



Long Creek Watershed Management District Board of Directors

Minutes from January 30, 2020 Meeting

Location: Holiday Inn Express & Suites, 303 Sable Oaks Drive, South Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:04a.m.
2. **Roll Call:**
 - a. Attendance: Angela Blanchette, Curtis Bohlen, Fred Dillon, Sean Donohue, Brian Goldberg, Craig Gorris, Will Haskell, Taylor LaBrecque, Ed Palmer, Doug Roncarati, Michael Vail
 - b. Absent: Arthur Colvin, Eric Dudley, Susan Henderson
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District), Jim Katsiaficas, Esq. (Perkins Thompson), Chris Brewer (Cumberland County Soil & Water Conservation District)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the December 10, 2019 meeting.
 - b. **Mr. Vail made a motion to accept the minutes from the December 10, 2019 meeting. Mr. Dillon seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Bohlen briefly reviewed the December financial report, advising there was nothing notable in the report this month.
 - b. Mr. Brewer noted that 54% of the fiscal year 2020 budget has been consumed, which is right on track for this time of the year.
 - c. Mr. Brewer also noted that about half of the assessment payments due in January have been received.
5. **Maritime Farms & Land Management, LLC; Pavement Sweeping Services Agreement; Change Order No. 6 – Extend Termination Date to December 31, 2020 and Convert Hot Spot #3 to a Full Sweep:**
 - a. Mr. Carney advised that the basis for all three change orders on today's agenda is the same.
 - b. During the last round of requests for proposals, the termination dates for the pavement sweeping and BMP inspection and maintenance agreements were set to coincide with the end of the current permit cycle in June 2020.
 - c. The end of the permit cycle was chosen as the termination date because at the time the requests for proposals were issued it was anticipated that we would have the information concerning the third permit cycle necessary to issue the next round of requests for proposals, reflecting the third permit cycle requirements.
 - d. However, due to there still being uncertainty related to the requirements of the third permit cycle, Mr. Carney is recommending extending the agreement terms to the end of calendar year 2021.
 - e. Extending the agreement terms to the end of 2020 will provide necessary services through the end of the calendar year, with the goal of issuing requests for proposals later in the year when we have a better sense of what will be required for the next permit cycle.
 - f. The proposed motion includes converting Hot Spot #3 to a full sweep, as the Board also approved in fiscal years 2019 and 2020.

- g. Mr. Carney noted the pavement sweeping services provider is willing to extend the pricing in the current contract through the end of calendar year 2021.
- h. Mr. Gorris inquired whether or not it would make sense to add additional sweeping events in the next pavement sweeping request for proposals, especially when we encourage switching to a higher sand to salt ratio. It would make sense to add a mid-winter sweeping during long term thaw events.
- i. It was agreed that additional sweeping events should be considered if there is significant movement away from the use of salt to the use of sand.
- j. **Mr. Goldberg made a motion to authorize the Executive Director to enter into a change order with Maritime Farms & Land Management, LLC to extend the termination date of the current Pavement Sweeping Services Agreement to December 31, 2020 to cover all sweeping events occurring in calendar year 2020 and add approximately 208 acres of pavement sweeping in November 2020 to convert Hot Spot #3 to a full sweep of all acreage managed by LCWMD for pavement sweeping. Mr. Haskell seconded the motion. The motion carried unanimously.**

6. Maritime Farms & Land Management, LLC; Stormwater BMP Inspection and Maintenance Services Agreement; Change Order No. 3 – Extend Termination Date to December 31, 2020:

- a. Mr. Carney noted that the BMP inspection and maintenance season typically runs from June through October, annually.
- b. Theoretically, the BMP inspection and maintenance service providers could complete BMP inspection and maintenance activities prior to the termination of the current agreements, however, this is unlikely given LCWMD's method of assigning inspections, reviewing inspection reports, and then assigning maintenance.
- c. Advancing the termination date of the BMP inspection and maintenance services agreements would better suit LCWMD's timeline of inspecting and maintaining BMPs through October.
- d. Mr. Carney noted the BMP inspection and maintenance service providers are willing to extend the pricing in the current agreements through the end of calendar year 2021.
- e. **Mr. Goldberg made a motion to authorize the Executive Director to enter into a change order with Maritime Farms & Land Management, LLC to extend the termination date of the current Stormwater BMP Inspection and Maintenance Services Agreement to December 31, 2020 to cover all awarded BMP inspection and maintenance activities occurring in calendar year 2020. Mr. Haskell seconded the motion. The motion carried unanimously.**

7. Sterling Stormwater Maintenance Services, LLC; Stormwater BMP Inspection and Maintenance Services Agreement; Change Order No. 4 – Extend Termination Date to December 31, 2020:

- a. Mr. Carney noted that the BMP inspection and maintenance season typically runs from June through October, annually.
- b. Theoretically, the BMP inspection and maintenance service providers could complete BMP inspection and maintenance activities prior to the termination of the current agreements, however, this is unlikely given LCWMD's method of assigning inspections, reviewing inspection reports, and then assigning maintenance.
- c. Advancing the termination date of the BMP inspection and maintenance services agreements would better suit LCWMD's timeline of inspecting and maintaining BMPs through October.
- d. Mr. Carney noted the BMP inspection and maintenance service providers are willing to extend the pricing in the current agreements through the end of calendar year 2021.

- e. **Mr. Goldberg made a Motion to authorize the Executive Director to enter into a change order with Sterling Stormwater Maintenance Services, LLC to extend the termination date of the current Stormwater BMP Inspection and Maintenance Services Agreement to December 31, 2020 to cover all awarded BMP inspection and maintenance activities occurring in calendar year 2020. Mr. Haskell seconded the motion. The motion carried unanimously.**

8. Request by ON Semiconductor to Pay Annual Assessments in Quarterly Installments:

- a. Mr. Carney noted that the Participating Landowner Agreements contain a provision allowing the Board to authorize a Participating Landowner to pay its annual assessments in quarterly installments.
- b. Mr. Carney advised that ON Semiconductor has made such a request to pay its annual assessments in quarterly installments.
- c. Mr. Vail noted that a quarterly payment schedule better suits ON Semiconductor's manufacturing and budgeting process.
- d. **Mr. Roncarati made a motion to approve ON Semiconductor's request to pay its annual assessments in quarterly installments. Mr. Palmer seconded the motion. Mr. Vail abstained. The motion carried unanimously.**

9. FY2021 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. Carney clarified that, today, the Board is only being asked to vote on an Estimate of Expenditures and Anticipated Revenues for fiscal year 2021, and not the final fiscal year 2021 budget.
- c. Mr. Carney asked the Board to turn its attention to the draft Budget Narrative included in today's Board packet.
- a. Mr. Carney noted that after he and Mr. Brewer developed the first draft of the budget accounting for all typical day-today annual expenses for fiscal year 2021, approximately \$500,000 in unallocated funds was identified.
- b. The identified unallocated funds were brought to the attention of the Finance Committee during its review of the draft budget.
- c. The Finance Committee recommended that \$200,000 of the unallocated funds be allocated to the long-term maintenance, repair, and replacement of structural BMPs constructed by LCWMD.
- d. The amount of \$200,000 was the approximate amount of funds identified in the long-term maintenance, repair, and replacement estimate performed by CCSWCD. This is the amount that LCWMD should be reserving annually for future maintenance, repair, and replacement of structural BMPs.
- e. The Finance Committee recommended that the remaining \$300,000 in unallocated funds be allocated to a private BMP incentive program, under which Participating Landowners could apply to LCWMD for "above-and-beyond" water quality projects aimed at furthering the goals of the Long Creek Watershed Management Plan.
- f. The Finance Committee recommended allocating significant funds to a private BMP incentive program because LCWMD has no construction projects identified in fiscal year 2021 or in following years. The program funds will provide an incentive for private investment in BMP

construction and water quality projects, which will be particularly important over the next several years as redevelopment and new development within the Long Creek Watershed is anticipated.

- g. Mr. Carney noted that many of the line item amounts in the draft budget were either carry overs from prior years, were based on actual figures from fiscal year 2020, or were set figures from established services agreements.
- h. Mr. Carney advised that other items of note in the draft budget include: a sum to replace the rip-rap forebay at the Maine Mall Gravel Wetland with a concrete forebay to make maintenance of the forebay easier given the amount of sand that has been removed annually; BMP performance testing to measure the performance of specific BMPs throughout the watershed; and a stream corridor management plan which is identified in the Long Creek Watershed Management Plan. The stream corridor management plan would holistically look at water quality, flow, and habitat considerations throughout the watershed.
- d. In addition, the meetings budget was increased to allow for stakeholder meetings pertaining to the development of the next cycle of the Long Creek General Permit.
- e. **Mr. Vail made a motion to approve the Fiscal Year 2021 estimate of expenditures and anticipated revenues as set forth in draft Fiscal Year 2021 budget. Mr. Haskell seconded the motion. The motion carried unanimously.**

10. Public Comments: None.

- 11. Ms. Blanchette advised that the New England Stormwater Collaborative, of which she is a member of the Board of Directors, is currently accepting nominations for the "Stormy Awards." Ms. Blanchette said she thinks that LCWMD should submit one of our projects for consideration, the deadline is the end of February.
- 12. Mr. Dillon discussed his and Mr. Carney's meeting with John Spritz concerning the development of a request for proposals for education and outreach services. Mr. Spritz is in the marketing business and was recommended by Mr. Bohlen as Mr. Spritz is a member of the Board of Directors on the Casco Bay Estuary Partnership ("CBEP") and has assisted CBEP with similar services. Mr. Spritz could help with education and outreach, developing a marketing plan, and crafting a message going forward for landowner relations.
- 13. Mr. Goldberg said that we need to be prepared to compile our messages around the continuance of the Long Creek General Permit, the recently completed data analysis summary, and long-term plans for LCWMD.
- 14. Mr. Katsiaficas asked whether we should consider creating a Strategic Planning Committee to work on developing a plan for the next cycle of the Long Creek General Permit. Mr. Goldberg, Mr. Dillon, Mr. Bohlen, Mr. Haskell, Mr. Vail, and Mr. Palmer expressed interest in participating on a Strategic Planning Committee and it was suggested that Mr. Gorris might also be interested. Mr. Carney agreed to work with Mr. Palmer to set up an initial informal meeting of the interested committee participants sometime in the following week.
- 15. **Next Meeting:** The next Board meeting will be held on March 17, 2020 at 9:00a.m. at ON Semiconductor, 333 Western Avenue, South Portland, Maine.

16. Adjourn: The meeting adjourned at 10:43a.m.