

Lake Auburn Watershed Protection Commission

Meeting Minutes

Wednesday, April 13, 2022

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

Time: Meeting began at 3:40 PM

Recording: The meeting was recorded.

Commissioners Present: Dan Dube, Mary Ann Brenchick, Amy Landry, Dan Bilodeau, Alan Holbrook, Evan Cyr, Rick LaChapelle, Glen Holmes and Camille Parrish

Commissioners Absent: Steve French resigned 3/21/2022

Sid Hazelton resigned as Co-Clerk on 3/28/2022

Kevin Gagne resigned as Co-Clerk on 3/28/2022

Others Present: Michael Broadbent, LAWPC Secretary, Erica Kidd, Watershed Manager, Carolyn Houtz Education and Outreach Coordinator and Heather Hunter, Finance Officer

Agenda Item 1: Recognition of new members- Evan Cyr

Commissioner Cyr introduced newly appointed Lewiston City Council member, Rick LaChapelle. Rick will serve on the Commission from March, 2022 to March, 2025.

Commissioner Cyr also introduced Glen Holmes. Mr. Holmes was appointed by the Town of Buckfield to represent the Towns of Minot, Hebron and Buckfield. There is some confusion around this appointment as to what the official process is for seeking appointment. Discussion was had on what protocol was followed for Mr. Holmes' appointment and if any further action was needed to verify his appointment in the other two communities.

Vote-1 On a motion by Commissioner LaChapelle and seconded by Commissioner Parrish to direct Mr. Holmes to address the Boards of both Minot and Hebron and ask that they discuss his appointment to be documented in their meeting minutes.

Motion to amend - On a motion by Commissioner Parrish and seconded by Commissioner Brenchick to have all documentation of the appointment occur after the date of Commissioner French's resignation.

Motion Failed 1-3-2

Vote-1 Passed 8-0-1 Commissioner Holmes abstained

Vote-2 On a motion by Commissioner LaChapelle and seconded by Commissioner Bilodeau to qualify the appointment of Commissioner Holmes.

Vote-2 Passed 8-0-1 Commissioner Holmes abstained from voting.

Agenda Item 7 a. i.: Discussion of Chair and Vice Chair- *Evan Cyr*

Vote-3 On a motion by Commissioner Brenchick and seconded by Commissioner LaChapelle to suspend the rules and to move agenda discussion 7.a.i. before agenda item 2.

Vote-3 Passed 9-0

Commissioner Cyr pointed out that there is no language in the interlocal agreement on how to proceed in the event of a resignation. Commissioner French has resigned and the Commission needs to determine the appropriate action at this time.

Vote-4 On a motion by Commissioner Holmes and seconded by Commissioner Brenchick to appoint Evan Cyr to the position of Chair of the Commission for the remainder of the current term.

Vote-4 Passed 8-0-1 Commissioner Cyr abstained from voting.

Vote-5 On a motion by Commissioner Holmes and seconded by Commissioner Bilodeau to appoint Commissioner LaChapelle as Vice Chair of the Commission for the remainder of the current term.

Vote-5 Passed 8-0-1 Commissioner LaChapelle abstained from voting.

Agenda Item 2: Approve the Minutes of the February 9, 2021 Regular meeting.

Vote-6 On a motion by Commissioner Brenchick and seconded by Commissioner Parrish to accept the minutes as presented.

Vote-6 Passed 7-0-2 Commissioners Holmes and LaChapelle abstained from voting.

Agenda Item 3: Consent Agenda a., b., c.

Vote-7 On a motion by Commissioner Holmes and seconded by Commissioner LaChapelle to move the Consent Agenda as presented.

Vote-7 Passed 9-0

Agenda Item 4: Public Comment.

Commissioner Cyr pointed out that the Commission does not have current rules for public comment. Commissioner Cyr proposed the following rules to be followed during public comment:

Members of the public are asked to state their name and address before giving their comments. If that member is present to give the comments of others, that they state who they are representing before speaking. Speakers will be asked to limit their comments to a timely manner. Each speaker will only speak once unless they later wish to speak on a separate comment. The Commissioners will not be expected to answer questions during public comment; however, they will take notes and, in some cases, ask for clarification by staff.

Ben Lounsbury, 505 West Auburn Rd. came to ask the Commission to follow Roberts Rules. He feels there is a conflict of interest with Commissioner Cyr serving as Commission Chair and as Chair of the Planning Board.

Fred Holler, 352 West Auburn Road. Mr. Holler recently attended a planning Board meeting and he feels that there is a conflict of interest by having the Chair of the Planning Board also serve as the Chair of the Watershed Commission.

Heather Hunter, Commission Treasurer. Heather asked if the Commissioners wished to recognize Steve French for his many years of service to the Commission.

The Commissioners agreed to recognize Mr. French for his years of dedicated service with a plaque at a future meeting of the Commissioners.

Vote-8 On a motion by Commissioner LaChapelle and seconded by Commissioner Holbrook to purchase a plaque at a price not to exceed \$500.

Vote-8 Passed 9-0

Agenda Item 5: Staff Report- Mike Broadbent

Mike reported that Rt 4 will be going under construction this summer. This construction will affect traffic in and out of the boat launch and, at some point, the Rt 4 turnout will be closed. This turnout is used by bulk water haulers to fill up trucks during the summer months. Currently the Auburn Water District does not have a fill station for bulk water haulers. This is something that will need to be addressed in the near future.

Mike reported that he had the official copy of the Lewiston demand letter and that he brought copies if anyone needed one.

Erica notified the Commissioners that the Planning Board had given a favorable recommendation to the Auburn City Council to adopt the revised septic standards with three terms. 1 unit per acre was recommended to increase to 1 unit per 3 acres, water quality sampling in the watershed would increase and all new systems must be inspected every 5 years and at every point of sale of an affected parcel. Evan added that if water quality parameters are triggered that a moratorium will be placed on development.

Commissioner Bilodeau asked if the Commission had received funds from MDOT associated with the project on Rt 4. Mike reported that we had received funds for re-location of the entrance and exit gates and additional parking to accommodate the closing of the turnout.

Agenda Item 6: Old Business

Over the last several months the City of Auburn has started the process to adopt a revised septic ordinance within the Watershed Overlay District. The revised septic ordinance would allow for systems to be mounded to achieve 36” of separation. The existing ordinance has made it extremely difficult for new systems to be installed within the watershed because it is difficult to find a natural 36” of separation. Modifying the ordinance would open the door for new development within the watershed. There have been several inquiries from the Auburn Water District and the City of Lewiston, Water Division to State agencies that currently regulate the water systems. The inquiries are regarding the status of the two filtration waivers if this new ordinance were to be adopted. The Commissioners would like to speak with legal counsel regarding this matter as it has the possibility to significantly impact water quality within the lake. It is expected that the Auburn City Council will have their first review of this proposal next week.

Vote-9 On a motion by Commissioner Holmes and seconded by Commissioner Brenchick to postpone this discussion and move the Commissioners to Agenda Item 7.b.

Vote-9 Passed 8-1-0

Agenda Item 7.b.: New Business, Authorization of Chair to seek and hire legal counsel to respond to Demand Letter Dated March 31, 2022

In the absence of Clerks and with the Commission’s legal counsel conflicted out from discussing this matter, Commissioner Cyr reached out to several different legal firms with the hope of finding a qualified firm that could advise the Commissioners. Commissioner Cyr was not able to obtain a commitment from any of the calls that he made.

Vote-10 On a motion by Commissioner Holmes and seconded by Commissioner Brenchick to authorize both the Chair and Vice Chair to seek out legal counsel to advise the Commissioners on the matter of the Demand Letter.

Motion to amend - On a motion by Commissioner Dube and seconded by Commissioner Parrish to retain the legal counsel for all areas of advisement that our current counsel is conflicted out of.

Motion Passed 9-0

Vote-10 Passed

9-0

Agenda Item 6: Old Business-Continued

Commissioner Cyr resumed the discussion on what the Commission's authority is regarding the matter of the proposed septic ordinance change. The Commissioners without the guidance of legal counsel did not feel comfortable making any new recommendations on this matter. However, they would like to reiterate recommendations that have been made in the past and that are relevant to this topic.

Vote-11 On a motion by Commissioner Brenchick and seconded by Commissioner Holmes to send a letter to the Auburn City Council, to reiterate the Commission's historical stance on development within the watershed. It was agreed that the Watershed Manager will assist with historic documents of reference.

Motion to amend - On a motion by Commissioner Dube and seconded by Commissioner Parrish to authorize a sub-committee to draft the letter to be read at the next City Council meeting.

Glen Holmes left the meeting at 4:55pm

Motion Passed 7-1-0

Motion to amend - On a motion by Commissioner LaChapelle and seconded by Commissioner Parrish to authorize the Commission Chair to read the letter to City Counsel at the next meeting.

Motion Passed 7-1-0

Motion to amend - On a motion by Commissioner LaChapelle and seconded by Commissioner Parrish to put Commissioners, Dube, Holbrook and Landry on the sub-committee to draft the letter.

Motion Passed 8-0

Vote-11 Passed

7-1-0

Agenda Item 7a.ii.: Discussion of interim Clerk

Vote-12 On a motion by Commissioner LaChapelle and seconded by Commissioner Dube to postpone this discussion to a future date.

Vote-12 Passed

8-0-0

Agenda Item 7a.iii.: Possible Executive Session pursuant to Maine 1 M.S.R.A. §405 6(a)

Chair Cyr asked the question to the other Commissioners. Is it a conflict to have Heather Hunter continue to serve as Treasurer given her other roles for the City of Lewiston?

Vote-13 On a motion by Commissioner LaChapelle and seconded by Commissioner Landry that they find/deem no conflict of interest with the Commission Treasurer also serving as the Administrator for the City of Lewiston.

Vote-13 Passed 8-0-0

Agenda Item 7c.: Authorization of the Chair to call special meetings of the Commission.

Vote-14 On a motion by Commissioner Bilodeau and seconded by Commissioner Brenchick to authorize the Chair and Vice chair be given the authority to call special meetings of the Commission.

Vote-14 Passed 8-0-0

Agenda Item 7d.: Response to Letter of Demand dated March 31, 2022

The commissioners acknowledged receipt of the letter and copies of the letter were made available earlier in the meeting. The consensus is that legal counsel is needed before a full response can be given. Commissioner Cyr had previously prepared a response which he read to the Commissioners at the meeting. He also offered the opportunity to edit the draft he prepared.

Vote-15 On a motion by Commissioner Brenchick and seconded by Commissioner Dube to approve the draft letter with minor modifications.

Vote-15 Passed 8-0-0

Vote-16 On a motion by Commissioner Landry and seconded by Commissioner LaChapelle to authorize Commission Secretary, Michael Broadbent, to sign the approved letter and send it to Lewiston on April 14, 2022.

Vote-16 Passed 8-0-0

Agenda Item 7e.: Discussion of funding an updated Watershed Management Plan.

Erica Kidd requested that the Commissioners approve funding for an updated Watershed Management Plan. Erica has received pricing and proposals from CDW Smith to update the Watershed Management Plan which would include a Watershed Survey for \$50,000. She also received a proposal to update our B.M.P plan for \$25,000. While this study was not in the 2022 budget, Erica would like to proceed with this work as it has not been done since 2010.

Vote-17 On a motion by Commissioner Dube and seconded by Commissioner LaChapelle to authorize the recommended work.

Erica did report that she has applied for several matching grants that could cover a significant portion of these costs. Heather also confirmed that the Commission has enough funds to cover this work regardless of the opportunities of receiving a Grant.

Motion to amend - On a motion by Commissioner Cyr and seconded by Commissioner Parrish to fund the work from the Commission's sinking fund for an amount not to exceed \$75,000.

Motion Passed 6-2-0

Vote-18 On a motion by Commissioner Bilodeau and seconded by Commissioner Dube to place a moratorium on all logging practices of the Commission until the BMP's are updated.

Vote-18 Passed 7-1-0

Vote-17 Passed 8-0-0

Vote-19 On a motion by Commissioner Brenchick and seconded by Commissioner LaChapelle to adjourn the meeting.

Vote-19 Passed 8-0

A true record, attest;



Michael Broadbent
LAWPC Secretary