



Long Creek Watershed Management District Board of Directors
Minutes from October 11, 2017 Meeting
Location: ecomaine Recycling Facility, 64 Blueberry Road, Portland, Maine

1. **Call to Order:** Mr. Dillon called the meeting to order.
2. **Roll Call:**
 - a. Attendance: Angela Blanchette, Curtis Bohlen, Arthur Colvin, Fred Dillon, Eric Dudley, Brian Goldberg, Will Haskell, Peter Newkirk, Doug Roncarati, Michael Vail, Sarah Zagrafos
 - b. Absent: Susan Henderson, Craig Gorris, Ed Palmer
 - c. Staff/Guests: Peter Carney (LCWMD Executive Director) (arrived at approximately 9:15am), Aubrey Strause (Cumberland County Soil & Water Conservation District) (arrived at approximately (9:05am), Jim Katsiaficas, Esq. (Perkins-Thompson)
3. **Review of Board Meeting Minutes:** The Board reviewed minutes from the August 30, 2017 meeting included as "Attachment A" to the Board packet for today's meeting. Mr. Newkirk made a motion to accept the minutes from the August 30, 2017 meeting, which was seconded by Mr. Colvin. The motion carried unanimously. No revisions were requested.
4. **Treasurer's Report:**
 - a. The August Financial Report was included as "Attachment B" to the Board packet for today's meeting. Just prior to the meeting, the September Financial Report was distributed to Board members via electronic mail. The September Financial Report is attached to these minutes as Exhibit A.
 - b. Mr. Bohlen reviewed the financial reports with the Board.
5. **Inventory for Long Creek Watershed Management Plan Amendments to Structural BMP and In-Stream Projects:**
 - a. The Board next took up consideration of the inventory of structural best management practices (BMPs) and in-stream projects conducted by the Long Creek Watershed Management District ("LCWMD") included as Attachment C to the Board packet for today's meeting.
 - b. Mr. Katsiaficas reviewed with the Board the requirement that the Board approve amendments to the Long Creek Watershed Management Plan.
 - c. Mr. Dillon asked what the yellow highlights in the inventory table indicated. Mr. Carney advised that the yellow highlights reflect BMPs that were constructed privately since the inception of the Plan. Mr. Carney noted that sometimes privately funded BMPs were constructed in association or partnership with LCWMD, for example, the BMP project on the Texas Instruments parcel.
 - d. Mr. Carney described the inventory which reflects the structural (BMPs) identified to be constructed in the Plan and the BMPs that were actually constructed, and the in-stream restoration projects identified to be undertaken in the Plan and the in-stream restoration projects actually undertaken.
 - e. Mr. Carney related that with relatively minor variations the structural BMPs identified in the inventory as having been constructed are consistent with the structural BMPs identified for

construction in the Plan. However, the proposed amendments to the in-stream restoration projects are significant given that the larger scope of the Main Stem restoration project is intended to be undertaken in lieu of several other in-stream restoration projects based on the recommendations of the Expert Review Panel.

- f. Mr. Carney advised that the structural BMPs already constructed are currently treating approximately 110 acres of impervious surface. The goal of the Plan is to treat 150 acres of impervious surface. If constructed as planned, the "Hannaford Basin" project will treat the balance of the impervious surface to meet the goal of the Plan by the end of the current permit cycle.
- g. Mr. Carney advised that if LCWMD is "weak" anywhere with respect to constructing structural BMPs it is in catchment E-04, but there has been so much new development in that sub-catchment since the inception of the Plan that is required to meet the Maine Department of Environmental Protection's ("Maine DEP") Chapter 500 standards for structural BMPs there is probably little loss in the net amount of impervious area receiving treatment.
- h. Mr. Carney advised that major differences reflected in the proposed amendments to in-stream restoration projects are identified in red on the last page of the inventory. The Main Stem restoration project, as presently contemplated, accounts for two of the projects originally identified in the Plan.
- i. Mr. Carney advised that he recommends asking Maine DEP for approval to delete the six in-stream projects identified in red which is consistent with the Expert Review Panel's recommendation that in-stream restoration focus on the Main Stem which has the best chance for success in achieving water quality standards.
- j. Mr. Dillon inquired whether the in-stream projects identified in red could be done at some point in the future if compliance goals are not met at the end of the current permit cycle and, therefore, whether they should be deleted.
- k. Mr. Bohlen pointed out that some of the in-stream projects were not well founded to begin with and that we have a better understanding now about what is necessary for restoration. Mr. Bohlen said that LCWMD should not feel a strong commitment to the originally identified projects given the information that has been acquired since the inception of the Plan.
- l. Mr. Newkirk said he recommends removing the projects identified for deletion. Mr. Newkirk further stated that new projects could always be added later based on the knowledge existing at the time.
- m. Mr. Katsiaficas advised that he recommends pulling projects out if there is no intent to do them in the next three years. Mr. Katsiaficas advised that we need to do Tier 1 and 2 structural BMP projects, but projects that are not intended to be constructed at this time should not be kept because they could be viewed as a suggestion that LCWMD did not honor its commitments. The next permit cycle could include projects like these. We should document why we are taking the identified projects out.
- n. Mr. Carney advised that long-term budgeting projections have not allocated funds for the in-stream projects identified as to be deleted.
- o. Mr. Bohlen offered that the projects identified for deletion be removed so it is not a surprise to Maine DEP when the projects are not completed three years from now.
- p. Mr. Carney advised that if the Board approves the submission of the inventory and associated amendments, that he plans to submit the inventory with a cover letter that includes the rationale for the identified amendments. Mr. Carney asked that the motion include authorization to include a cover letter with the inventory which would be reviewed by someone from the Board, such as Mr. Dillon, before being submitted.

- q. Mr. Goldberg made a motion to authorize Executive Director to submit revisions to the Plan as reflected in the inventory, with a cover letter providing the rationale for the amendments which is to be reviewed by Mr. Dillon, to Maine DEP for approval. Mr. Roncarati seconded the motion. The motion carried unanimously.

6. Review of Accounts Receivable Report:

- a. Mr. Goldberg requested a detailed review of the accounts receivable report as updated by Mr. Brewer, LCWMD's Fiscal Agent, just prior to the Board meeting. Mr. Carney and Ms. Strause reviewed the accounts receivable reports.
- b. Mr. Goldberg inquired as to whether default letters go to Maine DEP for action. Mr. Carney advised that when Mr. Brewer sends default notices Maine DEP does receive a copy.
- c. Mr. Carney advised that he and Mr. Katsiaficas spoke about collection of delinquent assessments at their meeting with Maine DEP in December 2016. Maine DEP inquired as to whether LCWMD would directly pursue non-payment of assessment to which Mr. Katsiaficas responded that LCWMD's position is that LCWMD funds should be spent on restoration instead of using that money to go collect fees.
- d. Mr. Goldberg asked whether LCWMD can stop providing services to participating landowners that are not paying. Ms. Strause pointed out that doing so may result in hurting Long Creek as the services provide benefits for water quality in Long Creek.
- e. Mr. Goldberg expressed support for continuing to keep pushing the state to do collection of assessments rather than expend LCWMD funds for this purpose.
- f. Mr. Colvin inquired as to whether LCWMD was going to write a letter taking default notices a step further. Mr. Carney advised that following the default notice mailed by LCWMD the next step in the process would be for Maine DEP to issue a formal notice of violation. Nonpayment of assessments is a violation of the conditions of the general permit.
- g. Mr. Roncarati asked whether fines for nonpayment of assessments could be attached to the property that could be recovered when the property sells.
- h. Mr. Carney advised that if fines were assessed as part of a court order the judgment could be reduced to a lien against the property.

7. 2017 Monitoring Plan and QAPP Revisions:

- a. A revised Long Creek Monitoring Plan and associated Quality Assurance Project Plan ("QAPP") are included as "Attachment D" to today's Board Packet.
- b. Mr. Carney advised that he is seeking the Board's authorization to submit the revised Monitoring Plan and QAPP to Maine DEP for approval.
- c. At a prior meeting, Mr. Bohlen volunteered to review the Monitoring Plan and QAPP on behalf of the Board and make a recommendation to the Board concerning submitted the documents to Maine DEP for approval.
- d. Mr. Bohlen advised that he had reviewed the documents and thought there were a few instances where statements could be misunderstood. Mr. Bohlen will, therefore, provide Mr. Carney with a request for revisions.
- e. Mr. Bohlen made a motion to authorize Executive Director to submit the revised Monitoring Plan and QAPP to Maine DEP for approval provided that Mr. Carney first resolves Mr. Bohlen's request for revisions, Mr. Colvin seconded the motion. The motion carried unanimously.

8. Change Order: Sterling Stormwater Maintenance Services LLC

- a. Mr. Carney introduced the change order to the Sterling Stormwater Services LLC contract the scope of which is nonroutine maintenance of the Maine Mall gravel wetland sediment forebay.
- b. Mr. Carney provided a brief history of the accumulation of sand in the sediment forebay, the source of which has not been definitively identified.
- c. Mr. Carney advised that he is recommending conducting maintenance despite not having identified the source of the sand as the sedimentation of the gravel forebay may be impacting the overall operation of the gravel wetland. Mr. Carney suggested that the upstream catch basins be used as “sentinels” and that they be cleaned before sand accumulating in the catch basins can be discharged into the sediment forebay.
- d. There then ensued a lengthy discussion of the gravel wetland and past investigations for the source of the sand.
- e. Mr. Carney advised that Sterling Stormwater Maintenance Services LLC may be willing perform a camera inspection of a storm water drain line that was previously identified as being a possible source of the sand to confirm or exclude this suspected source, at no cost to LCWMD.
- f. Several Board members expressed support for doing the camera inspection of the line segment at location of suspected pipe separation if Sterling Stormwater Services LLC was willing to do this.
- g. Mr. Carney advised that he would inquire with Sterling Stormwater Services LLC as to whether they would be willing to perform this service at no cost, and, if so, perform the camera inspection prior to conducting the sediment forebay maintenance. If the camera investigation failed to identify the source of the sand, the forebay maintenance would nonetheless process and the identifying the source of sand would be discussed at the next Board meeting to determine how much financial effort LCWMD should dedicate to future investigation.
- h. Mr. Haskell made a motion to authorize the Executive Director to enter into change order to the Stormwater BMP Inspection and Maintenance Agreement for non-routine maintenance of sediment forebay at Maine Mall Gravel Wetland in an amount not to exceed \$6,000, with the understanding that Sterling Stormwater Services LLC would first perform the camera inspection of the suspect line if it is willing to do so at no cost to LCWMD. Ms. Blanchette seconded the motion. The motion carried unanimously.

9. Executive Director Update:

- a. Mr. Carney provided a brief update on the repair of a catch basin at Mall Plaza (the Dick’s Sporting Goods shopping center). The catch basin was part of a LCWMD-constructed BMP project. Asphalt around the basin has deteriorated and needs to be repaired. Mr. Carney advised that a request for proposals is pending under LCWMD’s informal bidding procedures.
- b. Mr. Carney advised that he will be working with Cumberland County Soil & Water Conservation District (“CCSWCD”) staff on developing a focused education and outreach plan concerning winter maintenance.
- c. Mr. Carney noted that conductivity readings in the Main Stem reach where the restoration project is to be undertaken are high. Mr. Carney noted this his research revealed that there are no identified effective means of treating stormwater for the removal of chlorides. Mr. Carney further noted that his research reflects that alternatives to sodium chloride products may have their own problems with respect to water quality.
- d. Mr. Carney described a focused outreach and education program with three to six landowners to reduce chloride usage. The City of South Portland’s participation would be sought.
- e. Mr. Goldberg said that whatever plan is developed needs to include cost impacts. Mr. Goldberg indicated that to be realistic the plan would need to focus on keeping bare ground

and not cost more than it does now. Mr. Goldberg noted that the many freeze thaw cycles being experienced in recent winters is driving multiple applications.

- f. Mr. Roncarati noted that salt is often being over-applied and common maintenance practices may lead to multiple applications that are wasteful.
- g. Mr. Bohlen advised that the results of this pilot project should be documented formally to identify what worked and what did not.
- h. Mr. Carney provided an update on parcel inspections including the fat, oil, and grease-impacted catch basins that were discussed at the August 30 Board meeting.
- i. Mr. Carney asked the Board whether they would authorize cleaning up to 400 more catch basin this year. LCWMD's contractor has already cleaned the approximately 400 catch basins assigned for 2017. Mr. Carney said he thought that cleaning the catch basins was resulting in lots of benefit at a relatively minimal cost.
- j. There then ensued a brief discussion on the benefits of cleaning additional catch basins.
- k. Mr. Colvin made a motion to authorize Executive Director to contract for the cleaning of up to an additional 400 catch basins in 2017. Mr. Haskell seconded the motion. The motion carried unanimously.

10. **Public Comments:** None.

11. **Next Meeting:** The next meeting will be held on November 15, 2017 with the time and location to be determined.

12. **Adjourn:** The meeting was adjourned.