

Lake Auburn Watershed Protection Commission

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Wednesday, June 8, 2022 at 3:30pm – 5:30pm AVCOG, 125 Manley Road, Auburn, Maine

AGENDA

1. Recognition
 - a. Steve French
2. Minutes
 - a. 04/13/2022 – Regular Meeting
 - b. 05/02/2022 – Special Meeting
 - c. 05/23/2022 – Special Meeting
3. Consent Agenda
 - a. Financial Reports
 - b. Water Quality & Watershed Report
 - c. Education and Outreach Report
4. Public Comment
5. Staff Report
 - a. Mike Broadbent – As deemed necessary by Mr. Broadbent
 - b. Eric Kidd – As deemed necessary by Mrs. Kidd
6. Old Business
 - a. Adoption of Robert's Rules of Order
 - b. Discussion of LAWPC Bylaws
 - i. Possible creation of subcommittee
 - c. Peer review update on Gracelawn property – Camile Parish
7. New Business
 - a. Trail project on LAWPC property – Erica Kidd
 - b. Request by AWD for public comment on revised By-Laws for the Protection of Lake Auburn
 - c. Commissioner items of interest or for future discussion.
 - d. Executive Session pursuant to Maine 1 M.S.R.A. §405 6(c) regarding the possible acquisition of a specific parcel within the watershed.
8. Adjournment

FUTURE REGULAR MEETING SCHEDULE:

September 14, 2022

November 9, 2022

December 7, 2022 (if needed)

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 Branchick 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 Branchick 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

Lake Auburn Watershed Protection Commission

Meeting Minutes

Special Meeting Monday, May 2, 2022

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

Time: Meeting began at 3:30 PM

Recording: The meeting was recorded.

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

Commissioners Absent: None

Others Present: Erica Kidd, Watershed Manager, and Amanda Meader, Legal Counsel.

Agenda Item 1: Minutes

None.

Agenda Item 2: Consent Agenda

None.

Agenda Item 3: Public Comment

Mary Sylvester of Auburn, and former Auburn Water District (AWD) Trustee, spoke in favor of the board having legal counsel go over the responsibilities and authority of LAWPC. She thought this was very important for board members and the public. She commended Chair Cyr's professionalism on the LAWPC board and on the City of Auburn Planning Board.

Janet Joseph of Auburn supported Ms. Sylvester's comments about legal counsel going over the responsibilities and authority of LAWPC. She stated she was at the meeting to learn more about who is responsible for protecting Lake Auburn.

Agenda Item 4: Staff Report

None.

Agenda Item 5: Old Business

None.

Agenda Item 6: New Business

The Commissioners and Erica Kidd introduced themselves to the new legal counsel for LAWPC, Amanda Meader.

Agenda Item 6a: Introduction of Legal Counsel

Amanda Meader introduced herself as the new legal counsel for LAWPC. She has been practicing law for 18 years and has always been a municipal law attorney. She has worked for different law firms in the past and now runs her own practice.

Agenda Item 6b: Discussion of LAWPC Board responsibilities and authority as described in the Interlocal Agreement

Chair Cyr initiated this discussion with board members.

Agenda Item 6bi: Review of LAWPC Board responsibilities under the Interlocal Agreement- Legal Counsel

Ms. Meader led a review of the LAWPC responsibilities. She said Commissioners are here to carry out LAWPC's mission, which is to protect Lake Auburn. She went over LAWPC's authority to hire an attorney and initiate legal action to protect the lake, make contracts, apply for grants, to buy and sell property, and to spend money. She said LAWPC has the power to take legal action to carry out its mission, and to adopt, interpret, and amend the watershed boundary of Lake Auburn. Ms. Meader read these powers from the 1993 Interlocal Agreement. She stated that the agreement gives LAWPC concurrent power to AWD to enforce laws, rules, and regulations. She read the first paragraph of the Interlocal Agreement, and reiterated that the responsibility of LAWPC is to protect water quality.

Agenda Item 6bii: Review of LAWPC Board authority under the Interlocal Agreement- Legal Counsel

Ms. Meader led a review of the LAWPC authority. She stated that LAWPC can make recommendations to AWD, and has the authority to step in AWD's shoes, meaning that whatever AWD can do, LAWPC can do. If LAWPC makes a recommendation to AWD, and AWD takes that action, and as a result AWD incurs legal fees, then LAWPC is responsible for paying AWD's legal fees. Ms. Meader referenced page 9 of the Interlocal Agreement and stated that AWD would be indemnified by LAWPC in that situation.

Commissioner Bilodeau said that AWD by-laws came in 1991, before the Interlocal Agreement of 1993, and that the by-laws are currently being updated.

Commissioner Brenchick asked for clarification on LAWPC having concurrent powers to AWD. Ms. Meader said this could be discussed in executive session. Discussion followed by Ms. Meader and Chair Cyr.

Commissioner Holmes asked if a recommendation coming from LAWPC has to be voted on. Ms. Meader answered yes. She said that if LAWPC asks AWD to take action and AWD does not, then LAWPC can take that action. AWD can adopt by-laws to prevent the pollution of Lake Auburn and can prescribe penalties for such pollution. AWD can go to court to stop an action, so LAWPC can do that as well.

Ms. Meader has a draft of the edits to the AWD by-laws from Superintendent, Sid Hazelton. She said that AWD by-laws have the same force and effect as municipal ordinances.

Vice Chair LaChapelle stated that confusion comes with AWD and LAWPC having the same authority. He asked if LAWPC has the authority to make ordinances, and Ms. Meader replied yes. He asked if LAWPC could make ordinances in Auburn or in other towns. Ms. Meader replied that AWD never adopted ordinances.

Commissioner Bilodeau brought up ordinances adopted by the City of Auburn in the 1970's, and said that at the time those ordinances were sufficient for AWD, so AWD never adopted its own ordinances. He said that AWD will want other towns in the watershed to adopt City of Auburn ordinances to protect the lake.

Vice Chair LaChapelle asked if other watershed towns don't adopt City of Auburn ordinances, does LAWPC have the authority to enforce those rules in those towns. The board and attorney consensus was that the answer is yes within the watershed. Commissioner Holmes gave an example of how this has worked between the towns of Sumner and Buckfield. Further discussion of adopting ordinances ensued, including that LAWPC can fight AWD actions. Chair Cyr discussed the importance of understanding the hierarchy of the strictness of ordinances. Commissioner Brenchick stated that she did not get from a prior presentation by the former LAWPC legal counsel that LAWPC can create ordinances. Chair Cyr discussed that former legal counsel may have had a different focus on the text that explains the authority of LAWPC.

Commissioner Holmes brought up if there had been any enforcement by AWD or LAWPC in recent years. Chair Cyr stated that LAWPC enforces AWD by-laws because of the Interlocal Agreement. He said the agreement led to no one entity taking unilateral action (be it AWD, City of Auburn, City of Lewiston, etc.), where the LAWPC board is made up of representatives from multiple entities who vote on actions, including enforcement.

Commissioner Holbrook asked how LAWPC will keep up with the timeline of all the local changes going on and being proposed in the City of Auburn. He expressed concern that LAWPC will end up behind on local changes due to infrequent meetings. His question was addressed by Ms. Meader. She responded saying that she will have to act as things come up. Commissioner Holmes stated that even if the City of Auburn adopts rules, LAWPC could adopt stricter rules and those would apply. He also stated LAWPC has to decide if it favors or opposes local changes, and then act.

Agenda Item 6c: Discussion of possible additional LAWPC action regarding Letter of Demand dated March 31, 2022

Chair Cyr asked the board if they had questions specific to the Letter of Demand, and members replied yes.

Agenda Item 6ci: Possible Executive Session pursuant to Maine 1 M.S.R.A §405 6(e) regarding consultation between the LAWPC Board and its attorney concerning its legal rights and duties

Chair Cyr asked for a motion to enter Executive Session.

Vote-1 On a motion by Vice Chair LaChapelle and seconded by Commissioner Bilodeau to go into Executive Session in accordance with Maine 1 M.S.R.A §405 6(e).

Passed 8-0

Executive Session began at 4:17pm.

The meeting resumed at 5:45pm.

Chair Cyr brought up the topic of action in response to the Letter of Demand dated March 31, 2022.

Commissioner Holmes made a motion to respond to the Letter of Demand saying that LAWPC will be peer reviewing all available data to understand if LAWPC needs an additional study at this time. Chair Cyr asked Commissioner Parrish if the wording of peer review was correct. Commissioner Parrish said to specify what exactly the study would encompass in the motion, and asked if it would include the whole watershed. Commissioner Holmes specified that it would focus on all availability data on the Gracelawn property. Commissioner Bilodeau seconded the motion. Chair Cyr restated that the motion is to engage experts in a peer review of the available data within the watershed to include the most recent study by the City of Auburn as well as additional studies pertinent to the watershed and the parcel on Gracelawn that was just recently rezoned. The motion was opened for discussion.

The board discussed reports and data that could help inform members about the Gracelawn property zoning changes. Chair Cyr asked Commissioner Parrish to pull together data and reports with Erica Kidd; both agreed to work on this. Commissioner Holbrook asked what the timeline is for Commissioner Parrish and Ms. Kidd to gather information. Commissioner Holmes suggested two weeks. The board discussed Scott Williams of Lake Stewards of Maine as an expert reviewer. Commissioner Parrish agreed to reach out to experts in the field and will report out when this is done, which may be longer than two weeks.

Commissioner Dubé asked, if while the data review is being worked on, will LAWPC be making a recommendation to the City of Auburn to give LAWPC time to do its own review without taking further actions. Chair Cyr said that is a question for a subsequent motion.

Commissioner Dubé asked if LAWPC needs to hire or pay or contract with experts in the field for peer review. Board members discussed how this could be done.

Vote-2 On a motion by Commissioner Holmes and seconded by Commissioner Bilodeau to respond to the Letter of Demand stating that LAWPC will engage experts in a peer review of the available data within the watershed to include the most recent study by the City of Auburn as well as additional studies pertinent to the watershed and the parcel on Gracelawn that was just recently rezoned.

Passed 8-0

Commissioner Dubé made a motion for LAWPC to recommend to the City of Auburn that there be no new development in the watershed, or as to parcels recently in the watershed, pursuant to changes made to zoning in ordinances within the past 6 months.

Chair Cyr asked for clarification. He asked if the recommendation is to City of Auburn or AWD. Commissioner Dubé responded both. Chair Cyr clarified that the motion is that LAWPC is recommending to the City of Auburn that there be no new development beyond what would have been allowed up to 60 days ago within the watershed, and additionally LAWPC is asking the City of Auburn to postpone any development on parcels recently taken out of the watershed. Commissioner Dubé adopted Chair Cyr's clarification as a friendly amendment to his motion, while keeping AWD in the motion. Vice Chair LaChapelle seconded the motion. It then went to discussion.

Commissioner Holbrook asked how that information would be communicated. Ms. Meader stated she would be writing a letter.

Commissioner Bilodeau stated that he would not vote in favor of the motion because the sand pits have been studied, that 40-60% of the stormwater issues with the sand pits will be mitigated with residential development in that area, that there are ground monitoring wells that have tested the groundwater and it's moving away from the lake, and there's a direct cost to City of Auburn taxpayers.

Commissioner Holmes asked if the City of Auburn would be in jeopardy if they don't issue a permit to build in an area that was approved for such use by ordinance. Ms. Meader replied yes. She stated that the City of Auburn would have to put a moratorium on itself if it had approved changes but then did not want them carried out.

The board discussed that the motion on the table was not threatening legal action or giving legal advice. Vice Chair LaChapelle moved the question.

Vote-3 On a motion by Commissioner Dubé and seconded by Vice Chair LaChapelle for LAWPC to recommend to the City of Auburn and AWD that there be no new development beyond what would have been allowed in the Lake Auburn watershed up to 60 days ago, and that LAWPC ask the City of Auburn to postpone any development on property that was recently taken out of the watershed.

Failed 4-4

Vice Chair LaChapelle moved to adjourn the meeting and then removed the motion from the floor.

Commissioner Dubé made a motion to recommend to the City of Auburn and AWD that there be no new development on the basis of any zoning ordinance changes made within the last 60 days, until LAWPC can conclude a study. He asked for friendly amendments. Commissioner Bilodeau offered a friendly amendment to include a LAWPC review of permitting data. Chair Cyr offered a friendly amendment to ask the City of Auburn to wait 60-90 days so that LAWPC can complete its review. Commissioner Dubé proposed 90 days for a review. Commissioner Holbrook seconded the motion.

Vote-4 On a motion by Commissioner Dubé and seconded by Commissioner Holbrook for LAWPC to recommend to the City of Auburn and AWD that there be no new development on the basis of any zoning ordinance changes made within the last 60 days for a period of 90 days, so that LAWPC may review pertinent studies and permitting data.

Passed 5-1

Ms. Meader wanted to go on record that she retracts her previous statement that LAWPC can create and adopt ordinances. Only AWD can do that. LAWPC has the authority to make recommendations to AWD and to take legal action. LAWPC can't adopt by-laws.

Discussion by board members of next meeting date. Commissioner Bilodeau wanted a next meeting date of May 16, 2022. Chair Cyr said he will discuss a next meeting date with Vice Chair LaChapelle and requested agenda items from board members. He said he will check the AVCOG meeting room availability with Commissioner Landry.

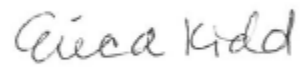
Ms. Meader asked the board about review of the letter she will draft to the City of Auburn and AWD. The board agreed to review the letter.

Vote-5 On a motion by Commissioner Parrish and seconded by Commissioner Bilodeau to adjourn the meeting.

Passed 6-0

The meeting adjourned at 6:21pm.

A true record, attest;

A handwritten signature in cursive script that reads "Erica Kidd".

Erica Kidd
Watershed Manager

Lake Auburn Watershed Protection Commission

Workshop Minutes

Wednesday, May 23, 2022

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

Time: Meeting began at 3:40 PM

Recording: The meeting was recorded.

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

Commissioners Absent: Dan Dube

Others Present: Michael Broadbent, LAWPC Secretary, Amanda Meader, Legal Council

Agenda Item 1: Minutes

No new business

Agenda Item 2: Consent Agenda

No new business

Agenda Item 3: Public Comment

No comments

Agenda Item 4: Staff Report

No Report

Agenda Item 5: Old Business

No old business

Agenda Item 6: New Business

Vote 1: On a motion by Commissioner Holmes and seconded by Commissioner LaChapelle to go into executive session pursuant to Maine 1 M.S.R.A. §405 6(e) regarding consultation between the LAWPC Board and its attorney concerning it's legal rights and responsibilities pursuant to current litigation.

Passed 8-0-0 3:45pm

Executive session ended at 4:11pm

Commissioner Parrish reported that she worked with Erica Kidd and has executed a contract with CDM Smith to review the Lake Auburn Study along with other previous studies to determine if properties should be removed from the watershed.

It was agreed that the scope of the project will be sent to all of the Commissioners for review.

Agenda Item 7: Adjournment

Vote 2: On a motion by Commissioner Holmes and seconded by Commissioner LaChapelle to adjourn the meeting

Passed 8-0-0

A true record, attest;



Michael Broadbent
LAWPC Secretary

Water Quality Report

1. The in-lake monitoring buoy, named Margaret, was deployed by Bates College professors and AWD/LWD staff in late May to collect live readings of temperature and dissolved oxygen every ten minutes for the open-water season.
2. The average daily turbidity for May 30 was 0.54 NTU.
3. Please see attached temperature and turbidity graphs for reference.
4. April fecal datasheet is attached; May will be provided before the meeting.

Watershed Report

1. The MaineDOT has started a project on Route 4 in Auburn that involves removing the turnout near the boat launch, and reconfiguring the traffic pattern in that area. AWD is working with MDOT on relocating the gates at the boat launch.
2. MDOT also improved drainage at the intersection of Route 4 and Lake Shore Drive and replaced a culvert past Tabers in May.
3. Courtesy boat inspections began on Memorial Day weekend at the Route 4 boat launch. The inspectors check boats and trailers for invasive species, particularly species such as milfoil.
4. Erica signed contracts with the consultant CDM Smith for a watershed management plan update and associated BMP plan for a total of \$75,000, and for a review of reports related to the recently rezoned Gracelawn pit area for \$10,900.
5. The cost for the watershed management plan update is \$50,000. Erica received a Source Water Protection Grant from the Maine Drinking Water Program that will fund \$20,000 of this cost. The cost of the BMP plan is \$25,000. Erica received a Capacity Development Grant from the Maine Drinking Water Program that will fund 75% of the total project cost, which is anticipated to be \$18,750.
6. Erica and Carolyn have been working with local trail builder, Wil Libby, of Evergreen Outdoor Education to develop a trail on LAWPC land next to the Tot Lot. Over the past year, members of the City of Auburn Parks and Recreation Advisory Board have expressed interest in revitalizing the Tot Lot and having trails available on the surrounding land, which is mostly owned by LAWPC. Carolyn, Wil, and a group of Edward Little High School students began making the trail, and the intention is to continue the trail on LAWPC property to provide educational opportunities. To fund part of this project, Erica will seek a grant award from the Recreational Trails Program, which is a federally funded program of the US DOT that is administered through the Maine Dept. of Ag, Forestry, and Conservation. A requirement of the grant application process is to receive board approval to apply for the grant. Funding information for 2022 will not be made available until July 1, but last year's grant was for up to 80% of a project cost with a maximum award of \$50,000, and applications were due in late September. Erica is seeking board approval to apply for the grant this year, and will provide all project details to the board before the application is submitted.

Education and Outreach Report

Earth Week was celebrated by hosting events as well as a write-up in the April Newsletter. Events included a Bird Walk with Stanton Bird Club on April 20, and a Vernal Pool Walk with Androscoggin Land Trust April 30th. There was a volunteer trail day scheduled at Salmon point on the

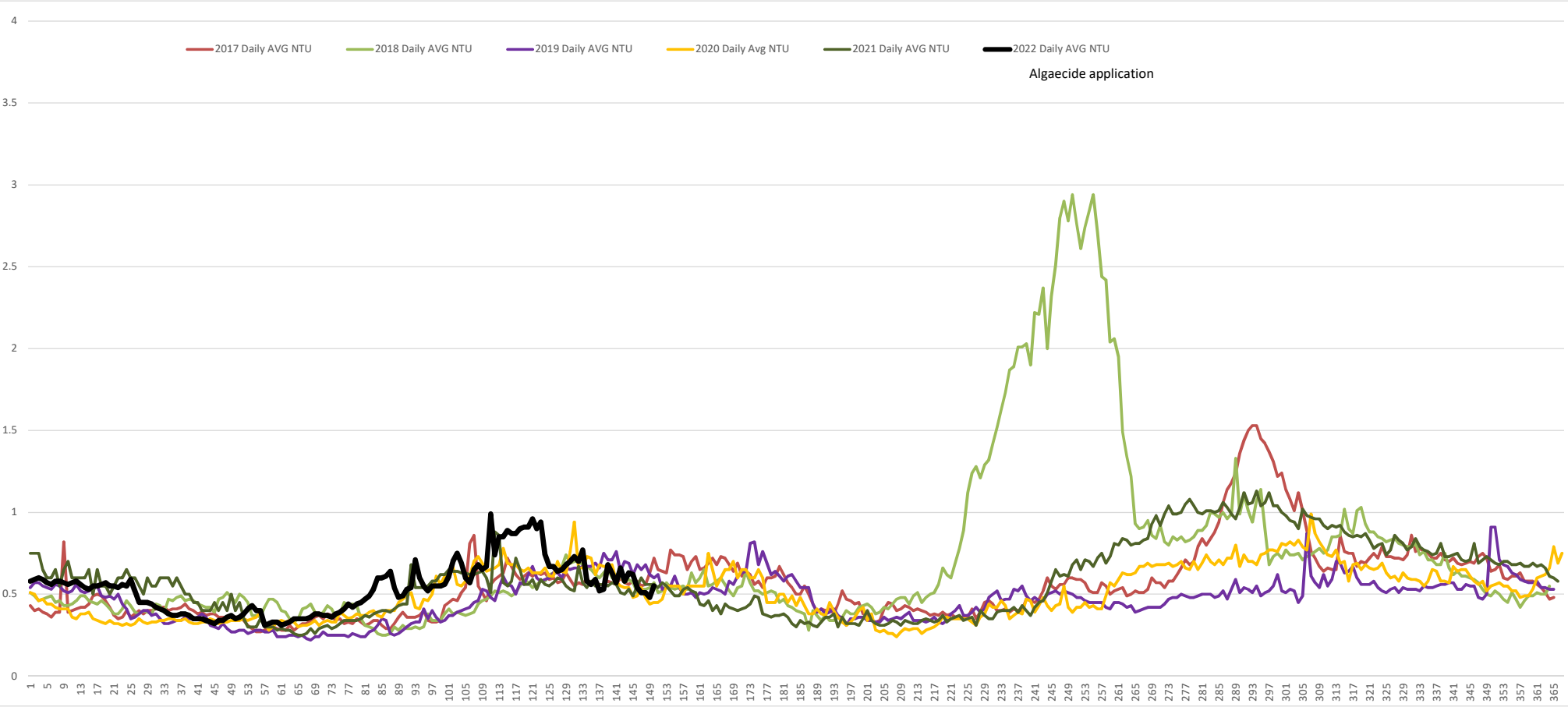
23rd but was cancelled due to an expected low turnout. Those who responded were encouraged to join Auburn Conservation Commission's city-wide litter pick up or another local event.

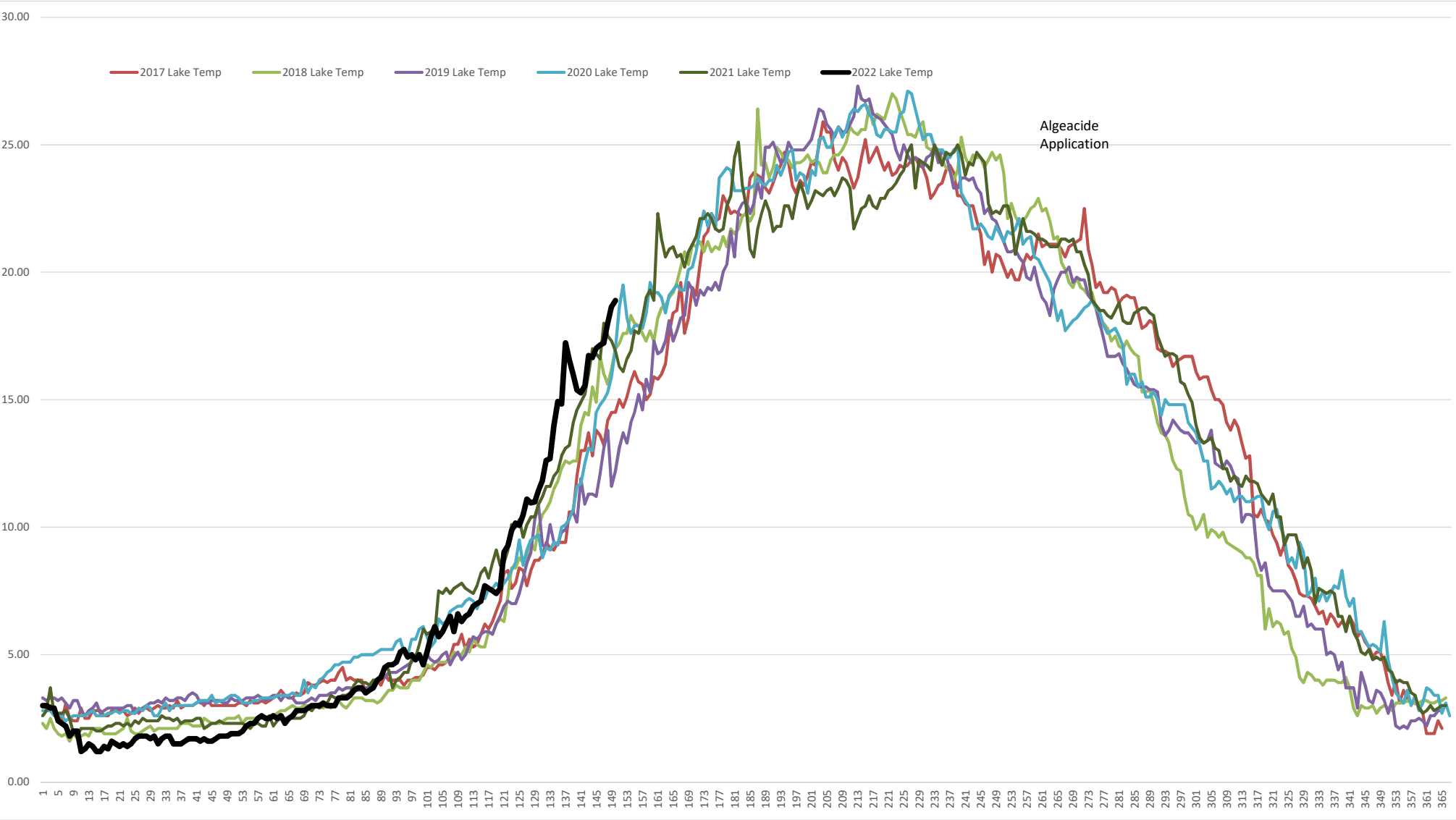
Drinking Water Week was the first week of May, the theme was "There when you need it". This project created by American Water Works Association is meant to bring light on all the constant and hard work our water quality professionals do, and to create a set time to properly thank them. A drinking water FAQ was made and posted onto LAWPC's website.

On May 18th, 5th grade students from Hebron Station School Released Trout fry that they had raised from eggs in their classroom. The past few months they've learned about trout anatomy, habitat, our watershed, pollutants, and more. Before the release they measured temperature, dissolved oxygen, pH, nitrate and phosphorus levels, and looked at macroinvertebrates to learn about food sources.

On May 20th, multiple classes from Edward Little High School volunteered with LAWPC for their community service day. With their help, we cleared the trail for Phase 1 of the Outdoor Education Trail. The students learned about trail clearing, equipment safety, natural buffers, and vegetation buffers. The 20 students volunteered for 2 hours (providing us with 80 hours of work total) clearing the trail and planting native plants to create buffers to prevent soil erosion, prevent excess pollutants from entering the stream, and to help recreational users know where the trail is.

Tot Lot Update: With the help of the Edward Little Volunteer Day, Phase 1 of the Outdoor Education Trail at the Auburn Tot Lot is complete. This is a foot path about .2 miles long that leads to an open area that will be used for classes, groups, and camps. The trail is not officially open to the public yet, however over the next few months we will be hosting some events there. The next phase will be mapping out the rest of the trail and creating a time line for funding, and the logistics of parking. Next fall the AVCOG program will be helping LAWPC create environmental educational pamphlets and signage to have along the trail to educate users on local ecosystems and water quality.





Apr-
22

INLINE

Collected			Temp	Turbidity		Ph	Amount	FECAL	QUANTITRAY		Fecal
DATE	TIME	BY	*C	1720E	TU5200	230 A	Sample	BACTERIA CFU	TOTAL	E.COLI	Confirmation
4/1	0450	DAF	4.6	0.45	0.45	7.22	100	0			
4/2	0545	DAF	4.6	0.55	0.55	7.19	100	0			
4/3	0540	DAF	4.7	0.60	0.60	7.15	100	0			
4/4	0245	DAF	5.1	0.60	0.55	7.11	100	0	23.3	<1	
4/5	0545	DAF	5.2	0.60	0.60	7.14	100	0			
4/6	0300	DAF	4.9	0.50	0.45	7.16	100	0			
4/7	0315	DAF	5.0	0.50	0.50	7.12	100	0			
4/8	0340	DAF	4.8	0.50	0.50	7.10	100	0			
4/9	0520	DAF	5.0	0.50	0.50	7.14	100	0			
4/10	0545	DAF	4.6	0.55	0.60	7.10	100	0			
4/11	0735	LRB	5.1	0.60	0.55	7.08	100	0	4.1	<1	
4/12	0910	LRB	5.7	0.60	0.50	7.07	100	0			
4/13	1120	LRB	6.1	0.70	0.60	7.07	100	0			
4/14	0820	LRB	5.7	0.65	0.65	6.98	100	0			
4/15	0735	LRB	5.9	0.60	0.60	7.03	100	0			
4/16	0805	LRB	6.2	0.55	0.55	7.08	100	0			
4/17	0805	LRB	6.5	0.65	0.65	7.09	100	0			
4/18	0830	LRB	5.9	0.60	0.60	7.10	100	0	12.2	2	
4/19	0805	LRB	6.6	0.70	0.70	7.10	100	4			P,P/P,P/P,P,P,P
4/20	0310	DAF	6.3	0.65	0.60	7.20	100	0			
4/21	0300	DAF	6.5	1.10	1.05	7.22	100	0			
4/22	0305	DAF	6.6	0.70	0.70	7.17	100	0			
4/23	0610	DAF	6.9	0.80	0.70	7.17	100	0			
4/24	0615	DAF	7.0	0.80	0.85	7.19	100	0			
4/25	0300	DAF	7.1	0.90	0.85	7.22	100	0	35	<1	
4/26	0300	DAF	7.7	0.80	0.75	7.24	100	0			
4/27	0300	DAF	7.6	0.75	0.70	7.19	100	0			
4/28	0305	DAF	7.5	0.75	0.60	7.22	100	0			
4/29	0255	DAF	7.4	0.85	0.85	7.24	100	1			P,P
4/30	0840	LRB	7.6	0.80	0.80	7.19	100	1			P,P
			6.0	0.66	0.64	7.14		0.20			

May-
22

INLINE

Collected			Temp	Turbidity		Ph	Amount	FECAL	QUANTITRAY		Fecal
DATE	TIME	BY	*C	1720E	TU5200	230 A	Sample	BACTERIA CFU	TOTAL	E.COLI	Confirmation
5/1	08:25	LRB	8.0	0.85	0.70	7.18	100	0			
5/2	07:40	LRB	8.4	0.80	0.65	7.14	100	0	31.3	<1	
5/3	02:25	DAF	8.6	0.85	0.70	7.22	100	1			P,P
5/4	01:45	DAF	8.9	0.60	0.60	7.20	100	0			
5/5	01:45	DAF	8.9	0.70	0.65	7.14	100	0			
5/6	02:15	DAF	9.3	0.70	0.65	7.11	100	0			
5/7	04:40	DAF	9.5	0.65	0.65	7.14	100	0			
5/8	05:40	DAF	9.7	0.70	0.70	7.19	100	0			
5/9	02:05	DAF	10.0	0.60	0.60	7.14	100	0	17.1	<1	
5/10	02:10	DAF	10.4	0.60	0.60	7.22	100	0			
5/11	02:15	DAF	10.5	0.65	0.60	7.15	100	0			
5/12	02:15	DAF	10.7	0.60	0.60	7.17	100	0			
5/13	03:10	DAF	12.4	0.65	0.60	7.22	100	0			
5/14	07:50	LRB	12.3	0.55	0.55	7.33	100	0			
5/15	07:50	LRB	13.8	0.55	0.55	7.14	100	0			
5/16	07:40	LRB	13.7	0.50	0.50	7.16	100	0	26.2	<1	
5/17	07:35	LRB	15.8	0.55	0.45	7.20	100	0			
5/18	03:00	DAF	16.0	0.55	0.55	7.12	100	2			P,P/P,P
5/19	04:05	DAF	15.1	0.60	0.65	7.10	100	0			
5/20	03:20	DAF	13.9	0.65	0.65	7.19	100	0			
5/21	05:45	DAF	14.2	0.55	0.55	7.22	100	2			P,P/P,P
5/22	06:00	DAF	14.5	0.60	0.60	7.15	100	0			
5/23	02:15	DAF	15.9	0.55	0.50	7.16	100	0	23.8	<1	
5/24	02:30	DAF	15.8	0.65	0.70	7.22	100	0			
5/25	02:40	DAF	15.8	0.55	0.55	7.27	100	0			
5/26	02:15	DAF	15.9	0.60	0.60	7.17	100	0			
5/27	02:25	DAF	16.0	0.55	0.55	7.11	100	0			
5/28	08:05	LRB	17.2	0.50	0.50	7.22	100	0			
5/29	08:20	LRB	17.7	0.45	0.45	7.16	100	0			
5/30	08:00	LRB	17.8	0.60	0.60	7.15	100	0	26.9	1	
5/31	02:30	DAF	18.2	0.55	0.60	7.17	100	0			

13.1 0.61 0.59 7.18 0.16