



Long Creek Watershed Management District Board of Directors

Minutes from May 7, 2020 Meeting

Location: Remote participation due to COVID-19; members of the public may participate in the meeting telephonically by calling (207) 352-4212 and entering the conference ID: 555 350 063#.

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:04a.m.
2. **Roll Call:**
 - a. Attendance: Angela Blanchette, Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Craig Gorris, Susan Henderson (joined at 9:46a.m. due to technical issues), Taylor LaBrecque, Doug Roncarati
 - b. Absent: Curtis Bohlen, Arthur Colvin, Will Haskell, Ed Palmer
 - 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 March 31, 2020 meeting.
 - b. **Mr. Roncarati made a motion to accept the minutes from the March 31, 2020 meeting. Mr. Dillon seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Brewer reviewed the April Financial Report.
 - b. Mr. Brewer noted that there are two large landowners that pay assessments on a quarterly schedule and that is why there is \$23,000 in income this quarter.
 - c. We just ended the third quarter of the fiscal year and the budget performance is good.
 - d. All major billing is complete for this fiscal year and we have exceeded projected income by 5%.
 - e. The Main Stem project exceeded its budget by \$46,000, which was approved by Board action.
 - f. Funds for the construction of structural BMPs in this fiscal year remain untouched, these funds are allocated to construction of the South Branch BMP retrofits which has not yet started.
5. **Cumberland County Soil & Water Conservation District, Services Agreement:**
 - a. Mr. Katsiaficas advised that it was necessary to revise the Services Agreement, which has been in place for ten years, to better reflect the current needs of LCWMD.
 - b. Mr. Katsiaficas further advised that the process of revising the Services Agreement was a collaborative effort between LCWMD and CCSWCD.
 - c. Mr. Katsiaficas noted that he reviewed the revised agreement on behalf of LCWMD and that the agreement was reviewed by the Office of the Attorney General on behalf of CCSWCD.
 - d. Mr. Dillon said he looks forward to maintaining the good working relationship between LCWMD and CCSWCD.
 - e. **Mr. Dillon made a motion to motion to authorize the Executive Director to enter into the Services Agreement with the Cumberland County Soil & Water Conservation District. Mr. Dudley seconded the motion. The motion carried unanimously.**

- f. Mr. Carney asked Mr. Brewer when CCSWCD's Board of Supervisors would review the agreement.
- g. Mr. Brewer advised that the CCSWCD Board will take up the agreement at its meeting on May 20.

6. Acorn Engineering, Inc., Long Creek South Branch Stormwater BMP Retrofits — Engineering Design Services Agreement, Change Order No. 1:

- a. Mr. Carney provided an overview of the current design process and the basis of the need for the requested change order, which provides for the design of additional stormwater treatment measures due to space limitations to construct the gravel wetland retrofit.
- b. Mr. Carney noted that the amount of the Change Order will be reduced due to the removal of design services for a proposed underdrained soil filter from the scope of work. After the change order was drafted, it was determined that the underdrained soil filter would not be constructed due to complexities associated with underground utilities.
- c. Mr. Carney advised that more compact, proprietary systems were considered for the area where the underdrained soil filter was proposed, but ultimately were not pursued due to the costs of future maintenance, repair, and replacement.
- d. Ms. Blanchette agreed that proprietary systems can be expensive due to their initial and future costs. Ms. Blanchette suggested that we instead consider simple ways to treat potential issues with grease or food waste management issues that would have been addressed by the underdrained soil filter, such as the installation of catch basin hoods.
- e. Mr. Carney said that catch basin hoods could be an option, noting that Mr. Roncarati had previously provided the design specifications for the catch basin hoods being used by the City of Portland.
- f. Mr. Carney further advised that final design plans for the gravel wetland will be completed soon, that the City of South Portland Site Plan permit application should be ready in a few days, and that the construction request for proposals should be issued in the next month or so.
- g. Mr. Donohue asked why the gravel wetland design did not utilize the additional undeveloped area shown on the design plans in the proximity of the gravel wetland.
- h. Mr. Carney advised that the undeveloped area shown on the plans is the footprint of a potential future expansion of the T.J. Maxx store, therefore, the undeveloped area is outside of the footprint of LCWMD's easement to be provided by the landowner.
- i. **Ms. Blanchette made a motion to authorize the Executive Director to enter into a change order to the Long Creek South Branch Stormwater BMP Retrofits Engineering Design Services Agreement dated December 11, 2019 with Acorn Engineering, Inc. in an amount not to exceed \$18,708 for professional engineering, permitting, project management and construction oversight services for additional stormwater BMP retrofits, with the understanding that the amount will be reduced by a reasonable amount to be determined by Mr. Carney to reflect removal of design of the underdrained soil filter from the scope of work. Mr. Dillon seconded the motion. The motion carried unanimously.**

Ms. Henderson joined the meeting at 9:46a.m.

7. Maritime Farms & Land Management, LLC — Landscaping Services Agreement, Change Order No. 3:

- a. Mr. Carney provided a summary of the proposed change order which covers the cost of replacing dead or damaged trees in the Gorham Road medians.
- b. Mr. Carney related that the number of trees to be replaced had fluctuated in discussions between LCWMD and the contractor. Most recently, the number of trees to be replaced had been reduced such that the amount would be less than \$2,500, thereby, under the threshold for which Board approval would be required.
- c. However, due to the lead time provided to the nursery to prepare the trees, by the time the reduced order was communicated to the nursery the trees had already been prepared for delivery (*i.e.* dug from the ground).
- d. The contractor decided to accept and install the larger number of trees, the total cost of which exceeded the amount for which the Executive Director can authorize a change order, accepting the risk that there was a possibility the Board would not approve the change order for the full amount of the work.
- e. Mr. Carney said that given the need for the lead time to prepare the trees and because all of the replaced trees would have required replacement at some point he recommends that the Board approve the after-the-fact change order for the full amount.
- f. Furthermore, Mr. Carney noted that the tree-lined median along Gorham Road is the “gateway” to the West end of South Portland and is viewed positively by participating landowners and visitors generally.
- g. Mr. Carney advised that the replacement trees are as big or bigger than the trees that were originally installed. Due to the larger size of the trees over the last few years, we are seeing better survival rates and the replacement trees are already providing some shading.
- h. Ms. Henderson said she thought it was great that trees are being replanted.
- i. **Mr. Dillon made a motion to authorize the Executive Director to enter into a change order to the Landscaping Services Agreement dated December 17, 2018 with Maritime Farms & Land Management, LLC, in the amount of \$6,916.25 for labor and materials to replace eight trees in the Gorham Road medians. Mr. Gorris seconded the motion. The motion carried unanimously.**
- j. Mr. Carney also provided an update on Maritime Farms & Land Management, LLC’s work on trash removal in the Main Stem Restoration Project area which has resulted in removal of approximately 30 yards of trash, three dozen car tires, and 1,000 pounds of metal (mostly from discarded shopping carts).

8. Report from EPA/DEP/LCWMD “Next Steps” Meeting on the Long Creek General Permit

- a. Mr. Carney provided an update on the recent meeting between LCWMD, EPA, and Maine DEP noting this meeting was the opportunity to present the proposed updates to the Long Creek General Permit, which were previously approved by the Board, to EPA and DEP.
- b. Mr. Carney reported that the consensus from the program staff from both agencies were supportive of the proposed updates, but management level staff from the agencies have not weighed in yet.
- c. Mr. Carney reported that EPA and Maine DEP staff advised that they will meet to discuss the proposed changes and will get back to the LCWMD with their response.
- d. Mr. Carney further related that at the meeting it was discussed that if only a few conditions were added to the Long Creek General Permit that Maine DEP could reissue the permit with

only a 30-day public comment period. Although, even under this scenario, a renewed general permit may not be issued prior to expiration of the current permit in June. Maine DEP staff advised at the meeting that if the new permit is not ready by the expiration date of the current permit the current permit will be administratively extended until the new permit is issued.

- e. Mr. Dillon said Maine DEP staff is happy with the restoration efforts in the Main Stem and endorsed the proposed additional conditions. Mr. Dillon said that Maine DEP staff mentioned that we do need to continue to monitor the efforts that have been implemented in the Main Stem to see if they have positive impacts before moving forward on additional large-scale efforts.
- f. Mr. Dillon further related that EPA staff was interested in the proposed efforts to review development ordinances in the municipalities and that EPA staff was also impressed with the proposed grants program.
- g. Mr. Dillon said that EPA's management level staff asked about the goals identified in the Long Creek Watershed Management Plan for treatment of impervious area, specifically how the original goal identified in the plan of treating 150 acres of impervious area was determined.
- h. Mr. Dillon said the EPA staff noted that relative to the overall amount of impervious surface in the watershed, the goal of treating 150 acres of impervious surface would not have the resulting effect of achieving a level of percentage of "effective impervious" area that is generally thought to be needed to maintain water quality.
- i. Mr. Katsiaficas recalled that the rationale behind the 150 acres identified for treatment in the plan was that addressing those areas would be most effective in achieving the greatest gains.
- j. Mr. Goldberg said he thought the discussion was positive and that the regulators liked the proposed incentive program, which gets landowners to do something they may not otherwise do.
- k. Mr. Carney noted that recently generated water quality monitoring "stoplights" reflect some improvements in water quality in 2019, particularly in dissolved oxygen and chlorides.

9. Public Comment(s): None.

10. Next Meeting: The next meeting will be held on TBD at 9:00a.m. with the location to be determined. Mr. Carney will send a poll to Board members to determine the date for the next meeting.

11. Adjourn: The meeting adjourned at 10:13a.m.

Board voting record:

Member	Attendance	March 31, 2020 Minutes	CCSWCD Services Agreement	Acorn Change Order No. 1	Maritime Change Order
Blanchette	Y	Y	Y	Y	Y
Bohlen	N	—	—	—	—
Colvin	N	—	—	—	—
Dillon	Y	Y	Y	Y	Y
Donahue	Y	Y	Y	Y	Y
Dudley	Y	Y	Y	Y	Y
Goldberg	Y	Y	Y	Y	Y
Gorris	Y	Y	Y	Y	Y
Haskell	N	—	—	—	—
Henderson	Y	—	—	—	Y
LaBrecque	Y	Y	Y	Y	Y
Palmer	N	—	—	—	—
Roncarati	Y	Y	Y	Y	Y