



**Long Creek Watershed Management District Board of Directors Meeting**  
Minutes from May 24, 2023, Board and Annual Landowner Meeting  
Location: Portland Sheraton at Sable Oaks, 200 Sable Oaks Drive, South Portland, Maine

1. **Call to Order:** Mr. Dillon call the meeting to order at 2:07p.m.
2. **Roll Call:**
  - a. Attendance: Angela Blanchette, Curtis Bohlen, Peter Connell, Fred Dillon, Cindy Dionne, Sean Donohue, Brian Goldberg, Craig Gorris, Will Haskell (arrived at 2:25p.m.), Doug Roncarati
  - b. Absent: Eric Dudley, Jason Kenney, Ron Lessard, Richard Matthews
  - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District); Jim Katsiaficas, Esq., Joe Siviski, Esq. (Perkins Thompson); Chris Brewer, Amren Frechette, Kat Wojcik (Cumberland County Soil & Water Conservation District)
3. **Review of Board Meeting Minutes:**
  - a. The Board reviewed the minutes from the March 22, 2023, meeting.
  - b. **Ms. Blanchette made a motion to approve the March 22, 2023, Board meeting minutes. Mr. Roncarati seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
  - a. Mr. Bohlen briefly reviewed the February Financial Report.
  - b. Mr. Brewer noted the savings account balance is at over \$4 million, of which approximately \$1.4 million is budgeted to the South Branch Stormwater BMP Retrofits project.
  - c. Mr. Brewer advised that Accounts Receivable are in good shape.
  - d. Mr. Brewer noted the Maine Department of Environmental Protection is getting close to resolving two outstanding Long Creek General Permit, and associated fee, matters.
5. **Public Hearing: Adoption of Remote Participation Policy in Accordance with 1 M.R.S. § 403-B:**
  - a. Mr. Carney reminded the Board that during the COVID-19 era the Maine Legislature amended the State's public meeting laws to allow for remote participation by members of those entities subject to public meeting laws and for remote attendance at such meetings by the public, provided the subject entity adopted a policy on remote participation following a public hearing.
  - b. Mr. Carney noted the Board previously adopted a "Remote Participation Policy" which provides the guidelines under which the Board may meet remotely. Today's proposed amendments to the Remote Participation Policy would modify the existing policy to accommodate "hybrid" meetings under which Board members and/or the public could attend Board meetings either in-person or remotely.
  - c. Mr. Katsiaficas noted that the Maine Legislature amended the COVID-19 era public meetings laws to accommodate "hybrid" meetings and allow remote participation on a permanent basis.
  - d. Mr. Katsiaficas advised that today's amendments were drafted consistent with current public meetings laws.

- e. **Mr. Goldberg made a motion to adopt the Remote Participation Policy and to authorize the Chair to sign the Policy on behalf of the Board. Mr. Roncarati seconded the motion. The motion carried unanimously.**

**6. Accept Best Management Practices Easement Deed, GGP-Maine Mall L.L.C., South Branch Stormwater 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 Stormwater BMP Retrofits Project.
- b. Mr. Carney said two properties are implicated in the construction project, one for today's subject property owned GGP-Maine Mall L.L.C. and one for the adjacent Philbrook Avenue Associates LLC.
- c. Mr. Carney noted that the Philbrook Avenue Associates LLC easement was adopted at the last Board meeting.
- d. Mr. Carney noted that easements are based on the template attached to all Participating Landowner Agreements. Participating Landowners accept the terms of the easement template when signing the Participating Landowner Agreement.
- e. Mr. Carney noted that in the case of the GGP-Maine Mall L.L.C. easement some amendments were made to the template to accommodate the project circumstances following consultation between Mr. Katsiaticas and counsel for GGP-Maine Mall L.L.C.
- f. Mr. Carney pointed out that notable amendments to the easement template include acknowledging a preexisting drainage easement over the project area which was granted by a predecessor of GGP-Maine Mall L.L.C. to the predecessor of Philbrook Avenue Associates LLC and acknowledging the rights and obligations of the parties to the preexisting drainage easement. The text was amended to add that, in addition to the easement, the Project plans and specifications will be recorded. A signature block was added for the District, as grantee, acknowledging the District's obligations under the easement.
- g. Ms. Dionne asked how the Project would address violations of existing water quality standards in Long Creek and whether the Project could contribute to water quality impacts given the amount of chlorides that will be discharged into, and passed through, the Project.
- h. Mr. Carney advised that the Project is a required project under the Maine Department of Environmental Protection-approved *Long Creek Watershed Management Plan* and as such is a requirement of Permittees under the Long Creek General Permit.
- i. Mr. Carney noted that chloride reduction is not a goal of the Project as there is no BMP known to the District that will remove chloride from stormwater.
- j. Mr. Carney further noted, however, that while chloride removal is not a goal of this specific Project, the District is proceeding with the Project in conjunction with, and with the understanding that, the District's Sustainable Winter Management Program will address chloride levels over time if as the program becomes more widely adopted.
- k. Mr. Carney advised that this issue was discussed by a previous composition of the Board when the final decision was made to proceed with the Project.
- l. The Board members at the time acknowledged that the District needed to continue to address more conventional pollutants known to be contributing to impairment of the stream through projects such as this gravel wetland, while simultaneously developing a program to address reducing the amounts of chlorides being applied in the watershed.
- m. **Ms. Blanchette made a motion to Motion to accept the Best Management Practices Easement Deed from GGP-Maine Mall L.L.C. for Tax Map 3, Lot 114A pertaining to the South Branch Stormwater BMP Retrofits Project. Mr. Roncarati seconded the motion. The motion carried unanimously.**

- 7. Acorn Engineering, Inc., Long Creek South Branch Stormwater BMP Retrofits — Engineering Design Services Agreement, Change Order No. 4:**
  - a. Mr. Carney noted that with the acceptance of the GGP-Maine Mall L.L.C. easement earlier in the meeting the District is now ready to proceed with obtaining the remaining necessary permits and issue a construction request for proposals for the Long Creek South Branch Stormwater BMP Retrofits project.
  - b. Given the status of the project, the project engineer, Acorn Engineering, Inc. is ready to reengage with the project following the District's performance of a geotechnical analysis and acquisition of final easements.
  - c. Mr. Carney noted the change order is to restore the original project budget to account for out-of-scope work, update hourly fees based on Acorn's current rates and add additional time to refresh and resubmit engineering plans and remaining permit applications, update hourly fees and add additional time for project management, and to update hourly fees to apply to the yet to be completed Construction Oversight task in the original contract.
  - d. **Mr. Roncarati made a motion to authorize the Executive Director to enter into a change order with Acorn Engineering, Inc. in the amount of \$10,906 to revise the Engineering Design Services Agreement for the Long Creek South Branch BMP Retrofits Project. Mr. Connell seconded the motion. The motion carried unanimously.**
  
- 8. Long Creek Watershed Management Plan: Status of Implementation:** Mr. Carney provided a presentation to attendees on the status of implementing the Long Creek Watershed Management Plan.
  
- 9. Public Comment(s):** None.
  
- 10. Next Meeting:** Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.
  
- 11. Adjourn:** The meeting adjourned at 4:30p.m.

Board attendance and voting record:

Board Member	Attendance	Approve May 24, 2023, Minutes	Adoption of Remote Participation Policy	Accept Best Management Practices Easement Deed, GGP-Maine Mall L.L.C.	Acorn Engineering, Inc., Long Creek South Branch Stormwater BMP Retrofits — Engineering Design Services Agreement, Change Order No. 4
<b>Blanchette</b>	Y	Y	Y	Y	Y
<b>Bohlen</b>	Y	Y	Y	Y	Y
<b>Connell</b>	Y	Y	Y	Y	Y
<b>Dillon</b>	Y	Y	Y	Y	Y
<b>Dionne</b>	Y	Y	Y	Y	Y
<b>Donahue</b>	Y	Y	Y	Y	Y
<b>Dudley</b>	N	—	—	—	—
<b>Goldberg</b>	Y	Y	Y	Y	Y
<b>Gorris</b>	Y	Y	Y	Y	Y
<b>Haskell</b>	Y	—	Y	Y	Y
<b>Kenney</b>	N	—	—	—	—
<b>Lessard</b>	N	—	—	—	—
<b>Matthews</b>	N	—	—	—	—
<b>Roncarati</b>	Y	Y	Y	Y	Y