



Minutes from March 22, 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: 723 649 432#.

1. **Call to Order:** Mr. Dillon call the meeting to order at 9:02a.m.
2. **Roll Call:**
 - a. Attendance: Angela Blanchette, Peter Connell, Fred Dillon, Cindy Dionne, Eric Dudley, Brian Goldberg, Will Haskell, Jason Kenney, Ron Lessard, Richard Matthews, Doug Roncarati
 - b. Absent: Curtis Bohlen, Sean Donohue, Craig Gorris
 - 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); Jeff Bilezikian (BFE Ventures, LLC)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the November 22, 2022, meeting.
 - b. The Board reviewed the minutes from the January 26, 2023, meeting.
 - c. **Mr. Haskell made a motion to approve the November 22, 2022, and January 26, 2023, Board meeting minutes. Mr. Roncarati seconded the motion. The motion carried unanimously, with Mr. Connell, Mr. Lessard, and Mr. Matthews abstaining as they were not present at those meetings.**
4. **Treasurer's Report:**
 - a. Mr. Brewer noted that the \$31,950 expense posted against account 5047 for BMP inspection and maintenance appearing in the February Financial Report is for work completed in the late summer and fall of 2022.
 - b. Mr. Brewer said he and Mr. Carney are working with the vendor to get the 2022 inspection and maintenance reports, which are required before the invoice is paid.
 - c. Mr. Brewer noted that the District's current total cash balance is \$4.1 million, however, the District is planning to spend \$1.6 million for the South Branch BMP Retrofits project this summer.
 - d. Mr. Brewer advised that the balance of Accounts Receivable as of today is \$409,047, much of which is attributable to only a few accounts.
 - e. Budget tracking is consistent with anticipated expenses; however, pavement sweeping from late 2022 has not yet been invoiced. Mr. Brewer and Mr. Carney are working with the pavement sweeping contractor to complete the tracking workbook to ensure that invoices for 2022 work are processed before sweeping starts this spring.
 - f. The latest invoice from P.C. Sexton WIT Companies, LLC is for work completed over the winter of 2022/2023 for the Sustainable Winter Management program.
 - g. Mr. Goldberg asked whether the Board would be receiving an update from Mr. Sexton for work performed during the winter of 2022/2023.

- h. Mr. Carney said he will coordinate with Mr. Sexton to present a summary report of this winter's work at a future Board meeting.
- i. Mr. Roncarati noted that the City of Portland would like to get on Board with the Sustainable Winter Management program and would like to be included in the next round of landowners that are brought into the program.

5. Motion to Amend Board Agenda re: Philbrook Avenue Associates LLC Easement:

- a. Mr. Carney requested that the Board amend the agenda to include consideration of acceptance of an easement from Philbrook Avenue Associates LLC pertaining to the South Branch BMP Retrofits project.
- b. **Mr. Roncarati made a motion to include consideration of acceptance of an easement from Philbrook Avenue Associates LLC pertaining to the South Branch BMP Retrofits project. Mr. Goldberg seconded the motion. The motion carried unanimously.**

6. 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 the main stem 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. Carney noted that habitat and benthic macroinvertebrate assessments had been performed annually in 2019, 2020, and 2021 to collect information immediately before and immediately after the construction of the Main Stem Restoration Project. During the fiscal year 2023 and 2024 budget discussions it was decided that the habitat and benthic macroinvertebrate assessments should be performed only in years where rock basket macroinvertebrate sampling took place, rather than annually.
- e. Mr. Carney noted that rock basket macroinvertebrate sampling is scheduled in 2023.
- f. Ms. Blanchette asked whether the scope of work was the subject of a separate request for proposals.
- g. Mr. Carney responded that the original scope of work in 2019 was the subject of a separate request for proposals. The process, however, was not a competitive bidding process. Rather, an amendment to the contract at the time was made under the change order provisions of the District's procurement policy.
- h. **Mr. Haskell 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. Ms. Dionne seconded the motion. The motion carried unanimously.**

7. Change Order No. 5, Maritime Farms & Land Management, LLC, Landscaping Services Agreement:

- a. Mr. Carney provided a summary of the proposed change order.
- b. The first item is to add routine landscaping activities for forebays and ditch lines on 2 Thomas Drive, 4 Thomas Drive, and 8 Thomas Drive as reflected in the attached table. These activities are being added to alleviate the need for future non-routine maintenance work.

- c. The next item is to replace three tree silk lilacs in the Gorham Road median. Mr. Carney noted that many of the tree silk lilacs along the Gorham Road medians have died or are severely stressed due to environmental conditions in the medians. It is proposed that three tree silk lilacs be replaced as a test to see if revised planting methods, soil amendments, and watering, would improve survivability.
 - d. Mr. Carney noted that the grassed areas of the Gorham Road medians are primarily crab grass which is brown most of the year. One section of grassed area in the Gorham Road median was seeded with white clover last year as a test. The test was successful in that the white clover remained green and provided much better stabilization of soils. Today's proposal is for aeration and seeding of all grassed areas within the Gorham Road medians with white clover.
 - e. Mr. Carney advised that the contractor performed trash removal into January of 2023 due to lack of snow cover under the "on-call" services budget for calendar year 2023. The amount of trash removal performed in January exhausted the "on-call" services budget for 2023 due to the work need to remove a number of abandoned encampments, particularly in the Main Stem Restoration Area. An additional budget for trash removal is proposed for the remainder of the 2023 calendar year at a rate of \$58.00 per hour, subject to a cap of \$5,000.
 - f. Mr. Carney advised that invasive plant species are starting to appear in several of the District's constructed projects, including the Maine Mall Gravel Wetland, the Mall Plaza underdrained soil filter, and on the floodplain of the Main Stem Restoration Project. A budget for invasive plant management is proposed for calendar year 2023 at a rate of \$58.00 per hour, subject to a cap of \$5,000.
 - g. Mr. Carney noted that the Long Creek watershed has experienced periods of drought over the past several summers resulting in severe stress on plantings, particularly new plantings, such as the trees in the Gorham Road medians which have no source of irrigation. A budget for watering trees and plants is proposed for calendar year 2023 at a rate of \$58.00 per hour, subject to a cap of \$5,000.
 - h. Mr. Dillon noted there is a typographical error in the proposed motion in the Board pack which states "in the amount of \$6,916.25 for labor and materials to replace eight trees in the Gorham Road medians." The amount in the draft change order in the Board packet is \$26,730.00 which reflects the scope of work identified in the draft change order.
 - i. **Ms. Blanchette made a motion to authorize the Executive Director to enter into a change order to the Landscaping Services Agreement with Maritime Farms & Land Management, LLC, in the amount of \$26,730 for the work outlined in the draft change order included in today's Board packet. Mr. Roncarati seconded the motion. The motion carried unanimously.**
- 8. 75 Darling Preble Street, LLC, 75 Darling Avenue, Private BMP Incentive Program Application:**
- a. Mr. Carney explained that an application was submitted by 75 Darling Preble Street, LLC under the Private BMP Incentive Program for the property located at 75 Darling Avenue in South Portland, which is a "participating landowner" property.
 - b. The proposal pertains to the construction of a roof drip edge filter to treat stormwater from the roof of the building on the site. The roof drip edge filter is being proposed as part of a larger renovation project at 75 Darling Avenue that involves the addition of a loading dock

- and paved areas to support delivery trucks and employee/visitor parking for Preble Street's proposed commercial kitchen. The proposed site improvements will result in a net increase of approximately 3,200 square feet of impervious area.
- c. Runoff from the existing building and portions of the property's driveway currently flow to an existing Filterra tree filter BMP that was constructed and is managed by the District.
 - d. The Filterra unit currently receives runoff from approximately 81,100 square feet of impervious and developed area.
 - e. The proposed roof drip edge filter BMP will treat approximately 16,000 square feet of the existing building's roof. Runoff from the roof that is captured in the roof drip Edge filter will bypass the Filterra unit and enter directly into the existing municipal stormwater drainage system located along Darling Avenue.
 - f. The decrease of approximately 16,000 square feet of impervious area would reduce the total drainage area of the Filterra unit to approximately 65,000 square feet of impervious and developed area.
 - g. Removing the existing roof's impervious area from flowing into the Filterra unit will allow the Filterra to more efficiently treat stormwater as the result of the reduced amount of impervious area from which stormwater would flow into the unit.
 - h. Mr. Carney advised that he, Mr. Dillon, and Mr. Roncarati reviewed the application in accordance with the scoring selection process in the request for proposals, with each of the reviewers scoring the proposal with 75 points, or more, under which the project is eligible for the maximum award of 75% of eligible project costs, subject to a cap of \$50,000.
 - i. Mr. Goldberg inquired how stormwater from the roof would get into the drip edge filter.
 - j. Mr. Carney responded that typically downspouts attached to the side of the building would deliver stormwater to a drip edge filter.
 - k. Ms. Blanchette noted that while the proposed construction cost of the roof drip edge filter is \$15,640, actual construction costs in the current economic environment typically far exceed anticipated construction costs.
 - l. Ms. Blanchette suggested that since this is the type of project that we want to encourage under the Private BMP Incentive Program, the Board should consider potentially higher than anticipated construction costs when considering the award.
 - m. In response to Ms. Blanchette's comments, there was a consensus that an award be made in the amount of 75% of the eligible project cost, subject to a cap of \$20,000.
 - n. **Ms. Blanchette made a motion to award 75% of the eligible project cost, subject to a cap of \$20,000, to 75 Darling Preble Street, LLC for the roof drip line filter project outlined in the proposal included in today's Board packet. Mr. Goldberg seconded the motion. The motion carried unanimously.**
- 9. Review of Board Member Duties and Obligations.** In the interest of limited time, this item was tabled to the next meeting.
- 10. Annual Nomination and Election of Board Officers — Chair, Vice Chair, Treasurer, and Secretary:**
- a. Mr. Carney noted that LCWMD's organizational documents require that an "annual meeting" be held by the Board each year at which time the Board elects a Chair, Vice Chair, Treasurer, and Secretary for the following year.

- b. Mr. Carney advised the Board that the annual election of officers typically took place at the “Annual Landowner Meeting,” however, that meeting was not held in 2022 due to the COVID-19. The last election of officers took place at a regular meeting in January 2022.
- c. The Board briefly discussed retaining the same slate of officers for the ensuing year, that being Mr. Dillon as Chair, Mr. Roncarati as Vice Chair, Mr. Bohlen as Treasurer, and Mr. Goldberg as Secretary.
- d. **Ms. Dudley made a motion to nominate and elect as officers, Mr. Dillon for the position of Chair, Mr. Roncarati for the position of Vice Chair, Mr. Bohlen for the position of Treasurer, and Mr. Goldberg for the position of Secretary. Mr. Haskell seconded the motion. The motion carried unanimously.**

11. Discussion: 2023 Annual Landowner Meeting:

- a. Mr. Carney noted that the last in-person “annual landowner meeting” was held in 2019, but the meeting was not held in subsequent years due to COVID-19.
- b. Mr. Carney sought a consensus from the Board on whether it was time to bring back the annual landowner meeting and suggested that, if so, we should consider holding the meeting in May, which was the typical time previous annual landowner meetings had been held.
- c. A discussion ensued and the Board arrived at the consensus that the annual landowner meeting should be held in May, with the preference for holding the meeting at the Portland Sheraton at Sable Oaks which was the prior location for the annual meetings.
- d. Mr. Carney agreed to contact the Portland Sheraton at Sable Oaks to see if the annual meeting could be coordinated for May.
- e. A discussion ensued about the potential to hold future meetings in a “hybrid” format moving forward, meaning a combination of in-person and remote attendance. It was noted that while COVID-19 is less prevalent there are reports of recent cases.
- f. Mr. Katsiaficas agreed to work with Mr. Carney to update the Board’s Remote Participation policy to accommodate hybrid meetings, if possible.

12. Philbrook Avenue Associates LLC, Accept Best Management Practices Easement Deed, South Branch BMP Retrofits Project:

- a. Mr. Carney provided background on the easement included in today’s Board packet which pertains to construction of the South Branch BMP Retrofits Project.
- b. Mr. Carney said two properties are implicated for the construction project, one for today’s subject property owned by Philbrook Avenue Associates LLC and one for the adjacent GGP-Maine Mall L.L.C. property.
- c. Mr. Carney advised that today’s request is for the Board to accept the Philbrook Avenue Associates, LLC easement, following which final signature of the GGP-Maine Mall L.L.C. easement will be requested.
- d. Mr. Katsiaficas advised the Board that, as a public entity, the District needs to formally “accept” the easement.
- e. **Mr. Roncarati made a motion to accept the above-referenced Best Management Practices Easement Deed. Mr. Haskell seconded the motion. The motion carried unanimously.**

- 13. Public Comment(s):** Mr. Bilezikian, principal of the entity that owns the property where the Christmas Tree Shops business is located, said he was happy to see that the Board is group of caring stewards working in the watershed on behalf of participating landowners.
- 14. Next Meeting:** Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.
- 15. Adjourn:** The meeting adjourned at 10:48a.m.

