



**City Council Workshop & Meeting
Agenda
May 2, 2022
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Police Department Restructuring – Jason Moen
- B. Lake Grove Park Discussion – Dan Goyette
- C. Executive session – Economic development (Lewiston) – pursuant to 1 M.R.S.A. Sec. 405(6)(C)

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

Pledge of Allegiance

- I. **Consent Items** - None
- II. **Minutes**
 - April 19, 2022 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - 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** - None
- VI. **New Business**
 - 1. **Public hearing** – Public hearing to receive comments for Program Year 2022, CDBG & HOME Annual Action Plan
 - 2. **Order 55-05022022**
Approving the allocation of \$100,000 American Rescue Plan Act (ARPA) funds for the Lake Auburn Community Center.

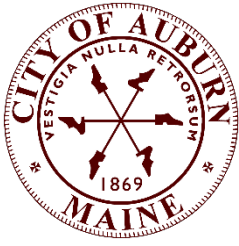
3. **Ordinance 14-05022022**
Amending Auburn's Code of Ordinances, Chapter 60-952(c) and (f) (1-5) for agricultural buffer trip and subsurface wastewater systems in the Lake Auburn Watershed. **Public hearing and first reading.**
4. **Ordinance 15-05022022**
Amending Auburn's Code of Ordinances, Chapter 60, Sec. 60-1066 (1). **Public hearing and first reading.**
5. **Order 56-05022022**
Authorizing the City's general obligation bonds in the amount of \$7,100,00.00 to finance the City's FY23 Capital Improvement Program. Public hearing and first reading.
Passage requires an affirmative vote of 5 Councilors at the second reading.
6. **Order 57-05022022**
Authorizing the reallocation of \$362,600 from previous General Obligation Bonds that were unspent to fund a portion of the City's FY 22 - 23 CIP. First reading.
Passage requires an affirmative vote of 5 Councilors at the second reading.
7. **Resolve 03-05022022**
Adopting the Appropriations Resolve for Fiscal Year 2023. Public hearing and first reading.
Passage requires an affirmative vote of 4 Councilors at the second reading.
8. **Order 58-05022022**
Authorizing the School Committee be authorized to establish an Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic fields.
9. **Order 59-05022022**
The School Committee be authorized to establish a School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment and related technology for the School Department.
10. **Order 60-05022022**
Authorizing City Staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council.
- 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 - Economic Development - pursuant to 1 M.R.S.A. Sec. 405(6)(C)

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 2, 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 several paths towards making this happen.

City Budgetary Impacts: None.

Staff Recommended Action: Move forward with testing and fountain installation.

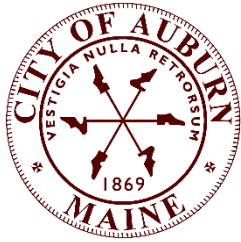
Previous Meetings and History: April 4, 2022 - Council expressed a desire to have fountains installed and move forward with water quality testing.

City Manager Comments:

I concur with the recommendation. Signature:



Attachments:



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: May 2, 2022

Subject: Executive Session

Information: Economic development (Lewiston), 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.

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 52-04192022*

Appointing Election Clerks for a two-year term.

2. Order 53-04192022*

Accepting the transfer of \$1,132 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-21-1689).

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

Passage 7-0.

I. Minutes

March 28, 2022, Special Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Whiting to approve the minutes of the March 28, 2022, Special Council Meeting.

Passage 7-0.

April 4, 2022, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the April 4, 2022, Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Lake Auburn Community Center – Brian Wood
- Council Communications (about and to the community)

Councilor Staples announced that the Auburn Public Library Board will be meeting next Tuesday at 4:30 pm.

Councilor Walker announced that there will be a tour at the Waste to Energy plant in Auburn on April 22nd, adding that they are also going to be holding a clean-up day at

10:00 am on April 23rd. He announced that the United New Auburn Association will be meeting on Tuesday, April 26th at 6:00 pm, Denis D'Auteuil, Public Works Director will be the guest speaker; Thursday the 28th the Neighborhood Watch group will be meeting at 6:00pm at the Sixth Street Congregational Church, guest speakers are Jennifer Morin Edwards and Jeff Tardif.

Councilor Gerry asked Councilor Walker about the bean supper that is going to be held at the Sixth Street Congregational Church. The supper is scheduled for April 30th at 4:30 pm.

Mayor Levesque stated that An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions (LD2003) has passed both the House and the Senate. He encouraged everyone to read this bill. It should go into effect in July of next year.

City Manager Crowell followed up on the mayor's comments regarding LD2003 stating that staff is looking into it, and he expects this will be presented at a future workshop once the details are worked out.

IV. Open Session

Maureen O'Brien, 42 Winter Street, stated that she sent an email to her City Councilor on April 6th asking him to call her because there wasn't a phone number available. She stated that she expects to have representation from her City Councilor within a few days and a contact phone number to reach them.

Evan Cyr, 435 West Auburn Road, Chair of Lake Auburn Watershed Protection Commission read a letter that he has been asked to read regarding its position on any proposed changes to the overlay district that would result in increased development.

Fred Carpentier, 142 Broad Street said he recommends instead of a fancy sewer/septic system that we install sanitary sewer that would become part of a feeder that the city already has.

A man spoke (he did not provide his name or address) said he has walked the trails on the West Auburn Road and had a good time there adding that there was a significant marijuana grow operation out there. He thanked the City Manager for providing him with a copy of the plan for the proposed PAL Center. He stated that if we have 160 properties in the Lake Auburn Watershed area, and it cost \$20,000 for that new system, maybe the City should pay for that or start a bank to fund it.

Amy Dietrich, 74 Terrace Road spoke in favor of the plan to purchase the Lake Auburn Community Center with ARPA funds.

Janet Joseph, 135 North Auburn Road, said the Lake Auburn Community Center is her neighbor and she supports the purchase of it.

Jim Wellehan, thanked the Auburn Mayor and Council for their work and he mentioned a study that was done on the lake in 2019, and he asked if they have read the study, and asked if they agree with it or not and why?

V. Unfinished Business

1. Ordinance 13-04042022

Amending Chapter 34 (tobacco and marijuana use at recreation facilities and fields).
Public hearing and second reading.

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

Public hearing – No one from the public spoke.

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

VI. New Business

1. Order 54-04192022

Adopting the Fiscal Year 2023-2027 Five-year Capital Improvement Plan (CIP).

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

Public comment – No one from the public spoke.

Passage 7-0.

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

VIII. Reports (from sub-committees to Council)

Councilor Staples noted that the mask mandate has been lifted for public transportation.

Councilor Walker reported on the Sustainability and Natural Resource Management Board (SNRB) meeting that was held on April 7th.

City Manager Crowell will see the report back from SNRB regarding tree growth (street trees), the Community Development Block Grant and General Assistance offices have moved to 95 Main Street, 4th floor due to space issues. The phone extensions have stayed the same.

Jill Eastman, Finance Director – March 2022 Final Monthly Report

Motion was made by Councilor Walker and seconded by Councilor Staples to accept and place on file the March 2022 final monthly finance report.

Passage 7-0.

IN COUNCIL REGULAR MEETING APRIL 19, 2022, VOL. 36 PAGE 252

IX. Executive Session – Legal Consultation, pursuant to 1 M.R.S.A. Sec. 405(6)(E)

Motion was made by Councilor Milks and seconded by Councilor Hawes to enter executive session.

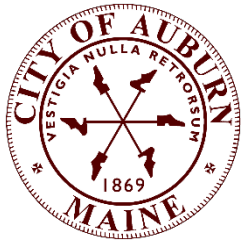
Passage 7-0, time 7:40 pm.

Council was declared out of executive session at 8:28 pm.

VIII. Adjournment – Motion was made by Councilor Walker and seconded by Councilor Staples to adjourn. Unanimously approved and the meeting adjourned at 8:28 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: May 2, 2022

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

Subject: Public Hearing prior to release of the DRAFT CDBG & HOME Annual Action Plan

Information: The City of Auburn is required to hold a Public Hearing prior to the release of the draft annual action plan. The purpose of this Public Hearing is to obtain the views of residents of the community on housing and community development needs, including priority non-housing community development needs and affirmatively furthering fair housing. Staff will release the Draft Action Plan after reviewing and incorporating responses to any comments received. Once the Cities annual allocation award has been received the action plan will be finalized and released in draft form for comment. After a minimum of thirty (30) days comment period it will again have a public hearing and be put before the Council for approval.

City Budgetary Impacts: None

Staff Recommended Action: No action required.

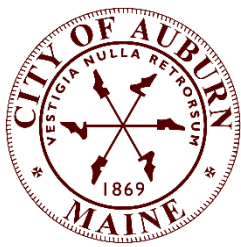
Previous Meetings and History: NONE

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: NONE



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 2, 2022

Author: Brian Wood, Assistant City Manager

Subject: ARPA (American Rescue Plan Act) - Acquisition of the Lake Auburn Community Center Property

Information: The City of Auburn was approached by the Lake Auburn Watershed Neighborhood Association to purchase the Lake Auburn Community Center. The purchasing of this parcel would be to ensure current and future generations have access to this public land, tree farm, trails, volleyball courts and other recreational activities. This partnership will also generate educational opportunities for youth, with specific emphasis on environmental sustainability.

The City of Auburn will partner with other organizations to ensure proper upkeep and maintenance of this 6.1.1-acre parcel. Current conservation easements will remain unchanged.

The purchase of this property is an allowable expenditure under ARPA's final rule – 2.22 - *Strong Healthy Communities: Neighborhood Features that Promote Health and Safety*.

City Budgetary Impacts: None.

Staff Recommended Action: Vote to allocate \$100,000 of ARPA funds to purchase the Lake Auburn Community Center.

Previous Meetings and History:
Council Workshop – April 19, 2022

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: None



ORDER 55-05022022

City Council Order

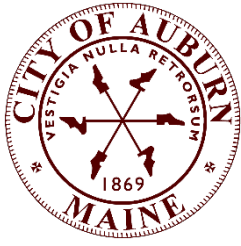
IN CITY COUNCIL

ORDERED, that Auburn City Council allocate \$100,000.00 of ARPA (American Rescue Plan Act) funds for the acquisition of the Lake Auburn Community Center property.

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 Public Hearing or Meeting Date: May 2, 2022-First Reading Ordinance 14-05022022

Author: John A. Blais, Deputy Director of Planning and Permitting

Subject: Updating Chapter 60, ARTICLE XII, DIVISION 4, Sec 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn Watershed

Information: The Planning Board reviewed this proposal and provided a positive (7-0) recommendation (attached) at the April 12, 2022, meeting. The staff report from that meeting is also attached. The Planning Board voted to add three conditions to address information and concerns raised in the public process and following recommendations from the Comprehensive Plan.

1. That development and water quality data be monitored in partnership with Auburn Water District openly with other stakeholders and take appropriate action if the monitoring process finds the water quality degraded because of development. *Staff is verifying the baseline data that was established in the latest watershed report from 2021 (FB Environmental) and establish tools for estimating load reduction or increases in the lake Auburn Watershed. In addition, to the BMP and Land Use tools, utilizing Auburn Water District water quality data on a yearly basis in a report generated by the Auburn Water District. City Staff plan to use EPA Region 5 model for best management practices modeling.*

2. Add a requirement to inspect the septic systems at the point of sale and continuously at five-year intervals also as suggested by the Planning Board. Staff needs to work on the details on this for how it will apply to existing systems but for new systems this could be a condition of approval. Towards this end, staff plans an internship for this summer to catalog and map all known existing systems and add any new systems as they are permitted. This could be the base information for outreach and collecting inspection and maintenance information in the future. *On the building permit application, we will have the applicant or staff check a box if the project is in the watershed. That will remind applicant that an inspection is required and special conditions to the septic design is required. The staff plans on a direct mailing to owners of the watershed for information regarding the update to the septic system requirements. This will include referencing specific requirements for septic system at time of land transfer. We would mirror the Septic System inspection requirement located in Shoreland Zone in Maine guidelines with some minor modifications. See attached.*

3. That the ordinance change approval “must coincide with the adoption of a zoning change that reduces the housing density in all parts of the watershed to one dwelling unit per three acres as recommended in the comprehensive plan. To accomplish this, staff has scheduled a resolve for the May 2nd Meeting to forward a zoning and map change proposal to the Planning Board. Staff applauds the Planning Board edits as a positive improvement for the strengthening of watershed protections. *Staff will provide a data*

summary look at the watershed lot sizes and potential new lots relative to current standards. In addition, FB Environmental Associates (FBE) will perform consulting services related to Lake Auburn watershed modeling. To include building a new model run through both the build-out and water quality models that simulates the potential impact from recent proposed ordinance changes by the City of Auburn. The proposed ordinance changes affect septic system siting, minimum lot size, and low impact development standards in the Auburn portion of the Lake Auburn watershed. The City of Auburn will provide FBE with the proposed ordinance revisions for review. FBE will draft a detailed description of how the proposed ordinance revisions will be incorporated into the new model run. FBE will perform the new model run and summarize the methodology and results in a brief memorandum to the City of Auburn for a future reading of the proposed changes.

Sec. 60-952 (c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip ~~50~~ 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(f) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

(1) ~~Subsurface absorption Disposal~~ areas shall not be permitted on sites on which ~~the highest seasonal groundwater table, bedrock, or other impervious layer~~ is less than 12 inches to the limiting factor. 36–12 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. In addition, having at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field and (the mineral soil surface) to result in a 36-inch separation between the bottom of the disposal field and the limiting factor.

(2) Within areas containing soils described as deep, ~~loose~~ and sandy or gravelly and which contain ~~70 percent sand or gravel outwash or stratified drift~~ as shown on table- 4D (profiles 5 or 6 and some 11) of the State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241 9-3 of the state plumbing code, part II (April 25, 1975), no subsurface absorption area shall be installed closer than ~~300~~ 400 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal areas, replacement or new shall meet the section 60-952 (F) (1) design criteria. If replacement systems cannot meet Section 60-952 (F) (1) The local plumbing inspector must evaluate the design with concurrence from the Auburn Water District to impart as much design criteria to the replacement system.

(4) All private sewage disposal systems shall have a curtain drain installed per section H, 10-144 CMR 34 of the Maine Subsurface Wastewater Disposal Rules or diversion ditch, upslope of a disposal field, for its entire length including fill extensions as determined by groundwater conditions by a Licensed Site Evaluator.

(5) All private sewage disposal systems shall be installed on the lot of the dwelling unit, unless the system can be developed outside the watershed or in under special conditions replacement systems may approve by local plumbing inspector on adjacent lots.

(6) The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.

~~(4)(7)~~ The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code~~

City Budgetary Impacts: Up to \$8,000 in approved consultant modeling and best management practices (BMP) training for city staff and local site evaluators.

Staff Recommended Action: Staff suggests council discuss the proposed changes, hold a public hearing, and vote Yes on the proposed ordinance change as recommended by the Planning Board on April 12, 2022. Staff recommends that the Council delay a second reading, updating Chapter 60, ARTICLE XII, DIVISION 4, Sec 60-952 (f) (1-5) to wait for and coincide with the adoption of a zoning change that reduces the housing density in all parts of Rural Residential (RR) zones in the watershed to one dwelling unit per three acres and to have updated modeling of the proposed changes from our consultant.

Previous Meetings and History: January 3rd Council Discussion Initiation, February 16th & March 2nd Community Conversations, April 12, Planning Board Workshop & Public Hearing, April 19, Council Workshop

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Slide Presentation, Planning Board Recommendation, David Rocque-White Paper, Ordinance-codification update text changes.

Council Workshop | April 19, 2022

Lake Auburn Watershed Ordinance Updates

Planning, Permitting & Code



Proposed Changes Highlights

- **Allow for disposal fields for limiting factor of 12”**
- **Require all systems new or replacement be required to follow new disposal field guidelines.**
- **Require systems to have curtain drain or diversion ditch.**
- **No disposal fields closer than 400 normal high-water mark.**
- **Disposal system needs to installed on the lot or outside the watershed.**
- **Require phosphorus control plan for structures over 200 SF**
- **Require 24” of suitable natural soil or fill material for a total of 36”.**

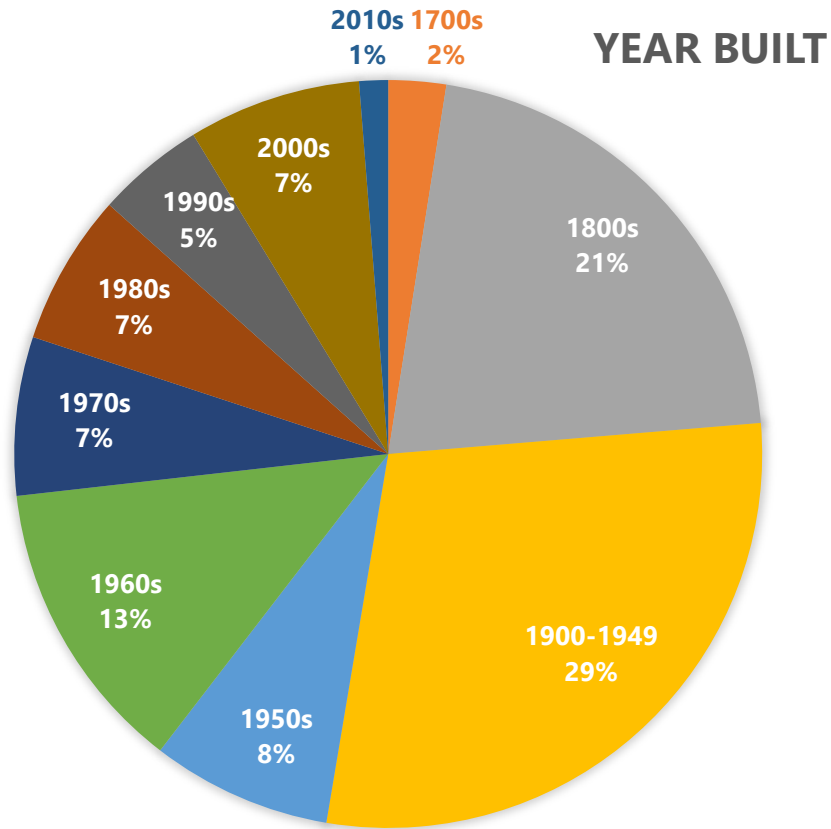
Planning Board Conditions of Approval

“First is that approval of this must coincide with the adoption of the zoning change that reduces the housing density in all parts of the watershed to one dwelling unit per three acres as recommended in the comprehensive plan.

Second, that the city establishes a monitoring of the lake and the watershed with reports on a biannual basis based on a plan developed in collaboration with the Auburn Water District and other stakeholders. If it’s discovered that degradation occurs through that monitoring program, that the city enacts a moratorium on the development until it can assess what needs to happen to stabilize conditions within the lake

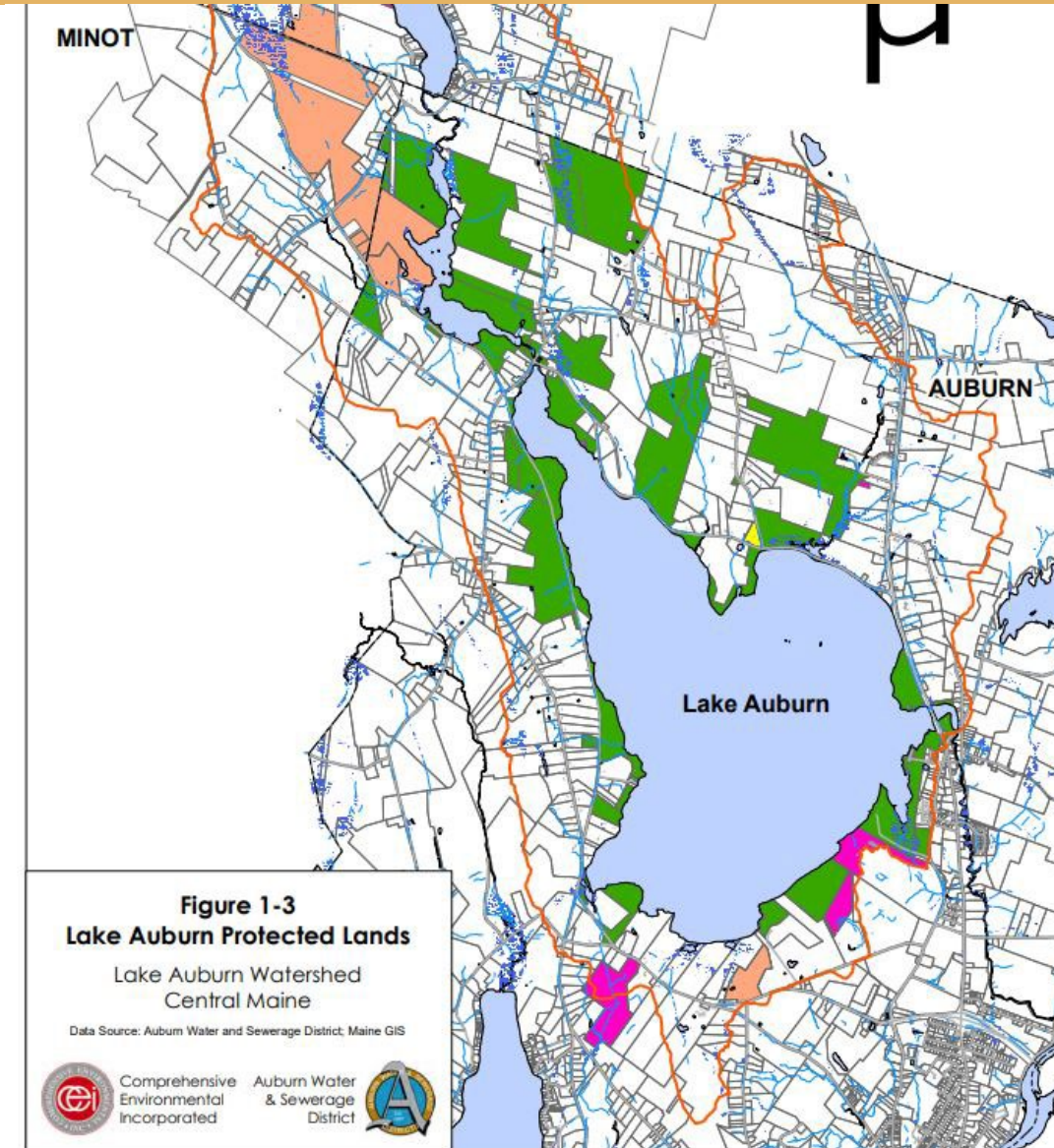
And third, that we require inspection at the point of sale and on an ongoing five-year basis for all systems within the watershed.”

THE WATERSHED NUMBERS



YearBuilt	
1700s	8
1800s	68
1900-1949	93
1950s	25
1960s	41
1970s	22
1980s	21
1990s	15
2000s	24
2010s	4
Grand	321

275 systems are grandfathered to state subsurface wastewater standards for replacement systems out of a total of 321. (10-144 CMR 241), Maine Subsurface Wastewater Disposal Rules, Section 4, Design Criteria allows down to 9" (limiting factor) outside the shoreland zone.



TEAM APPROACH & ORDINANCE IDENTIFICATION

Stakeholders:

City of Auburn and city of Lewiston

(city-wide residents, mayor, council and staff)

Auburn & Lewiston water districts and consultants

Additional Considerations by: Comprehensive Plan/Community Conversations and City Council:

- 1.) Limit additional suitable natural soil or fill material to 12".
- 2.) Require a septic inspection at point of sale in the Auburn Watershed Overlay Area.
- 3.) Reduction of SF to require a phosphorus control plan from 575 to 200 Square Feet.
- 4.) Map amendment to include minimum lot size to 3 acres and 1 Dwelling Unit per 3 acres.

Sec. 60-952 (c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip ~~50~~ 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(f) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

(1) ~~Subsurface absorption Disposal~~ areas shall not be permitted on sites on which ~~the highest seasonal groundwater table, bedrock, or other impervious layer~~ is less than 12 inches to the limiting factor, 36—12 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. In addition, having at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field and (the mineral soil surface) to result in a 36-inch separation between the bottom of the disposal field and the limiting factor.

(2) Within areas containing soils described as deep, ~~loose~~ and sandy or gravelly and which contain more than ~~70 percent~~ sand or gravel outwash or stratified drift as shown on table- ~~4D (profiles 5 or 6 and some 11) of the State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241 9-3 of the state plumbing code, part II (April 25, 1975)~~, no subsurface absorption area shall be installed closer than ~~300~~ 400 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal areas, replacement or new shall meet the section 60-952 (F) (1) design criteria. If replacement systems cannot meet Section 60-952 (F) (1) The local plumbing inspector must evaluate the design with concurrence from the Auburn Water District to impart as much design criteria to the replacement system.

(4) All private sewage disposal systems shall have a curtain drain installed per section H, 10-144 CMR 34 of the Maine Subsurface Wastewater Disposal Rules or diversion ditch, upslope of a disposal field, for its entire length including fill extensions as determined by groundwater conditions by a Licensed Site Evaluator.

(5) All private sewage disposal systems shall be installed on the lot of the dwelling unit, unless the system can be developed outside the watershed or in under special conditions replacement systems may approve by local plumbing inspector on adjacent lots.

Additional Phosphorus Ordinance Text

Amendment Sec. 60-1066

(1) Any new building or structure with more than ~~575~~ 200 square feet of ground floor area.

Further Commits the City of Auburn to Watershed Protection and Water Quality.

Comprehensive Plan Recommendation

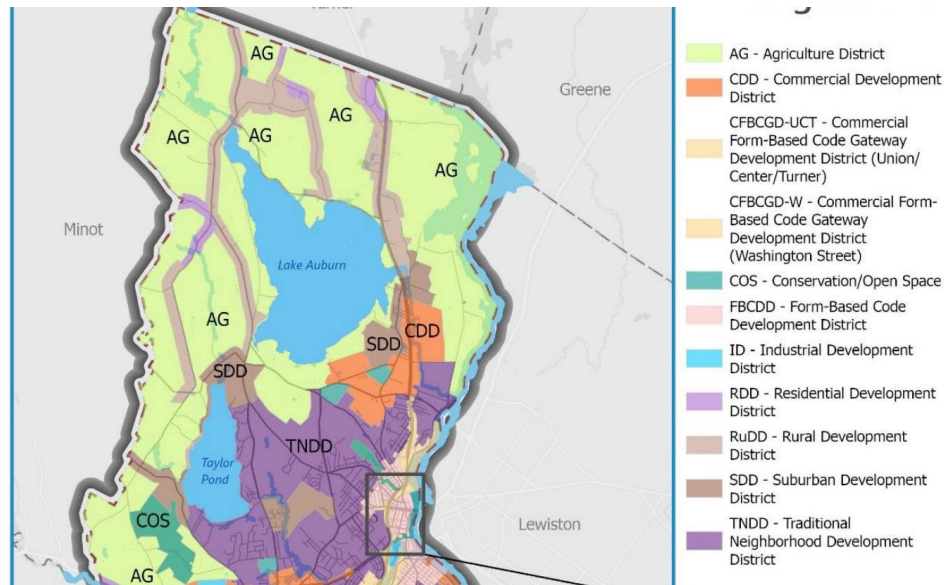
RURAL DEVELOPMENT DISTRICT (RD)

Objective – Allow for the development of residential uses (primarily detached single family homes) at a density of up to 1 unit per 3 acres with one additional dwelling unit permitted for each home in areas where public/community sewerage and water are not available and not likely to be available in the foreseeable future. New development should be designed to minimize the number of vehicular access points to existing collector and other through roads. Shared driveways should be encouraged by providing for a 50-foot driveway frontage bonus. Setbacks within lots should be maintained.

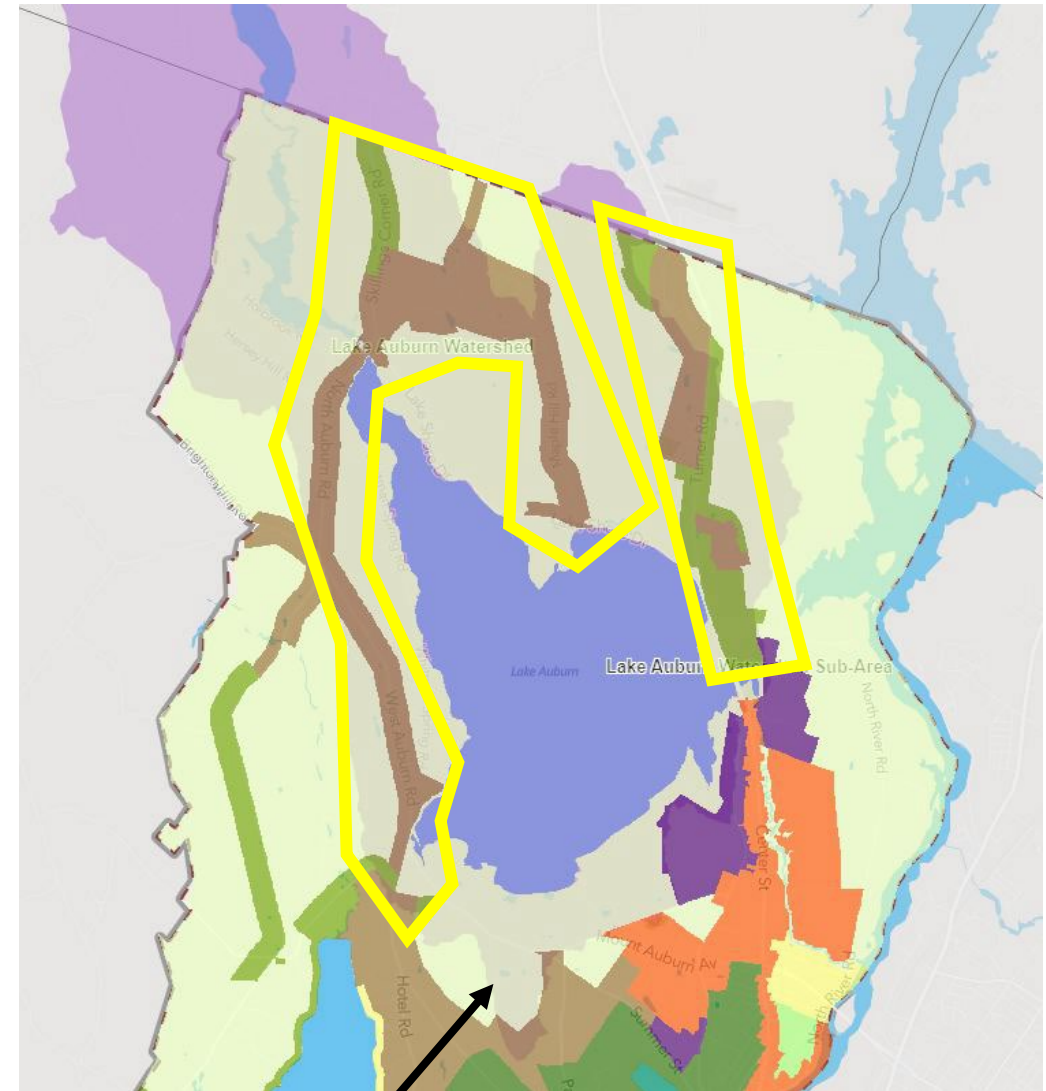
Allowed Uses – The Rural Development district generally follows the boundaries of the Low-Density Country Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update (see appendix IV). The following general types of uses should be allowed within the Rural Development District:

- Low Density Residential Dwellings
- Home occupations
- Community services and government uses
- Agriculture
- Small retail shops less than 3,000 square feet or 1.5 times the average size of the home within Village Overlay Neighborhoods.

Development Standards – The residential density in the Rural District should be one unit per 3 acres. Lot frontage requirements should be around 200 feet but should be reduced for lots that share driveways. In general, the minimum front setback should be 25 feet. Side and rear setbacks should be 15-25 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.



1 Unit per 3 Acres (minimum lot size: 3 Acres)



Watershed
Boundary

Proposed Map
Amendment



FOLLOW-UP

Years 2, 4 & 6

How much development occurred?

How many existing sites did we correct?

Types of BMPs implemented

Quantify P, N & NO² trapped in the watershed



Next Steps

Community Conversations: February 16 & March 2 , 2022

Planning Board Workshop: April 12th, 2022

Planning Board Public Hearing: April 12, 2022



Council Workshop: April 19, 2022

Council Reading: May 2, 2022

Council Reading: May 26, 2022



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

On April 12, 2022 the City of Auburn Planning Board made the following recommendations:

Motion from Mathieu Duvall, Second from Riley Bergeron

“I move that we recommend that city council adopt this ordinance change with the following conditions:

First is that approval of this must coincide with the adoption of the zoning change that reduces the housing density in all parts of the watershed to one dwelling unit per three acres as recommended in the comprehensive plan.

Second, that the city establishes a monitoring of the lake and the watershed with reports on a biannual basis based on a plan developed in collaboration with the Auburn Water District and other stakeholders. If it’s discovered that degradation occurs through that monitoring program, that the city enacts a moratorium on the development until it can assess what needs to happen to stabilize conditions within the lake

And third, that we require inspection at the point of sale and on an ongoing five-year basis for all systems within the watershed.”

Approved 7-0.

LAKE AUBURN WATERSHED

SEPTIC SYSTEM ORDINANCE

By David Rocque

April 12, 2022

The current Lake Auburn Septic System ordinance requires a minimum depth to Limiting Factor (LF) of **36 inches**. Limiting Factors include hard pan, bedrock and seasonal high groundwater table. The ordinance also requires the disposal field to be installed **at least 12 inches below the bottom of the organic duff layer** (below the mineral soil surface) **in the lowest point of the ground where the disposal field is installed**. These two requirements are, in my professional opinion, actually counter productive in accomplishing the objective of the ordinance which is to provide greater protection of water quality in Lake Auburn. I will explain my reasoning in the following paragraphs:

Background:

In the early days of determining septic system suitability, the State of Maine relied on the **perc test**. The perc test was done by digging a hole in the ground and pouring water in the hole. The length of time it took for the water to disappear was the determining factor for suitability and how large a disposal field was needed. Getting rid of the water, below ground, was the main focus of septic system designs in those days. The faster the water disappeared, the better. The perc test was replaced by the process we use today referred to as **Site Evaluation**. The reason for this change was because the perc test worked fairly well if done in the spring or late fall, when groundwater tables were at their seasonal high levels, but didn't work very well when done in the dry summer months. A soil would "perc" nicely in August when the groundwater table was low but the septic system would fail in the spring when the groundwater table was high. Our present process of Site Evaluation bases a septic system design on observed soil properties such as soil texture, soil structure, soil consistency (hard pan) and evidence of the seasonal high groundwater table made by observing soil colors. By using site evaluation, we can tell how large a disposal field is needed, how deep into or above the ground it can be installed and how high the seasonal high groundwater table is even in the dry summer months.

As time progressed, scientists and regulators began to look not only at how fast the effluent would disappear below ground but also how well the effluent was treated or renovated before it reached the groundwater table, a waterbody or property line. We learned that the most effective treatment was accomplished by installing disposal fields either very shallow or, preferably, on or above the original ground surface. That is because the majority of the biologic activity in a soil is in the upper 6 inches and that is also where most plant roots (feeder roots) are found as well. Soil microbes and plant roots remove and utilize many of the constituents in waste water including nutrients and pathogens. Installing disposal fields deep into the ground, particularly coarse textured soil or soil that is shallow to bedrock can result in what I refer to as **"Short Circuiting"**. Short circuiting occurs when the effluent moves through the soil without being treated or only being minimally being treated.

Another component of wastewater treatment in a septic system disposal field is cation exchange where fine textured soil particles, silt, clay and fine organic particles, which are negatively charged, hold onto positively charged ions such as phosphorous until they can be utilized by microbes and plants. Cation exchange is negligible in very coarse textured soils such as sands and gravels.

A third component of wastewater treatment in a disposal field is in what we call a bio-mat. This bio-mat is a black gelatinous layer at the interface of the bottom of the disposal field and soil material below. It is comprised of particles that escape from the septic tank and the living and dead bodies of micro-organisms. This layer is sometimes called the “clogging Matt” because, if it becomes too thick, it can cause the septic system to hydraulically fail. If the bio-mat is absent, it removes one of the more important components of wastewater treatment. The reasons why a bio-mat may be absent are too little organic matter (BOD5 and TSS) coming from the septic tank, which is very rare, or a soil material that is very coarse textured or when the disposal field rests on fractured bedrock. Coarse textured soils and disposal fields resting on bedrock are extremely permeable and very oxygenated so organic particles are readily decomposed or pass through the soil and do not build up to create a bio-mat.

Lake Auburn Watershed Septic System Ordinance:

The Lake Auburn Septic System Ordinance requires at least 36 inches to the limiting factor, including seasonal high groundwater table. Very few soils in the State of Maine have 36 inches or more depth to the seasonal high groundwater table and most of those that do are very coarse textured sands and gravels. Sand and gravel soils in Maine were deposited by flowing water from rapidly melting glaciers. They were the river or stream bottom but became dry land after the glaciers melted and retreated, removing their water source. After the glaciers melted and/or retreated back north, the land remained bare for many years until vegetation moved its way up from areas not covered by the thick sheet of ice. In the hundreds of years it took for vegetation to become established, wind blew soil material around and some of it was deposited on the surface of the gravel. The depth of the fine textured topsoil material depends on location and length of time it was bare but is typically 6 inches to 12 inches thick.

As you can imagine, almost all of the biological activity in these soil types is in the finer textured topsoil layer. It is where there is water holding capacity as well as nutrients due to cation exchange capacity and organic matter for food. The sand and/or gravel below is a plant and microbe desert with no water or nutrients available for plants or microbes. When a septic system is installed below the topsoil layer of sands and gravels, very little treatment of the wastewater occurs which can result in a short circuit (depends on how coarse or fine the sand is). With the Lake Auburn Watershed District Septic System ordinance requiring the bottom of all disposal fields to be installed a minimum of 12 inches below the bottom of the organic duff layer the likelihood of a short circuit is high. In actuality, unless the site where the disposal field is to be installed is relatively level, much of the disposal field will be installed more than 12 inches below the top of the mineral soil. That is because the site evaluator must determine that the minimum depth to limiting factor of a disposal field site is present in the entire area. If the 36 - inch depth is found in the lowest point in a proposed disposal field area, more than 36 inches is likely to occur in higher parts of the disposal field area allowing for a deeper installation for those parts of the disposal field.

Because soils in Maine with at least 36 inches to limiting factor are not very common, it encourages people interested in building a home within the watershed boundary to sell easements to their suitable soil site. Clustering wastewater disposal systems in a relatively small area where very little wastewater treatment occurs is not going to achieve the intent of the ordinance, providing an additional layer of protection for the water in Lake Auburn. It would be much better to allow septic systems to be installed on finer textured soils, even if the seasonal groundwater table is shallower than 36 inches.

It may sound like allowing a reduction in depth to the seasonal groundwater table for new septic system installations would be a risk to water quality but it is not as much of a risk as it might seem. First, the bottom of a disposal field is required by State regulations to be 12 inches to 24 inches (for sands/gravels and from bedrock) above the seasonal high groundwater table. The shallower the groundwater table is, the greater the separation required. For soils with a groundwater table between 9 inches and 15 inches from the mineral surface, an 18-inch separation is required. For soils with a groundwater table less than 9 inches from the mineral soil surface, a 24 - Inch separation is required. Second, because of capillary action in fine soil pores, water can be drawn up as much as 18 inches above where standing water can be seen in a soil pit. The top of that saturated zone is what is identified by Site Evaluators when they determine the seasonal high groundwater table. That means the bottom of a disposal field, installed per state regulations, is more than the state minimum of 12 inches to 24 inches above the actual groundwater table. In coarse textured soils the capillary fringe is much less, usually less than a foot. In addition, the groundwater table in sands and gravels may be an aquifer that is always present though it may go up or down some depending on the season and rainfall amounts. That is why the State requires a minimum of 24 inches of separation from the bottom of the disposal field and seasonal high groundwater table in sandy or gravelly soils. In finer textured soils, the seasonal groundwater table is generally perched above a hardpan and disappears in the summer and winter months. They are never an aquifer. In addition, the groundwater table moves through them very slowly in the fine capillary pores. In sands and gravels, the groundwater moves very quickly on its way to a wetland, stream or pond. While it is always a good idea to protect the groundwater table from contamination, it is much more important in coarse textured soils. In fact, the main concern with a disposal field installed too close to the seasonal high groundwater table in a fine textured soil is not contamination of that groundwater table but the fact that effluent from the disposal field would have no place to go so it would back up in the home or surface at the toe of the disposal field fill extension posing a threat to human health. There is no short circuiting in fine textured soils unless the bottom of the disposal field is resting upon fractured bedrock.

In summary, for the most effective protection of Lake Auburn from septic systems, they should be directed to fine textured soils and any systems proposed for installation in sandy or gravelly soils should be installed on or within the finer textured topsoil layer.



City Council Order

IN CITY COUNCIL

Amendment to the Code of Ordinances, Chapter 60, Article XII, Division 4, Sec 60-952 © and (f) (1-5).

Be it ordained, that the Auburn City Council amend the text in Chapter 60, Article XII, Division 4, Sec 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems of the Auburn Code of Ordinance update to require that all projects subject to review under the provisions of this division shall submit designs in subsurface wastewater meeting the standards set forth in the design criteria as shown in the attached text below.

Sec. 60-952 (c) *Agricultural buffer strip*. Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip ~~50~~ 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(f) *Private sewage disposal systems*. The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

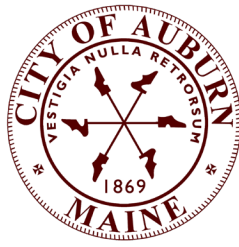
(1) ~~Subsurface absorption Disposal~~ areas shall not be permitted on sites on which ~~the highest seasonal groundwater table, bedrock, or other impervious layer~~ is less than 12 inches to the limiting factor. 36–12 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. In addition, having at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field and (the mineral soil surface) to result in a 36-inch separation between the bottom of the disposal field and the limiting factor.

(2) Within areas containing soils described as deep, ~~loose~~ and sandy or gravelly and which contain ~~70 percent sand or gravel outwash or stratified drift~~ as shown on table ~~4D (profiles 5 or 6 and some 11) of the State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241 9-3 of the state plumbing code, part II (April 25, 1975)~~, no subsurface absorption area shall be installed closer than ~~300~~ 400 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) ~~All disposal areas, replacement or new shall meet the section 60-952 (F) (1) design criteria. If replacement systems cannot meet Section 60-952 (F) (1) The local plumbing inspector must evaluate the design with concurrence from the Auburn Water District to impart as much design criteria to the replacement system.~~

•

(4) ~~All private sewage disposal systems shall have a curtain drain installed per section H, 10-144 CMR 34 of the Maine Subsurface Wastewater Disposal Rules or diversion ditch, upslope of a disposal field, for its entire length including fill extensions as determined by groundwater conditions by a Licensed Site Evaluator.~~



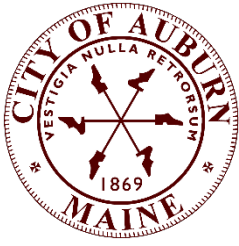
City Council Order

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(5) All private sewage disposal systems shall be installed on the lot of the dwelling unit, unless the system can be developed outside the watershed or in under special conditions replacement systems may approve by local plumbing inspector on adjacent lots.

(6) The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.

~~(4)(7)~~ The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~



City of Auburn
City Council Information Sheet

Ordinance 15-05022022

Council Public Hearing or Meeting Date: May 2, 2022-First & Second Reading

Author: John A. Blais, Deputy Director of Planning and Permitting

Subject: Updating Chapter 60, ARTICLE XIII, DIVISION 2, Sec 60-1066 (1) Phosphorous control for any new building or structure.

Information: The Planning Board reviewed this proposal and provided a positive (7-0) recommendation (attached) at the April 12, 2022, meeting. **Sec. 60-1066 -Applicability** (1) Any new building or structure with more than 200 square feet of ground floor area.

City Budgetary Impacts: None

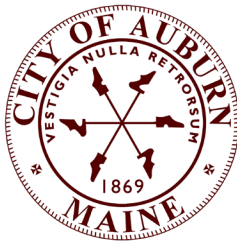
Staff Recommended Action: Staff suggests council discuss the proposed changes, hold a public hearing, and vote Yes on the proposed ordinance change as recommended by the Planning Board on April 12, 2022. Staff recommends a second reading tonight, updating Chapter 60, ARTICLE XIII, DIVISION 2, Sec 60-1066 (1) as a result of previous discussion and Council votes (7-0) at the March 7, 2022 meeting.

Previous Meetings and History: April 12, Planning Board Workshop & Public Hearing, April 19, Council Workshop

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Ordinance-codification update text changes.



City Council Ordinance

IN CITY COUNCIL

Be it ordained,

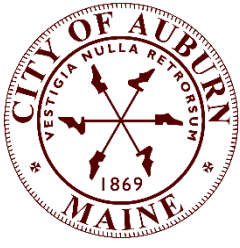
That the Auburn City Council amend ARTICLE XIII, DIVISION 2, Sec 60-1066 (1) phosphorous control for any new building or structure. Auburn Code of Ordinance to update to require that all projects subject to review under the provisions of this division shall submit a phosphorus control plan for projects with buildings or structures more than 200 square feet as found in text below.

Sec. 60-1066 -Applicability (1) Any new building or structure with more than 200 square feet of ground floor area.

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: May 2, 2022

Order: 56-05022022

Author: Jill M. Eastman, Finance Director

Subject: Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

Information: This is the Annual Capital Improvement Projects for FY 22-23 that we are recommending for bonding. Please see attached sheet that describes the projects being funded.

City Budgetary Impacts: This is a 10 year bond, interest only for FY 23 and principal and interest payments for 10 years.

Staff Recommended Action: Hold Public hearing and approve the first reading.

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

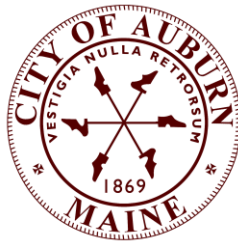
I concur with the recommendation. Signature:

Attachments:

List of Projects to be funded.

**CAPITAL IMPROVEMENT PLAN
FY 23 BONDS**

Description			TOTAL
Econ Dev & Planning	Dangerous Building Demolition		\$ 120,000
Econ Dev & Planning	Downtown Parking and Walkability-Grant Match		\$ 148,000
Facilities	Public Safety Facilities Master Plan		\$ 300,000
Facilities	Auburn Hall Lighting LED/Lighting Control conversion		\$ 60,000
City Wide Vehicles	Police Vehicle Replacement		\$ 165,000
Police	Mobile Printers & Fingerprint Readers		\$ 50,000
Engineering	Reclamation		\$ 1,800,000
Engineering	Reconstruction		\$ 1,200,000
Engineering	Major Drainage		\$ 500,000
Engineering	MDOT Match		\$ 1,100,000
Engineering	Resurfacing		\$ 600,000
Engineering	Sidewalks		\$ 100,000
Public Works	Replace 12 yard plow trucks		\$ 520,000
Public Works	Replace Street Sweeper		\$ 265,000
Public Works	Portable Flagging Station w/Trailer		\$ 50,000
Public Works	Replace Tractor (Haul)		\$ 75,000
Administration	Contingency		\$ 47,000
TOTAL BOND CIP			\$ 7,100,000



City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof, on either a taxable or a tax-exempt basis, in the principal amount not to exceed \$7,100,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds)(the "Projects"), all constituting part of the City's FY23 Capital Improvement Program:

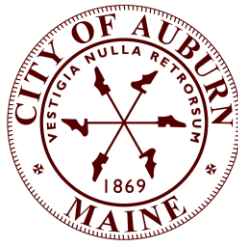
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Administration	Contingency	\$ 47,000
TOTAL BOND CIP		\$ 7,100,000

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Phillip L. Crowell, Jr., City Manager



City Council Order

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to prepare, issue, and sell the bonds and notes authorized hereby, at one time, or from time to time, as one or more separate issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions of such bonds and notes, not inconsistent herewith, including the form and manner of their sale and award as she may approve, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director be and hereby is authorized, in the name of and on behalf of the City, to provide that any of the bonds and notes authorized hereby may be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended.

THAT the Finance Director be and hereby is authorized, in the name of and on behalf of the City, to designate the bond or notes authorized hereby, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the bonds and notes authorized hereby shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City.

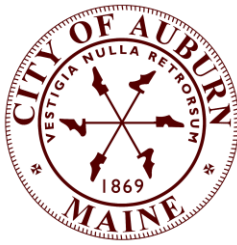
THAT the Finance Director be and hereby is authorized, in the name of and on behalf of the City, to prepare, negotiate, execute, and deliver such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, as determined and approved by the Finance Director, in connection with the issuance delivery of the bonds and notes authorized hereby, the investment of the proceeds thereof, and the financing of the Projects, including but not limited to a bond purchase agreement, a preliminary official statement and official statement, an escrow agreement, a continuing disclosure agreement, a tax compliance agreement and an investment agreement (the "Bond Documents"), which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the foregoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution thereof.

THAT if the bonds or notes authorized hereby, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and directed, in the name of and on behalf of the City, to covenant and certify that no part of the proceeds of such bonds or notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and to further authorize and provide that the City will file any required reports and take any other action that may be necessary to insure that interest

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Phillip L. Crowell, Jr., City Manager



City Council Order

on the bonds or notes will remain exempt from federal income taxation, and will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the bonds or notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT in order to finance temporarily the Projects described above, the Finance Director be and hereby is authorized to expend up to \$7,100,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the bonds and notes authorized hereby shall be included in the tax levy each year until the debt represented by said bonds or notes is extinguished.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be and hereby are authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things as may be necessary or advisable to carry out the provisions of this order.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes authorized hereby shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds, notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, or on an interim or acting capacity, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT the authority to issue the bonds or notes authorized hereby shall automatically expire 2 years from the date of approval of this Order.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

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ORDER 56-05022022

City Council Order

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before April 16, 2022, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

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**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

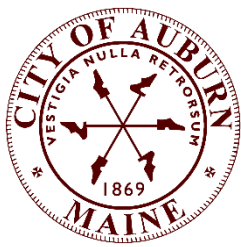
Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing on Monday, May 16, 2022, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order reallocating \$362,600 of unspent proceeds from various General Obligation Bonds to finance a portion of the City's FY 22 Capital Improvements. The order is available for inspection on the City's website: [**auburnmaine.gov/pages/government/budget-fy23**](https://auburnmaine.gov/pages/government/budget-fy23).

The City Council expects to conduct the first reading at the May 2, 2022 meeting and the public hearing, second reading and final action at the meeting of May 16, 2022.

Members of the public may watch in the Community Room, across from Council Chambers. If you attend and wish to offer public comment during the meeting, you may do so by speaking at the podium that will be located in Council Chambers.

The City Council meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

We will continue taking public comment in writing for those who are not comfortable attending a public meeting at this time, please send your remarks via email to: comments@auburnmaine.gov. Your comments will be included in the meeting minutes.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 2, 2022

Order: 57-05022022

Author: Jill M. Eastman, Finance Director

Subject: Order - Reallocating Unspent Proceeds from the City's General Obligation Bonds

Information: This is the order authorizing the reallocation of \$362,600 from previous General Obligation Bonds that were unspent to fund a portion of the City's FY 22 - 23 CIP. (list attached)

City Budgetary Impacts: There are no budgetary impacts at this time.

Staff Recommended Action: Staff recommends passage of 1st reading.

Previous Meetings and History: Discussed at budget workshop in April 2022

City Manager Comments:

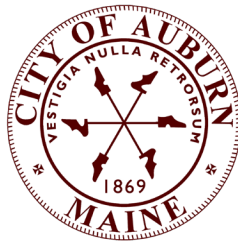


I concur with the recommendation. Signature:

Attachments:

Bond Order - Reallocation

Public Hearing Notice



City Council Order

IN CITY COUNCIL

ORDER - Reallocating Unspent Proceeds from the City's General Obligation Bonds

ORDERED, WHEREAS, the City of Auburn issued General Obligation Bonds in various amounts for various projects; and

WHEREAS, there remain unspent proceeds of the Bonds borrowed for multiple capital improvements, \$362,600 of which excess proceeds the City Council desires to reappropriate and reallocate to be used for the projects listed below;

FY 23 CIP Unallocated Bond Proceeds

Description		Unallocated Bond Proceeds
Airport	Hangar Door Repair	\$ 75,000
City Clerk	Record Restoration	\$ 50,000
Facilities	Knight House Repairs	\$ 40,000
City Wide Vehicles	Recreation Department Truck	\$ 45,000
Recreation	Side by Side	\$ 15,000
Police	Patrol Rifle Replacement	\$ 35,000
Public Works	Court Street Sidewalk (in front of Auburn Hall)	\$ 70,000
Public Works	Infield Groomer	\$ 32,600
Recreation	Trail Upgrade, Development, Signage and Connectivity	
TOTAL UNALLOCATED CIP		\$ 362,600

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the excess proceeds of the Bonds, in the amount of \$362,600 be and hereby are appropriated from the amount borrowed as part of various Bonds to finance the costs of the projects listed above.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.

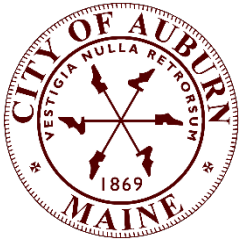
A Public Notice describing the repurposing of these Bond proceeds borrowed for Various Projects to the list above was published on or before May 2, 2022, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 16, 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: May 2, 2022

Author: Jill M. Eastman, Finance Director

Subject: Resolve Adopting the 2022-2023 Annual Appropriation and Revenue Resolve (Public Hearing and First Reading)

Information: In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation has been incorporated into this annual appropriation resolve for the City of Auburn.

Two readings are required for passage of this resolve.

City Budgetary Impacts: With this FY 23 Proposed Budget the tax levy increase is 5.45%, which is below CPIU at 6.7% . At this time, the proposed mill rate increase is 5.13%.

Staff Recommended Action: Staff recommends acceptance of the first reading.

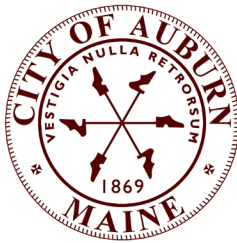
Previous Meetings and History: Preliminary budget presentation April 4, 2022 and final Manager's Budget presentation April 19, 2022.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

Resolve for the 2022-2023 Annual Appropriation and Revenue excluding School Department Articles (totals only)



City Council Resolve

IN CITY COUNCIL

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2022-2023, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2022 and ending June 30, 2023.

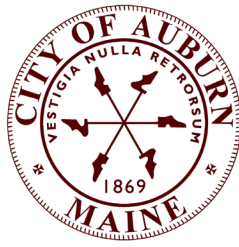
The estimated aggregate amount of non-property tax revenue is \$57,113,731 with a municipal revenue budget of \$20,546,516 and a School Department revenue budget of \$36,567,215.

The aggregate appropriation for the City of Auburn is \$106,764,706, with a municipal budget of \$48,271,396 County budget of \$2,761,220 and a School Department budget of \$55,732,090 which received School Committee approval on April 27, 2022, and school budget approved at the May 16, 2022 Council Meeting pursuant to the School Budget Validation vote on June 7, 2022, in accordance with Maine Revised Statutes, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 19, 2022, by the City Manager, and notification was posted on the City of Auburn website on April 28, 2022 that a public hearing would be held on May 2, 2022 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2022-2023 beginning July 1, 2022 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2022-2023.

RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2022, and ending June 30, 2023, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 15, 2022 and the remaining fifty percent (50%) shall be due on March 15, 2023.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2022, and March 16, 2023 respectively shall bear interest at a rate of 4% per annum from and after such dates.



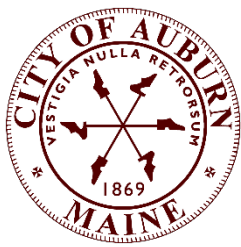
City Council Resolve

Personal property taxes shall be due and payable on or before September 15, 2022. Any personal property taxes remaining unpaid on September 16, 2022, shall bear an interest rate of 4% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

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: May 2, 2022

Author: Jill M. Eastman, Finance Director

Subject: Creation of Capital Reserve Funds for School Department

Information: As discussed during the Budget Presentation, the School Department would like to create a Capital Reserve account for each of the following items: Edward Little High School Capital Reserve Fund and School Technology Equipment Reserve Fund and fund these accounts through unallocated Fund Balance funds in the amount of \$125,000 each. Formal action recommended by Attorney.

City Budgetary Impacts: None

Staff Recommended Action: Approve Request

Previous Meetings and History: Discussed during budget presentation in April 2022.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature: _____

Attachments:



ORDER: 58-05022022

City Council Order

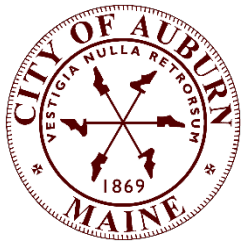
IN CITY COUNCIL

Ordered that the Auburn City Council hereby authorizes the Auburn School Committee to establish and Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic facilities.

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

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 2, 2022

Author: Jill M. Eastman, Finance Director

Subject: Creation of Capital Reserve Funds for School Department

Information: As discussed during the Budget Presentation, the School Department would like to create a Capital Reserve account for each of the following items: Edward Little High School Capital Reserve Fund and School Technology Equipment Reserve Fund and fund these accounts through unallocated Fund Balance funds in the amount of \$125,000 each. Formal action recommended by Attorney.

City Budgetary Impacts: None

Staff Recommended Action: Approve Request

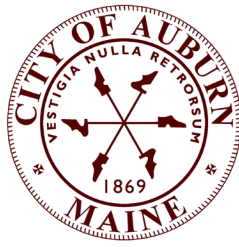
Previous Meetings and History: Discussed during budget presentation in April 2022.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature: _____

Attachments:



ORDER: 59-05022022

City Council Order

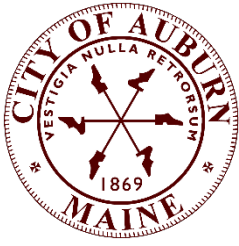
IN CITY COUNCIL

Ordered that the Auburn City Council hereby authorizes the Auburn School Committee to establish and School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment and related technology for the 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 of Auburn
City Council Information Sheet**

Council Public Hearing or Meeting Date: May 2, 2022

Author: John A. Blais, Deputy Director of Planning and Permitting

Subject: Map Amendment Lake Auburn Watershed

Information: Lake Auburn Watershed Zone Change with the adoption of a zoning change that reduces the housing density in all parts of the Lake Auburn Watershed to one dwelling unit per three acres as recommended in the 2021 comprehensive plan. Considered changes include changing three separate areas of Rural Residential (RR) to Low Country Density Residential (LCDR) for a total of 1038 +/- acres.

City Budgetary Impacts: None

Staff Recommended Action: That the City Council direct staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council on the following map amendment.

Previous Meetings and History: April 12, Planning Board Workshop & Public Hearing, April 19, Council Workshop

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Order, Slide



ORDER: 60-05022022

City Council Order

IN CITY COUNCIL

ORDERED, That the City Council direct staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council on the following map amendment:

- A. Lake Auburn Watershed Zone Change** with the adoption of a zoning change that reduces the housing density in all parts of the Lake Auburn Watershed to one dwelling unit per three acres as recommended in the 2021 comprehensive plan. Considered changes include changing three separate areas of Rural Residential (RR) to Low Country Density Residential (LCDR) for a total of 1038 +/- acres.

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Comprehensive Plan Recommendation

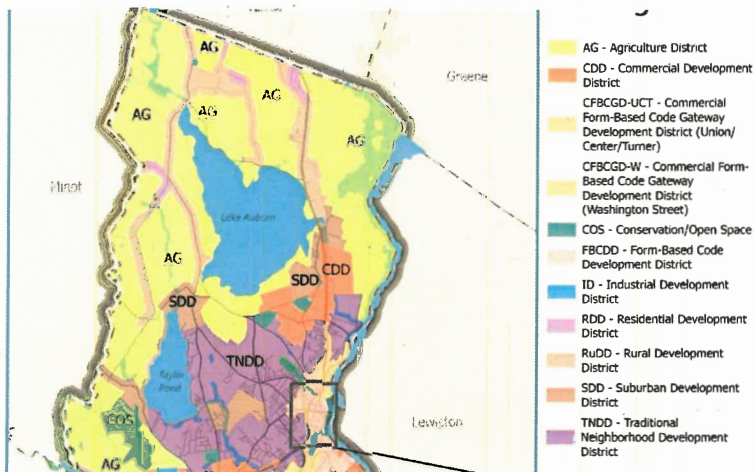
RURAL DEVELOPMENT DISTRICT (RD)

Objective – Allow for the development of residential uses (primarily detached single family homes) at a density of up to 1 unit per 3 acres with one additional dwelling unit permitted for each home in areas where public/community sewerage and water are not available and not likely to be available in the foreseeable future. New development should be designed to minimize the number of vehicular access points to existing collector and other through roads. Shared driveways should be encouraged by providing for a 50-foot driveway frontage bonus. Setbacks within lots should be maintained.

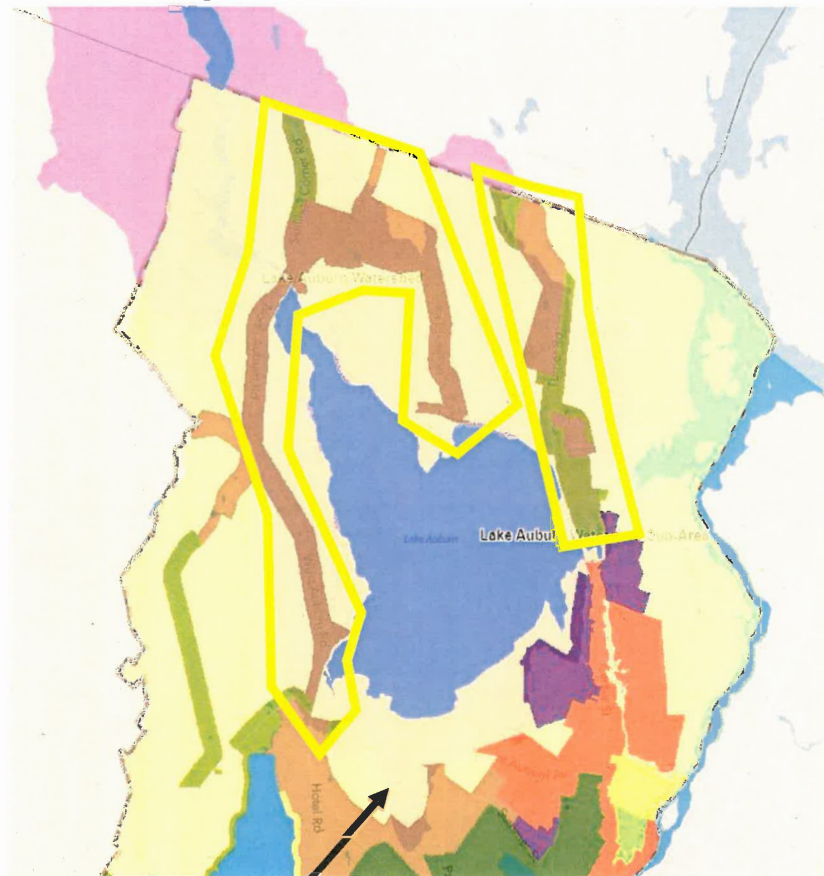
Allowed Uses – The Rural Development district generally follows the boundaries of the Low-Density Country Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update (see appendix IV). The following general types of uses should be allowed within the Rural Development District:

- Low Density Residential Dwellings
- Home occupations
- Community services and government uses
- Agriculture
- Small retail shops less than 3,000 square feet or 1.5 times the average size of the home within Village Overlay Neighborhoods.

Development Standards – The residential density in the Rural District should be one unit per 3 acres. Lot frontage requirements should be around 200 feet but should be reduced for lots that share driveways. In general, the minimum front setback should be 25 feet. Side and rear setbacks should be 15-25 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.



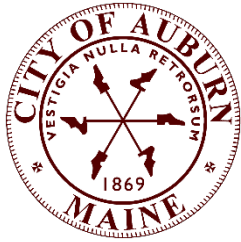
1 Unit per 3 Acres (minimum lot size: 3 Acres)



Watershed Boundary

Proposed Map Amendment





City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: May 2, 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.