

March 16, 2022

The regular monthly meeting of the Trustees of the Auburn Water District was held at the Androscoggin Valley Council of Governments, 125 Manley Road, Auburn, Maine on Wednesday, March 16, 2022 at 4:00 pm.

Members present: Robert Cavanagh, Stephen Milks (President and Mayor's Representative), Dan Bilodeau, Jason Pawlina, Kevin Arel and Eric Gould (Newly Appointed Trustee)

Absent: Andrew Titus (Treasurer)

Also present: Sid Hazelton, Superintendent, Michael Broadbent, Assistant Superintendent and Tanya Dunn, Finance Manager.

APPROVE MINUTES OF REGULAR MEETING of February 16, 2022 –

On a motion by Kevin Arel, seconded by Bob Cavanagh, the motion **passed, 5 in favor and 1 abstention: To accept the minutes of the Regular Meeting held February 16, 2022.**

Introductions of the newest Trustee, Eric Gould, as well as introductions of other Trustees and staff members present were done for the members of the public in attendance.

FINANCIAL REPORT UPDATE –Tanya Dunn, Finance Manager

Revenues are good. Expenses are up due to the overtime spent on main breaks in February. Propane and chemical costs are up. We received notification that the General Resolution Bond application was approved.

Cash on hand at the end of February was \$1,999,690.09.

RATIFY PAYMENT OF BILLS –

On a motion by Bob Cavanagh, seconded by Dan Bilodeau, the motion **passed unanimously: To ratify payment of bills in the amount of \$237,399.47 as shown on the printout dated February 1, 2022 – February 28, 2022.**

OPEN SESSION – Several members of the public were in attendance.

A member from the public asked how Open Session worked. Sid Hazelton, Superintendent, referenced Robert's Rules stating that Open Session is usually for items not already on the agenda. Public input would be allowed as agenda items came up for discussion.

Ben Lounsbury, 505 West Auburn Rd, read a letter to the editor written by Neria Douglass printed in the Sun Journal on March 16, 2022 regarding zoning at the Grace Lawn Gravel Pit. He then asked the board to recommend to the Auburn City council that they postpone changing the zoning until more studies can be done.

Pam Rousseau, 745 West Auburn Road, asked if anyone was in attendance representing Lewiston. Sid Hazelton, Superintendent, answered no and explained the organizational setup. Auburn is a Water District unlike Lewiston Water that is a department with the City of Lewiston. Regarding the shared water source, both cities have representation on the Lewiston Auburn Water Protection Commission aka LAWPC.

Open Session closed by Stephen Milks (President and Mayor's Representative).

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ACTIVITY REPORT/PROJECT UPDATE – provided by Mike Broadbent, Assistant Superintendent
Water main breaks continued into February due to the abnormal depth of frost. The Bleeders were activated and that helped prevent frozen services. Project planning has begun. There have been meetings with the City and other utilities to gather information on upcoming projects.

NEW BUSINESS –

ELECTION OF OFFICERS

Current slate of officers is as follows:

President:	Stephen Milks
Treasurer:	Andrew Titus
Superintendent:	Sid Hazelton
Finance Manager:	Tanya Dunn
Auditor:	RHR Smith & Co

On a motion by Dan Bilodeau, seconded by Eric Gould: **To nominate the current slate of officers as presented less the Superintendent (until his review has been completed) for the upcoming year.** No vote taken.

There was some discussion.

On a motion by Bob Cavanaugh, seconded by Kevin Arel: **To amend previous motion to include Sid Hazelton, Superintendent in the current slate of officers.** No vote taken.

After some discussion, Dan Bilodeau withdrew his motion.

On a motion by Dan Bilodeau, seconded by Jason Pawlina, the motion **passed** unanimously: **To table the election of officers, date specific to the regular April Meeting.**

CITY OF AUBURN – Proposed Ordinance changes within the Watershed- Zoning boundary changes/Revisions to subsurface wastewater disposal rules.

Zoning boundary changes – Sid Hazelton, Superintendent, gave his assessment. For ten years there have been discussions regarding boundary changes with proposed LAWPC land exchange and rezoning of the pit. He knows there have been many studies done from ground water wells because of adjacent landfills in that area. The studies showed the ground water flow was toward the Androscoggin River and not Lake Auburn. In light of all the proposed changes to be done around the lake, he does not believe this one to be a hazard to the Lake. He did note that he had not heard of the recent study that the public referenced during open session. Any proposed development will need to be addressed on an individual basis by the planning board and the Water District as to any affect it would have on the Lake.

Susan Brown, 152 Dillingham, shared her thoughts on the FB Environmental Study that the City had done. She spoke about where the study states several times that only low impact density type projects should happen. She expressed concern with the City's presentation where Eric Cousins refers to hot spots but is very abstract in how those will be dealt with. There was some discussion with Stephen Milks (President and Mayor's Representative) regarding a Filter Plant and his thoughts on that.

Margaret Volock, North Shore Drive, shared her concern referencing the hydrologic study from 1993. She feels if we are going to realign the watershed boundaries, a hydrologic study should be done since topography changes.

Peter Dingley, 110 Summer Street, expressed his concerns on a filtration plant as it was listed as an agenda item. He does not want a filter plant and wants the water to stay the way it is.

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Eric Gould, Trustee, responded to the concern on a filtration plant. He thinks it would be irresponsible to not have a filtration plan in place in the event the waiver is pulled.

Fred Holler, 352 West Auburn Road, expressed his concern for the rapid push for rezoning and believes the public has not been properly informed. He believes there is some self-interest in this push for development. The public would like to be included in the process. He went on to mention his concern regarding the rudeness of City council. He recommends slowing down development plans and create more openness to the public.

Dan Bilodeau asked Sid Hazelton, Superintendent, if there would be a consultant from the City of Lewiston in attendance at the open workshop for the Lake Auburn Watershed Protection Commission on March 23, 2022. We are half consulting to the City of Lewiston Water Department.

Sid Hazelton, Superintendent, invited the public to attend the open workshop on March 23, 2022 in which the Lake Auburn Water Protection Commission will consider the septic ordinance. This is an opportunity for the public to share their concerns.

Pam Rousseau, 745 West Auburn Road, stated she would like to get Geological experts to look at the impact on zoning. She would like to hear from more experts and have the studies done. She agrees with what Dr. Holler said about slowing down. It doesn't have to be done tomorrow.

Rick Whiting, currently on City Council, shared a few points about the land that is being considered for rezoning. The topography has changed radically since the last Geological Study that was done 2007. He recommends more investigation after the DEP information that came out as well as questions around the ledge. He explained the process that once approved by City Council then it would go to the Planning Board for further review.

Sid Hazelton, Superintendent, believes the public deserves to know how the Auburn Water District stands on this issue.

On a motion by Dan Bilodeau, seconded by Jason Pawlina: **Auburn Water District Trustees are in favor of the new septic systems to ensure better technology for the Lake.**

Dan Bilodeau withdrew his motion.

On a motion by Dan Bilodeau: **To send a favorable recommendation to the Lake Auburn Water Protection Commission regarding the rezoning of the gravel pits unless they have a consultant that says otherwise.**
No second and no vote taken.

There was further discussion with input from the public.

Ben Lounsbury, 505 West Auburn Road, stated City Council will vote on the second reading on Monday. He asked if the Board can recommend delaying the vote of Council on Monday until further studies can be completed.

Sid Hazelton, Superintendent, stated that sending a recommendation to Lake Auburn Water Protection Commission would be a mute point since the Council's vote is Monday.

Belinda Gerry believes it is the Auburn Water District Board of Trustees responsibility to ensure drinking water is clean and would also like to see the council vote postponed.

On a motion by Dan Bilodeau, seconded by Jason Pawlina, the motion **passed** unanimously: **To support moving the watershed boundary the way city council has voted to allow improvement to the gravel pit.**

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After more discussion, the following amendment was made.

On a motion by Stephen Milks (President and Mayor's Representative), seconded by Dan Bilodeau, the motion **passed** unanimously: **To include with the previous vote a recommendation that the City have geological studies and further testing done if any development is to occur in the gravel pit.**

Revisions to subsurface wastewater disposal rules –

On a motion by Dan Bilodeau, seconded by Eric Gould: **That the trustees support the revisions to subsurface wastewater disposal rules and also send that recommendation to the Commission as well.**

Sid Hazleton shared that as Superintendent, he is not in favor of this issue. He agrees that a new subsurface wastewater disposal design for existing homes would benefit the lake. His concern with the proposed revisions is the removing of the 3' of separation and allowing imported fill. This will open up development in the watershed and with that comes increased contaminants to the lake. He would like to hear the science on the effects of the lake with increased development. There has been talk about working closer with neighboring towns to tighten up their development restrictions. How can we, as a district, do that while we are proposing increased development around the lake.

Dan Bilodeau responded that we are not relaxing the septic standards. The City has already approved low impact development standards and the new phosphorus control plan. Take the new ordinances that are much better for our lake and apply them to the upper watershed. The power of the District is to update our by-laws and it is Lewiston Auburn Watershed Protection Committee to enforce them.

Stephen Milks (President and Mayor's Representative) stated no one is proposing additional houses. Development is a separate issue.

Pam Rousseau, told Dan Bilodeau that low impact housing is still development.

Rick Whiting, feels everyone is in favor of replacement systems but not development.

Dan Bilodeau stated enough misinformation and called the question.

Rex Rhoades, Lake Shore Drive, is amazed the 2020 Study is being ignored that clearly states don't develop anything in this watershed area. The current septic design and ag zone controls development in the watershed. He would like to see it be listed as a natural resource zoning (protected land) and dismiss these other things. He expressed concern something going on in the background.

Dan Bilodeau responded that the City of Auburn has an ethics policy and any concerns should be reported.

Pam Rousseau, 745 West Auburn Road, apologized that the brunt of the concerns are being addressed here but residents have a lot of anxiety regarding these issues.

Sid Hazelton, Superintendent, reminded everyone that Lake Auburn is the only water supply for Lewiston and Auburn and has been for over 150 years. It is fragile and we do not have a backup water source.

Dan Bilodeau called the question. Vote was taken on the motion to support the revisions to subsurface wastewater disposal rules. The motion **passed** with 5 in favor, 1 opposed.

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OLD BUSINESS –

Review of the by-laws for the protection of Lake Auburn- Report from the Committee-

Stephen Milks shared that the by-laws are to be reviewed every five years. This will be the first time since their inception. Dan Bilodeau shared that at the last Trustee meeting, proposed changes were handed out to Trustees for their review and input. *See attached Draft document with suggested substantive and technical changes to those By-Laws.* The POLA (Protection of Lake Auburn) committee is seeking approval from the Trustees to engage with stakeholders such as Lake Auburn Water Protection Commission, the City of Auburn and Protect Lake Auburn. Jason Pawlina mentioned some of the changes being substantive and/or technical and upper watershed issues with hope the other towns will adopt the ordinances. He explained the next steps as identify stakeholders, distribute the proposed changes to stakeholders and gather feedback. Once the final proposed changes are compiled, there will be a public forum. Dan Bilodeau shared that some concerns can be addressed through these by-laws. One example he used was that new homes would have treatment areas for impervious areas.

Public concern that they are told no talk of development but then Dan Bilodeau mentions new homes.

There was a consensus for POLA Committee to continue with next steps as requested.

WATER QUALITY UPDATE – provided by Sid Hazelton, Superintendent

Ice is on Lake and water quality is good. Turbidity is .36 compared to .53 last year which is a good thing. Sid referenced three data charts that were included in the Trustee Packet - Elevation, Turbidity and Lake Temperature. All three are trending normal.

RFP FOR LEGAL SERVICES – Sid Hazelton, Superintendent

On February 7, 2022, Sid Hazelton, Superintendent, spoke with Leah Rachin, Attorney from Drummond Woodson Law Firm. Sid asked the Trustees how they would like to proceed with this RFP.

Dan Bilodeau motioned to move into Executive Session to discuss this topic further. Stephen Milks (President and Mayor's Representative) agreed and further discussion was moved to the end of the meeting and done in Executive Session.

Sid Hazelton, Superintendent, stated that we needed a formal vote on the General Bond Resolution. Trustees provided the public with information regarding the purpose of the bond.

On a motion by Dan Bilodeau, seconded by Kevin Arel, the motion **passed** unanimously: **To approve the \$2M General Resolution Bond for Infrastructure Replacement.**

BONDING FOR FILTER PLANT DESIGN – Status

Sid Hazelton, Superintendent, provided a recap. Last fall, an application had been applied for through the State Revolving Loan Fund and ranked fairly high on their list of approved projects. This would be a 2.5 Million bond with 20% Principal forgiveness. A letter was sent to the City of Lewiston asking to participate in the design. They responded that although it is in their long term capital planning, it was not an immediate capital need and will not participate at this time.

Sid Hazelton, Superintendent, recommends not moving forward at this time. He has concerns if we were to move forward. There would need to be a pilot program, much like a mini Treatment Plant, any of the water parameters may change and technology is always changing. Another 2 million bond would necessitate a 2025 rate increase of 6% and 2027 rate increase of 6.8%. He is also concerned this may limit our ability to bond capacity for future projects. Also, without Lewiston's participation, we would be responsible for funding the entire project.

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There was further discussion.

On a motion by Dan Bilodeau, seconded by Kevin Arel, the motion **passed** unanimously: **To table to date specific to the regular April Meeting.**

TRUSTEE OPEN SESSION-

Stephen Milks (President and Mayor's Representative) shared that he has installed a new enviro-septic tank. He highly recommends it to anyone who lives in the watershed.

Dan Bilodeau requested future agenda item for next meeting - Lake Auburn Water Protection Commission appointment. Applications are available to anyone interested.

Stephen Milks (President and Mayor's Representative) expressed his appreciation of the publics' input and encouraged everyone to stay involved.

Public was excused at 5:51 pm whereas the remaining agenda items were held in Executive Session.

On a motion by Bob Cavanagh, seconded by Jason Pawlina, the motion **passed** unanimously: **To enter into Executive Session regarding negotiations of potential land transactions in accordance with M.S.R.A. § 405 (6) (C).**

Stephen Milks (President) brought meeting back to open session.

On a motion by Dan Bilodeau, seconded by Kevin Arel, the motion **passed** unanimously: **To enter into Executive Session in accordance with M.S.R.A. § 405 (6) (A) to discuss personnel matter.**

Staff in attendance, left meeting room for executive session.

Stephen Milks (President) brought meeting back to open session.

Staff was called back in to meeting room.

On a motion by Dan Bilodeau, seconded by Kevin Arel, the motion **passed** unanimously: **To sign and hire Drummond Woodsum Attorneys-at-law for project-based legal services, Phase 1, as outlined in their July 21, 2021 proposal. Not to exceed \$30,000 with an emphasis on renegotiating the 1997, the 1999 agreement and other applicable agreements with the City of Lewiston to ensure Auburn Water rate payers only pay their apportioned use for all watershed and water delivery costs, not unlike the current sewer apportionment process and the cost apportionment group meet again with the City of Lewiston as soon as possible to negotiate cost apportionment.**

On a motion by Dan Bilodeau, seconded by Kevin Arel, motion **passed** unanimously: **To adjourn.**

Meeting adjourned on Wednesday, March 16, 2022 at 6:20 pm.

Respectfully submitted,

Cindy Cass, Accounting Clerk

Approved: April 20 , 2022

A true record:

Attest: _____

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Clerk