



## Long Creek Watershed Management District Board of Director's Meeting

Minutes from September 13, 2022, Meeting

Location: Remote participation due to COVID-19; members of the public may participate in the meeting telephonically by calling (207) 352-4212 and entering conference ID: 709 964 393#.

1. **Call to Order:** Mr. Dillon call the meeting to order at 9:01a.m.
2. **Roll Call:**
  - a. Attendance: Curtis Bohlen, Fred Dillon, Sean Donohue, Eric Dudley, Brian Goldberg, Susan Henderson, Ed Palmer (joined at 9:05), Doug Roncarati
  - b. Absent: Angela Blanchette, Craig Gorris, Will Haskell, Jason Kenney
  - 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:**
  - a. The Board reviewed the minutes from the June 23, 2022, meeting.
  - b. **Ms. Henderson made a motion to approve the June 23, 2022 Board meeting minutes. Mr. Bohlen seconded the motion. The motion carried unanimously.**

Mr. Palmer joined the meeting.

4. **Treasurer's Report:**
  - a. Mr. Bohlen reviewed the July and August Financial Report.
  - b. Early in the fiscal year financial outlays are minimal at the moment, landscaping and BMP inspection and maintenance are in progress.
  - c. Mr. Brewer noted that the fiscal year 2022 financial audit is scheduled to begin the week of September 19<sup>th</sup>.
  - d. Mr. Brewer added that the Maine Department of Environmental Protection continues to pursue past due fee matters.
  - e. Mr. Goldberg inquired about the status of the easement for the South Branch BMP retrofits project.
  - f. Mr. Carney responded that the easement is currently under final review by legal counsel at Philbrook Avenue Associates LLC.
  - g. Mr. Carney advised that a Change Order in the amount of \$11,780 was entered into with Maritime Farms & Land Management, LLC for non-routine maintenance of the ditch line and gravel wetland forebay on Thomas Drive in Westbrook.
  - h. The series of ditches and forebay link two underground stormwater storage BMPs maintained by LCWMD. The maintenance included removal of accumulated sediment and excess vegetation, which had been preventing the storage BMPs from draining as anticipated by the original project design.
  - i. Mr. Carney notes this was the first usage of a revised provision in LCWMD's *Rules and Regulations* which allows the Executive Director to enter into change orders up to \$20,000 provided the Board Chair or Treasurer approves a purchase order for the change order.

- j. Mr. Carney noted that Mr. Dillon approved the purchase order as Board Chair.

**5. Sole Source Agreement, P.C. Sexton WIT Companies, LLC, Sustainable Winter Management (SWiM®) Program:**

- a. Mr. Carney reminded the Board that funding for the Sustainable Winter Management (SWiM®) Program for the winter of 2022/2023 was provided for in the Fiscal Year 2023 budget, today's request concerns approval of the Sole Source Agreement with P.C. Sexton WIT Companies, LLC to implement SWiM® this winter.
- b. Mr. Carney noted that the amount allocated for the SWiM® program in the Fiscal Year 2023 budget was \$57,600, however, today's request is to approve a contract in the amount of \$63,250.
- c. Mr. Carney explained that the increase is attributable to tracking equipment that will be installed to track salt usage if there is the full participation anticipated this winter. Mr. Carney advised that because of less than the fully anticipated participation over the past two winters, equipment that had been budgeted for had not been purchased because it was not needed. In the prior two winters, the amounts invoiced for the SWiM program were, therefore, less than the amount budgeted.
- d. Mr. Carney noted that the landowners currently implementing the SWiM® program are GGP-Maine Mall, L.L.C., Longcreek Properties, LLC, and the City of South Portland. The consultant is looking to add at least one additional property owner this winter, which may be the City of Portland.
- e. **Mr. Bohlen made a motion to authorize the Executive Director to enter into a sole source agreement with P.C. Sexton WIT Companies, LLC in an amount not to exceed \$63,250 to implement the Sustainable Winter Management (SWiM®) program in the winter of 2022/2023 in accordance with the attached proposal. Mr. Roncarati seconded the motion. The motion carried unanimously.**

**6. Change Order, Sterling Stormwater Maintenance Services, LLC, Jellyfish Filter Cartridge Replacement:**

- a. Mr. Carney explained that this Change Order request is for the purchase and installation of replacement filter elements for three Contech Jellyfish BMP units.
- b. Mr. Carney noted that the filter elements look similar to common swimming pool filters and that each unit uses multiple filters.
- c. In 2016, it was determined that the filter elements installed in the units at the time were in poor condition and at the end of their useful life. At that time, a decision was made to not replace the filter elements because the lack of pretreatment was causing the filter elements to clog with sediment. At the time, a discussion ensued as to whether these BMPs were appropriate for their location and lack of upstream treatment.
- d. Mr. Carney had a recent discussion with CCSWCD's District Engineer and LCWMD's BMP inspection and maintenance contractor which resulted in a consensus to try replacing the filters and adapting the maintenance schedule as necessary to keep the filter elements from prematurely wearing out and keep the BMPs functioning as intended.
- e. Mr. Carney noted that the costs of the filter elements is \$13,919, which LCWMD will purchase directly from Contech, and \$3,450 is for labor to install the filter elements.

- f. **Mr. Roncarati Made a motion to authorize the Executive Director to enter into a change order with Sterling Stormwater Maintenance Services, LLC in an amount not to exceed \$17,369 to replace filter cartridges in three Contech Jellyfish units in accordance with the attached proposal. Ms. Henderson seconded the motion. The motion carried unanimously.**

**7. Discussion: Private BMP Incentive Program**

- a. Mr. Carney noted that there have not been many applications for the Private BMP Incentive Program.
- b. Mr. Carney suggested this is because the program only covers up to 75% of the project cost and landowners are not willing to cover the additional 25% of the project costs for something they are not required to do.
- c. Mr. Carney suggested increasing the cap on eligible project costs to as much as 90%, as well as focusing on smaller projects that in addition to a stormwater benefit would also have an aesthetic benefit for the landowner.
- d. Mr. Carney suggested focusing the program on things such as vegetated buffers, tree planting for pavement shading, and rain gardens, each of which would provide water quality and aesthetic benefits.
- e. A brief discussion ensued, and it was determined that Mr. Carney should compile a list of simpler projects which would provide water quality and aesthetic benefits for discussion at the next Board meeting. The Board will consider increasing the cap on eligible project costs at that time.

**8. Public Comment(s):** None.

Mr. Palmer notified the Board that he will soon be retiring and that this meeting will be his last meeting as a Board member. Mr. Palmer suggested that another member of his organization may be interested in joining the Board. The Board members present wished Mr. Palmer well in his retirement and thanked him for his commitment to the Long Creek restoration project, with which Mr. Palmer was involved since its inception.

**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 10:21a.m.

Board attendance and voting record:

Board Member	Attendance	Approve June 23, 2022, Minutes	Sole Source Agreement, P.C. Sexton WIT Companies, LLC, Sustainable Winter Management (SWiM®) Program	Change Order, Sterling Stormwater Maintenance Services, LLC, Jellyfish Filter Cartridge Replacement
<b>Blanchette</b>	N	—	—	—
<b>Bohlen</b>	Y	Y	Y	Y
<b>Dillon</b>	Y	Y	Y	Y
<b>Donahue</b>	Y	Y	Y	Y
<b>Dudley</b>	Y	Y	Y	Y
<b>Goldberg</b>	Y	Y	Y	Y
<b>Gorris</b>	N	—	—	—
<b>Haskell</b>	N	—	—	—
<b>Henderson</b>	Y	Y	Y	Y
<b>Kenney</b>	N	—	—	—
<b>Palmer</b>	Y	—	Y	Y
<b>Roncarati</b>	Y	Y	Y	Y