



Long Creek Watershed Management District Board of Directors
Minutes from June 21, 2017 Meeting
Location: Town of Scarborough Municipal Building, 259 U.S. Route 1,
Scarborough, Maine – Town Manager’s Conference Room

- 1. Call to Order:** Mr. Dillon called the meeting to order at 9:02a.m.

- 2. Roll Call:**
 - a. Attendance: Angela Blanchette, John Branscom, Curtis Bohlen, Fred Dillon, Brian Goldberg, Craig Gorris, Will Haskell, Peter Newkirk*, Ed Palmer*, Doug Roncarati*, Michael Vail*
 - b. Absent: Arthur Colvin, Susan Henderson, Adam Pitcher
 - c. Staff/Guests: Peter Carney (LCWMD Executive Director), Aubrey Strause (Cumberland County Soil & Water Conservation District), Jim Katsiaticas (Perkins-Thompson), Chris Brewer (Cumberland County Soil & Water Conservation District), Paul Pettengill (GGP–Maine Mall L.L.C.); Haley Jaramillo (City of South Portland)

- 3. Review of Board Meeting Minutes:** The Board reviewed the minutes from the May 10, 2017 meeting. Mr. Carney noted that the Board member that seconded the motion concerning insurance limits for the Field Geology Services, LLC contract was not identified. Mr. Haskell was identified as having seconded the motion. Mr. Haskell made a motion to accept the minutes from the May 10, 2017 meeting, as modified to identify Mr. Haskell as the second on the Field Geology Services, LLC contract matter. The motion was seconded by Mr. Vail. The motion carried unanimously.

- 4. Fiscal Year 2018 Budget Approval:**
 - a. In the interest of having the most Board members present for the discussion of, and vote on, the FY2018 budget, this discussion was moved to the top to the agenda.
 - b. Attachment C in the Board packet for today’s meeting included: a draft budget narrative for FY2018; a draft profit & loss budget overview for FY2018; a draft profit & loss budget overview for FY2018 with projections for FY2019 and FY2020; and a statement of cash flows through June 2020.
 - c. The draft budget documents included in the Board packet were based on tentative figures for the design, permitting, and construction of the so-called “Main Stem” in-stream restoration project.
 - d. The tentative figures included as a placeholder in the draft budget documents were intended to be replaced by revised figures under development by Field Geology Services, LLC, which is the entity that prepared the initial “conceptual design” for the Main Stem restoration project.
 - e. In February 2016, a construction estimate for the conceptual design was developed resulting in a construction estimate of approximately \$1.2 million.
 - f. Through a recent contract with Field Geology Services, LLC, the Board requested that Field Geology Services, LLC review the original conceptual design and subsequently-developed construction estimate to look for areas of cost savings while maintaining the core components of the project.

* Indicates Board member arrived late, but was present for all votes.

- g. Mr. Carney advised that subsequent to distribution of the Board packet, and prior to today's meeting, the revised construction estimate was received from Field Geology Services, LLC.
- h. At the inception of the discussion, Mr. Carney provided the Board members with revised versions of the draft FY2018 budget and associated documents reflecting the revised Field Geology Services, LLC construction cost estimate for the Main Stem restoration project, as well as revised design and permitting figures which are based on a percentage of the construction estimate (**identified as "Attachment C (revised June 21, 2017)," a copy of which is attached to these minutes**). Also included in the handout was a breakdown of the revised construction, design engineering, and permitting estimates, as well as a breakdown of an allocation of Main Stem project costs between FY2018 and FY2019.
- i. Mr. Carney initiated the discussion by noting that the Field Geology Services, LLC revised construction cost estimate was approximately \$600,000, roughly half of the original construction cost estimate of approximately \$1.2 million.
- j. Mr. Carney advised that Mr. Goldberg had inquired as to whether the revised construction estimate was now too tight and whether the Main Stem budget should contain some cushion over the revised estimate given the wide variation in the construction cost estimates. Mr. Bohlen echoed this sentiment.
- k. Mr. Haskell inquired as to whether there was a contingency built into the construction cost estimates.
- l. Mr. Carney advised there is a 25% contingency built into both the original \$1.2 million and revised \$600,000 construction cost estimates.
- m. There then ensued a discussion in which several Board members expressed a desire to ensure that the Main Stem restoration project budget for FY2018 would be sufficient to effectively pursue the project.
- n. Mr. Carney noted that 80% of the estimated overall budget for the Main Stem project had been allocated in the FY2018 budget anticipating that the project would carry over into FY2019 with the remaining 20% being allocated in the FY2019 budget.
- o. Mr. Carney proposed that a simple way to resolve the Main Stem budget concern would be to include 100% of the estimated overall budget for the Main Stem restoration project in the FY2018 budget. Therefore, if the project carried into FY2019 funds from FY2018 budget could be carried forward into FY2019, or, if additional funds were required for the project, they could be allocated in the FY2019 budget.
- p. Several Board members expressed the desire to include 100% of the estimated overall budget for the Main Stem restoration project in the FY2018 budget.
- q. Mr. Vail made a motion to approve the FY2018 budget as reflected in the handout modified to include 100% of the estimated overall budget for the Main Stem restoration project, including design, construction, and permitting, in the FY2018 budget. Mr. Bohlen seconded the motion. The motion carried unanimously.

Mr. Gorris and Mr. Pettengill left the meeting following the vote on the FY2018 budget to attend to another commitment.

5. Treasurer's Report:

- a. A copy of the April Financial Report was included in the Board packet for today's meeting.
- b. Mr. Bohlen, Treasurer, noted that the financial report raised no issue of concern, however, Mr. Bohlen did request an update on accounts payable relevant to payment of outstanding Participating Landowner assessments.

- c. Mr. Brewer, the Long Creek Watershed Management District's (LCWMD) Fiscal Agent in attendance at today's Board meeting for the FY2018 budget discussion, provided the requested update on accounts payable.
- d. Ms. Strause noted that new information concerning several individual permits was received from Maine DEP.
- e. Ms. Strause advised that individual permittees are obligated to pay an assessment to LCWMD, which is a portion of the assessment paid by general permittees to support certain aspect of the implementing the Long Creek Watershed Monitoring Plan for which individual permittees realize a benefit such as the monitoring program, and that the individual permittees will be invoiced for these assessments.

6. Long Creek General Permit Update:

- a. Mr. Carney provided an update on the status of implementing the Long Creek General Permit.
- b. Mr. Carney advised that an inventory of Tier 1 and Tier 2 structural Best Management Practices contemplated by Long Creek Watershed Management Plan indicates that the goal of treating approximately 150 acres of impervious cover should be attained by the end of the current permit cycle provided that the "Hannaford Basin" retrofit proceeds as planned, which would treat approximately 47 acres of impervious cover.
- c. Mr. Carney advises that there are several in-stream habitat, riparian habitat, and floodplain restoration projects identified in the Long Creek Watershed Management Plan that have not been constructed and that are not anticipated to be constructed. However, it is Mr. Carney's understanding that as a result of the Expert Review Panel's assessment of the Long Creek Watershed Management Plan in 2014 and 2015 it was recommended that several smaller projects not be constructed in lieu of the larger Main Stem restoration project recommended by the Expert Review Panel.
- d. Mr. Carney advised that the revised Standard Operating Procedure for the Inspection and Maintenance Program was submitted to Maine DEP for review. There is presently an ongoing discussion with Maine DEP over whether the document serves as a guidance policy or whether the details in the document are independently enforceable. The document presently contains a note that the plan is not an enforceable document.
- e. Mr. Carney advised that revisions of the Long Creek Monitoring Plan and Quality Assurance Project Plan were distributed to the Technical Advisory Committee for review and comments will be addressed as they are received.
- f. Mr. Carney advised that prior to the inception of the Long Creek General Permit, a 0.3-mile segment of Long Creek in Westbrook was classified as Class B. In 2009, Maine DEP sought to reclassify this 0.3-mile segment from Class B to Class C. This reclassification was approved by the Maine legislature in 2009. However, in March 2015, EPA advised Maine DEP that it disapproved the reclassification of this 0.3-segment of Long Creek in Westbrook from Class B to Class C. Under Maine statute the classification of this 0.3-mile segment of Long Creek in Westbrook remains Class C.
- g. Mr. Carney advised that he will be working with Mr. Katsiaficas and staff from Maine DEP to confirm changes, and resolve issues related, to the requirements of the Long Creek General Permit and associated documents, as well and the classification issue in Westbrook.

- 7. Main Stem Restoration Request for Qualifications:** Mr. Carney advised that, as the result of the approval of the FY2018 budget earlier in the meeting, he will work with Mr. Newkirk, Chair of the Main Stem Committee, and Ms. Strause to identify the best means of pursuing design and construction

contracts for the Main Stem restoration project. It is anticipated that a draft “request for qualifications” will be ready for discussion at the next Board meeting.

8. Water Quality Monitoring Database Migration:

- a. Mr. Carney summarized that at several past meetings, the Board has discussed the status of LCWMD’s Water Quality Monitoring Database.
- b. The database presently resides behind the firewall on the server of LCWMD’s third-party database development consultant, thereby, limiting LCWMD’s access to raw data in the data tables.
- c. Mr. Carney had at a previous meeting suggested moving the database from the consultant’s server to provide unfettered access to the data. At that time, the Board requested that Mr. Carney consider potential solutions for, and costs of, moving the database.
- d. Mr. Carney advised that he had discussed the issue with LCWMD’s present IT consultant and identified a potential solution of hosting the database on a Microsoft cloud server.
- e. As identified in Attachment D of today’s Board packet, Mr. Carney advised that, given LCWMD’s likely eligibility for non-profit pricing, costs for licensing and hosting the database on a Microsoft cloud server should be minimal.
- f. Mr. Carney advised that the primary cost would be for third-party database development consultant, and perhaps an IT consultant, to migrate the database and ensure its operation in the new location. These costs would likely be under the limits of the Executive Director’s contracting authority.
- g. The Board supported the idea of migrating the database in accordance with the plan outlined by Mr. Carney.
- h. Mr. Carney advised that he will work with the third-party database development consultant, and IT contractor as necessary, to migrate the database assuming that Microsoft is a viable hosting solution and that LCWMD qualifies for nonprofit pricing programs for hosting and licensing costs.

9. Public Comments: None.

10. Next Meeting: The next meeting will be held on July 26, 2017 at 9:00a.m. with the location to be determined.

11. Adjourn: The meeting adjourned at 11:01a.m.