



Long Creek Watershed Management District Board of Director's Meeting

Minutes from January 26, 2023, Meeting

Location: Remote participation due to COVID-19; members of the public may join the meeting by virtually by clicking this link [Microsoft Teams Meeting](#) or may participate in the meeting telephonically by calling (207) 352-4212 and entering conference ID: 954 413 047#.

- 1. Call to Order:** Mr. Dillon called the meeting to order at 9:04a.m.
- 2. Roll Call:**
 - a. Attendance: Angela Blanchette, Curtis Bohlen, Fred Dillon, Sean Donohue, Jason Kenney, Doug Roncarati
 - b. Absent: Peter Connell, Cindy Dionne, Eric Dudley, Brian Goldberg, Craig Gorris, Will Haskell, Richard Matthews
 - 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:** There not being a quorum of Board members for this meeting, no action was taken pertaining to the minutes from the November 22, 2022, meeting.
- 4. Treasurer's Report:** Mr. Bohlen briefly reviewed the December Financial Report.
- 5. FY2024 Estimate of Expenditures and Anticipated Revenues:**
 - a. The Board members present proceeded with a discussion of the Fiscal Year 2024 Estimate of Expenditures and Anticipated Revenues proceeded in anticipation of another Board member joining the meeting to establish a quorum.
 - 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.
 - d. 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.
 - e. Mr. Carney noted that many of the line-item amounts in the draft budget are either estimates based on year-to-date figures for fiscal year 2023 or are set figures from established services agreements.
 - f. Mr. Carney advised that notable items in the proposed budget include funding for an anticipated stakeholder process pertaining to the development of the next generation of the Long Creek General Permit. These funds total \$45,000 and are allocated to meetings, consultant fees for a professional facilitator, legal fees, and administrative and technical support from the Cumberland County Soil & Water Conservation District staff.

- g. In addition, the construction budget for the South Branch BMP project was increased by 4% from \$1,391,000 in Fiscal Year 2022 to \$1,446,640 in FY2024, which is based on anticipated construction cost inflation in fiscal year 2024.
- g. At the conclusion of the discussion, no other Board members had joined the meeting.
- h. There not being a quorum of Board members for this meeting, no formal action was taken pertaining to the Fiscal Year 2024 Estimate of Expenditures and Anticipated Revenues.
- i. There was, however, a consensus that that the Fiscal Year 2024 Estimate of Expenditures and Anticipated Revenues should be mailed on time on February 1 based on the figures provided in the provisional budget included in today's Board packet.

6. Annual Nomination and Election of Board Officers — Chair, Vice Chair, Treasurer, and Secretary:

There not being a quorum of Board members for this meeting, no action was taken pertaining to the Annual Nomination and Election of Board Officers.

7. Discussion, Participation in Process for Limited Liability Legislation Related to Chlorides Reduction:

- a. Mr. Carney advised the Board that several MS4 communities in Southern Maine have initiated a process to pursue limited liability legislation at the state level for snow removal contractors pertaining to reducing the amount of chlorides applied during winter maintenance activities.
- b. Mr. Carney noted that the Board has discussed the limited liability concept at past meetings, which has the goal of limited liability for snow removal contractors provided they implement snow removal activities in accordance with an established set of protocols and training provided by the state or a third party.
- c. Mr. Carney noted snow removal contractors are often wary of implementing low-chloride winter maintenance practices because liability for slip-and-falls or car accidents is often passed through to the contractor under the provisions of written agreements with landowners.
- d. Mr. Carney advised that the MS4 participants are in the process of scheduling a meeting with a legislator and their staff to discuss potential sponsorship of liability limiting legislation.
- e. The MS4s requested participation by the Long Creek Watershed Management District in the legislative process because of the amount of chloride data the District has accumulated and the District's experience with implementing the Sustainable Winter Management program.
- f. Mr. Carney advised that because the District is a 501(c)(3) it has a limited ability to pursue "lobbying" under Internal Revenue Service (IRS) rules. This does not mean that the District cannot do any lobbying, only that the District must keep its lobbying activities within IRS guidelines.
- g. Mr. Carney noted that participation in the legislative process contemplated by the MS4s would likely be considered "lobbying," however, the District's role in the process would be limited and likely not get close to exceeding IRS limitations.
- h. Mr. Carney said he is requesting guidance from the Board on whether the District should invest its limited ability to lobby to advance the cause of the limited liability legislation being proposed by the MS4s.

- i. Mr. Roncarati offered that it would be a benefit to Participating Landowners for the District to participate in the legislative process to head off the potential for a future chloride TMDL.
- j. Mr. Bohlen thought that the District's participation in the process would be a good education opportunity.
- k. Ms. Blanchette suggested that the District should participate, Long Creek should not be the only local watershed not involved as its nonparticipation would be a hole in the process given the District's experience in this area.
- l. Mr. Dillon offered that in his role with the City of South Portland he could do most of the work to pull Long Creek data thereby limiting the amount of District time allocated to the process.
- m. Mr. Katsiaticas suggested that Mr. Carney consult with Mr. Goldberg and Mr. Gorris to obtain the landowners' perspective, since training in low-chloride winter maintenance techniques and implementing those practices could lead to increased snow removal contractor costs.
- n. Mr. Roncarati emphasized that the alternative may be a TMDL, which would be more onerous and costly to property owners, noting that we need to work with landowners and contractors otherwise a TMDL should be anticipated.
- o. Those in attendance today suggested that Mr. Carney check in with Mr. Goldberg and Mr. Gorris to determine whether they have an objection to the District's participation in the process, if not, Mr. Carney should go ahead in providing support to the MS4s for this legislative process.

8. Public Comment(s): None.

9. Next Meeting: Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.

10. Adjourn: The meeting adjourned at 9:54a.m.

Board attendance and voting record:

Board Member	Attendance	Approve November 22, 2022, Minutes	FY2023 Estimate of Expenditures and Anticipated Revenues	Nomination and Election of Board Officers
Blanchette	Y	N/A	N/A	N/A
Bohlen	Y	N/A	N/A	N/A
Connell	N	N/A	N/A	N/A
Dillon	Y	N/A	N/A	N/A
Dionne	N	N/A	N/A	N/A
Donahue	Y	N/A	N/A	N/A
Dudley	N	N/A	N/A	N/A
Goldberg	N	N/A	N/A	N/A
Gorris	N	N/A	N/A	N/A
Haskell	N	N/A	N/A	N/A
Kenney	Y	N/A	N/A	N/A
Matthews	N	N/A	N/A	N/A
Roncarati	Y	N/A	N/A	N/A