

# Lake Auburn Watershed Protection Commission

## Meeting Minutes

**Wednesday September 13, 2017**

**Location:** Androscoggin Valley Council of Governments (AVCOG), Auburn, Maine

**Time:** Meeting began at 3:30 PM

**Commissioners Present:** Tizz Crowley, Joe Grube, Bethel Shields, Dick Thibodeau, John Bonneau, Michael Lachance, Amy Landry, David Jones

**Commissioners Absent:** Steve French

**Others Present:** Lynne Richard, Education and Outreach Coordinator, Michael Broadbent Commission Secretary, Sid Hazelton, Commission Clerk, Kevin Gagne, Commission Clerk, Mary Jane Dillingham, Water Quality Manager and members of the public

Commissioner Grube called the meeting to order at 3:30 PM

### **Agenda Item 1: Approve Minutes of Regular Meeting of June 14, 2017**

**Vote 1– Motion by Commissioner Crowley, seconded by Commissioner Jones to accept the minutes of the regular meeting of 6/14/17 with the edits suggested by Commissioner Crowley and place on file.**

**Passed 6 – 0: Commissioners Lachance and Landry abstained from the vote**

### **Agenda Item 2: Approve Minutes of the Special Meeting of June 29, 2017**

**Vote 2– Motion by Commissioner Jones, seconded by Commissioner Shields to accept the minutes as amended to reflect Commissioners attendance at the Special meeting of 6/29/17 and place on file.**

**Passed 6 – 0: Commissioners Lachance and Landry abstained from the vote**

### **Agenda Item 3: Financial Update- Heather Hunter**

Heather went over the quarterly financial report that was posted September 6, 2017. Heather reported that there are no real surprises in the report and that the sinking fund has had no activity.

**Vote 3 - Motion by Commissioner Crowley, seconded by Commissioner Jones to accept the financial report as presented.**

**Passed 8 - 0**

**Agenda Item 3: 2018 Draft Budget Discussion- Heather Hunter**

Heather presented the Commissioners with the 2018 Draft Budget. Heather envisions that the 2018 Budget will be similar to 2017. Sid Hazelton reported that he did not anticipate any large capital expenditures for 2018. The Commission agreed that the Draft Budget will be posted to the Commission Website in October for public input. Traditionally, the Commissioners vote on the Budget at the November meeting.

**Commissioner Grube asked that the Open Session portion of the meeting be moved due to the large attendance at the meeting.**

**Vote 4 - Motion by Commissioner Crowley, seconded by Commissioner Jones to move the meeting into Open Session.**

**Passed 8 - 0**

**Agenda Item 7: Open Session – Public Comments**

**Neria Douglas, 465 West Auburn Road**

Neria owns land that abuts Spring Road. Neria is opposed to opening the section of the road between the south and middle gates to snowmobile traffic. Neria brought to the Commission's attention that she signed a Quitclaim Deed with the Auburn Water District to preserve water quality. It was her understanding at the time of signing that foot traffic would be permitted but motorized vehicles by the general public would be prohibited. After the discontinuance of the road, the land was given back to the abutters, Neria being one of them. Neria wants to go on record for being opposed to the proposal of opening the road to any motorized vehicle. Neria also complemented the Commission on its newsletter. She frequently reads it and saves them all for reference. Neria asked that if there is a future request for public input or comment that it go on the cover of the newsletter.

Neria later pointed out that the Spring Road was discontinued and no public easement was retained. She also pointed out that the Quit Claim Deed that permits the Commission to cross the privately-owned sections of the Spring Road is restrictive and does not give the Commission the right to open the road to the general public.

**Dan Bilodeau, 207 North Auburn Road**

Dan referenced the Lake Auburn Watershed Management Plan. Dan pointed out that the controls in that document reference surface water and that ice activity is excluded with the exception of ice fishing as that entails drilling through the ice. Dan also referenced the By-Laws of the Auburn Water District which is another document that protects Lake Auburn as a surface water supply. Dan does not feel that snowmobiling impacts the water quality. Dan asked that the Commissioners review the two documents that he referenced and asked that they consider the proposal to open the south and middle gates to snowmobile traffic.

Dan later commented that if the south and middle gates are not opened, proper signage should be placed from the Community Center down to Spring Road indicating that the trail will no longer be groomed. Dan also asked that the Commission review a map and trail proposal he prepared and handed out at the meeting. This proposal was developed to get snowmobiles off Lake Auburn in the Winter.

**Commissioner Jones moved that the meeting go onto Agenda Item 8**

**Agenda Item 8: Trail Use on Commission Property-Sid Hazelton**

Sid Hazelton provided the Commissioners and members of the public with an informational packet and an overview of the chain of events that has led to this Agenda Item. It started with a request to open the middle and south gates by the Perkins Ridge Snowmobile Club. The Commissioners did not agree to open the gates at the original request as there were many uncertainties as to how opening the gates would impact current practices. Also included in the packet was all of the correspondence that has been received since the Commissioners attended a public meeting September 6, 2017 on Recreational Trail Use, original documents from the discontinuance of Spring Road, snowmobile safety information provided by Dan Bilodeau and a letter from the Attorney who originally worked on the discontinuance of Spring Rd. for the Auburn Water District back in 1992. Sid then read the letter from Norm Ratty of Skelton Taintor and Abbott aloud to the public. Norm's letter referenced the original discontinuance and recommended that the Commission not open the gates based on the language that was described in the discontinuance.

The Commissioners asked Sid to review the Land Deeds that were transferred from the Auburn Water District to the Lake Auburn Watershed Protection Commission. Specifically, they asked if the language in the deeds changed during the transfer.

**Ben Lounsbury, 505 West Auburn Road.**

Ben pointed out that a considerable portion of Spring Road is plowed and that it does not need to be groomed for the public to enjoy it.

**Ron Lebel, 31 Coachman Avenue.**

Ron used to serve as legal counsel for the City of Lewiston Water Division. He represented the City of Lewiston when the commission was formed. Ron pointed out that the Spring Road was discontinued to preserve the water quality of Lake Auburn. Ron praised the Commission for its efforts over the years. Ron also enjoys walking on the Spring Road and is a daily user of the road. He pointed out that there are no other locations like the Spring Road in the City of Auburn, a plowed stretch of road that is free from vehicle traffic. Ron asked that the Commission not allow the snowmobiles to traverse the Spring Road between the south and middle gates.

**Ed Comeau, Camp owner on Spring Road.**

Ed pointed out that in the past, before the gates went up in the early 90's, he and his family dealt with frequent vandalism of their camp. Since the gates went up there has not been one issue. Ed felt that snowmobilers would not be controlled if the gates were opened.

Ed later proposed that a turnaround be constructed on the north side of the middle gate.

**Fred Koch, 641 North Auburn Road.**

Fred pointed out that there was a typo in the Minutes to the September 6, 2017 Public Meeting. The minutes stated that Fred had received negative feedback which is incorrect. Fred has never received negative feedback and has been complemented on many occasions on the quality of the grooming that he does. Fred is the head groomer for the Perkins Ridge Snowmobile Club. Fred has put in more time than any other groomer in the Lake Auburn area. Fred made the effort to groom half the road from the middle gate to the North Auburn loop and left the other half of the road raw. He concluded that only dogs used the raw trail. He also noted that there are a number of dogs that run the Spring Rd at large. Fred asked that the Commission please consider opening the middle and south gates for grooming and snowmobiles.

**John Bonneau, Commissioner**

John praised Dan Bilodeau and all of the snowmobilers for their efforts in seeking permission to open the south and middle gates. John urged the snowmobile groups at the meeting to work with the Staff of the Commission to determine what they need rather than what they want as it appears that extended permissions would conflict with the other activities that are currently occurring on the Spring Road.

**Mary Sylvester, 208 Maple Hill Road**

Mary wanted to commend the Commissioners for the public meeting that was held. She felt that the meeting was well received by the public and that the residents who attended were open to the idea of compromise.

**Michael Lachance, Commissioner**

Michael was also impressed by the dialog at the Public Meeting. The varying opinions were eye opening to him. Michael implores the Commission to work with all parties to find some common ground. Michael would like to determine the legal limits regarding the Commission's authority to grant permissions for any use of Spring Rd.

**Tizz Crowley, Commissioner**

Tizz would like to develop a work group to address activities that have been Identified on the Spring Road. She would like to develop this group in a manner that develops solutions in a reasonable amount of time.

**Joseph Grube, Commission President**

Joe advised the Commission that they need to determine if there is a legal right to allow motorized vehicles on the Spring Rd.

**Dave Jones, Commissioner**

Dave defined the Commission's responsibilities. While the primary objective is water quality the Commission has to be a good neighbor. The purpose of the Public Meeting was to gauge the opinion of land abutters and residents that have a vested interest in the Spring Road.

**Bethel Shields, Commissioner**

Bethel commented that she had received several calls from residents with concerns regarding snowmobiles. Their concerns related to both water and air pollution associated with snowmobiles

**Richard Thibodeau, Commissioner**

Richard did receive a call from a resident that was concerned with public safety. He felt that the Commission needs to consider that in addition to water quality before a decision is made on this issue.

**Vote 5 - Motion by Commissioner Crowley, seconded by Commissioner Lachance to establish a work group to review of current policy, legality of opening the middle and south gates, safety concerns, trespass concerns and to provide the Commissioners with a report prior to**

the November meeting. The Work Group will consist of Commissioners, members of staff, one Auburn City Councilor and members of the public, Sid will work to develop the group. This group will be limited to 9 members.

Motion failed 3 - 4 - 1

**Vote 6 - Motion by Commissioner Crowley, seconded by Commissioner Lachance to hold a Special Meeting to review the legality of opening the Spring Road to snowmobile traffic and grooming between the middle and south gates. The meeting will be held on the second Wednesday in October at 5:30pm at a public building.**

Passed 5 - 3

**Agenda Item 5: Water Quality Update & Activity Report- Mary Jane Dillingham**

MJ presented a couple of graphs showing water quality parameters in Lake Auburn with all parameters being favorable at this time. MJ also reported that Bates College is preparing a presentation on Gleotricia. The numbers are down for the year. Boat inspections are complete for the year with over 170 inspections with no issues found. Mary Jane also worked with students to deploy several benthic barriers at the basin outlet to control milfoil.

**Agenda Item 6: Education & Outreach Update – Lynne Richard**

Lynne handed out an Education and Outreach Report which is shorter than normal as Lynne does not work in the Summer. Lynne did participate in several summer camp lessons most of which were held in Lewiston. Lynne hopes to have a 319-Grant presentation after the Grant closes in December.

**Agenda Item 9: Assignment of Commissioners-Sid Hazelton**

Sid deferred the meeting to Tizz Crowley because she raised the question regarding the make-up of the Watershed Protection Commission. Tizz recommended that we table the discussion until there is more time to discuss and review the Lewiston – Auburn Interlocal Agreement.

**Agenda Item 10: Potential Land Purchase- Executive Session regarding negotiations of potential land transaction in accordance with M.R.S.A 405 (6) (C)**

**Vote 7 - Motion by Commissioner Thibodeau, seconded by Commissioner Shields to go into executive session to discuss negotiations of potential land transaction in accordance with M.R.S.A 405 (6) (C)**

Passed 8 - 0

**Vote 8 - Motion by Commissioner Crowley, seconded by Commissioner Shields to come out of executive session to discuss negotiations of potential land transaction in accordance with M.R.S.A 405 (6) (C)**

**Passed 8 - 0**

**Vote 9 - Motion by Commissioner Jones, seconded by Commissioner Crowley to adjourn the meeting.**

**Passed 8 - 0**

**The meeting was adjourned at 6:13 PM**

A true record, Attest:

Michael Broadbent,

Secretary of the LAWPC