



**City Council Workshop & Meeting
Agenda
April 4, 2022
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. CIP (Capital Improvement Plan 5 Years) Discussion – Phil Crowell
- B. City Manager’s Preliminary Budget and FY23 CIP– Phil Crowell
- C. Lake Grove Park ARPA (American Rescue Plan Act) Discussion – Dan Goyette
- D. Executive session, economic development (Lewiston), pursuant to 1 MRSA Sec. 405(6)(C)
- E. Executive session, economic development, pursuant to 1 MRSA Sec. 405(6)(C)

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Hawes

Pledge of Allegiance

- I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 1. **Order 47-04042022***
Appointing Jennifer Edwards as the Local Health Officer for the City of Auburn with a term expiration of 4/4/2025.
 - 2. **Order 48-04042022***
Approving the Annual Reports to the Maine State Housing Authority for Tax Year April 1, 2021 – March 31, 2022 and authorizing the City Manager to sign the annual reports.
- II. **Minutes**
 - March 21, 2022 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Police Department Swearing in Ceremony
 - Patrol Officers Isaac LaBonte and Timothy Robinson
 - Officer Matthew Johnson promotion to Detective
 - Detective Nicholas Gagnon promotion to Sergeant

- Communication Plan – Liz Allen
- LAWPCA Update – Dan Goyette and Travis Peaslee
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 12-03212022

Amending the Code of Ordinance, Sec. 2-255. Appointment; term (of the Assessor). Second reading.

VI. New Business

1. Resolve 02-04042022

Supporting the utilization of Maine’s Dual Enrollment Program.

2. Public hearing – Proposed Charter Amendments

3. Order 49-04042022

Authorizing the proposed Charter amendments be placed on a referendum ballot and submitted to the voters of Auburn at the June 14, 2022 Election.

4. Order 50-04042022

Approving the allocation of ARPA (American Rescue Plan Act) funds to be used to purchase a Quint Fire Truck.

5. Order 51-04042022

Approving the allocation of ARPA (American Rescue Plan Act) funds to be used to build a new PAL (Police Activities League) Center.

6. Ordinance 13-04042022

Amending Chapter 34 (tobacco and marijuana use at recreation facilities and fields).

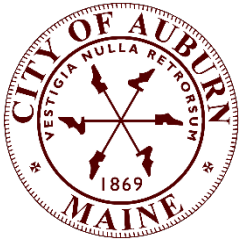
VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

- a. Mayor’s Report
- b. City Councilors’ Reports
- c. City Manager Report

IX. Executive Sessions - None

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Author: Rita Beaudry, Grant Manager

Subject: FY2023 CIP 5-YEAR PLAN

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the city's proposed 5-year Capital Improvement Plan.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Review the CIP plan/projects.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

- 5-year Capital Improvement Plan

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 23 - FY 27

Description	FY23	FY24	FY25	FY26	FY27
AUBURN-LEWISTON AIRPORT					
Reconstruct East Side Airport Parking Apron and Helipad and EA for Helipad			\$ 70,000		
Hangar Door Repair	\$ 75,000				
Hangar Building 5 Roof					\$ 150,000
TOTAL AUBURN-LEWISTON AIRPORT	\$ 75,000	\$ -	\$ 70,000	\$ -	\$ 150,000
CITY CLERK					
Record Restoration	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Fire Proof Vault Construction				\$ 100,000	
TOTAL CITY CLERK	\$ 100,000	\$ 100,000	\$ 100,000	\$ 200,000	\$ 100,000
ECONOMIC AND COMMUNITY DEVELOPMENT					
Economic Development & Planning					
Dangerous Building Demolition	\$ 120,000	\$ 100,000	\$ 200,000	\$ 100,000	\$ 100,000
Comprehensive Plan Program	\$ 400,000	\$ 400,000	\$ 400,000		
Downtown Parking and Walkability-Grant Match	\$ 148,000	\$ 500,000	\$ 400,000	\$ 400,000	\$ 400,000
Electrical -Transferring to PW CIP					
TOTAL ECONOMIC AND COMMUNITY DEVELOPMENT	\$ 668,000	\$ 1,000,000	\$ 1,000,000	\$ 500,000	\$ 500,000
CAPITAL INVESTMENT AND PURCHASING					
Facilities					
Public Safety Facility	\$ 300,000	\$ 4,100,000	\$ 19,300,000	\$ 255,000	\$ 3,000,000
*Engine 5 Reception Area Renovations/Supervisors Office		\$ 40,000			
*Engine 5 Heat Pump/AC Installation		\$ 25,000			
Festival Plaza Rehabilitation Project	\$ 2,000,000				
*Engine 2 Heat Pump/Ac Installation	\$ 25,000				
*Central Fire Window Replacement		\$ 80,000			
*Engine 5 Gender Friendly accommodations/Restroom upgrades	\$ 75,000				
Intermodal Facility		\$ 15,000			
Auburn Hall Lighting LED/Lighting Control conversion	\$ 60,000				
*Engine 5 Window Replacement	\$ 80,000				
*Central Fire Gender Friendly accommodations/Restroom upgrades	\$ 150,000				
*Central Fire Replace Air Handler		\$ 150,000			
Public Works Life Safety/Code Compliance Correction		\$ 75,000			
Public Works Building Planning					\$ 300,000
Public Works Repoint Brick		\$ 42,000	\$ 42,000		
*Central Fire Boiler Replacement			\$ 75,000		
*Central Fire Install Fire Sprinkler and Fire Alarm System			\$ 120,000		
Auburn Hall Reconfiguration/APD Relocate					\$ 500,000
Auburn Hall Building Exterior repairs				\$ 90,000	
Auburn Hall Flooring Replacement	\$ 13,000				
Auburn Public Library New Boilers		\$ 100,000			
Public Restroom Facilities				\$ 200,000	
Hasty Sprinkler System	\$ 100,000				

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 23 - FY 27

Description	FY23	FY24	FY25	FY26	FY27
Connecting Hasty and Ingersoll Turf Facility				TBA	TBA
Mezzanine Viewing area Ingersoll Turf		TBA			
Ingersoll Turf Exterior Signage	\$ 10,000				
Turf re-conditioning/equipment repair	\$ 12,000		\$ 10,000		
Rink 2 - Dirt Floor Removal & Cement Slab Install	\$ 500,000				
Knight House Repairs	\$ 40,000				
Total Facilities	\$ 3,365,000	\$ 4,627,000	\$ 19,547,000	\$ 545,000	\$ 3,800,000
City wide Vehicles					
Police Vehicle Replacement	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000
Public Works Replace Car (Ford Focus)		\$ 35,000			
Electrical Division bucket truck replacement	\$ 218,400				
Electrical Division-Vehicle Replacement	\$ 48,000				
Recreation Mini Bus replacement/upgrade		\$ 80,000			
14 Passenger Van (replace)	\$ 25,000				
Recreation Truck	\$ 45,000				
Total City Wide Vehicles	\$ 611,400	\$ 390,000	\$ 275,000	\$ 275,000	\$ 275,000
Engineering					
Reconstruction	\$ 1,200,000	\$ 1,300,000	\$ 1,300,000	\$ 1,500,000	\$ 1,500,000
Reclamation	\$ 1,800,000	\$ 600,000	\$ 1,400,000	\$ 1,800,000	\$ 2,500,000
Major Drainage	\$ 500,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000
MDOT Match	\$ 1,100,000	\$ 1,800,000	\$ 1,100,000	\$ 1,400,000	\$ 625,000
Resurfacing	\$ 600,000	\$ 1,200,000	\$ 1,300,000	\$ 1,000,000	\$ 1,000,000
Sidewalks	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Total Engineering	\$ 5,300,000	\$ 6,000,000	\$ 6,200,000	\$ 6,800,000	\$ 6,725,000
TOTAL CAPITAL INVESTMENTS & PURCHASING	\$ 9,276,400	\$ 11,017,000	\$ 26,022,000	\$ 7,620,000	\$ 10,800,000
FIRE DEPARTMENT					
Fire					
Apparatus Replacement	\$ 1,650,000	\$ 85,000	\$ 785,000	\$ 60,000	\$ 50,000
Fire Hose Replacement				\$ 40,000	
Extrication equipment replacement		\$ 40,000			
Air-pac replacement					
Rescue Boat Replacement			\$ 30,000		
UTV/Rescue equipment				\$ 60,000	
Cascade air fill station system replacement					
Total Fire	\$ 1,650,000	\$ 125,000	\$ 815,000	\$ 160,000	\$ 50,000
EMS					
Ambulance Replacement		\$ 290,000	\$ 170,000		\$ 180,000
Cardiac monitors		\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000
Stretcher Replacement			\$ 30,000		\$ 32,000
Chest Compression Systems					
Training simulator mannequin	\$ 50,000				
Ventilators		\$ 40,000			
Ultrasound Equipment	\$ 15,000				
Total EMS	\$ 65,000	\$ 400,000	\$ 270,000	\$ 70,000	\$ 282,000
TOTAL FIRE DEPARTMENT	\$ 1,715,000	\$ 525,000	\$ 1,085,000	\$ 230,000	\$ 332,000

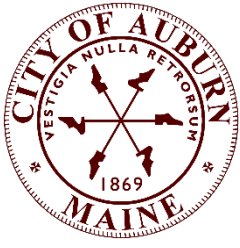
CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 23 - FY 27

Description	FY23	FY24	FY25	FY26	FY27
INFORMATION TECHNOLOGY					
Eagle-View Oblique Imagery-GIS/Assessing		\$ 50,000		\$ 50,000	
TOTAL INFORMATION TECHNOLOGY	\$ -	\$ 50,000	\$ -	\$ 50,000	\$ -
LA911 (Auburn's share)					
Server Infrastructure Replacement		\$ 150,000			\$ 1,250,000
Communications Center				\$ 100,000	
Dispatch Center HVAC					
TOTAL LA911	\$ -	\$ 150,000	\$ -	\$ 100,000	\$ 1,250,000
POLICE DEPARTMENT					
Cruiser Camera System Replacement				\$ 200,000	
Body worn Cameras					\$ 280,000
Gym Equipment Replacement	\$ 25,000				
Digital Mapping Equipment					\$ 50,000
Patrol Rifle Replacement	\$ 35,000				
Mobile Printers & Fingerprint Readers	\$ 50,000				
Emergency Operations Center Upgrade	\$ 50,000				
TASER Upgrade		\$ 88,000			
Mobile Data Terminal Replacement		\$ 108,000			
Command Vehicle Replacement			\$ 300,000		
TOTAL POLICE DEPARTMENT	\$ 160,000	\$ 196,000	\$ 300,000	\$ 200,000	\$ 330,000
PUBLIC WORKS					
Public Works					
Replace 7 yard plow trucks (plowing/sanding and roadway maintenance)		\$ 490,000	\$ 735,000	\$ 490,000	\$ 980,000
Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)	\$ 520,000			\$ 260,000	
Replace front end loader (loading materials and snow removal)	\$ 195,000		\$ 195,000	\$ 490,000	
Replace Street Sweeper (sand and debris removal from roadways)	\$ 265,000	\$ 265,000			
Grader		\$ 450,000			\$ 450,000
Portable Lift System					
Replace One Ton Trucks (parks and roadway maintenance)	\$ 127,590	\$ 65,000		\$ 64,000	
Replace Pickups (parks and roadway maintenance)	\$ 50,000	\$ 100,000	\$ 80,000	\$ 45,000	\$ 90,000
Hot Box Pavement Reclaimer			\$ 45,000		
Backhoe	\$ 145,000				
Replace multi-use tractor (sidewalk maintenance and mowing)	\$ 163,300	\$ 163,000		\$ 163,000	
Trench Box		\$ 15,000			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 23 - FY 27

Description	FY23	FY24	FY25	FY26	FY27
Replace tractor (haul) Used	\$ 75,000				
Portable Flagging Station with trailer	\$ 50,000				
Infield Groomer	\$ 32,600				
Drone	\$ 20,000				
Court St Sidewalk	\$ 70,000				
Replace Vactor Truck			\$ 525,000		
Pressure Washer for Wash Bay		\$ 50,000			
Replace Western Star Pulp Truck				\$ 275,000	
Replace chipper		\$ 80,000			
Replace Loader Mounted Snow Blower					\$ 150,000
Relamp traffic signal LED					
Vehicle x 3 /portable x 2 Communication Radios 800 HZ	\$ 8,750	\$ 9,000			
Main st. underground signal conduit repair	\$ 12,000	\$ 12,000			
TOTAL PUBLIC WORKS	\$ 1,734,240	\$ 1,699,000	\$ 1,580,000	\$ 1,787,000	\$ 1,670,000
RECREATION & SPORTS FACILITIES					
Recreation					
Athletic Field Complex Phase I				TBA	TBA
Pettingill Parking Expansion (Study or Design)	\$ 50,000	TBA			
Upper Pettengill Field Renovation		\$ 50,000	\$ 250,000		
Senior Center Building Improvement/Technology		\$ 10,000			\$ 10,000
Tot Lot Upgrades (Design)					
Electronic Signage in Pettengill Park		\$ 50,000			
Security for Pettengill Park (Fields and Playgorunds)		\$ 25,000			
Lift		\$ 20,000			
Side by Side	\$ 15,000				
TOTAL RECREATION & SPORTS FACILITIES	\$ 65,000	\$ 155,000	\$ 250,000	\$ -	\$ 10,000
EDUCATION (See attached list)					
TOTAL CIP	\$ 13,793,640	\$ 14,892,000	\$ 30,407,000	\$ 10,687,000	\$ 15,142,000

* If Public Safety Facility Plan is approved, all starred items would be unnecessary.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Author: Rita Beaudry, Grant Manager

Subject: FY2023 BUDGET

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the FY2023 preliminary budget. He will share the budget drivers and the potential impacts due to rising costs.

City Budgetary Impacts: None at this time.

Staff Recommended Action: None.

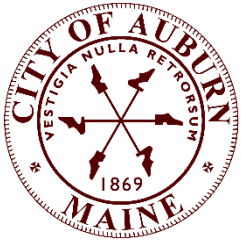
Previous Meetings and History: None.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Author: Dan Goyette

Subject: Lake Grove Park ARPA Allocation

Information: The City Council authorized \$150,000 of ARPA funds towards the re-opening of the municipal beach at Lake Grove Park. The Department has been investigating a number of paths towards making this happen. The Department has received a proposal from Woodard and Curran to develop an action plan for re-opening the beach area. The Department has also spoken to a number of vendors and a water resources expert with regards to the addition of aerators for water quality improvements. No vendor nor the expert will guarantee any improvement in water quality.

City Budgetary Impacts: None.

Staff Recommended Action: To move forward with the development of an action plan.

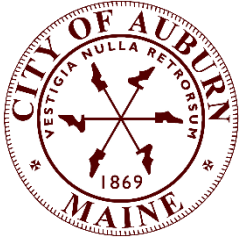
Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:



Attachments: None



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: April 4, 2022

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

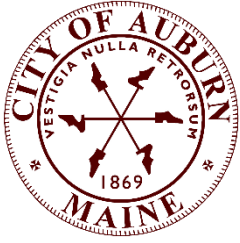
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: April 4, 2022

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

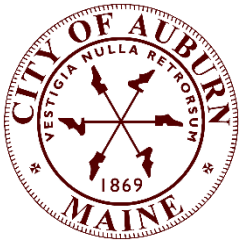
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Order: 47-04042022

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Local Health Officer (LHO) Appointment

Information: In accordance with Title 22 subtitle 2 Part 2 Chapter 153 Subsection 451 Each Municipality must employ a Local Health Officer and they must be appointed by the Municipal Officers. Jennifer Morin Edwards serves currently as the Public Health Manager within the Business and Community Development Department. Jennifer is capable of this role and will serve the city well. By Statute the appointment is for three years and until a new LHO is appointed.

City Budgetary Impacts: None

Staff Recommended Action: Appoint Jennifer Morin Edwards as the Local Health Officer for Auburn

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Council Order



ORDER 47-04042022

City Council Order

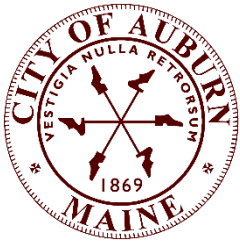
IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Jennifer Edwards as Local Health Officer with a term expiring 4/4/2025.

Richard S. Whiting, Ward One
Joseph R. Morin, Ward Four
Belinda A. Gerry, At Large

Ryan A. Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana N. Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Order: 48-04042022

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Annual Reports to Maine State Housing

Information: The City is required in accordance with the Certificate of Approval issued by the Maine State Housing Authority to provide them with an annual report for each of the Affordable Housing Districts and associated TIFs.

City Budgetary Impacts: None

Staff Recommended Action: Approve the Order as presented

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: The Order and the Reports

Annual Report for Tax Year April 1, 2021 – March 31, 2022
 Affordable Housing Tax Increment Financing District
 Submission Deadline of April 30, 2022

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
 Printed name

Signature _____ Date 04/04/2022

Title: City Manager
 Mailing address: 60 Court Street, Auburn ME 04210
 Phone number: 207-333-6601
 Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

477 Minot Ave

Date the municipal legislative body approved this Report (not the District):

April, 4, 2022

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *“Affordable” means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	36	0	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

Annual Report for Tax Year April 1, 2021 – March 31, 2022
 Affordable Housing Tax Increment Financing District
 Submission Deadline of April 30, 2022

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

Signature 04/04/2022
Date

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

48 Hampshire Street

Date the municipal legislative body approved this Report (not the District):

April, 4, 2022

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *“Affordable” means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	42	11	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

Annual Report for Tax Year April 1, 20²¹ – March 31, 20²²
 Affordable Housing Tax Increment Financing District
 Submission Deadline of April 30, 20²²

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
 Printed name

 Signature 04/04/2022
 Date

Title: City Manager
 Mailing address: 60 Court Street, Auburn ME 04210
 Phone number: 207-333-6601
 Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

Webster School

Date the municipal legislative body approved this Report (not the District):

April, 4, 20²²

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *“Affordable” means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	28	0	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A



ORDER 48-04042022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Annual Reports to the Maine State Housing Authority for Tax Year April 1, 2021 – March 31, 2022, and authorizes the City Manager to sign the annual reports for Affordable Housing Tax Increment Financing Districts, #16 (Webster School), #21 (477 Minot Ave) and #22 (48 Hampshire Street), as provided by Business and Community Development Staff.

Richard S. Whiting, Ward One
Joseph R. Morin, Ward Four
Belinda A. Gerry, At Large

Ryan A. Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana N. Staples, At Large
Phillip L. Crowell, Jr., City Manager

Mayor Levesque called the meeting to order at 7:02 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. Consent Items - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 40-03212022***
Appointing David Griswold to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2025.
2. **Order 41-03212022***
Appointing Ralph Harder to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2024.
3. **Order 42-03212022***
Appointing William Sylvester to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2024.
4. **Order 43-03212022***
Appointing Jane Costlow to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2023.
5. **Order 44-03212022***
Re-appointing Karen Scammon as the City Assessor with a term expiration of January 31, 2023.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the five consent items.

Passage 7-0.

II. Minutes – March 7, 2022 Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the March 7, 2022 Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Sports Facilities Management Study – Marc Gosselin, Jeremy Gatcomb, & Suzy Fisher (Sports Facilities Company)
- Council Communications (about and to the community)

Mayor Levesque announced that he has called a Special Meeting for Monday, March 28, 2022 at 7:00 pm. There is no School Committee meeting on Wednesday and the School Department is still working on their FY23 budget.

IV. Open Session

Stephen Beal, 575 Johnson Road, commented on the watershed boundaries and wanted to know if there was going to be a public hearing or comment period before the Council vote on the watershed item.

Pam Rousseau, 745 West Auburn Road, commented on the Taylor Pond watershed in Comprehensive plan which proposes 16 units per acre adding that she is very concerned about that. She stated that it is an endangered pond and she wants to be sure everyone is aware of the changing of the zoning of the Watershed of Taylor pond.

V. Unfinished Business

1. Ordinance 08-03072022

Amending the Zoning Map and Adjusting Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District Map. Second reading.

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public comment

Neria Douglass, former Councilor, stated that she would like to see this item go to referendum adding that this amendment will have long term ramifications for the lake and residents of Auburn and Lewiston.

Stephen Beal, referenced an email that he sent to the Planning and Permitting Department, noting that questions have come up and Council should have the questions and answers before them before taking a second vote on this. He stated that he went out to the site to look around the area. Ward 1 Councilor Richard Whiting joined him. He commented on the terrain and water run-off in that area.

Sam Boss, chair of Conservation Working Group said the working group met and discussed the environmental impact of potential development in this area which raised a lot of questions which were included in this evening's agenda packet. After receiving responses from staff, a few additional questions came up. Should the City Owned landfill area be excluded from this proposed re-zoning amendment and how will surface water at the site be managed.

Peggy Volock, 395 North Auburn Road, stated that the zoning changes that are proposed are based on old studies that were done adding that when the 1993 study was done, part of conclusion was that correlations between the bedrock fracture analysis and the geophysical survey illustrate that there is potential for contamination of Lake Auburn via the bedrock aquifer and any change of topography will change the waterflow and any

development there would change the topography. She said she is really concerned and asked, why do we have to cut this one piece out and why does it have to be rezoned for industry when there is a mall down the street that is half empty. She closed by adding that Lake Auburn is currently listed on the Maine DEP Chapter 502 list of lakes most at risk for development and urged the Council to please keep that in mind.

Pam Rousseau, 745 West Auburn Road spoke about granite fractures and how water runs through them and said if they choose to change the zoning they are going to be responsible for the destruction of Lake Auburn.

Peter Dingley, Summer Street said the survey that was done on the gravel pit was done a while ago and a lot of excavation has been done since. He said he would like council to reconsider this and think about at least having a new survey done.

Motion was made by Councilor Staples and seconded by Councilor Gerry to postpone this item to a date uncertain until after another hydrogeology study and study of the materials dumped in the landfill can be done.

Motion failed 3-4 (Councilors Hawes, Milks, Morin, and Walker opposed).

Motion was made by Councilor Staples and seconded by Councilor Gerry to amend by excluding the landfills (159 Gracelawn Road) plus 100 foot around them from the proposed amendment.

Passage 7-0.

Passage of Ordinance 08-03072022 as amended, 4-3 (Councilors Staples, Gerry, and Whiting opposed). A roll call vote was taken.

2. Ordinance 09-03072022

Approving an amendment to the Zoning Map (Washington Street/Minot Avenue area) from General Business and Industrial to Formed Based Code Downtown Traditional Center T-5.1. Second reading.

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

3. Ordinance 10-03072022

Amending Chapter 60, Article XII, Division 2, Section 60-1070, Submission requirements (phosphorus standards). Second reading.

Motion was made by Councilor Hawes and seconded by Councilor Walker for passage.

Public comment

Pam Rousseau, 745 West Auburn Road said she hopes this means they will not increase density in these areas.

Mona Murphy, 539 Lake Street said she feels that the proposed amendment has a major effect on the citizens who haven't been well informed.

Motion was made by Councilor Whiting and seconded by Councilor Staples to amend to change the 575 square footage requirement by adding language that any new construction over 200 feet that requires submission of application or permit.

Passage 7-0.

Passage of Ordinance, 10-03072022 7-0. A roll call vote was taken.

4. **Order 34-03072022**

Authorizing loans of up to \$1,298,488 through the State School Revolving Renovation Fund. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

VI. **New Business**

1. **Ordinance 11-03212022**

Zoning Amendment Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas (T-4.2). First Reading.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend that all bed and breakfast establishments allowed only with special exception from the Planning Board.

Passage 7-0.

Councilor Gerry asked that the Councilors get a printed copy of all of the upcoming proposed amendments on this issue. The Mayor called for a five minute recess to do so.

Motion was made by Councilor Hawes and seconded by Councilor Milks to amend to state that residential facilities be allowed only with special exception.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state that lodging houses be allowed only with special exceptions.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state that personal services are allowed only with special exceptions.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state that age restricted retail will not be allowed.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state that restaurants with over 30 seats will not be allowed.

Passage 6-1 (Councilor Walker opposed).

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state that government offices with special exceptions.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state for parking requirements to read one space per dwelling unit unless there is municipal or private off-street parking within 500 feet of the property.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to state that under commercial use to read any business and retail use limited to 1500 square foot footprint and must have an upper floor residential unit, with no drive through access.

Passage 7-0.

Motion was made by Councilor Hawes and seconded by Councilor Staples to amend to include a provision capping density at no more than 14 dwelling units per NET acres unless special exemption is granted by the Planning Board.

Passage 5-2 (Councilors Gerry and Whiting opposed).

Motion was made by Councilor Staples and seconded by Whiting for the second reading to include an addendum to lists any parcel ID that is owned in whole or in part any individual, LLC, or holding company by any elected official in the City of Auburn as well as the Planning Board member.

Failed 3-4 (Councilors Hawes, Milks, Morin, and Walker opposed).

Public comment

Ryan Smith, 11 Harris Street, stated that he is directly affected by this proposed zoning amendment and noted that although he is mostly in favor of it, he thinks it is reckless on the multi-family aspect. He said we should not be telling people that 12-unit apartment complexes were not financially feasible. He also commented on a proposed 60-unit apartment complex going before the Planning Board at 555 Court Street and expressed concern that it appears we are accelerating the second reading and rushing this through.

Denis Bergeron, 23 Dexter Avenue stated that he can't comment on the merits of this proposal yet. He questioned why we're calling it the first reading when there is nothing in writing. He recommends this goes back to the Planning Board.

John Cleveland, 183 Davis Avenue, said what was proposed from the Planning Board was to adopt T.4.2, is this an amendment to that? He noted that the public deserves to know when there is a massive zoning change being proposed. He referenced the State statute on zoning amendments.

Brian Cullen, 166 Everett Road, said he hasn't studied the proposed zoning change, and asked why we're proposing this change and how will these changes address the local housing issues and what is the benefit to the residents of Auburn.

Jessica Klimek, Amberly Way/Briarcliff Knoll area resident spoke in support of the amendment and would like to provide additional housing options for the community. She asked that the City Council stand true to the commitments outlined in the comprehensive plan and vote to support this amendment.

Steve Hart, 106 Lake Street, expressed some concerns with traffic if this were to pass. He feels that this should go back to the Planning Board or go to referendum for people to vote on.

Sharon Philbrook Bergeron, 23 Dexter Avenue would like the height of the buildings amended.

Bob Hayes, 172 Allen Avenue, commented on the amendments and asked if we were changing T.4.2 or creating a new code. He added that we must provide public notice on any proposed changes. He stated that we should look at height/dimensional regulations.

Elizabeth Dunn, 530 Court Street, across from 555 Court Street which is where the proposed complex is being proposed. She expressed concerns traffic if this were to pass. She noted that she would like to see the character of the neighborhood preserved.

Pam Rousseau, 745 West Auburn Road asked if mother-in-law units would be allowed? Does what the City wants to do trump a deed if it is written in a deed what people can or cannot do?

Judy Tyler, 200 Davis Avenue, noted that the Comprehensive Plan was being worked on during covid and much of the public were staying home, without ZOOM and were unable to give input. She also expressed traffic concerns and would like to see more public input.

Nancy Greene, 134 Granite Street, said neighbors are concerned about density, traffic, adding that those things need to be addressed. She stated that multi-family dwellings of 14 units is not appropriate for this area. She asked the Council to respect the characteristic of the neighborhoods.

Motion was made by Councilor Staples and seconded by Councilor Gerry to send this back to the planning board.

Failed 3-4 (Councilors Hawes, Milks, Morin and Walker opposed).

Passage of Ordinance 11-03212022 as amended, 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

2. Ordinance 12-03212022

Amending the Code of Ordinance, Sec. 2-255. Appointment; term (of the Assessor). Public hearing and first reading.

Motion was made by Councilor Walker and seconded by Councilor Gerry for passage.

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

3. Order 45-03212022

Allocating \$50,000 of ARPA (American Rescue Plan Act) funds to provide assistance to non-profit organizations who offer outdoor recreational activities and have been negatively impacted by the Covid-19 pandemic.

Motion was made by Councilor Milks and seconded by Councilor Walker for passage.

Public comment – Maureen O'Brien, 42 Winter Street asked what these non-profit organizations and what they intend to use the money for. She added that there should be more information before it is voted on.

Passage 7-0.

VII. Open Session – No one from the public spoke.

VIII. Reports (from sub-committees to Council)

Councilor Walker – The United New Auburn Association will meet next Tuesday, March 29th at Rolly's Diner at 6:00 pm. City Manager Phil Crowell will be the guest speaker.

Councilor Staples – The Auburn Public Library Board of Trustees will be meeting tomorrow morning at 8:00 am.

City Manager Crowell – The Auburn Police Department will be donating 10 bullet proof vests that have been processed out of use to Ukraine. He stated that beginning Wednesday, the Tax Office will temporarily modify their schedule due to staffing challenges. They will be open from 8:30 am–11:30 am and 1:00 pm–4:00 pm, the public will be notified. He provided an update on the opioid settlement, and ARPA projects with the County.

Jill Eastman, Finance Director – February 2022 Final Monthly Report

Motion was made by Councilor Walker and seconded by Councilor Milks accept and place on file the February 2022 final monthly finance report.

Passage 7-0.

IX. Executive Session – Economic development, pursuant to 1 MRSA Sec. 405(6)(C)

Motion was made by Councilor Gerry and seconded by Councilor Morin. Passage 7-0, time 10:21 pm.

Council was declared out of executive session at 10:27 pm.

X. Adjournment – The meeting adjourned at 10:27 pm.

A TRUE COPY

ATTEST *Susan Clements-Dallaire*
Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Ordinance: 12-03212022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed ordinance amendment, Sec. 2-255 Appointment term (of the Assessor).

Information: Title 30-A §2552 states the following:

§2552. Designation of officials

1. Assessors and assistant assessors. The following provisions apply to assessors and their assistants.

A. Assessors and their assistants shall be chosen annually on the 2nd Monday of March to serve for one year and until others are chosen and qualified in their places, unless the city charter provides otherwise.

B. In addition to the assistant assessors chosen under a city charter, the municipal officers may authorize the assessors to appoint any necessary assistants to serve during the municipal year in which they are appointed

C. Notwithstanding the provisions of any city charter to the contrary, the city council, by ordinance, may provide for a single assessor whose powers and duties are the same as for towns, and who is appointed for a term not exceeding 5 years.

Section 2-255 of our Code of Ordinances states:

Sec. 2-255. - Appointment; term.

The tax assessor shall be appointed by the city council on the recommendation of the city manager. The tax assessor shall be appointed for a two-year term.

Staff is proposing an amendment changing the term from two years to up to five years to better align with State law.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Public hearing and passage of first reading on 3/21/2022.

City Manager Comments:

I concur with the recommendation.

Signature:

Attachments:



City Council Ordinance

IN CITY COUNCIL

Amendment to the Code of Ordinances, Chapter 2 Administration, Division 7, Tax Assessor, Section 2-255. Appointment; term

Be it ordained, that the Auburn City Council hereby amends Chapter 2 Administration, Division 7, Tax Assessor, Section 2-255. Appointment; term, of the Code of Ordinances as follows:

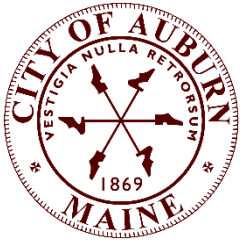
Sec. 2-255. Appointment; term.

The tax assessor shall be appointed by the city council on the recommendation of the city manager. The tax assessor shall be appointed for a ~~two-year~~ term **not to exceed five years**.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Resolve: 02-04042022

Author: Sue Clements-Dallaire, City Clerk

Subject: Resolve supporting Maine's Dual Enrollment Program

Information: This is a resolution of the City Council and the Auburn School Committee expressing support of and utilization of Maine's Dual Enrollment Program on the campuses of Central Maine Community College, Bates College, and the University of Southern Maine Lewiston-Auburn.

City Budgetary Impacts: None

Staff Recommended Action: N/A

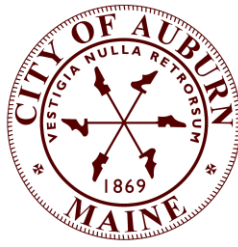
Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: None



IN CITY COUNCIL

APRIL 4, 2022 A resolution of the City Council expressing support of and utilization of Maine's Dual Enrollment Program on the campuses of Central Maine Community College, Bates College, and the University of Southern Maine Lewiston-Auburn.

WHEREAS, the Auburn City Council are dedicated to ensuring all of our Students have the opportunities to be career ready upon graduation from Edward Little High School

WHEREAS, Auburn's businesses are experiencing a shortage of workers properly trained in foundational jobs such as construction, electricians, plumbers, welders, equipment operators, public service and fabricators.

WHEREAS, recently over 190 interested ELHS students participated in a field trip to the LRTC campus to learn more, the program has 60 slots open to our students and more students will be able to participate when the new high school is opened.

WHEREAS, Auburn is fortunate to have Central Maine Community College, Bates College, and the University of Lewiston Auburn in such close proximity to our High School, which both offer diverse course offerings and skilled educators.

WHEREAS, the State of Maine has authorized a dual enrollment program that allows all Maine High School Students to attend up to 2, 3 credit classes per semester on site within the University and Community College System at little to no cost.

WHEREAS, credits earned through the dual enrollment program are transferable through the University and Community College system within Maine as well as other post-secondary institutions, thereby significantly offsetting the upfront cost and future debt encumbered by our residents.

WHEREAS, there are currently obstacles that prevent our students from fully utilizing the benefits of dual enrollment such as transportation and current high school schedules.

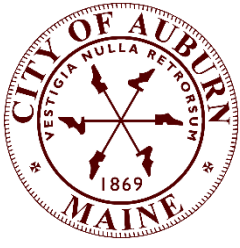
LET IT BE RESOLVED that the Auburn City Council encourages the Auburn School Committee Chair to create a stakeholder group made up of leaders from the business community, educators, parents, and municipal staff who will assess, evaluate, and take appropriate action to eliminate those obstacles within our control, such as modifying ELHS class schedule, and solving transportation challenges all of which prevent students from fully and seamlessly integrating post-secondary courses with High School curriculum and experience.

BE IT FURTHER RESOLVED, that the need is urgent and any solutions from the stakeholder group being proposed should be considered for the fall of 2022.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Order: 49-04042022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed Charter Amendments – Public hearing and Council vote to submit to Auburn voters

Information: The Auburn Charter sec. 2.8 states “the city council shall provide for the review of the city’s charter and ordinances in their entirety at least once every 15 years”. Council recently completed the review of the City Charter and City Ordinances beginning in October of 2020.

After a review by the City Council, School Committee, and City Attorney, there were five proposed amendments. If Council votes to submit the proposed Charter amendments to the voters of Auburn at the June 14, 2022 Election, if the amendments pass, the Charter Amendments would take effect July 1, 2022.

City Budgetary Impacts: Approximately \$2,100 for the cost of printing the ballots.

Staff Recommended Action: Recommend passage

Previous Meetings and History: 10/26/2020, 11/9/2020, 11/30/2020, and 03/21/2022

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Public notice, proposed amendments.

**CITY OF AUBURN
PUBLIC NOTICE
PROPOSED CHARTER AMENDMENTS**

Notice is hereby given that the Auburn City Council will hold a public hearing on an Order to submit the following proposed charter amendments to the voters at the June 14, 2022, Election. The public hearing will be held on April 4, 2022 at 7:00 pm or as soon thereafter, in Council Chambers of Auburn Hall located at 60 Court Street, Auburn, Maine.

The purpose of the public hearing is to receive public comments on the proposed charter amendments in accordance to Title 30-A §2104. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Proposed Charter Amendments

Sec. 4.2 Composition and compensation.

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

Sec. 4.7. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. ~~Five affirmative votes shall be required to hire or fire the superintendent of schools.~~

Sec. 4.9. Superintendent of schools.

The school committee shall choose a superintendent of schools in accordance with Title 20-A §1051. ~~solely on the basis of executive and administrative qualifications.~~ The superintendent of schools need not be a resident of the city at the time of appointment but shall be a resident of the city during tenure of office unless otherwise approved by the school committee. The School Committee may discharge the superintendent before the expiration of the contract term in accordance with Title 20-A §1052.

Sec. 6.4. Powers and duties.

The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

Sec. 8.7. Amendments after adoption.

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.



City Council Order

IN CITY COUNCIL

ORDER to submit the proposed Charter Amendments to the voters of Auburn at the June 14, 2022 Election.

Whereas, the Auburn City Council held several special meetings to conduct a review of the City Charter section by section in accordance to Sec. 2.8 of Auburn's Charter; and

Whereas, the School Committee presented their recommended changes to the City Council at a special meeting held on November 30, 2020; and

Whereas, proposed changes that were voted on by the City Council during the process only submitted the Proposed Charter Amendments listed below to the City Attorney for legal review, with proposed additions to the City Charter indicated with an underline, and proposed deletions from the City Charter indicated with a ~~striketrough~~; and

Now, therefore, be it ordered by the Auburn City Council as follows:

The Auburn City Council finds that the Proposed Charter Amendment in Section 4.2 does not affect the composition nor voting authority of the School Committee, but is simply designed to ensure that any student representatives are of sufficient capacity to meaningfully participate in the School Committee's work.

The Auburn City Council finds that the Proposed Charter Amendments in Sections 4.7 and 4.9 merely serve to conform the existing Charter language to Maine statutes governing the hiring and firing of the superintendent of schools.

The Auburn City Council finds that the Proposed Charter Amendments to Sections 6.4 and 8.7 simply promote conformity and consistency in references to the Auburn School Committee throughout the Charter.

Accordingly, the Auburn City Council concludes that the Proposed Charter Amendments will not alter the general plans, schemes, or structure of the existing Charter language, will not result in a profound or fundamental alteration in the essential character or core operations of Auburn's municipal government, and therefore constitute amendments to the Auburn City Charter which are within the purview of the Auburn City Council, as the municipal officers, to propose for consideration by the voters and that they are not revisions requiring the establishment of a Charter Commission.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

The Auburn City Council therefore orders that the Proposed Charter Amendments be placed on a ballot and submitted to the voters of Auburn at the June 14, 2022 Election and if passed by the voters of Auburn, the Charter Amendments would take effect **July 1, 2022**.

Proposed Charter Amendments

Sec. 4.2 Composition and compensation.

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

Sec. 4.7. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. ~~Five affirmative votes shall be required to hire or fire the superintendent of schools.~~

Sec. 4.9. Superintendent of schools.

The school committee shall choose a superintendent of schools in accordance with Title 20-A §1051. ~~solely on the basis of executive and administrative qualifications.~~ The superintendent of schools need not be a resident of the city at the time of appointment but shall be a resident of the city during tenure of office unless otherwise approved by the school committee. The School Committee may discharge the superintendent before the expiration of the contract term in accordance with Title 20-A §1052.

Sec. 6.4. Powers and duties.

The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

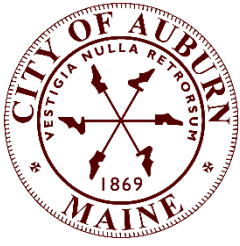
Sec. 8.7. Amendments after adoption.

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.

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Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Order: 50-04042022

Author: Chief Robert Chase

Subject: Fire Truck

Information:

A Quint Fire Truck is a fire apparatus that serves the dual purpose of an Engine and a Ladder truck. The quint service delivery model was adopted in Auburn to combine Fire Engine and Ladder truck functions into one apparatus. When the department began EMS transport, the Quint model allowed the department to staff ambulances and begin EMS transport services without increasing staffing levels.

The current Quint Truck is a 2012, E-One Quint with 95,000 miles and 11,300 engine hours on it. The planned and expected lifespan for the truck is 12 years.

In the FY22 capital plan, (which was developed in late 2020) the budgetary estimate for a replacement truck was \$1,300,000 with an anticipated delivery timeframe of 270 days.

During the development of the FY23 budget, we learned that the cost of a replacement truck would increase to approximately \$1,650,000 (as of January 2022) with an estimated lead time of 18 months. This long lead time and rapidly increasing costs have driven us to ask for funding sooner than initially planned.

We have been working for several months to write a detailed specification for the replacement truck. Through this process, we were notified of yet another price increase from the manufacturer, of 7%-9% effective May 2022.

Purchasing the fire truck before May 1, 2022, will save the City of Auburn 8% = \$130,000. The purchase of a fire truck is now an allowable expenditure under ARPA's final rule – *Provision of Government Services 6.1*.

City Budgetary Impacts: Funding the project as an allowable ARPA expenditure would mean the equipment would not need to be purchased through the City budget or capital bonding.

Staff Recommended Action: Vote to allocate \$1,650,000. in ARPA (American Rescue Plan Act) funds to purchase a fire truck.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 50-04042022

City Council Order

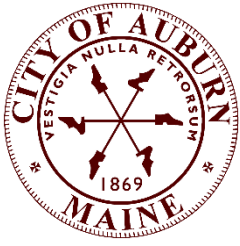
IN CITY COUNCIL

ORDERED, that Auburn City Council allocate \$1,650,000. of ARPA (American Rescue Plan Act) funds for the purchase of a fire truck.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

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Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Order: 51-04042022

Author: Phil Crowell, City Manager

Subject: PAL Center

Information: In 2011, Police recognized that upwards of 25% of the total calls for service were happening in the same ½ mile area of the City of Auburn’s most impoverished area of the city. The area was rife with vandalism and families had no sense of belonging. Police recognized that the “Broken Window Theory” applied to this neighborhood- don’t fix it and it will get worse.

After much consideration as to what could be done to mitigate the crimes against youth and crimes committed by youth under the age of 20, the City of Auburn provided the current building located at 24 Chestnut Street to the Police Activities League (PAL) - a 501c3 that has a Board of Directors who oversee the operations. After renovations were completed in 2013 – by volunteers and through fundraising, the PAL Center opened and began providing after-school programming. Since the opening, the center has grown to provide mentored after-school and summer programming to upwards of 100 children daily. The current building has far exceeded its capacity (43 people) to safely offer programming due to lack of space. During the Covid-19 pandemic, the center had to close its doors because of the limited space.

There has been an effort over the past year to identify current and future space needs for PAL programming. Woodard and Curran have graciously joined forces by meeting with our team and providing the city with cost estimates and architectural renderings. It is the goal of the organization to build a new center in the next two years. This project would begin a revitalization in an area of Auburn that has the highest child poverty rate, the highest violent crime, and the highest child victimization. It is the goal of the PAL Board of Directors to partner with the City of Auburn, private donors, government, and other funding sources to transition the PAL Center into a true Community Center.

Estimated cost of the project: \$8,608,524.00
Potential Future Site Improvements: \$1,164,000.00

This project aligns with ARPA (American Rescue Plan Act) focus area – 2 / 2.34 Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted).

City Budgetary Impacts: None

Staff Recommended Action: Vote to allocate \$3,000,000. in ARPA (American Rescue Plan Act) funds to the Auburn PAL (Police Activities League) 501c3 for the construction of a new PAL Center.

Previous Meetings and History: Workshop presentation December 20, 2021.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

- Woodard and Curran architectural renderings of proposed Auburn PAL
 - Estimated cost estimates – pages 12 and 13



ORDER 51-04042022

City Council Order

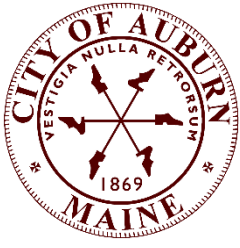
IN CITY COUNCIL

ORDERED, that the Auburn City Council allocate \$3,000,000. of ARPA funds to the Police Activities League (PAL) for the construction of a new center.

Richard Whiting, Ward One
Joseph Morin, Ward Four
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Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 4, 2022

Ordinance: 13-04042022

Author: Jeremy Gatcomb, Recreation Director

Subject: Amending Chapter 34.

Information: Attached is an updated policy regarding Chapter 34 of the Parks, Recreation, Facilities and Special Events.

City Budgetary Impacts: None currently.

Staff Recommended Action: Approve proposed amendment changes.

Previous Meetings and History: City Council Workshop on February 1, 2021

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Chapter 34 ordinance



City Council Ordinance

IN CITY COUNCIL

AMENDING CHAPTER 34 – PARKS, RECREATION, AND CULTURAL AFFAIRS

Be it ordained, that the City Council hereby amends Chapter 34 of our Code of Ordinances as proposed by staff in the attached document.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
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Ordinance 13-04042022 attachment

Chapter 34 - PARKS, RECREATION, [FACILITIES](#) AND [SPECIAL EVENTS](#) ~~CULTURAL AFFAIRS~~¹¹

Footnotes:

--- (1) ---

State Law reference— Municipal parks, trees and playgrounds generally, 30-A M.R.S.A. § 3252 et seq.; designation of safe zones in areas frequented by minors, 30-A M.R.S.A. § 3253; public shade trees, 30-A M.R.S.A. § 3281 et seq.; appointment and duties of tree wardens, 30-A M.R.S.A. § 3282; removal of trees, 30-A M.R.S.A. § 3283; destruction or injury to trees prohibited, 30-A M.R.S.A. § 3284.

ARTICLE I. - IN GENERAL

Sec. 34-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means any publicly owned area maintained by the city parks and recreation department for the pursuit and enjoyment of leisure and recreational activities, in addition to any one of the following areas within the boundaries shown on the records at the assessor's office: See Appendix A

Smoking means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoking marijuana products including, but not limited to, edibles and dabs are also included in this policy.

Tobacco means all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus, and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

~~Park means any publicly owned area maintained by the city parks and recreation department for the pursuit and enjoyment of leisure and recreational activities, in addition to any one of the following areas within the boundaries shown on the records at the assessor's office: See Appendix A Middle School Park, Mount Apatite Park, Central Park, Moulton Park, Pulsifer Park, Auburn Municipal Beach, Pettengill Park, Union Street Gully, Raymond Park, Camp Exchange Day Camp, Riverfront Park and Bonney Park, West Pitch Park, Lakeview Park and Cleveland Field, Chestnut Street Park, Garfield Road Park, North River Road Boat Launch, Drummond Street Playground, Lake Street Playground, and Festival Plaza.~~

Secs. 34-2—34-20. - Reserved.

ARTICLE II. - PARKS AND RECREATION DEPARTMENT

Sec. 34-21. - Appointment of Executive Director of Community Partnership and Sport Tourism~~parks and recreation director.~~

~~The Executive Director of Community Partnership and Sport Tourism shall be appointed by the city manager and shall oversee all community partnerships and support the opportunities for sports tourism in Auburn. The parks and recreation director shall be appointed by the city manager and shall serve as head of the parks and recreation department.~~

Sec. 34-22. - Duties of Executive Director of Community Partnership and Sport Tourism shall be as follows:~~parks and recreation director.~~

~~The Executive Director of Community Partnership and Sport Tourism parks and recreation director shall have the following duties:~~

- (1) ~~Does work~~Works collaboratively with the Recreation Director, Recreation Superintendent and the NSBA Operations Manager involving responsibility for developing and administering a comprehensive program of community cultural, recreational and other leisure time activities.
- (2) Performs responsible professional recreation and park duties in the planning, organizing and direction of a citywide park, athletic and recreational area maintenance and ~~park~~ capital improvement program, including Ingersoll Turf Facility ~~Ice Arena~~, Senior Community Center, Hasty Community Center, and Norway Savings Bank Arena;
- (3) Prepares budget requests for recreation activities, park development and maintenance, capital equipment, the capital improvement program, the arena enterprise account and the special recreation activities ~~account, and~~account, and prepares grants for recreation programming and park development.
- (4) ~~Controls expenditures in order that they will be kept within appropriations.~~
- (5) ~~Coordinates the parks and recreation program with other public, private and quasi-public groups providing park and recreation opportunities for the community.~~
- (6) ~~Serves as the ex officio member of the parks and recreation advisory board and advises it on parks and recreation issues.~~
- (7) ~~Recommends to the city manager program and facilities fees and charges and negotiates contracts leading to the rental of the arena.~~
- (8) Ensures that program objectives are met through the selection, assignment and supervision of professional, supervisory and other personnel assigned to the department.
- (9) Performs other duties assigned by the city manager.

~~(10) Auburn Public Works Department maintains all playground equipment, playgrounds, athletic fields and cemeteries.~~

Sec. 34-23. Appointment of parks and recreation director.

The parks and recreation director shall be appointed by the city manager, with input from the Executive Director of Community Partnership and Sport Tourism and shall oversee the parks and recreation department.

Sec. 34-24. Duties of the Parks and Recreation Director shall be as follows:

1. Coordinates with the Executive Director to ensure the planning, organizing and direction of a citywide park, athletic and recreational area maintenance and capital improvement program meets the needs of the community.
2. Responsible for the staffing of all positions for programming.
3. Controls expenditures in order that they will be kept within appropriations.
4. Coordinates the parks and recreation program with other public, private and quasi-public groups providing park and recreation opportunities for the community.
5. Serves as the ex officio member of the parks and recreation advisory board and advises it on parks and recreation issues.
6. Coordinates with the Public Works Department to ensure the maintenance is conducted for all playground equipment, playgrounds, athletic fields, and cemeteries.
7. Perform other duties as assigned by the Executive Director.

Secs. 34-~~23~~25—34-47. - Reserved.

ARTICLE III. - RULES AND REGULATIONS

Sec. 34-48. - Establishment of park rules ~~and fees.~~

The director of the parks and recreation department shall recommend to the city manager and the parks and recreation advisory board and then to the city council rules ~~and fees~~ governing the use of parks and other public lands, which shall be posted on the city's website. An up-to-date copy of such rules shall also be on file in the office of the city clerk.

(Code 1967, § 18-1.6)

~~Sec. 34-49. - Penalty.~~

~~Any person violating any provision of the rules and regulations in this article adopted by the parks and recreation department shall be punished by a fine of not more than \$200.00.~~

Sec. 34-~~49~~50. - Park season.

In general, all municipal parks are open year-round but are maintained for public use only from [April](#) ~~May~~ 1 to November 30 annually, with the exception of Mount Apatite Park, which is open and maintained all year.

Sec. 34-501. - Protection of park property.

Except with the permission of an authorized representative of the parks and recreation department, no person in a park shall:

- (1) Willfully mark, damage or remove any building, structure, tables, benches, signs or other similar appurtenances or equipment.
- (2) Dig up, disfigure or remove any soil or vegetation or make any excavation. This does not apply to the area of Mount Apatite Park known as the mines. Here, digging, sorting through and otherwise disrupting the exposed mineral resources, to a depth of not greater than two feet, for the purpose of amateur gem and mineral collecting will be permitted. Persons engaging in this activity shall use hand tools only.
- (3) Construct any building or structure or run any public service utility into or across such park lands.
- (4) Throw away or leave trash or refuse except in proper receptacles.

[\(5\) Throw away all pet waste created in proper city maintained wastes receptacles.](#)

Sec. 34-512. - Operation of vehicles.

No person in a park shall:

- (1) Operate a motor vehicle except with a valid operator's license.
- (2) Operate an unregistered motor vehicle.
- (3) Fail to observe all traffic signs.
- (4) Drive any vehicle except a bicycle on or in any area except paved park roads or parking areas as may on occasion be specifically designated by the parks and recreation department. This subsection (4) shall not apply to the operation of snowmobiles in Mount Apatite Park during periods when there is an adequate snow cover.

Sec. 34-532. - Recreational activities.

No person in a park shall:

- (1) Swim, bathe or wade in the waters of any park except in such places as are specifically designated for swimming and bathing purposes and in compliance with rules and regulations adopted by the parks and recreation department.
- (2) Hunt, trap or pursue wildlife.
- (3) Discharge firearms.
- (4) Set up or erect tents, shacks or other temporary shelters except at such times and under such conditions as are permitted, in writing, by the parks and recreation department.
- (5) Build or attempt to build any fires without the written permission of an authorized representative of the parks and recreation department, and without the proper permits from the fire department as may be required.

- (6) Skateboard, bicycling, inline skate or roller skate on any paved or unpaved surface, stairways, grass or landscaped areas or within any playing court area, without the ~~written~~ permission of an authorized representative of the parks and recreation department. This subsection (6) shall not apply to the participation in or viewing of skateboarding, inline skating or roller skating on and within the designated skating area at Moulton Park and Riverwalk.
- (7) ~~Ride a bicycle or roller skates or roller blades on the grass or landscaped areas, on park stairways, or in a reckless manner anywhere within the park. Riding bicycles and using roller skates or roller blades on park stairways in a responsible manner, so as not to endanger other users or interfere with their enjoyment of the park, is permitted.~~
- (8) Enter or engage in any activity after dusk and/or before dawn, without the written permission of an authorized representative of the department. Excluding Chestnut Park under the lights up to the hour of 9:00 p. m. This subsection (8) shall not apply to the participation in or viewing of authorized recreation activities in Pettengill Park under the lights up to the hour of 11:00 p.m.

Sec. 34-543. - Alcoholic beverages, Tobacco and illegal drugs.

Auburn is dedicated to providing everyone with a safe and healthy environment at all City recreational area properties. The City of Auburn specifically restricts the use of any tobacco and marijuana products, including, but not limited to cigarettes, cigars, dip, chew, dabs, electronic nicotine delivery devices, Juuls. (see Definitions) All persons using recreational properties must adhere to the following rules:

- (a) No person shall have any alcoholic beverages in his/her possession in a park area except:
 - (1) ~~In connection with a group outing at Camp Exchange Day Camp Tot Lot in accordance with rules and regulations adopted by the City, parks and recreation department.~~
 - (2) ~~At the Hasty Community Center, Recreational Facilities on occasions where specifically permitted by and in accordance with rules and regulations adopted by the parks and recreation department.~~
 - (3) ~~In in connection with any special event or activity as specifically permitted by and in accordance with rules and regulations adopted by the parks and recreation department and with final approval through the application process and City Council approval.~~
- (b) No person shall have any illegal drugs or other illegal substances in his/her possession in any park or facility at any time.

(c) No person shall use tobacco or marijuana products in or on city-owned athletic fields, city-owned parks, city-owned playgrounds, city-owned trails, city-owned beaches; including but not limited to Festival Plaza, Auburn Riverwalk, Ingersoll Turf Facility, Norway Savings Bank Arena, Hasty Community Center, Auburn Community Senior Center, Pettengill Park Baseball and Softball Fields, Lakeview Fields, Chestnut Field, PAL Center and Mount Apatite.

(b) Tobacco and Marijuana use on all school grounds is prohibited by state law at all times.

Notifications:

(d). The parks and recreation staff or their representatives will have the authority to notify offenders about the policy and have the authority to ask person(s) to leave if uncooperative. Notifications will follow the norms and procedures of other ordinances. The parks and recreation department shall place signs at the beginning and end point of any city trail as well as in such other locations that the parks and recreation department deem necessary to notify the public of this ordinance. ~~There will be a three-month educational period before the ordinance is put into effect.~~

Sec. 34-~~54~~55. - Entering area closed to public.

No person in a park shall enter an area which has been posted as being closed to the public.

Sec. 34-5~~5~~6. - Loitering.

No person in a park shall loiter in such a manner as to hinder the free passage of vehicles or pedestrians to any place or building within the park.

Sec. 34-5~~6~~7. - Sales activities.

No person shall offer any article or thing for sale in a park without first obtaining written permission from an authorized representative of the parks and recreation department.

Sec. 34-5~~7~~8. - Fishing in Gully Brook.

No person over the age of 15 years shall fish in that part of Gully Brook which flows through Pettengill Park.

Sec. 34-58 Enforcement/Penalties:

Person who violate any provision of this article shall be guilty of an infraction, punishable by a fine of \$200.00 and said fines shall be recovered for use by the City

(Code 1967, § 27-1.30)

Appendix A

Middle School Park, Mount Apatite Park, Central Park, Moulton Park, Pulsifer Park, Auburn Municipal Beach, Pettengill Park, Gracelawn Softball Fields, Union Street Gully, Raymond Park, Tot Lot, Riverfront Park and Bonney Park, West Pitch Park, Lakeview Park and Cleveland Field, Chestnut Street Park, Garfield Road Park, North River Road Boat Launch, Drummond Street Playground, Lake Street Playground, Norway Savings Bank Arena, Ingersoll Turf Facility, Senior Community Center, PAL Facility and Festival Plaza.