



Long Creek Watershed Management District Board of Director's Meeting

Minutes from the August 19, 2020 Meeting

Location: Remote participation due to COVID-19; members of the public may participate in the meeting telephonically by call (207) 352-4212 and entering the conference ID: 352 172 225#.

1. **Call to Order:** Mr. Dillon called the meeting to order at 9:05a.m.
2. **Roll Call:**
 - a. Attendance: Curtis Bohlen, Arthur Colvin, Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Craig Gorris, Kerem Gungor, Susan Henderson, Doug Roncarati
 - b. Absent: Angela Blanchette, Will Haskell, Ed Palmer
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District); Chris Brewer (Cumberland County Soil & Water Conservation District)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the June 24, 2020 meeting.
 - b. **Mr. Gungor made a motion to approve the June 24, 2020 Board meeting minutes. Mr. Roncarati seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Bohlen reviewed the June and July Financial Reports.
 - b. Mr. Brewer reviewed budgeted versus actual expenditures for the end of fiscal year 2020, which are included in the June Financial Report.
 - c. Mr. Goldberg asked about enforcement actions on past due accounts.
 - d. Mr. Carney provided an update on the latest conversations with Maine DEP concerning outstanding fees and properties that require permits.
5. **Change Order, GZA GeoEnvironmental, Inc., Water Quality Monitoring Services Agreement:**
 - a. Mr. Carney gave an overview of the change order which is for post-project data collection for the Main Stem Restoration Project.
 - b. The change order is in the amount of \$9,850 to perform habitat and benthic macroinvertebrate assessments in both the restoration and references reaches of Long Creek, which were identified in advance of the Main Stem Restoration Project.
 - c. The purpose of collecting the data is to compare pre-project data with post-project data to measure what was gained through the restoration project.
 - d. Mr. Bohlen noted that the "rapid bioassessment" method identified in the scope of work for the change order is intended to be rapid, quick, and cheap; therefore, it would be good to make this a regular event to document the project outcomes.
 - e. Mr. Goldberg asked whether the drought considerations being experienced this year would negatively impact the results of the macroinvertebrate assessment which might lead to additional requirements in the next permit cycle if the results were to reflect no change or a reduction in water quality.

- f. Mr. Carney responded that the sampling is for LCWMD's information purposes concerning the success of the project, because of the "rapid bioassessment" method being used to collect the data the data it is not of a type that can be used for regulatory purposes.
- g. **Mr. Bohlen made a motion to authorize the Executive Director to enter into a change order with GZA GeoEnvironmental, Inc. in the amount of \$9,850 to perform habitat and benthic macroinvertebrate assessments in accordance with the proposed change order. Mr. Gungor seconded the motion. The motion carried unanimously.**

6. Change Orders; Maritime Farms & Land Management, LLC, Stormwater BMP Inspection and Maintenance Services Agreement; Sterling Stormwater Maintenance Services, LLC, Stormwater BMP Inspection and Maintenance Services Agreement:

- a. For efficiency, Mr. Carney suggested that the Maritime Farms & Land Management, LLC and Sterling Stormwater Maintenance Services, LLC change orders be discussed simultaneously because some of the work in the two change orders is related.
- b. Mr. Carney noted that both change orders pertain to non-routine maintenance needs for structural stormwater BMPs.
- c. In aggregate between the two change orders approximately \$60,000 is being requested for non-routine maintenance related to structural BMPs, of the \$60,000 total \$44,500 pertains to non-routine maintenance for the Maine Mall Gravel Wetland and the balance is for nonroutine maintenance on other BMPs as outlined in the change orders.
- d. Mr. Carney noted that the Maine Mall Gravel Wetland is now five years old and has reached a point where certain maintenance items are recommended by the maintenance plan prepared as part of the project design. In addition, funds are being requested for a modification to the project to address the difficulty contractors have had with maintaining the project's forebay due to the unusual amount of sand being received by the forebay on an annual basis.
- e. The Maritime Farms & Land Management, LLC change order includes funds to replace the riprap apron in the Maine Mall Gravel Wetland Forebay with a poured concrete apron. Currently, maintenance of the forebay requires removing the rock riprap by hand in order to remove accumulated sediment, a concrete apron will simplify maintenance by allowing sediment to be shoveled out without having to remove the riprap. While this work is being performed, any accumulated sediment will also be removed from the forebay and the forebay vegetation will be cut.
- f. The Sterling Stormwater Maintenance Services, LLC change order includes funds to clean the subsurface chambers under the gravel wetland which provide for additional stormwater retention volume. According to the maintenance plan for the project, these chambers should be cleaned every three to five years. Based on discussions with the contractor, the water level will need to be lowered to a level below the bottom of the storage chambers to determine whether the chambers need to be cleaned. This is because the chambers are always submerged and filled with water making it difficult to determine whether any sediment is built up in the chambers.
- g. Due to the volume of water that would be needed to be pumped from the gravel wetland which would subsequently travel overland into Long Creek, it is recommended that a "frac tank" be used during the pumping process which would allow sediment to settle from the water being pumped out of the wetland to prevent the sediment from being discharged to Long Creek. Pumping, which is anticipated to take several days, and the frac tank rental are estimated to cost \$17,000 alone.

- h. Mr. Carney noted that because the water level would also need to be lowered for Maritime Farms & Land Management, LLC to pour the concrete forebay apron, the two contractors would coordinate the timing of their work.
- i. Given the cost of pumping the water, Mr. Colvin asked if it would be possible to install a release valve in the outlet control to allow lowering the water level in the wetland for future maintenance?
- j. Mr. Carney said we would need an engineer to determine the feasibility of installing a valve and noted that due to the lack of elevation change between the BMP and the adjacent stream it may be difficult to install a system which would allow the BMP to drain on its own.
- k. Mr. Goldberg asked for confirmation that if we go through with lowering water level and it is determined that the chambers should be cleaned that the stated price includes clean out of the chambers, as it is not clear from the contractor's estimate that this cost is included.
- l. Mr. Dillon noted that that text of the change order includes clean out of the chambers.
- m. Mr. Carney agreed to clarify with the contractor whether the cost of cleaning out the chambers is included in the estimated cost.
- n. Mr. Roncarati noted that three inches of sediment buildup in subsurface chambers is the typical trigger for requiring cleanout.
- o. **Mr. Goldberg made a motion to authorize the Executive Director to enter into a change order with Maritime Farms & Land Management, LLC in the amount of \$45,513, and enter into a change order with Sterling Stormwater Maintenance Services, LLC in the amount of \$17,250, to perform non-routine stormwater BMP maintenance in accordance with the proposed change orders. With respect to the Sterling Stormwater Maintenance Services, LLC change order, the approval is made with the understanding that the cost of cleaning out the subsurface chambers at the Maine Mall Gravel Wetland is included in the approved cost. Mr. Colvin seconded the motion. The motion carried unanimously.**

7. Long Creek Private BMP Incentive Program, Program Policy, Draft Discussion:

- a. Mr. Carney asked the Board to turn its attention to the draft policy for the Long Creek Private BMP Incentive Program included in today's Board packet.
- b. Mr. Carney noted that the Board allocated \$295,000 to this program as part of LCWMD's fiscal year 2021 budget. The program is intended to provide grants to participating landowners to encourage investment in projects that will lead to water quality improvements in Long Creek.
- c. As the basis for allocating funds under this program, the Board noted that upon completion of the South Branch BMP Project, the construction projects identified in the Long Creek Watershed Management Plan will have been implemented. In an effort to continue improving water quality in Long Creek, the program will encourage private investment in future projects that will improve water quality in Long Creek. The Board noted that this is of particular importance now because significant new development and redevelopment projects are anticipated in the Long Creek Watershed.
- d. Mr. Carney outlined the basic requirements of the policy which include limits on available funding, project eligibility, submissions required by program applicants, the selection process for awarding funds, and post-project reporting requirements.
- e. Mr. Donohue asked whether projects would need to meet Maine DEP's Chapter 500 stormwater management standards in order to be approved.

- f. Mr. Carney said that while the Chapter 500 standards would provide useful guidance in reviewing projects, meeting Chapter 500 standards would not be required in order to receive funds under the policy as drafted. Mr. Carney noted that the intent of the Long Creek Watershed Management Plan is to provide flexibility in implementing stormwater management retrofits and that many of the BMP projects constructed under the Watershed Management Plan do not meet Chapter 500 standards.
- g. Mr. Roncarati said he is supportive of the post-project reporting requirements.
- h. Mr. Bohlen agreed that there needs to be a balance between being rigid versus allowing creativity and that we should not require adherence to Chapter 500 standards. With respect to per-project funding limits we need to think about whether we want to encourage lots of small projects or one huge project.
- i. Mr. Dudley said he has experience with a similar state program that limits project funding to 50% of the project cost and this program is extremely popular.
- j. Mr. Donohue asked what incentive landowners have to participate.
- k. Mr. Carney noted that funding under the program could go to open space conservation, wetland conservation, or maintaining stream buffers which developers may view as amenities for residential developments and some commercial developments. Some residential developments are commanding premium pricing where “green infrastructure” is incorporated into the project design. In addition, both Maine DEP and the municipal permitting authorities may be able to offer flexibility in stormwater permitting requirements in exchange for implementing stormwater management alternatives that could be partially funded by the program.

8. South Branch Stormwater BMP Project, Status Update:

- a. Mr. Carney provided an update on the South Branch BMP Project.
- b. The project design is currently at about the 98% level, which is a little later than anticipated because of the BMPs that were added to the design as a result of the feasibility analysis.
- c. The City of South Portland approved the project at its Planning Board meeting last week.
- d. We still need the Maine DEP and Army Corps permits before construction can be started.
- e. Easements for the project are still under review by Philbrook Avenue Associates, LLC, which owns the property upon which the project will be primarily constructed.
- f. Due to “title, right, or interest” requirements, the easements are required to be in place before we can submit the Maine DEP and Army Corps permit applications.
- g. At this point, it is unlikely that construction will be completed, and the project site stabilized, before the end of this construction season.
- h. It is now anticipated that the construction request for proposals will be issued in the fall with earthwork occurring over in the winter and final stabilization and seeding occurring in time for the spring 2021 growing season.

9. Public Comment(s): None.

10. Next Meeting: The next meeting will be held in September with the date to be determined. Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.

11. Adjourn: The meeting adjourned at 10:47a.m.

Board attendance and voting record:

Member	Attendance	Approval of June 24, 2020 Minutes	GZA GoeEnvironmental, Inc. Change Order	Maritime Farms & Land Management, LLC Change Order	Sterling Stormwater Maintenance Services, LLC Change Order
Blanchette	N	-	-	-	-
Bohlen	Y	Y	Y	Y	Y
Colvin	Y	Y	Y	Y	Y
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
Gungor	Y	Y	Y	Y	Y
Haskell	N	-	-	-	-
Henderson	Y	Y	Y	Y	Y
Palmer	N	-	-	-	-
Roncarati	Y	Y	Y	Y	Y