



Long Creek Watershed Management District Board of Director's Meeting

Minutes from January 23, 2024, Meeting

Location: Gorrill Palmer, 300 Southborough Drive, Suite 200, 2nd Floor, South Portland, Maine
or [Click here to join the meeting](#) on Microsoft Teams

1. **Call to Order:** Mr. Roncarati called the meeting to order at 9:01a.m.
2. **Roll Call:**
 - a. Attendance: Curtis Bohlen, Peter Connell, Sean Donohue, Brian Goldberg, Will Haskell, Jason Kenney, Ron Lessard, Doug Roncarati, Taryn Trefethen-Boileau
 - b. Absent: Angela Blanchette, Fred Dillon, Cindy Dionne, Eric Dudley, Richard Matthews
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District); Jim Katsiaficas, Esq. (Perkins Thompson); Joe Siviski, Esq. (Perkins Thompson); Chris Brewer (Cumberland County Soil & Water Conservation District); Greg Bilezikian, BFE Ventures LLC (Participating Landowner)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the November 8, 2023, meeting.
 - b. **Mr. Haskell made a motion to approve the November 8, 2023, Board meeting minutes. Ms. Trefethen-Boileau seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Bohlen reviewed the December Financial Report.
 - b. Mr. Bohlen noted construction funds are moving out for the South Branch BMP Retrofits project and for grant reimbursements for equipment to implement the Sustainable Winter Management program.
 - c. Mr. Bohlen reviewed the Fiscal Year 2023 audited financial statements.
 - d. Mr. Bohlen mentioned the audit identified one issue with District's internal financial controls, being that the Fiscal Agent creates invoices, processes customer payments, and deposits the funds. The auditor encouraged the District to consider a way to separate duties, if possible, or provide some other check on District income.
 - e. With respect to the auditor's suggestion, Mr. Katsiaficas asked if the Fiscal Agent is bonded.
 - f. Mr. Brewer noted he is bonded by the State of Maine through the Risk Management Division.
 - g. Mr. Brewer summarized the status of the Accounts Receivable report.
5. **Executive Session – Personnel Matter (re: Annual Performance Review):**
 - a. Mr. Carney noted that his employment anniversary date with the District arises each August.
 - b. Mr. Carney advised that a group of volunteers from the Board of Directors evaluate the Executive Director's work and prepare a written performance review. This year, the review team included Mr. Dillon, Mr. Roncarati, Mr. Donohue, and Mr. Haskell. Typically, changes are made to the Executive Director's terms of employment following the review.

- c. Mr. Carney noted that the review team looks to the District's forming municipalities for parity when considering the Executive Director's employment terms.
- d. Mr. Carney advised that he and the review team agreed to put before the Board a proposal for a salary increase of 4% as well as adding two additional holidays, Juneteenth and the Day After Thanksgiving.
- e. Mr. Carney noted that salary increases for the forming municipalities in 2023 ranged from 2% to 6%, and all four municipalities have Juneteenth and the Day After Thanksgiving as holidays.
- f. Mr. Carney noted that while Board meetings are generally open to the public, Maine's public access law allows the Board to go into executive session to consider employment matters.
- g. **Mr. Bohlen made a motion that the Board go into executive session under 1 M.R.S. § 405(6)(A) to discuss a personnel matter where public discussion could reasonably be expected to damage the employee's reputation or violate his/her right to privacy. Mr. Lessard seconded the motion. The motion carried unanimously.**
- h. **Mr. Bohlen made a motion that the Board end the executive session under 1 M.R.S. § 405(6)(A) to discuss a personnel matter where public discussion could reasonably be expected to damage the employee's reputation or violate his/her right to privacy. Mr. Lessard seconded the motion. The motion carried unanimously.**
- i. Following the executive session, Mr. Haskell provided Mr. Carney with a summary of the Board's discussion concerning the performance evaluation and advised that the Board supports the proposal for the salary increase and two additional holidays.
- j. **Mr. Lessard made a motion to increase the Executive Director's salary by 4%, apply the existing health insurance stipend of 15% to the new base salary amount, apply the existing employer Simple IRA contribution of 3% to the total of the new base salary amount plus the amount of the health insurance stipend, and to amend the terms of the Executive Director's employment to add Juneteenth and the Day After Thanksgiving as holidays. Mr. Donohue seconded the motion. The motion carried unanimously.**

6. Award Pavement Sweeping Services Agreement (2024-2025):

- a. Mr. Carney reminded the Board that the District's contract for pavement sweeping expired at the end of 2023 and as a result a request for proposals for pavement sweeping services was issued in December.
- b. Mr. Carney advised that one proposal was received in response to the request for proposals, submitted by Maritime Farms & Land Management, LLC ("Maritime"). Maritime had two prior sweeping contracts with the District, from 2017-2020 and 2021-2023.
- c. Maritime's contract that expired at the end of 2023 included the option of two one-year extensions subject to mutual agreement of the parties.
- d. The District requested a proposal from Maritime last fall to extend the contract to 2024.
- e. Maritime submitted a bid last fall in the amount of \$217,166.30, annually.
- f. For the final year of Maritime's contract that expired in 2023, the District budgeted \$148,768.40, for a similar scope of work.

- g. When the extension into 2024 was considered, it was determined that the price increase over the previous contract was substantial enough (\$68,397.90) that the District should at least put the pavement sweeping services work out to bid.
- h. Mr. Carney advised that the request for proposals was issued December 14, 2023, and advertised in Maine Municipal Association classifieds and by direct email.
- i. Under Maritime's current proposal, the bid is for \$209,804, annually.
- j. The proposal from Maritime was reviewed and scored by Mr. Carney and Mr. Roncarati.
- k. Mr. Brewer displayed the scoring summary on "share screen."
- l. Mr. Carney noted that the overall average score for Maritime is 92 out of a total of 100 points.
- m. From discussions with the contractor, Mr. Carney explained that the cost differential over the most recent contract was attributed to the cost of acquiring a second regenerative air sweeper, costs of repairing equipment damaged by pavement that is not maintained, and inefficiencies due to the District not having lay down yard which requires that sweepings be managed while working overnight until the disposal facility opens the next morning. In addition, the routine maintenance cost of the sweepers is expensive.
- n. Mr. Carney and Mr. Roncarati recommended award of the pavement sweeping services agreement to Maritime.
- o. **Mr. Haskell made a motion to authorize the Executive Director to enter into a Services Agreement with Maritime Farms & Land Management, LLC for Pavement Sweeping Services in accordance with the terms of the respective Request for Proposals issued by LCWMD on December 14, 2023, and Service Provider's proposal dated January 18, 2024. Mr. Roncarati seconded the motion. The motion carried unanimously.**

7. Change Order, Legal Services Agreement, Perkins Thompson:

- a. Mr. Carney advised that a rate increase has been requested for legal services provided by Perkins Thompson.
- b. Mr. Carney noted the original legal services agreement with Perkins Thompson was entered into in 2010 with rates of \$175 per hour for attorneys and \$100 per hour for paralegals. The attorney rate increased to \$200 per hour in 2016, and that rate has not changed since.
- c. The proposed change order would increase the attorney rate to \$225 per hour and the paralegal rate to \$135 per hour.
- d. Mr. Katsiaficas noted that Perkins Thompson has maintained stable rates over the years for nonprofit organizations to ensure that legal services are affordable for them. Mr. Katsiaficas noted that Perkins Thompson's current private client rates range from \$355 to \$425 per hour.
- e. **Mr. Haskell made a motion to authorize the Executive Director to enter into a Change Order with Perkins Thompson to increase the compensation rate in the Legal Services Agreement dated September 7, 2010, to \$225 per hour for Attorneys and \$135 per hour for paralegals in accordance with the Change Order included as Attachment D to today's Board packet. Mr. Donohue seconded the motion. The motion carried unanimously.**

8. Fiscal Year 2025 Estimate of Expenditures and Anticipated Revenues:

- a. Mr. Carney asked the Board to direct its attention to Exhibit E in today's Board packet.

- b. Mr. Carney noted that the Interlocal Agreement under which the District was formed and the District's Bylaws require that the Board present an "Estimate of Expenditures and Anticipated Revenues" to Participating Landowners on or before February 1 of each year for the following fiscal year.
- c. Mr. Carney advised that the purpose of the annual estimate is to provide Participating Landowners with an estimate of what their annual assessments will be for the next fiscal year for their budgeting purposes.
- d. Mr. Carney noted that most of the line-item amounts in the draft budget are either estimates based on year-to-date figures for Fiscal Year 2024 or are figures from established services agreements.
- e. For way of background, the District's annual income of approximately \$1.5 million is budgeted in four categories established by the District's organizational documents: Administration, Construction, Monitoring, and Non-Structural.
- f. Mr. Carney noted that Administrative costs pertain primarily to salary and related costs for the Executive Director and for the broad-based services agreements that the District maintains with the Cumberland County Soil & Water Conservation District.
- g. Mr. Carney advised that the services agreement with Cumberland County Soil & Water Conservation District includes services such as accounting services, engineering and GIS technical support, field support for other contractors, implementing the annual parcel inspection program, and education and outreach support.
- h. Mr. Carney noted that the Construction aspect of the budget is for the construction of new Structural BMPs (*e.g.* the gravel wetland currently under construction), and inspection, landscaping, maintenance, and repair of existing Structural BMPs. No new construction projects are budgeted for in Fiscal Year 2025.
- i. In addition, the budget for the Private BMP Incentive program is budgeted under the "Construction" category as that program originally anticipated that the funds would be used for construction of private BMPs.
- j. The Monitoring budget includes in-stream continuous and grab sample monitoring, biomonitoring, and fish monitoring. No biomonitoring or fish monitoring is required in Fiscal year 2025.
- k. The Non-structural aspect of the budget includes pavement sweeping, catch basin cleaning, the Sustainable Winter Management (SWiM) program, the annual parcel inspection program, and education and outreach.
- l. Mr. Carney noted the Board is required to adopt a final budget for Fiscal Year 2025 prior to July 1. Potential revisions in the final budget compared to the estimated budget being considered today may include slight increases in travel and conference budget to for professional development, updated income line items, and a potential increase in total income pending MTA's evaluation of its impervious area in watershed following widening of the Maine Turnpike and reconfiguration of the Exit 45 interchange.
- m. **Mr. Bohlen made a motion to approve the Fiscal Year 2025 estimate of expenditures and anticipated revenues as set forth in draft Fiscal Year 2025 budget included as Attachment E to today's Board packet. Mr. Lessard seconded the motion. The motion carried unanimously.**

9. Public Comment(s): Jamie Willey, Portland, Maine. Mr. Willey noted that Long Creek discharges into the Fore River which subsequently discharges to Casco Bay. As a result, the work being performed by the District in the Long Creek Watershed ultimately benefits water quality in Casco Bay. Mr. Willey advised he is part of a community group that is looking into responsibly removing a dam on the nearby Stroudwater River located in Portland, which also discharges into the Fore River before entering Casco Bay. If the City of Portland can be encouraged to responsibly remove the dam it would be beneficial to water quality in the Fore River and ultimately Casco Bay.

10. Next Meeting:

- a. Mr. Carney reminded the Board that at a previous meeting a meeting schedule was discussed that would include a “hybrid” of established and floating meeting dates and times.
- b. Today’s Board packet includes a proposed schedule, in Attachment F, under which one-half of monthly Board meetings would be scheduled for a set time and the other half would be floating meeting times based on business need.
- c. There was a consensus among the Board that the proposed “hybrid” schedule will be tried, therefore, the next Board meeting will be on the third Tuesday of February (February 20) from 9:00a.m. to 11:00a.m.

11. Adjourn: The meeting adjourned at 10:55a.m.

Board attendance and voting record:

Board Member	Attendance	Approve November 8, 2023, Minutes	Executive Session (in)– Personnel Matter	Executive Session (out) – Personnel Matter
Blanchette	N	—	—	—
Bohlen	Y	Y	Y	Y
Connell	Y	—	Y	Y
Dillon	N	—	—	—
Dionne	N	—	—	—
Donahue	Y	Y	Y	Y
Dudley	N	—	—	—
Goldberg	Y	Y	Y	Y
Haskell	Y	Y	Y	Y
Kenney	Y	Y	Y	Y
Lessard	Y	Y	Y	Y
Matthews	N	—	—	—
Roncarati	Y	Y	Y	Y
Trefethen-Boileau	Y	Y	Y	Y

Board Member	Motion Following Executive Session re: Executive Director	Award Pavement Sweeping Services Agreement (2024- 2025)	Change Order, Legal Services Agreement, Perkins Thompson	Fiscal Year 2025 Estimate of Expenditures and Anticipated Revenues
Blanchette	—	—	—	—
Bohlen	Y	Y	Y	Y
Connell	Y	Y	Y	Y
Dillon	—	—	—	—
Dionne	—	—	—	—
Donahue	Y	Y	Y	Y
Dudley	—	—	—	—
Goldberg	Y	Y	Y	Y
Haskell	Y	Y	Y	Y
Kenney	Y	Y	Y	Y
Lessard	Y	Y	Y	Y
Matthews	—	—	—	—

Roncarati	Y	Y	Y	Y
Trefethen-Boileau	Y	Y	Y	Y