Hannaford Basin” project and Mr. Carney, therefore, had prepared the “Hannaford Basin Summary,” also handed out at the meeting (Attachment B to these minutes).
- e. Questions have been raised as to whether the South Branch of Long Creek will ever meet its Class C water quality classification given the combined effects of chlorides and other pollutants and altered hydrology. The “Hannaford Basin” project would treat stormwater discharging to the South Branch.
- f. Mr. Carney advised the Board that he recommends that the District still pursue the Hannaford Basin project, despite the chloride issues, because the project is needed to meet the watershed management plan’s goal of treating 150 acres of impervious cover and that some water quality standard will need to be met in the South Branch of Long Creek even if a Use Attainability Analysis is performed and approved.
- g. Mr. Carney noted that the Long Creek Watershed Management Plan contemplates treatment of 150 acres of impervious cover within the watershed. Presently, approximately 101 acres of impervious cover are being treated by structural BMPs constructed under the plan. The 47 acres to be treated by the Hannaford Basin project would fulfill the goal of treating 150 acres.
- h. There was then a review of chloride Levels in the South Branch of Long Creek. The Long Creek Monitoring Plan establishes Surface Water Quality Criteria for chlorides, including a Criterion Continuous Concentration (“CCC”) (chronic) of 230 mg/L and a Criterion Maximum Concentration (“CMC”) (acute) of 860 mg/L. Analyses of base-flow grab sampling in 2017 reflected chloride levels between 610 mg/L to 820 mg/L.
- i. There was a discussion of recent studies which indicate that stormwater management basins that are designed to *infiltrate* stormwater may have the unintended consequence of introducing chloride contaminants into groundwater.
- j. Mr. Carney noted that the BMP being considered for the Hannaford Basin project is a gravel wetland system which are typically designed as *horizontal* flow detention and filter systems. They are not designed to *vertically* infiltrate stormwater. A thoughtful design for the Hannaford Design would reduce, or eliminate, the possibility of contributing to groundwater contamination with chlorides.
- k. Mr. Carney reviewed Maine’s statutory Class C water quality classification which provides that waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation; navigation; and as a habitat for fish and other aquatic life.
- l. Mr. Carney noted that conducting a use attainability analysis does not mean that the water body gets “written off” with a new classification of “nonattainment.” Mr. Carney noted rather

- that states may remove a “designated use” from the uses identified for Class C waters if that use is not an “existing use” and the State conducts a Use Attainability Analysis that demonstrates attaining the use is not feasible based on six factors identified in statute. An “existing use” is based on what uses water quality has supported in the past.
- m. Mr. Newkirk stated that given the chloride levels in the South Branch he questions whether LCWMD should put any additional money into BMPs related to water quality in the South Branch.
  - n. Mr. Newkirk noted that the Watershed Management Plan was written before we knew there was a chloride issue of the magnitude that we know now exists.
  - o. Mr. Newkirk suggested leaving money in the construction budget enough to cover the Hannaford Basin project, but not obligating it to the Hannaford Basin. We should look at other means to decrease chloride level and do another kind of BMP to treat chloride, or, alternatively, invest in the Main Stem where there is a better chance of meeting water quality standards than in the South Branch.
  - p. Mr. Roncarati said that we know that we have IC, temperature, and nutrient issues and we can address these through BMPs. However, we cannot solve the chloride problem with a BMP. We may be able to use some plants in the Hannaford Basin BMP that take up chloride.
  - q. Mr. Katsiaticas notes that if the Board chose not to pursue the Hannaford Basin it may need to consider alternatives to meet the watershed management plans goal of treating 150 acres of impervious cover.
  - r. Mr. Goldberg said that today’s discussion raised more questions than answers about whether the Hannaford Basin project should be pursued.
  - s. Mr. Carney noted that the provisional budget being adopted today is for purposes of the FY2019 Estimate of Expenditures and Anticipated Revenues and that a final decision on the Hannaford Basin is not needed today.
  - t. Mr. Carney suggested that the provisional budget could be adopted including the Hannaford Basin budget, however, between now and a vote on the final FY2019 budget additional research could be conducted based on the Board’s needs.
  - u. Mr. Bohlen noted that he would like to see additional information on alternative projects, property access issues for projects not identified in the original watershed management plan, and chlorides.
  - v. Mr. Roncarati suggested that alternative projects could be guided by identifying pollutant “hot spots” in the watershed and designing projects to mitigate those impacts.
  - w. Mr. Carney pointed out a few additional changes from last year’s budget, including: a reduction in the budget for Account 6275 which reflect the CCSWCD Services Agreement; an increase in the sweeping budget to reflect conversion the Hot Spot #3 sweeping in November to a full sweep; and an increase in the catch basin cleaning budget reflect an increase in the number of catch basins to be cleaned from 400 in fiscal year 2018 to 600 in fiscal year 2019.
  - x. Mr. Bohlen requested that expenses be broken down into the four cost categories identified in the Participating Landowner Agreements. Mr. Brewer provided these figures on the white board in the room as follows: \$216,980.98 in Administration expenses; \$1,028,893.90 in Construction and Maintenance expenses; \$147,774.36 in Monitoring expenses; and \$355,899.83 in Non-Structural Expenses; for a total of \$1,749,549.07.
  - y. **Mr. Vail moved to approve the FY2019 Estimate of Expenditures and Anticipated Revenues based upon the draft budget reviewed during the meeting, subject to the Board’s understanding that additional research will be conducted and provided to the Board with**

**respect to the Hannaford Basin prior to a vote on the final FY2019 budget. Mr. Goldberg seconded the motion. The motion carried unanimously.**

**8. Main Stem Restoration – 30% Design Report:**

- a. Mr. Carney noted that the 30% Design plans for the Main Stem restoration project are available for review at the end of the meeting.
- b. Mr. Carney advised that LCWMD would be submitting written comments to the project contractors and that the 95% design plans are anticipated to be completed on February 16, 2018.
- c. Field Geology Services, LLC, and other members of the design team, will be presenting the 95% design plans at the next Board meeting.

**9. Public Comment(s):** None.

**10. Next Meeting:** The next meeting will be held on February 28, 2018 at 9:00a.m. at ON Semiconductor, 333 Western Avenue in South Portland, Maine.

**11. Adjourn:** The meeting adjourned at 11:52 a.m.