



## Long Creek Watershed Management District Governing Board

Agenda: March 27, 2015 – 9:00 a.m.

Location: Maine Turnpike Authority Headquarters, Conference Room E, 2360 Congress St, Portland

1. **Call to order**
2. **Roll call**
3. **Minutes 3-5-15** (*Attachment A*)
4. **Treasurer's Report** (*Attachment B*)
  - a. Balance Sheet; Profit & Loss; A/R Aging Summary; A/P Summary; Budget vs. Actual
5. **GGP Gravel Wetland:** To award a contract for construction services for the Long Creek Watershed as specified in the Bid Package and to authorize the LCWMD Executive Director to execute documents necessary thereto. Recommendation will be provided at the Board Meeting.
6. **Update on Chapter 500, Maine Stormwater Rules** (*Attachment C*)
7. **Discussion on possibility of development/redevelopment incentives**
8. **Executive director's report:**
  - a. Monitoring Database RFQ
  - b. General Permit Update
9. **Public comments**
10. **Next meeting**
11. **Adjourn**



## Long Creek Watershed Management District Governing Board

Minutes: March 5, 2015 – 9:00 a.m. meeting

Location: Maine Turnpike Authority Headquarters, Conference Room E, 2360 Congress St, Portland

1. **Call to order:** Mr. Newkirk called the meeting to order at 9:02pm.
2. **Roll call:** Dan Bacon (absent), Curtis Bohlen, Craig Gorris, John Branscom, Brian Goldberg, Ed Palmer (late), Adam Pitcher (absent), Tom Raymond, Doug Roncarati, Michel Vail, Fred Dillon (absent), Peter Newkirk
3. **Minutes:** Mr. Raymond made a motion to approve the January minutes. Mr. Goldberg seconded the motion and the motion was unanimously approved.
4. **Treasurer's Report:**
  - a. The Treasurer's report was presented by Mr. Bohlen.
    - The accounts are following anticipated trends, with expenses relating to administration and engineering
    - DEP is preparing to proceed with court action for the delinquent payments for CPSP and Corner Brook.
5. **Review Financial Policies and Procedures**
  - a. The recommended changes to the policies were prepared by the Finance Committee and presented for consideration. It was recommended clarifying statement in the Cash Disbursements section be added as follows: *"In the event that the Treasurer is unavailable to sign checks the Chairman of the Board is authorized to sign checks, provided however that any check to the contract administrator be signed by the Treasurer or Board Chair."* A motion to approve the suggested changes was made by Mr. Goldberg and seconded by Mr. Palmer the motion carried.
6. **DEP Permit Review and Comments**
  - a. The permit document that was provided to the Board was compared to the existing permit. Tamara went through the substantial changes:
    - The preamble was added because this is now standard permit language that is required by the State.
    - Reporting requirements are discussed as part of the preamble.
      - Tamara will explore with DEP staff if conditional acceptance will be required for the reporting process.
    - Part I. Section E. Limitations on coverage. Section 2. Other Permits, needs to be clarified to reflect where the MS4 permits overlap with this permit. The LC permit is designed to

supersede stormwater requirements from other permits. Industrial permittees still have to do inspections and reporting associated with their industrial activities, but inspections associated with stormwater now fall under LC.

- Definitions – Watershed Management Plan now references modifications to the plan as we move forward.
- General Procedure: Notice of Intent will now be required to be submitted to the LCWMD in addition to Maine DEP.
- Sellers will now be required to submit a Notice of Termination.
- Contents of NOI: LCWMD is interested in additional points of contact to streamline staff time required to track down who to contact for local needs, corporate, winter maintenance, landscaping, and billing.
  - The board discussed the need for the landowner to be the point of contact for their contractors. Outreach to the subcontractors is also sent to landowners.
- All reporting will be based on the calendar year rather than fiscal/permit year. This is because the permit/fiscal year splits the monitoring season.
- We need to amend the plan to better define Tier 1 and Tier 2 permit requirements.
- Part V needs to also reference the MS4 General Permit.

## **7. 2015 Annual Meeting Debrief**

### a. Suggestions:

- Add time for public questions
- Find a way to entice more of the landowners to attend

## **8. Development Requirements/Redevelopment Requirements Discussion**

- a. We have learned that there are three potential new developments in the upcoming construction season. We are exploring options on how Chapter 500 can be modified to allow DEP to work with us to explore better options for our restoration efforts rather than force developers to develop to Chapter 500 standards.
- b. Suggested modification to Chapter 500 is only available for urban impaired streams that have DEP approved management plan and monitoring plan.
- c. The Board is not prepared to make a decision at this point on how to proceed. Tamara and Jim will compile a memo to the board that will summarize the request and provide additional details including pros and cons.

## **9. Executive director's report:**

### a. Maine Mall Gravel Wetland Bid and Parking Lot Retrofit Update:

- The bid package is out. Five contractors showed up at the mandatory pre-bid meeting. Bid opening is scheduled for Wednesday, March 18<sup>th</sup>, at 11:00 a.m.

- Parking lot timeline needs to be reconsidered, and we are looking at moving the construction to spring 2016 rather than this fall. This will allow us to also partner with GGP if they move forward with any resurfacing projects in 2016.
- b. Monitoring Database RFQ:
- Request for Qualifications rather than a Request for Proposals, because we want to ensure that the potential contractors have done this work before. The goal is to have the database hosted in the cloud so we more easily access the raw data and run queries to analyze the data.
- c. Plan Update
- Chloride loading model has been developed and it is now being aligned to our monitoring data to help us determine how application rates could be affecting the stream and identify potential opportunities for reduction.
  - The staff sat down and looked at parcels that may be options for cost effective treatment.

**10. Public comments:** None

**11. Next meeting:** March 27<sup>th</sup> at 9:00 am at the MTA Headquarters.

**12. Adjourn** Mr. Raymond made a motion to adjourn the meeting at 10:48 am. Mr. Vail seconded the motion and the motion carried unanimously.

**Long Creek Watershed Management District**  
**Profit & Loss**  
 July 2014 through February 2015

	Jul '14 - Feb 15
Ordinary Income/Expense	
Income	1,528,977.35
Gross Profit	1,528,977.35
Expense	
5010 · ADS	657.98
5020 · AWARDS	149.32
5030 · BAD DEBT	0.40
5040 · CONSTRUCTION	
5042 · Engineering	96,029.76
5044 · Permits	2,798.25
5045 · Streams	31,500.00
5046 · Structural	857,355.24
5047 · Maintenance	21,843.12
Total 5040 · CONSTRUCTION	1,009,526.37
5060 · MONITORING EXPENSE	35,671.93
5080 · MEETINGS	1,407.16
6160 · DUES AND SUBSCRIPTIONS	534.50
6180 · INSURANCE	4,637.00
6240 · MISCELLANEOUS	69.12
6250 · POSTAGE AND DELIVERY	207.08
6270 · PROFESSIONAL FEES	
6271 · Engineer/Consultant	40,367.50
6272 · Legal Fees	20,802.82
6273 · Accounting	4,975.00
6275 · Program Management	258,287.72
6276 · Sweeping	25,412.65
6278 · Catch Basin Cleaning	9,448.40
6281 · Website	6,460.00
Total 6270 · PROFESSIONAL FEES	365,754.09
6300 · REPAIRS	1,258.00
6340 · TELEPHONE	463.10
6350 · TRAVEL	4,157.27
6550 · SUPPLIES	844.44
Total Expense	1,425,337.76
Net Ordinary Income	103,639.59
Net Income	<b>103,639.59</b>

Long Creek Watershed Management District  
**Balance Sheet**  
As of February 28, 2015

	<u>Feb 28, 15</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1110 · Biddeford Savings - Checking	14,023.68
1112 · Biddeford Savings - M Market	1,570,311.75
<b>Total Checking/Savings</b>	<u>1,584,335.43</u>
<b>Accounts Receivable</b>	
1200 · ACCOUNTS RECEIVABLE	203,750.97
<b>Total Accounts Receivable</b>	<u>203,750.97</u>
<b>Total Current Assets</b>	1,788,086.40
<b>Fixed Assets</b>	
1700 · FIXED ASSETS	
1730 · Monitoring Equipment	26,925.00
1740 · Infrastructure	3,583,801.64
1780 · Construction in Process	35,119.93
1790 · Accumulated Depreciation	<u>-245,014.64</u>
<b>Total 1700 · FIXED ASSETS</b>	<u>3,400,831.93</u>
<b>Total Fixed Assets</b>	3,400,831.93
<b>Other Assets</b>	14,953.34
<b>TOTAL ASSETS</b>	<b><u><u>5,203,871.67</u></u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	88,105.52
<b>Other Current Liabilities</b>	
2200 · Deferred Revenue	26,293.82
2320 · Performance Bonds	<u>96,273.25</u>
<b>Total Other Current Liabilities</b>	<u>122,567.07</u>
<b>Total Current Liabilities</b>	210,672.59
<b>Long Term Liabilities</b>	
2700 · MM BOND BANK	1,212,132.80
<b>Total Long Term Liabilities</b>	<u>1,212,132.80</u>
<b>Total Liabilities</b>	1,422,805.39
<b>Equity</b>	
3000 · NET ASSETS	3,677,426.69
Net Income	<u>103,639.59</u>
<b>Total Equity</b>	<u>3,781,066.28</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u><u>5,203,871.67</u></u></b>

4:23 PM

03/18/15

**Long Creek Watershed Management District**  
**A/P Aging Summary**  
As of March 18, 2015

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>&gt; 90</u>	<u>TOTAL</u>
CUMBERLAND COUNTY SWCD	33,500.47	0.00	0.00	0.00	0.00	33,500.47
FB ENVIRONMENTAL ASSOCIATES, LLC	2,691.23	0.00	0.00	0.00	0.00	2,691.23
MAINTODAY media, inc	657.98	0.00	0.00	0.00	0.00	657.98
PERKINS-THOMPSON	791.00	0.00	0.00	0.00	0.00	791.00
SHAW BROTHERS CONSTRUCTION, INC.	0.00	0.00	0.00	0.00	10,000.00	10,000.00
<b>TOTAL</b>	<b><u>37,640.68</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>0.00</u></b>	<b><u>10,000.00</u></b>	<b><u>47,640.68</u></b>

## Long Creek Watershed Management District A/R Aging Summary

As of March 18, 2015

	Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
<b>465 Main Street LLC</b>						
128-02	0.00	0.00	2,547.64	0.06	88.08	2,635.78
<b>Total 465 Main Street LLC</b>	0.00	0.00	2,547.64	0.06	88.08	2,635.78
<b>Brawn-Acker, LLC.</b>						
126-01	0.00	29.44	1,665.30	0.00	0.00	1,694.74
<b>Total Brawn-Acker, LLC.</b>	0.00	29.44	1,665.30	0.00	0.00	1,694.74
<b>Coca Cola Bottling Company</b>						
102-01	0.00	50.70	0.00	0.00	0.00	50.70
<b>Total Coca Cola Bottling Company</b>	0.00	50.70	0.00	0.00	0.00	50.70
<b>Cornerbrook, LLC</b>						
65-01	0.00	82.43	3,783.11	0.00	6,983.95	10,849.49
<b>Total Cornerbrook, LLC</b>	0.00	82.43	3,783.11	0.00	6,983.95	10,849.49
<b>CPSP, LLC</b>						
70-D-01	0.00	159.80	13,284.38	0.00	26,226.10	39,670.28
71-D-01	0.00	93.01	5,263.20	0.00	10,248.37	15,604.58
72-D-01	0.00	66.25	1,996.47	0.00	3,864.70	5,927.42
<b>Total CPSP, LLC</b>	0.00	319.06	20,544.05	0.00	40,339.17	61,202.28
<b>Kimco Mallside Plaza</b>						
51-01	0.00	0.00	11,219.79	0.00	0.00	11,219.79
<b>Total Kimco Mallside Plaza</b>	0.00	0.00	11,219.79	0.00	0.00	11,219.79
<b>Macy's Retail Holdings, Inc</b>						
29-01	0.00	96.59	26,860.05	0.00	0.00	26,956.64
<b>Total Macy's Retail Holdings, Inc</b>	0.00	96.59	26,860.05	0.00	0.00	26,956.64
<b>MaineToday Media, Inc.</b>						
16-01	0.00	79.14	0.00	43.82	108.03	230.99
<b>Total MaineToday Media, Inc.</b>	0.00	79.14	0.00	43.82	108.03	230.99
<b>NEWGEN HOSPITALITY, LLC</b>	0.00	0.00	1.01	0.00	0.00	1.01
<b>Sysco Northern New England, Inc.</b>						
109-01	0.00	0.00	3,494.08	0.00	0.00	3,494.08
<b>Total Sysco Northern New England, Inc.</b>	0.00	0.00	3,494.08	0.00	0.00	3,494.08
<b>Target Corporation</b>						
23-U-01	0.00	53.41	10,658.92	0.00	0.00	10,712.33
41-U-01	0.00	30.39	2,022.36	0.00	0.00	2,052.75
<b>Total Target Corporation</b>	0.00	83.80	12,681.28	0.00	0.00	12,765.08
<b>TOTAL</b>	<b>0.00</b>	<b>741.16</b>	<b>82,796.31</b>	<b>-4,198.15</b>	<b>51,761.26</b>	<b>131,100.58</b>



**Long Creek Watershed Management District**  
**Profit & Loss Budget Performance**  
July 2014 through February 2015

	Jul '14 - Feb 15	% of Budget	Annual Budget
<b>Ordinary Income/Expense</b>			
<b>Total Income</b>	1,528,977.36	101.35%	1,509,214.24
<b>Gross Profit</b>	1,528,977.36	101.35%	1,509,214.24
<b>Expense</b>			
5010 · ADS	657.98	100.0%	0.00
5020 · AWARDS	149.32		
5030 · BAD DEBT	0.40	100.0%	0.00
5040 · CONSTRUCTION			
5042 · Engineering	96,029.76	83.64%	194,828.64
5044 · Permits	2,798.25	100.0%	0.00
5045 · Streams	31,500.00		
5046 · Structural	857,355.24	102.88%	1,833,342.00
5047 · Maintenance	21,843.12	54.61%	70,000.00
5040 · CONSTRUCTION - Other	0.00	0.0%	0.00
<b>Total 5040 · CONSTRUCTION</b>	1,009,526.37	102.16%	2,098,170.64
<b>Total 5060 · MONITORING EXPENSE</b>	35,671.93	79.39%	63,898.00
5070 · DEPRECIATION EXPENSE	0.00	0.0%	0.00
5071 · AMORTIZATION EXPENSE	0.00	0.0%	0.00
5080 · MEETINGS	1,407.16	140.72%	1,000.00
<b>Total 6000 · PROGRAM EXPENSE</b>	0.00	0.0%	75,758.30
6160 · DUES AND SUBSCRIPTIONS	534.50	86.44%	665.04
<b>Total 6180 · INSURANCE</b>	4,637.00	95.04%	6,000.00
6240 · MISCELLANEOUS	69.12		
6250 · POSTAGE AND DELIVERY	207.08	100.0%	0.00
6260 · PRINTING AND REPRODUCTION	0.00	0.0%	0.00
6270 · PROFESSIONAL FEES			
6271 · Engineer/Consultant	40,367.50	96.11%	45,000.00
6272 · Legal Fees	20,802.82	94.56%	32,000.00
6273 · Accounting	4,975.00	99.5%	5,000.00
6274 · Administration	0.00	0.0%	0.00
6275 · Program Management	258,287.72	84.67%	462,099.97
6276 · Sweeping	25,412.65	30.5%	125,000.00
6277 · WQ Monitoring	0.00	0.0%	0.00
6278 · Catch Basin Cleaning	9,448.40	236.21%	6,000.00
6279 · Consultant	0.00	0.0%	2,500.00
6281 · Website	6,460.00	80.75%	9,600.00
<b>Total 6270 · PROFESSIONAL FEES</b>	365,754.09	77.65%	687,199.97
<b>Total 6300 · REPAIRS</b>	1,258.00	62.9%	3,000.00
6340 · TELEPHONE	463.10	96.22%	721.92
<b>Total 6350 · TRAVEL</b>	4,157.27	40.49%	14,000.00
6550 · SUPPLIES	844.44	31.67%	4,000.00
<b>Total Expense</b>	1,425,337.76	88.98%	2,954,413.87
<b>Net Ordinary Income</b>	103,639.60	-111.3%	-1,445,199.63
<b>Net Income</b>	<b>103,639.60</b>	<b>-111.3%</b>	<b>-1,445,199.63</b>



## MEMO

To: LCWMD Board  
From: Tamara Lee Pinard, Executive Director  
Date: March 23, 2015  
Re: Update on Chapter 500, Maine Stormwater Rules

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Monday, March 16<sup>th</sup>, the Maine Legislature's Joint Standing Committee on the Environment and Natural Resources held a work session on L.D. 147 Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection.

Staff from the Maine Department of Environmental Protection were on hand to answer questions from the committee. DEP staff supported the amendment to the provisionally adopted rules to include the following under Section 4. E. Urban Impaired stream standard:

4.E.4. Where there is a Department approved Management and Monitoring Plan and monitoring demonstrates a stressor in the watershed is contributing to impairment of the urban impaired stream, the Department may require the applicant to utilize alternative or additional stormwater treatment to address the identified stressor. A stressor may be a pollutant or maybe a failure to meet a water quality standard.

The Committee voted unanimously to approve the amendments suggested by DEP staff. The Committee voted unanimously that LD 147 ought to pass.