



Long Creek Watershed Management District Board of Director's Meeting

Minutes from November 22, 2022, 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: 123 110 570#.

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, Cindy Dionne, Eric Dudley, Brian Goldberg, Will Haskell, Susan Henderson (9:11a.m.), Doug Roncarati (10:08a.m.)
 - b. Absent: Sean Donohue, Craig Gorris, 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 October 26, 2022, meeting.
 - b. **Mr. Haskell made a motion to approve the October 26, 2022, Board meeting minutes. Mr. Bohlen seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Bohlen reviewed the Fiscal Year 2022 Financial Audit report.
 - b. Mr. Bohlen noted that the auditor recommended a revision to the financial controls to address the potential for fraud because one person is presently responsible for invoicing and receipt of payments for invoices. The auditor recommended incorporating a check to tie invoices to payments received.
 - c. Mr. Brewer said this might be difficult due to the limited options for having more than one person involved in the process.

Ms. Henderson joined the meeting.

 - d. Mr. Goldberg asked whether someone else could open mail, such as the Executive Director.
 - e. Mr. Carney suggested that perhaps a list of invoices could be generated and reviewed by the Executive Director and receipts cross-checked against this list by generating reports in QuickBooks.
 - f. Mr. Brewer and Mr. Carney agreed to further investigate options to address the auditor's recommendation.
 - g. Mr. Brewer noted that the audit report now tracks the \$200,000 that is annually earmarked for long-term BMP maintenance, repair, and replacement. This is discussed in Note B of the report under "Board Assigned Cash."
 - h. Mr. Bohlen reviewed the October Financial Report noting there is nothing unusual to report.

- i. Mr. Brewer noted that the monthly financial reports will also track the \$200,000 that is annually earmarked for long-term BMP maintenance, repair, and replacement, which is reflected in Account 117R on the Balance Sheet.
 - j. Mr. Carney reminded the Board that at the last meeting the financial controls were revised to provide guidance on when bad debt should be written off for accounting purposes. Under the new guidance, bad debt may be written off when the Board finds the amount involved too small or if it is more likely than not that collection of the debt will be unsuccessful.
 - k. Based on the new guidance, Mr. Carney and Mr. Brewer recommended that two debts be written off.
 - l. The first is North Avenue Realty Trust in the amount of \$1,554.81. Mr. Carney noted this debt pertains to the property at 207 Gannett Drive, which was sold by North Avenue Realty Trust. The debt pertains to unpaid landowner assessments during North Avenue Realty Trust's term of ownership. The buyer is now the permittee and has paid fees since the time of its acquisition.
 - m. Mr. Carney advised that the default notice process in the financial control was followed, however, payment has not been received from North Avenue Realty Trust.
 - n. It is recommended that this balance be written off due to the small amount owed relative to the expenditure that would be required to collect the debt.
 - o. The second is TRU Realty 2005 RE I, LLC in the amount of \$10,016.46. This is the property on Maine Mall Road where Toys R Us was previously located.
 - p. Mr. Carney noted the larger Toys R Us concern filed for bankruptcy. The bankruptcy filings are very complex and the final disposition of TRU Realty 2005 RE I, LLC in the bankruptcy proceeding is not clear, but it is unlikely that this debt can be collected.
 - q. **Mr. Haskell made a motion to write off the North Avenue Realty Trust debt in the amount of \$1,554.81 and the TRU Realty 2005 RE I, LLC debt in the amount of \$10,016.46. Mr. Dudley seconded the motion. The motion carried unanimously.**
- 5. Carry Over Executive Director Leave Time from Calendar Year 2022 to Calendar Year 2023**
- a. Mr. Carney noted that under the terms of his employment the Executive Director may carry over up to 40 hours of unused paid time off from one year to the next if approved by the Board.
 - b. Mr. Carney requested that the Board approve carrying over up to 40 hours of leave time from 2022 to 2023.
 - c. **Mr. Haskell made a motion to authorize Executive Director to carry over 40 hours of leave time from 2022 to 2023. Mr. Dudley seconded the motion. The motion carried unanimously.**
- 6. Executive Session – Personnel Matter (re: Annual Performance Review):**
- a. **Mr. Haskell 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. Ms. Henderson seconded the motion. The motion carried unanimously.**
 - b. **Mr. Haskell made a motion for the Board come out of executive session. Ms. Blanchette seconded the motion. The motion carried unanimously.**

- c. Following the executive session, Mr. Dillon summarized the Board's discussion noting the Board continues to appreciate Mr. Carney's work.
- d. Mr. Dillon advised that the Board had agreed to a salary increase for the Executive Director of 4%. In addition, the Board agreed to amend the terms of the Executive Director's employment to allow the Executive Director to carry over up to 40 hours of unused paid time off from one year to the next without further Board approval in the future.
- e. **Mr. Haskell made a motion to increase 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 allow the Executive Director to carry over up to 40 hours of unused paid time off from one calendar year to the next without further Board approval in the future. Mr. Dudley seconded the motion. The motion carried unanimously.**

7. New Development and Redevelopment Projects

- a. Mr. Carney reminded the Board of the discussion at its last meeting concerning new development at 860 Spring Street, in Westbrook, which is a "participating landowner" property under the Long Creek General Permit.
- b. At the last meeting it was discussed whether the District should fund the cost of expanding its existing subsurface stormwater storage system at the site to accommodate an approximately one-half acre of expansion of the building on the site.
- c. Mr. Carney said that since the last meeting he confirmed with Maine DEP that it would not require the landowner to construct additional stormwater controls because the original Site Law permit for the commercial subdivision allowed up to three-acres of development on each site within the subdivision without further permitting. The City of Westbrook permit followed Maine DEP's requirements on stormwater management.
- d. Mr. Carney further advised that additional information had been acquired on the cost of expanding the existing subsurface stormwater storage system and that the cost was much higher than the estimate discussed at the prior meeting.
- e. At the prior meeting, a very rough estimate of \$65,000 was used for discussion purposes. Since the last meeting, the site owner received an estimate from its construction contractor which estimated the cost at almost \$200,000.
- f. Mr. Carney suggested that given the much higher than anticipated cost the \$200,000 might be better spent elsewhere.
- g. Mr. Carney noted that since inception of the program the District's average treatment cost is approximately \$50,000 per acre, whereas the cost for expanding the subsurface system at 860 Spring Street based on the contractor's estimate would average out to \$400,000 per acre.
- h. Mr. Dudley, Mr. Haskell, and Ms. Blanchette all mentioned that pricing for projects on which they are working are far exceeding past prices for similar work.
- i. Mr. Carney gave other examples where \$200,000 could be spent in the upper reaches of Blanchette Brook, which is one of the headwaters of Long Creek.

- j. Mr. Carney noted there is a new development project project being proposed upstream of 860 County Road in the vicinity of the headwater of Blanchette Brook. There may be opportunities to partner with that landowner on stormwater treatment and storage.
- k. In addition, Mr. Carney noted that a consultant for the Maine Turnpike Authority had contacted him concerning potential wetland or water quality projects in the Long Creek Watershed which would be required of Maine Turnpike Authority as mitigation should it proceed with the Gorham connector.
- l. Mr. Carney said he advised the consultant of potential projects in the upper Long Creek Watershed including a stream buffer or preemptive stream restoration project with the Sable Oaks Golf Course, or possible retrofits of two large detention basins on Thomas Drive just downstream of 860 Spring Street.

Mr. Roncarati joined the meeting.

- m. Mr. Carney said he was not sure of how much mitigation funding could go to projects in the Long Creek Watershed because only a small portion of the watershed would be affected by the Gorham connector project.
- n. Mr. Bohlen suggested that mitigation may be disproportional among affected watersheds.
- o. Mr. Roncarati agreed that mitigation funds do not necessarily need to be spent in the affected watershed.
- p. Ms. Blanchette suggested that given the potential for other opportunities the project at 860 Spring Street is not a good value for the District.
- q. Mr. Goldberg agreed that the project is not a good value, and the District should wait for other opportunities.
- r. Mr. Carney noted that with respect to 860 Spring Street, today's proposal would probably be the last opportunity to work with the landowner on this.
- s. There was a consensus among the Board that the 860 Spring Street proposal should not be further pursued and that the District should focus on other opportunities.

8. Public Comment(s): None.

9. Next Meeting:

- a. Mr. Dillon noted that today is Ms. Henderson's last meeting as a Board member as Ms. Henderson's tenure on the City of South Portland's City Council will soon be coming to a close.
- b. Since Ms. Henderson will no longer be a "municipal official" as contemplated by the District's organizational documents she will no longer be eligible to serve as a Board member.
- c. Mr. Dillon thanked Ms. Henderson for her service on the Board and for the perspective she provided over the years.
- d. Ms. Henderson said she really enjoyed her experience as a Board member and that she learned a great deal.
- e. Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.

10. Adjourn: The meeting adjourned at 10:43a.m.

Board attendance and voting record:

Board Member	Attendance	Approve October 26, 2022, Minutes	Write Off Bad Debt	Carry Over Executive Director Leave	Motion to go Into Executive Session – Personnel Matter	Motion to Come Out of Executive Session – Personnel Matter	Motion Following Executive Session
Blanchette	Y	Y	Y	Y	Y	Y	Y
Bohlen	Y	Y	Y	Y	Y	Y	Y
Dillon	Y	Y	Y	Y	Y	Y	Y
Dionne	Y	Y	Y	Y	Y	Y	Y
Donahue	N	—	—	—	—	—	—
Dudley	Y	Y	Y	Y	Y	Y	Y
Goldberg	Y	Y	Y	Y	Y	Y	Y
Gorris	N	—	—	—	—	—	—
Haskell	Y	Y	Y	Y	Y	Y	Y
Henderson	Y	—	Y	Y	Y	Y	Y
Kenney	N	—	—	—	—	—	—
Roncarati	Y	Y	Y	Y	Y	Y	Y