



**City Council Workshop & Meeting
Agenda
March 4, 2024
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. 911 Presentation - Tim Hall
- B. City Manager Preliminary Budget Discussion and FY25 CIP Discussion
- C. Department Presentations
 - a. City Clerk
 - b. IT
 - c. Communications

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

Pledge of Allegiance

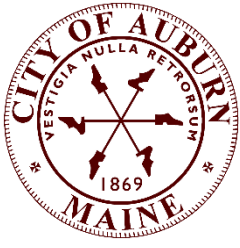
- I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 1. **Order 27-03042024***
Re-appointing Robert Cavanagh, full member position, and Renee Cote, alternate member of the Registration Appeals Board as nominated by the Democratic party. Term expirations of March 1, 2027.
 - 2. **Order 28-03042024***
Appointing Warden's and Ward Clerks for the March 5, 2024, Presidential Primary Election.
 - 3. **Order 29-03042024***
Setting the date to hold a Special Election to fill the vacated School Committee At-large seat for Tuesday, July 9, 2024.
- II. **Minutes** – February 20, 2024, Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication - FERC Response (Eric Cousens)

- 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 05-01162024**
Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance.
Public hearing and Second reading.
- VI. New Business**
- 1. Order 30-03042024**
Authorizing the City Manager to execute a purchase and sale agreement for property located at 150 Minot Avenue.
- 2. Order 31-03042024**
Authorizing the execution of an amended Intermodal Facility lease.
- 3. Order 32-03042024**
Authorizing the City Manager to execute a purchase and sale agreement for property located at 14 & 16 Newbury Street.
- 4. Resolve 01-03042024**
Responding to the Planning Board request for information on the delayed applicability date for Ordinance 01-01022024.
- 5. Ordinance 07-03042024**
Removing Appendix A from Auburn’s Code of Ordinances. Public hearing and first reading.
- 6. Ordinance 08-03042024**
Adopting language that was inadvertently removed from the code of ordinances (Chapter 52, Traffic and Vehicles, sections 52-238, and 52-239). Public hearing and first reading.
- 7. Order 33-03042024**
Directing staff to draft zoning map and text ordinance amendments to Chapter 60, Zoning and prepare the items for public hearing and a recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map.
- 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**
- a. Mayor’s Report
 - b. City Councilors’ Reports

c. City Manager Report

IX. Executive Sessions – Personnel matter, pursuant to 1 M.R.S.A. Sec. 405 (6)(A).

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: City Manager FY25 Preliminary Budget Discussion and Capital Improvement Plan Discussion

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the FY25 Preliminary Budget and proposed Capital Improvement Plan.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Discussion

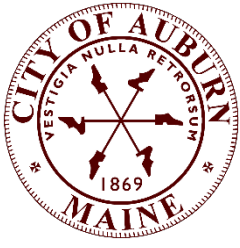
Previous Meetings and History: Annual

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: March 4, 2024

Author: Sue Clements-Dallaire, City Clerk

Subject: Department and FY25 Budget Presentations

Information: There will be a brief presentation of the proposed FY 21 operations and Capital Improvement Plan budgets on the following departments:

- a. City Clerk
 - b. IT
 - c. Communications
-

City Budgetary Impacts: None at this time

Staff Recommended Action: Questions and discussion

Previous Meetings and History: Annual

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

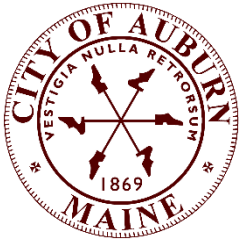
Attachments:

From: [Fred Brodeur](#)
To: [Susan Clements-Dallaire](#)
Subject: [External]Registration Appeals Board
Date: Friday, February 16, 2024 11:17:40 AM

Hi Sue,

The Auburn Democratic City Committee nominated Robert Cavanagh as a member, and Renee Cote as alternate member to the Auburn Registration Appeals Board at it's Feb 15, 2024 meeting, last night,

Fred Brodeur, chair, Auburn Democratic City Committee



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Orders: 27-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Confirming the Democratic nominations to the Registration Appeals Board

Information:

Municipalities with a population of 5,000 or more must have a Registration Appeals Board to hear appeals of persons aggrieved by a decision of the Registrar of Voters.

The board consists of 3 members. Each of the major political parties shall nominate one member who must be enrolled in the party that nominated them, as well as an alternate member and the municipal officers must appoint the persons nominated by the political parties. These are 3-year terms.

The chair of the board is nominated by the municipal clerk and shall serve a 4-year term. Barbara (Bonnie) Lounsbury was nominated by the City Clerk and appointed by the City Council at the 1/16/2024 City Council meeting.

The Democratic party has nominated Robert Cavanagh as full member with Renee Cote as alternate.

The Republican nominations have not been submitted yet. When they do, this will come back to the Council for a vote.

City Budgetary Impacts: None

Staff Recommended Action: Passage of the order

Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Title 21-A Section 103

§103. Registration appeals board

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision. [PL 2019, c. 371, §4 (AMD).]

1. Population of 5,000 or over. The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the registration appeals board, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major political parties may be members of the municipal committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board. [PL 1997, c. 436, §19 (AMD).]

2. Population of 4,000 to 5,000.
[PL 1999, c. 426, §4 (RP).]

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn. [PL 1995, c. 459, §8 (AMD).]

4. Chair of the board. The member nominated by the clerk of the municipality is chair of the board. [RR 2019, c. 2, Pt. B, §35 (COR).]

5. Vacancy. When there is a vacancy on the board, the alternate board member nominated by the municipal committee of the political party of the former incumbent shall serve. If an alternate is not available, the municipal officers shall appoint a qualified person nominated by the municipal committee of the party of the former incumbent to fill the vacancy. If the vacancy is in the office of the chair of the board, the municipal officers shall appoint a qualified person nominated by the clerk of the municipality to fill the vacancy. Vacancies must be filled for the remainder of the term of office. [PL 1991, c. 466, §2 (AMD).]

6. Appeal hearing. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. The voter must be given written notice of the hearing at least 20 days in advance and must have the opportunity to testify and to present witnesses and other evidence at the hearing. The hearing is de novo. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The board shall issue the decision to the voter in writing and shall provide information on how the voter may appeal the decision. The aggrieved person may appeal the decision of the board to the Superior Court in accordance with Rule 80B of the Rules of Civil Procedure. [PL 2009, c. 253, §9 (AMD).]

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action.

[PL 1995, c. 459, §10 (RPR).]

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. Any replacement member shall serve out the remainder of the replaced member's term.

[PL 1995, c. 459, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 614, §4 (AMD). PL 1991, c. 466, §§2,3 (AMD). PL 1991, c. 862, §§1,2 (AMD). PL 1995, c. 56, §§1,2 (AMD). PL 1995, c. 56, §3 (AFF). PL 1995, c. 459, §§4-11 (AMD). PL 1997, c. 436, §19 (AMD). PL 1999, c. 426, §§4,5 (AMD). PL 2005, c. 453, §9 (AMD). PL 2007, c. 455, §4 (AMD). PL 2009, c. 253, §9 (AMD). PL 2019, c. 371, §4 (AMD). RR 2019, c. 2, Pt. B, §35 (COR).

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ORDER 27-03042024

City Council Order

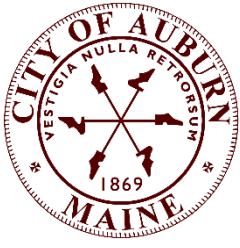
IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Robert Cavanagh to serve as full member and Renee Cote as alternate member of the Registration Appeals Board for a three-year term as nominated by the Democratic Party. Term expiration dates of March 1, 2027.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Order: 28-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the March 5, 2024 Election.

Information:

Warden and Ward Clerk Appointments are normally made every two years, however, there have been vacancies and challenges filling these positions. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the March 5, 2024 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Eleanor Danielson – Warden
Sue Martin – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Order



ORDER 28-03042024

City Council Order

IN CITY COUNCIL

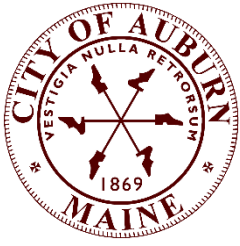
ORDERED, that the City Council hereby appoints the following to serve as Wardens & Ward Clerks for the March 5, 2024 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Elizabeth Danielson – Warden
Sue Martin – Ward Clerk

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Order: 29-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the date to hold a Special Election to fill the At-Large School Committee seat

Information: On February 23, 2024, I received notification that the School Committee had accepted the resignation of At-large School Committee member, Casey-Lyn Knight.

When a vacancy of a School Committee member occurs more than six months prior to the next regular election, an unexpired term shall be filled by a special election, either citywide or in the ward in which the vacancy occurs. If the vacancy is within 6 months prior to the next municipal election, the School Committee shall appoint a qualified representative to serve.

Because our Charter states that nomination papers must be available at least 120 days before the election, the timeline would not allow us to hold the election in conjunction with the upcoming June election. I am recommending that the Special Municipal Election be held on Tuesday, July 9, 2024.

The timeline would be as follows:

- On March 4, 2024 the City Council sets the date for the election to be held on July 9, 2024.
- Nomination papers would be made available on or before March 11, 2024 (allowing at least 120 days prior to that date to allow time for nomination papers to be taken out, pursuant to Auburn's City Charter).
- Nomination papers are due back in the City Clerk's office 75 days before the election (April 25, 2024).
- At least 65 days prior to the election (May 3, 2024), the City Clerk certifies and makes available to the public the names and residences of candidates who have filed nomination petitions.
- Absentee ballots are available approximately 30 days prior to the election (June 7, 2024).

Because this is an At-large seat, all polling locations would have to open. Because there will be minimal turnout for this election, I will be coming before the Council at least 90 days before the election to request permission to consolidate to one polling location for this election. Pursuant to 21-A, section 631-A (2), a public hearing must be held. Because this is a local only election, permission from the Secretary of State's office is not required to consolidate for this election. Consolidating to one location would result in cost savings of at least \$3,500.

City Budgetary Impacts: TBD

Staff Recommended Action: Recommend passage of this order, and setting the date for the Special Municipal Election to be Tuesday, July 9, 2024.

Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Order



ORDER 29-03042024

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the date for the Special Municipal Election to fill the vacant At large School Committee seat, to be held on Tuesday, July 9, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

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Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Milks had an excused absence. All other Councilors were present.

Pledge of Allegiance

I. Consent Items

1. Order 22-02202024*

Appointing Philip Savignano to serve on the Parks & Recreation Advisory Board with a term expiration of 10/01/2025 as nominated by the Appointment Committee.

2. Order 23-02202024*

Appointing Robert Hayes to serve as an associate member of the Planning Board with a term expiration of 01/01/2026 as nominated by the Appointment Committee.

3. Order 24-02202024*

Appointing Denis Bergeron to serve on the Sewer District Board of Trustees with a term expiration of 03/01/2025 as nominated by the Appointment Committee.

4. Order 25-02202024*

Re-appointing Thomas Moulin to serve on the Sewer District Board of Trustees with a term expiration of 03/01/2028 as nominated by the Appointment Committee.

5. Order 26-02202024*

Appointing Denis Bergeron to serve on the Water District Board of Trustees with a term expiration of 03/01/2028 as nominated by the Appointment Committee.

Motion was made by Councilor Gerry and seconded by Councilor Whiting for passage of the five consent items.

Passage 6-0.

I. Minutes

February 5, 2024 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Weisner to approve the minutes of the February 5, 2024 Regular Council meeting.

Passage 6-0.

February 12, 2024 Special Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Cowan to approve the minutes of the February 12, 2024 Special Council meeting.

Passage 6-0.

II. Communications, Presentations and Recognitions

- FEMA Presentation - Allen Renn, Samuel Harvey, and Brian Beard

- Innovation Designation – Jay Brenchick, Eric Cousens, Glen Holmes

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

IV. Unfinished Business - None

V. New Business

1. Public Hearing - CDBG & HOME Consortium Action Plan for Program Year 2024

No one from the public spoke.

VII. Open Session -

Mark Butler, New Gloucester spoke regarding the letter he received from Auburn's Assessing Department.

Tammy Dumais, Cony Property Management commented and read a letter in response to the letter they received from Auburn's Assessing Department.

Donald Poisson, Chicoine Avenue spoke regarding concerns with the letter he received from Auburn's Assessing Department.

Dan Herrick, 470 Hatch Road reiterated the comments made by Donald Poisson and asked what initiated this letter.

Andy Titus, 24 Rubellite Lane also commented on the letters that went out, and on taxation, revaluations, and how we determine value.

VIII. Reports

Mayor Harmon reported that the Water District Board of Trustees will be meeting tomorrow at 4:00 pm at the Water District office on Court Street. He also announced that there will be meetings of the City Council every Monday in March as we work through the City Budget.

Councilor Gerry stated that she attended the PAL fundraiser at Burnt Ends Restaurant adding that it was a nice event, and the food was great.

Councilor Whiting offered congratulations to the Edward Little High School ski and swim teams.

Councilor Weisner announced that the 911 Committee will be meeting this Thursday at 8:00 am here at Auburn Hall. He also stated that our thoughts go out to the Androscoggin County Deputy Sheriff who recently sustained a gunshot wound while on duty.

Councilor Walker announced that a meeting (United New Auburn Association) will be held on February 27th at Rolly's Diner at 6:00 pm. City Manager Phil Crowell will be the guest speaker and will be discussing the upcoming budget. On February 29th the

IN COUNCIL REGULAR MEETING FEBRUARY 20, 2024, VOL. 37 PAGE 140

Neighborhood Watch Committee will be meeting at 6:00 pm at the Sixth Street Congregational Church. Guest speaker will be Lt. Anthony Harrington (Auburn Police Department).

Councilor Platz reported on the School Department's Finance Committee meeting. He added that the school department is transitioning to the Munis software system; the Superintendent search is underway; and the School Committee budget process is underway.

Manager Crowell reported that the Ad hoc Committee's agendas and minutes will be posted on our website if anyone would like to follow the work that is being done. He also reported that we are still working on a new website platform. There may be some changes to the current website as we migrate to the new system.

IX. Executive Sessions

1. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City. Possible action to follow.

Motion was made by Councilor Cowan and seconded by Councilor Platz to enter into executive session.

Passage 5-0 (Councilor Walker was not in the room for the vote). Time 7:48 pm.

Council was declared out of executive session at 8:04 pm. No action was taken.

2. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) where premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Cowan and seconded by Councilor Whiting to enter into executive session.

Passage 6-0. Time 8:04 pm.

Council was declared out of executive session at 8:56 pm.

- X. Adjournment** - Motion was made by Councilor Weisner, seconded by Councilor Cowan to adjourn.

Passage 6-0, and the meeting adjourned at 8:56 pm.

A TRUE COPY

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



City of Auburn, Maine

Planning and Permitting
Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

From: Eric J. Cousens, Planning and Permitting Director

Re: Hydropower, Rivers and Dams – Lewiston Falls Relicensing Update

Date: March 4, 2024 Council Meeting

There is a lot of history to the current licensing process provided below for background. This memorandum starts with the History and continues to Current Update beginning on the top of Page 3.

Lewiston Falls Monty Hydro Licensing Update - History

The Federal Energy Regulatory Commission (FERC) licenses hydropower facilities. The city may participate and comment on a proposed license as a stakeholder, much like a resident participates in a Planning Board process at a public hearing. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. The FERC process requires the applicant to address fisheries, recreation, water quality and other potential impacts of their operation with equal consideration compared to power generation. Documents related to current and past licensing processes are available here: <https://www.auburnmaine.gov/pages/government/rivers-hydropower> .

We last updated the Council in March of 2023 to familiarize Council with the current relicensing of the Lewiston Falls Monty Hydro Project (FERC P-2302) in preparation for future discussions. Relicensing is currently in process for the Lewiston Falls/Monty Hydro Facility on the main stem of the Androscoggin in anticipation of the expiration of the existing license in 2026. Our Comprehensive Plan, Strategic Plan, New Auburn Master Plan, the Androscoggin Greenway Plan and ATRC Bridging the Gaps Bicycle and Pedestrian Plans give staff substantive direction and support to advocate for needs, improvements and studies to identify the best way to meet the needs to mitigate impacts of project operations on the community. The Pre-Application Document (PAD) has been filed and is available here: https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210804-5115 . Despite advocacy for a more inclusive *Integrated Licensing Process*, ([TLP Objection and ILP Request.pdf](#)) the request for Traditional Licensing Process was approved by FERC for this relicensing and an initial stakeholder meeting was held ahead of schedule (Table 2-1, Page 41 of the linked PAD) in November 2022. The city along with other stakeholders asked for recreational, aesthetic,

cultural, hydro-facility operational and river flow related studies to ensure that we have the information needed to advocate for mitigation of facility impacts and needs of the community at future stages of the process. We submitted study requests with stakeholders, including the City of Lewiston and at least 6 other stakeholder groups, to best advocate for Auburn's needs in December of 2021 ([Study Requests12.31.21](#)). Past licensing processes have been more successful when there is coordination and agreement on study needs, rather than conflicting requests from multiple stakeholders. In 2022 we submitted comments on a Preapplication Document, preferred licensing process and a Draft Study Plan ([StudyPlanComments31822.pdf](#)). A Final study Plan was proposed by Brookfield and they completed the 2022 and 2023 study seasons [P2302FinalStudyPlan.pdf](#) . Many agencies participated in the process and focused on different aspects of project operations and their impacts on the environment. While the City has been supportive of studies requested by Maine DEP, NOAA Fisheries ([NOAA Comments.pdf](#)) and Maine DIFW related to water quality and fisheries improvement our focus has been on recreation, aesthetics of the falls and access for the public. Water quality, historic resources and fisheries are important to the City's overall recreational goals, but State and Federal Agencies are well equipped to for strong participation on those elements and we have collaborated with them for advice and for support from multiple agencies.

The Final Study Plan ([P2302FinalStudyPlan.pdf](#)) covers almost all recreational elements requested for the main stem of the river-See pages 58-67 of the plan. The primary shortcomings relate to water quality monitoring in the Lewiston owned canals and specific analysis of how water over the falls affects water quality and dissolved oxygen below the falls. We now have data available from the proposed water quality monitoring and we will continue to advocate for the analysis of how flows over the falls affect dissolved oxygen as part of the process. A primary shortcoming of the study plans is not including the canals in the study based on the argument that they are owned by Lewiston and not part of the project area mapped by FERC. In 2020 the project area was adjusted to remove nearly 4 miles of river and the canals from the FERC Project Boundary which the City opposed ([Objection to P2302 Project Boundary Amendment 2020.pdf](#)) but was ultimately approved by FERC. The ownership and FERC project Boundary test for inclusion in studies is not usually what determines if they are included. The test is whether the project operations impact the area, which they clearly do. Brookfield controls flows at this facility and at the upstream Gulf Island and Deer Rips hydro facilities and those three operations control water levels and flows in the canals that we believe are clearly affected by project operations. This raises a question of whether Auburn wants to advocate among stakeholders to exercise the FERC Study Dispute Process or take that on ourselves - either way we would need legal assistance and funding to do that if it becomes necessary. Staff's opinion is that we got most of what we asked for in the Study phase and would be happy to join Lewiston if they chose to challenge this important element, but that fight may not be our best use of limited resources.

The 2022 Study season included recreational monitoring from Memorial Day Weekend through Labor Day weekend. The results will be used to gauge recreational interest, benefits and needs for the project area and nearby amenities affected by project operations. Signage was placed along the Riverwalk and other project recreation facilities to alert the public of the existence of the survey and in person counts were conducted by Brookfield staff throughout the summer. The website that hosted the survey is here:

•

Brookfield White Pine Hydro LLC is conducting a Recreation Study as part of the Federal Energy Regulatory Commission (FERC) relicensing of the Lewiston Falls Hydroelectric Project (FERC No. 2302).

If you would like to participate in the Recreation Study, please visit the website below to take a brief online survey intended to gather information about recreational use at or near the Lewiston Falls Hydroelectric Project.

<https://lewistonfalls.brookfieldusprojects.com>

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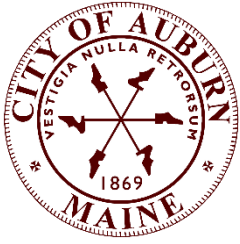
<https://lewistonfalls.brookfieldusprojects.com/> Results were collected on specific dates based on specific locations visited and not from people that were there in the past.

Lewiston Falls Monty Hydro Licensing Update – Current Update

In 2023, Staff and many stakeholders participated in various study groups including Aesthetic and Recreational working groups. On Monday 2/26/2024 we receive the following notice of the Draft License Application (DLA) being filed with FERC.

On behalf of Brookfield White Pine Hydro LLC (BWPH), the Licensee of the Lewiston Falls Hydroelectric Project (FERC No. 2302), please find the link to FERC's eLibrary to view and download the Lewiston Falls Project Draft License Application. The electronic files can be downloaded through FERC's eLibrary at https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240221-5232&optimized=false. Please provide your comments on the Draft License Application by May 27, 2024. You may file your comments with FERC or you can provide them directly to Luke Anderson, Senior Licensing Manager, at Luke.Anderson@brookfieldrenewable.com.

Staff met with some stakeholders recently in anticipation of the filing this week. Currently we are reviewing the DLA and summarizing comments. Initial review was disappointing to see that Brookfield has left out many elements needed to inform decisions and has minimized any proposed recreational needs to just existing facilities. We will share this information with the Conservation Working Group for additional City Feedback and continue to rely on existing plans and knowledge of recreational needs to draft a response and requests for additional amenities and river flows. We will also be consulting with FERC Staff on the incomplete nature of the DLA. An additional stakeholder group meeting will be held in the coming weeks and we will share draft comments with the Council as they are developed.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Ordinances: 05-01162024

Author: Sue Clements-Dallaire, City Clerk

Subject: Reinstating the Zoning Board of Appeals

Information: In 2021, Council voted to adopt the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. The City Council voted to eliminate the Regulatory Advisory Board and reinstate the Board of Appeals. Before Council's final vote on reinstating the Zoning Board of Appeals, the proposal had to go before the Planning Board for a review.

City Budgetary Impacts: None

Staff Recommended Action: Passage of second reading for Ordinance 05-01162024 which reinstates the Zoning Board of Appeals.

Previous Meetings and History: Discussed during the January 2, 2024 City Council Workshop to eliminate the Regulatory Advisory Board and reinstate the Board of Assessment Review and the Zoning Board of Appeals. A public hearing was held and passed the first reading on 1/16/2024. This also went before the Planning Board for a public hearing and review in February.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Proposed Zoning Board of Appeals Ordinance.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning & Permitting
Re: Text Amendment/Reinstatement of Zoning Board of Appeals/Elimination of Regulatory Advisory Board
Date: February 13, 2024

I. PROPOSAL: As part of the larger initiative to reinstate the Board of Assessment Review and the Zoning Board of Appeals as stand-alone boards and eliminate the Regulatory Advisory Board. Ordinance 05-01162024 asks the Planning Board to provide a review under Chapter 60, Article XV. BOARD OF APPEALS. As we make recommendations to reinstate it as a stand-alone board and make minor text amendments to clarify items in Chapter 60, Article XV Sec. 60-1130-31 and Sec. 60-1135. (See attached redlined items)

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS: This item is on the Planning Board agenda as a public hearing item. Staff recommends the Planning Board have an initial discussion and make a formal recommendation to the City Council to the text amendments in Chapter 60, Article XV BOARD OF APPEALS, and make a favorable recommendation to reinstate the zoning BOARD OF APPEALS as a stand-alone board.

Staff recommends this process because it has been hard to fill the vacant positions for the Regulatory Advisory Board due to the breadth of knowledge one would have to know regarding items in the assessors, planning, permitting and code purview/departments. We would like to make it easier to recruit members of the public and allow the appointment committee to keep trained, knowledgeable and willing Board members in good standing for more than 3 terms through the Council reappointment process.

IV. POTENTIAL MOTION: I make a motion to forward a favorable recommendation to City Council to amend Chapter 60, Article XV Sec. 60-1130-31, Sec. 60-1135 with proposed edits and to reinstate the zoning BOARD OF APPEALS as a stand-alone board.



City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 03/04/2024

To: Auburn City Council

From: Auburn Planning Board

Subject: Planning Board Motion on Reinstating the Zoning Board of Appeals

The following is the report from the Planning Board regarding delayed applicability and effective date for Ordinance # 26-11202023 pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on February 13th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT/ ZONING BOARD OF APPEALS: City Council initiated an amendment to the Auburn Code of Ordinances to reinstate the Zoning Board of Appeals by reincorporating the entirety of Chapter 60, Article XV with some amendments. This proposal is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion: No public comment.

Motion: I make a motion to forward a favorable recommendation to City Council to amend Chapter 60, Article XV Sec. 60-1130-31, Sec. 60-1135 with proposed edits and to reinstate the zoning BOARD OF APPEALS as a stand-alone board: Dave Trask, **Second:** Ryan Smith

Vote: 7-0-0 motion carries.



Ordinance 05-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance

Be it ordained, that the City Council hereby amends Chapter 60, Article XV by reinstating the Zoning Board of Appeals ordinance (attached).

Passage of first reading on 1/16/2024 6-0-1 (Councilor Milks abstained).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY
DIVISION 2. - ORGANIZATION
DIVISION 3. - APPEALS PROCEDURE
DIVISION 4. - POWERS AND DUTIES
DIVISION 5. - JUDICIAL APPEAL
DIVISION 6. - SPECIAL APPEAL

DIVISION 1. - GENERALLY

[Secs. 60-1116—60-1129. - Reserved.](#)

Secs. 60-1116—60-1129. - Reserved.

DIVISION 2. - ORGANIZATION

[Sec. 60-1130. - Membership.](#)
[Sec. 60-1131. - Term of office.](#)
[Sec. 60-1132. - Associate members.](#)
[Sec. 60-1133. - Jurisdiction.](#)
[Sec. 60-1134. - Board rules.](#)
[Sec. 60-1135. - Quorum.](#)
[Secs. 60-1136—60-1150. - Reserved.](#)

Sec. 60-1130. - Membership.

There shall be a board of appeals consisting of up to seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

Sec. 60-1131. - Term of office.

The members and associate members of the board shall serve ~~no more than three consecutive~~ three-year terms.

(Ord. of 9-21-2009, § 6.1B)

Sec. 60-1132. - Associate members.

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

Sec. 60-1133. - Jurisdiction.

The board of appeals shall have jurisdiction over:

- (1) Interpretation of provisions of the zoning chapter called into question;
- (2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;
- (3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

Sec. 60-1134. - Board rules.

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

Sec. 60-1135. - Quorum.

~~Five~~ A majority of appointed members (minimum of 3) shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

Secs. 60-1136—60-1150. - Reserved.

DIVISION 3. - APPEALS PROCEDURE

[Sec. 60-1151. - Petition.](#)

[Sec. 60-1152. - Public hearing.](#)

[Sec. 60-1153. - Decision.](#)

[Secs. 60-1154—60-1184. - Reserved.](#)

Sec. 60-1151. - Petition.

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

Sec. 60-1152. - Public hearing.

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XV. - BOARD OF APPEALS
DIVISION 6. - SPECIAL APPEAL

(Ord. of 9-21-2009, § 6.2B)

Sec. 60-1153. - Decision.

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

- (1) Conditions upon which the appeal was granted have not changed; and
- (2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

Secs. 60-1154—60-1184. - Reserved.

DIVISION 4. - POWERS AND DUTIES

- [Sec. 60-1185. - Interpretation.](#)
- [Sec. 60-1186. - Administrative appeals.](#)
- [Sec. 60-1187. - Variance.](#)
- [Secs. 60-1188—60-1207. - Reserved.](#)

Sec. 60-1185. - Interpretation.

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

Sec. 60-1186. - Administrative appeals.

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

Sec. 60-1187. - Variance.

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

- (1) The land in question cannot yield a reasonable return unless the variance is granted;
- (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) The granting of a variance will not alter the essential character of the locality; and
- (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

- (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
- (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

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Chapter 60 - ZONING
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DIVISION 6. - SPECIAL APPEAL

(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- (4) The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

Secs. 60-1188—60-1207. - Reserved.

DIVISION 5. - JUDICIAL APPEAL

[Sec. 60-1208. - Superior court.](#)

[Secs. 60-1209—60-1234. - Reserved.](#)

Sec. 60-1208. - Superior court.

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

PART II - CODE OF ORDINANCES
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superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic data compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

Secs. 60-1209—60-1234. - Reserved.

DIVISION 6. - SPECIAL APPEAL

[Sec. 60-1235. - Floodplain district variances.](#)

[Sec. 60-1236. - Shoreland zone variance.](#)

[Sec. 60-1237. - Lake Auburn Watershed zone variance.](#)

[Secs. 60-1238—60-1255. - Reserved.](#)

Sec. 60-1235. - Floodplain district variances.

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

- (1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.
- (2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

Sec. 60-1236. - Shoreland zone variance.

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

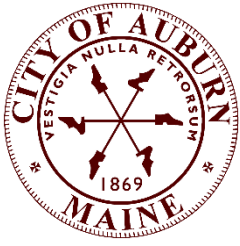
(Ord. of 9-21-2009, § 6.5B)

Sec. 60-1237. - Lake Auburn Watershed Overlay District variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn Water District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Water District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Secs. 60-1238—60-1255. - Reserved.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Order: 30-03042024

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

Subject: Acquisition and remediation of Blighted Building

Information:

The Planning & Permitting Office has been working with the owner of 150 Minot Ave (PID# 230-157) to demolish the blighted building. The Business & Community Development has recommended that the city acquire the property with Community Development Block Grant (CDBG) funds to clear the identified blight from the downtown corridor under the guidance of the City Comprehensive Plan & the Auburn Downtown Action Plan for Tomorrow (ADAPT). Additionally, the portion of this property which abuts Elm St has been identified as a desirable acquisition to serve the future re-alignment of Minot Ave and Elm St and to accommodate additional pedestrian safety improvements. The remainder of the property is expected to be sold by RFP for future economic development activities.

Supporting plans include:

Auburn Downtown Action Plan for Tomorrow (ADAPT) adopted by City Council on February 1, 1999

Section 5 Page 6: "Minot Ave- Union St Corridor...The city should create an overlay zone to promulgate an attractive and orderly development of the area. The goal should be to make this thoroughfare and entrance to the city inviting and attractive."

City of Auburn Comprehensive Plan 2010 Update Adopted April 19, 2011

Chapter 2 Page 90: "Minot Avenue Planned Commercial Development District (PCD) Objective – Improve the visual environment of the outer portion of the Minot Avenue commercial corridor while accommodating a wide range of nonresidential uses. Essentially this designation is the same as the Limited Business Development designation with the addition of enhanced development and design standards to allow this area to evolve into an attractive gateway to the City."

Community Impact

The acquisition and clearance activity qualifies under O4 Eligibility Code (570.201 D) Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination within a target neighborhood. The National Objective would be Slums & Blight Spot (SBS) meaning the final objective would be completed upon site clean-up and not be contingent on any end use.

City Budgetary Impacts:

A minor amendment to the existing CDBG budget would increase funding for the existing Spot/Blight Remediation budget line. Any proceeds of the subsequent sale of unretained property would be considered Program Income and returned to the CDBG budget to replenish program funds.

Staff Recommended Action:

Approve the City Manager to acquire this property and remove the blighted building.

Previous Meetings and History:

February 20th Executive Session

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

n/a



City Council Order

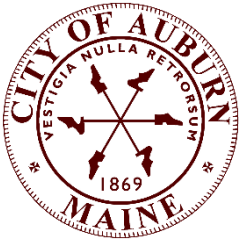
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to negotiate a Purchase and Sale Agreement with DT AND DW PROPERTIES INC and to acquire 150 Minot Ave (Auburn Tax Parcel 230-157) with Community Development Block Grant funds for the purpose of Clearance, Demolition and Remediating Blight in a target neighborhood.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March, 4, 2024

Order: 31-03042024

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Auburn Intermodal Facility Lease Amendment

Information: The Auburn Intermodal Facility has had various stages of activity in the 30 years since it was constructed. Efforts are underway with the current tenant, Power and Construction Group, and St. Lawrence and Atlantic (part of Genesee and Wyoming) to chart a pathway to attracting new activity.

New master lease negotiations will take time, given further site planning that needs to occur. In the interim, the current tenant, Power and Construction Group, has agreed to an updated monthly lease amount and the establishment of a payment in lieu of taxes. At present, Power and Construction Group holds both a lease agreement and a license agreement that in total encompass the entire developed intermodal site. Both agreements are now month to month. To accomplish the changes, only the lease is being amended.

The current monthly payments are \$1,507.50 for the license agreement and \$650 for the lease agreement. As of April 1st, 2024, if approved, that amount will increase to \$7,000 total between both agreements (\$1,507.50 for the license and \$5,492.50 for the lease). In addition, a \$28,000 a year will be paid in lieu of taxes.

To support the infrastructure planning and investment to re-establish the Intermodal Facility, the establishment of a Special Revenue Account for lease payments is proposed. With the payment in lieu of taxes, the city will see a net increase (8%) to the General Fund. The Special Revenue Account will provide for flexibility to respond to joint investments in equipment, engineering, and business development to attract customers alongside railroad partners (St. Lawrence and Atlantic and Canadian National, as well as MaineDOT)

City Budgetary Impacts: Net increase in revenue of \$28,527.50 for FY24 and \$86,110 for FY25

Staff Recommended Action: Approval of the Order

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

February 12, 2015 Power and Construction Group Lease Agreement
Proposed Power and Construction Group Lease Amendment

FIRST AMENDMENT OF LEASE

THIS FIRST AMENDMENT OF LEASE AGREEMENT (this “**Amendment**”) is entered into as of the ____ day of _____, 2024 (the “**Effective Date**”), by and between **CITY OF AUBURN**, a body politic and corporate existing under the laws of the State of Maine (“**Landlord**”) and **POWER & CONSTRUCTION GROUP, INC.**, a New York business corporation with principal address of 96 West River Road, Scottsville, New York 14546 (“**Tenant**”).

WITNESSETH:

WHEREAS, Landlord and Tenant are parties to that certain Lease Agreement dated May 20, 2015 (the “**Existing Lease**”), relating to the land and two buildings in the Auburn Intermodal Facility located on Lewiston Junction Road in Auburn, Maine (the “**Premises**”). The Existing Lease, as amended by this Amendment, shall be referred to herein as the “**Lease**”;

WHEREAS, Landlord and Tenant are also parties to a License Agreement dated February 12, 2015, which remains in effect but unchanged;

WHEREAS, Landlord and Tenant desire modify certain terms of the Lease, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the payments and accommodations described herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree that the Lease be and hereby is amended to incorporate the following:

1. Replacement of Paragraph 3. Paragraph 3 of the Lease is hereby deleted and replaced by the following language:

Rent and Payment in Lieu of Taxes. Tenant agrees to pay Landlord as rent for the Premises the sum of Five Thousand Four Hundred and Ninety-two Dollars and Fifty Cents (\$5,492.50) per month, in advance, commencing April 1, 2024. Said monthly rental shall continue through the term of this Lease, and such rental shall be payable on the first day of each calendar month during said term. In addition to the foregoing rent payment, effective as of April 1, 2024, Tenant agrees to pay Landlord an annual payment in lieu of property taxes in the amount of \$28,000 during the term of this Lease. Tenant shall make payments in two equal installments of \$14,000 occurring on April 1 and October 1 of each calendar year that the Lease remains in effect.

2. Reaffirmation of Lease. Landlord and Tenant each reaffirms the Lease as hereby amended, and all terms and conditions of the Lease, including all defined terms, except as specifically amended by this First Amendment, shall have the same meaning, and remain in full force and effect. No covenant or condition of the Lease shall be deemed waived by any action or non-action in the past.

3. Execution: Copies. This First Amendment and any documents executed or initialed in connection herewith may be executed in multiple counterparts, which together shall be construed to be a single document. Any one or more counterpart signature pages may be removed from one counterpart hereof and annexed to another counterpart hereof to form a completely executed original instrument without impairing the legal effect of the signatures thereon. This First Amendment may be transmitted between the parties by facsimile machine or electronic mail and signatures appearing on faxed or electronic copies shall be treated as original signatures.

[This page ends here. Signatures on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

LANDLORD:

WITNESS:

CITY OF AUBURN

By: _____
Name:
Its:
Hereunto duly Authorized

TENANT:

WITNESS:

**POWER & CONSTRUCTION GROUP,
INC.**

By: _____
Name:
Its:
Hereunto duly authorized

Power & Constr. Group Inc

LEASE AGREEMENT

This Lease Agreement made and entered into this 20th day of May, 2015, by and between the **CITY OF AUBURN**, a municipality organized and existing under the laws of the State of Maine (hereinafter referred to as the "Landlord") and **POWER & CONSTRUCTION GROUP, INC.** of 96 River Road, Scottsville, New York 14556 (hereinafter referred to as the "Tenants").

1. Demised Premises: Landlord, in consideration of the rent to be paid and the covenants and agreements to be performed by Tenants, does hereby rent to Tenants, and Tenants do hereby rent and take from Landlord, the land and two buildings located at the property formerly known as the Maine Intermodal facility on **Lewiston Junction Road, Auburn, Maine** (hereinafter called the "Premises").

2. Term of Lease: The term of the Agreement is month-to-month, commencing May 20, 2015, and shall automatically renew for additional one (1) month terms unless terminated by either party by written notice at least sixty (60) days prior to the effective termination date.

3. Rent: Tenants agree to pay to Landlord as rent for the Premises the sum of Six Hundred Fifty Dollars (\$650.00) per month, in advance, commencing with the date hereof, provided, however, that if the term hereof shall commence on a date other than the first day of a month, rental shall be prorated for such months based on a thirty (30) day month. Said monthly rental shall continue through the term of this Lease, and such rental shall be payable on the first day of each calendar month during said term.

4. Use of Premises: The Premises shall be used for business purposes only, and for no other purpose. Tenants will not use the Premises for any disorderly or unlawful purposes or in any manner offensive to others and will comply with all applicable laws and ordinances. Tenants are leasing the premises for the purpose of office space for other business activities located nearby, consisting of storage and staging of utility poles.

5. Utilities: The Tenants shall pay, or cause to be paid, all charges for electricity, telephone, propane (heat), or other utility service used in or rented or supplied to the Premises

7. Repairs and Maintenance: The Premises are leased "as is" and the Tenants shall, at all times during the Lease term, at Tenants' own expense, maintain in good condition all buildings, improvements on the Premises, both inside and outside, structural and non-structural, and shall keep the Premises neat, clean and sanitary, and shall dispose of all rubbish, garbage, and other organic or flammable waste in a clean, safe and sanitary manner. The Tenants further agree to promptly replace all glass or screens damaged or broken during the term of this lease at Tenants' expense. The Tenants also agree that no furnishings or fixtures shall be affixed to the walls or floors of the building or the buildings on the Premises in such manner as to be difficult to remove or in such manner that damage would be caused to the Premises upon removal. Tenants further agree to reimburse the Landlord for all expenses or costs of repairing any damage caused to the Premises by the Tenants, ordinary wear and tear excepted.

Tenant further agrees to paint the interior of the easterly of the two buildings, known as the "gate house", prior to occupancy

8. Alterations and Improvements: The Premises are leased "as is" and the Landlord shall not be responsible for the future condition thereof. The Tenants shall make no alterations, changes, renovations or improvements to the Premises without the prior written consent of the Landlord. Any such alterations, changes, renovations or improvements shall become the property of the Landlord at the termination or expiration of this Lease. Before undertaking any such alterations, changes, renovations or improvements permitted by the Landlord, Tenants shall furnish the Landlord with the names and addresses of any party who will furnish labor or material relating to such alterations, changes, renovations or improvements, to the end that the Landlord may take steps to insure the fact that no lien will attach to the Premises. Any such alterations, changes, renovations or improvements shall be at Tenants' sole expense and Tenants shall indemnify and save the Landlord harmless of and from all claims, including liens, relating thereto and all expenses incurred by Landlord for same, including reasonable attorney's fees.

9. Assignment and Subletting: Tenants agree not to assign this Lease or to sublet the Premises or any part thereof, without the written consent of the Landlord.

10. Insurance: Tenants, at their sole expense, shall maintain insurance against liability for bodily injury and property damage in amounts and in forms of insurance policies as may from time to time be required by the Landlord. Tenants shall also insure their personal property in an amount covering full replacement value of all personal property owned by Tenants. All insurances required by this section shall be carried in favor of

the Landlord and Tenants, and shall name Landlord as an additional insured.

The Tenants will obtain All Risks coverage insurance covering the Premises against loss or damage by fire and against loss or damage by other risks now or hereafter embraced by "extended coverage", so called, in an amount not less than the full replacement cost of all improvements and buildings on the Premises without deduction of depreciation. The policy will be primary, and include a waiver of subrogation endorsement for the benefit of Landlord and its insurance carriers.

Upon request, Tenants shall furnish to the Landlord a proper certificate evidencing that the Tenants, or any person employed by Tenants to provide labor at the premises, have procured and are maintaining in full force all insurance required to be carried by Tenants and Landlord, and if Tenants fail to do so, the Landlord may obtain all required insurance and Tenants shall pay the cost thereof, upon demand.

Tenants will do nothing and permit nothing to be done on the Premises which will contravene any fire or other insurance policy covering the same. If Tenants' use or occupancy of the Premises increases the premium on any fire or other insurance policy, Tenants shall pay such increase as additional rent.

11. Access to Premises/Inspection: Tenants shall permit the Landlord or its agent, to enter the Premises at all reasonable times to inspect the Premises or to make repairs that Tenants may neglect or refuse to make, and also to show the Premises to prospective buyers and tenants, and to keep affixed in suitable places, notices of letting and selling.

12. Surrender: Tenants will, upon the termination of this Lease, surrender the Premises and all fixtures and equipment of Landlord therein in good, clean and operating condition, and in the same condition as when received, ordinary wear and tear excepted. Tenants shall indemnify Landlord for all damages to the Premises caused by authorized or unauthorized renovations or alterations and shall pay all expenses to return the Premises to at least the condition at the commencement of this Lease, normal wear and tear excepted. Tenants shall at the time of vacating the Premises, clean the Premises, including and without limitation any appliances owned by Landlord, and remove all trash from the Premises. If such cleaning or removal of trash is not accomplished by Tenants, action deemed necessary by Landlord to accomplish the same shall be taken by Landlord at the Tenants' expense. Upon vacating the Premises, Tenants shall deliver all keys thereto to Landlord within twenty-four (24) hours after vacating. Failure to comply will be cause to charge Tenants for changing the locks.

13. Subordination: This Lease and all rights of Tenants hereunder shall be subject and subordinate to the lien of any and all mortgages that may now or hereafter effect the Premises, or any part thereof, and to any and all renewals. Tenants shall execute, acknowledge, and deliver to Landlord, without expense to Landlord, any and all instruments that may be necessary or proper to subordinate this Lease and all rights therein to the lien of any such mortgage or mortgages and each renewal, modification or extension, and if Tenants shall fail at any time to execute, acknowledge, and deliver any such subordination instrument, the Landlord, in addition to any other remedies available and consequence thereof, may execute, acknowledge, and deliver the same as Tenants' attorney in fact and in Tenants' name. Tenants hereby irrevocably constitute and appoint the Landlord, its successors and assigns, their attorney in fact for that purpose.

14. Injury and Damage: Landlord shall not be responsible for loss, damage or injuries to the Tenants, or the agents, invitees or licensees of the Tenants, or their property, from any source whatsoever.

15. Indemnification: Tenants agree to save Landlord harmless and indemnify it from any liability for injury, loss, accident or damage to any person or property, and from any claims, actions, proceedings, and costs in connection therewith, including reasonable counsel fees, arising from omission, fault, negligence or other misconduct of Tenants, or arising from any use made or thing done by Tenants, its officers, employees, agents and invitees on or about the Premises, or otherwise occurring thereon.

16. Destruction of Premises: In the event that the building or buildings upon the Premises, or any part thereof, during the said term is destroyed or damaged by fire or unavoidable casualty as to be unfit for occupation or use, then the rent herein before set forth, or a fair and just proportion according to the nature and extent of the damage sustained, shall be suspended or abated until the same Premises shall have been rebuilt and put in proper condition for use and occupation by the Landlord. Subject, however, that the Landlord, at its election, upon written notice to be given within ninety (90) days after such destruction may notify the Tenants that the term is ended.

17. Condemnation: Landlord reserves and accepts all rights to damages to the Premises occurring to it in case of the exercise of eminent domain. All right to damages suffered by the Tenants created by reason of the taking of the fixtures which Tenants are entitled to remove shall vest solely in the Tenants and shall be the Tenants' sole responsibility to take action for the recovery thereof.

18. Default: In the event of any failure of Tenants to pay any rent or other sums when due hereunder, or in the event of

Tenants' default in performing any of the other terms, conditions or covenants of this Lease to be observed or performed by Tenants, or if Tenants shall falsify any report required to be furnished to Landlord pursuant to the terms of this Lease, or if the Tenants shall vacate or desert the Premises, or if a petition in bankruptcy shall be filed by or against the Tenants, and the same is not dismissed within thirty (30) days, or if a receiver or similar officer becomes entitled to this leasehold and it is not returned to Tenants within thirty (30) days, or if Tenants' interest in this Lease is taken on execution or other process of law at any action against Tenants, then this Lease shall immediately terminate and Landlord shall notify Tenants in writing of said termination. Upon notice to the Tenants, Landlord may commence a forcible entry and detainer action pursuant to Maine law.

19. Time is of the Essence: Time is of the essence in this Lease, and all terms and covenants herein are conditions.

20. Laws of Maine: The laws of the State of Maine shall govern the validity, performance and enforcement of this Lease.

21. Savings Clause: The invalidity or unenforceability of any provision of this Lease shall not have any effect on or impair the validity of any provisions.

22. Covenant to Bind Successors: It is agreed that the provisions, covenants and conditions herein shall be binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, heirs, devisees and assigns.

23. Total Agreement: This Lease contains the entire Agreement between the parties and cannot be changed or terminated except by a written instrument subsequently executed by the parties hereto.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seal the date first above written.

LANDLORD:

CITY OF AUBURN, MAINE

By: 

Its: Acting City Manager

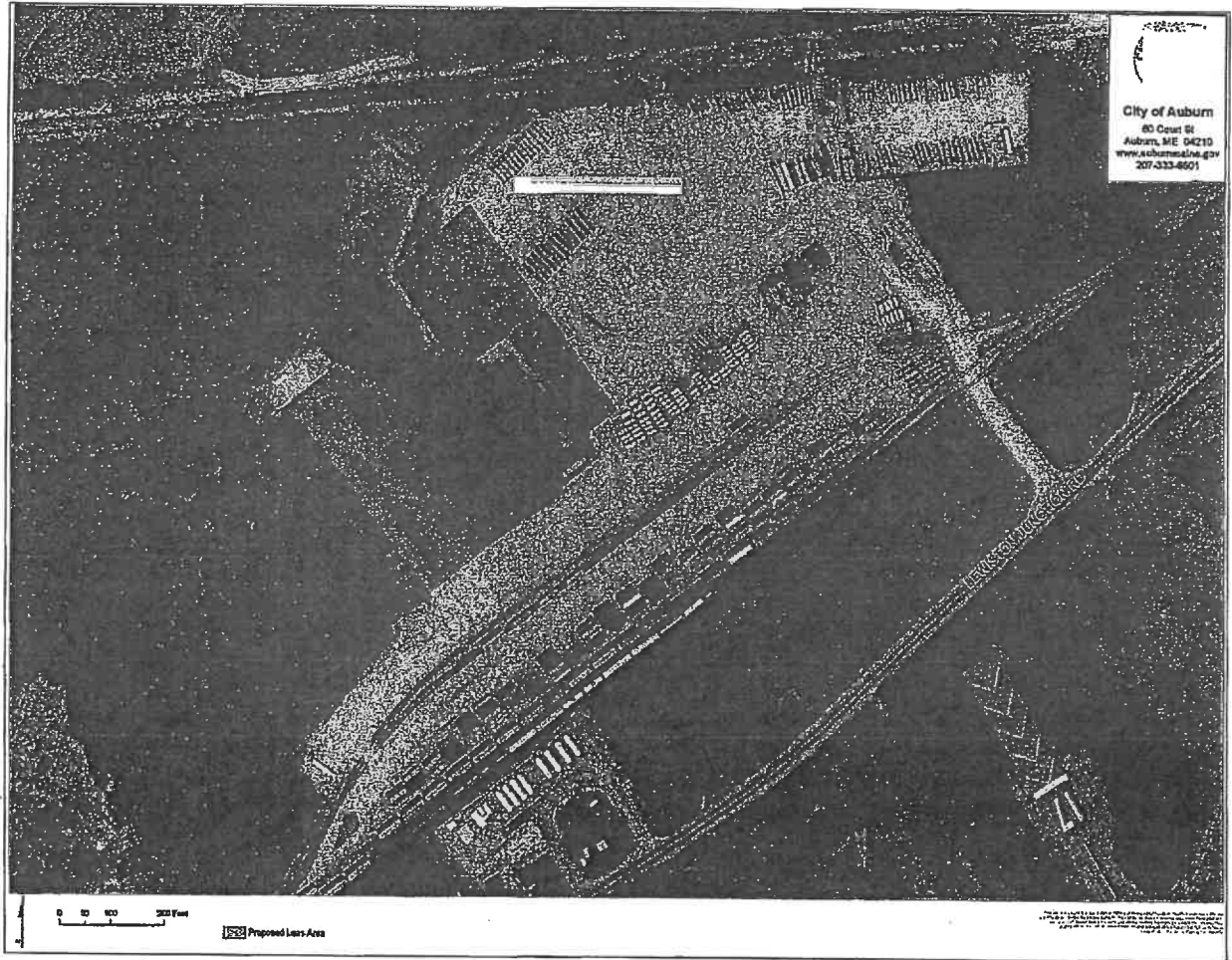
INC.

TENANTS:

POWER & CONSTRUCTION GROUP.

By: *J. Dickinson*
Its: *Assistant Vice President*

EXHIBIT A





ORDER 31-03042024

City Council Order

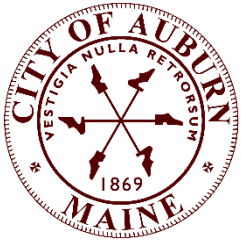
IN CITY COUNCIL

Ordered, that the Auburn City Council hereby authorizes the City Manager to execute an amendment to the intermodal facility lease with Power and Construction, Inc. and establishes an Intermodal Facility Special Revenue Account for the deposit of lease payments made under that amendment starting April, 1, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Council/Workshop Date: March 4, 2024

Order: 32-03042024

Author: Jay Brenchick

Subject: Authorizing the City Manager to execute the purchase and sales agreement for city-owned properties 14 Newbury Street and 16 Newbury Street.

Information: During the June 6, 2022, City Council meeting, City Council authorized the marketing for sale of 14 Newbury Street and 16 Newbury Street. This order authorizes the City Manager to execute a purchase and sale agreement with Highest121, LLC for the purchase of 14 Newbury Street (Auburn Tax Parcel 231-034) and 16 Newbury Street (Auburn Tax Parcel 231-035) for \$25,000 (Twenty-Five Thousand Dollars).

City Budgetary Impacts:

Staff Recommended Action:

Staff recommends Council vote to Authorize the City Manager to execute the purchase and sales agreement for city-owned properties 14 Newbury Street and 16 Newbury Street.

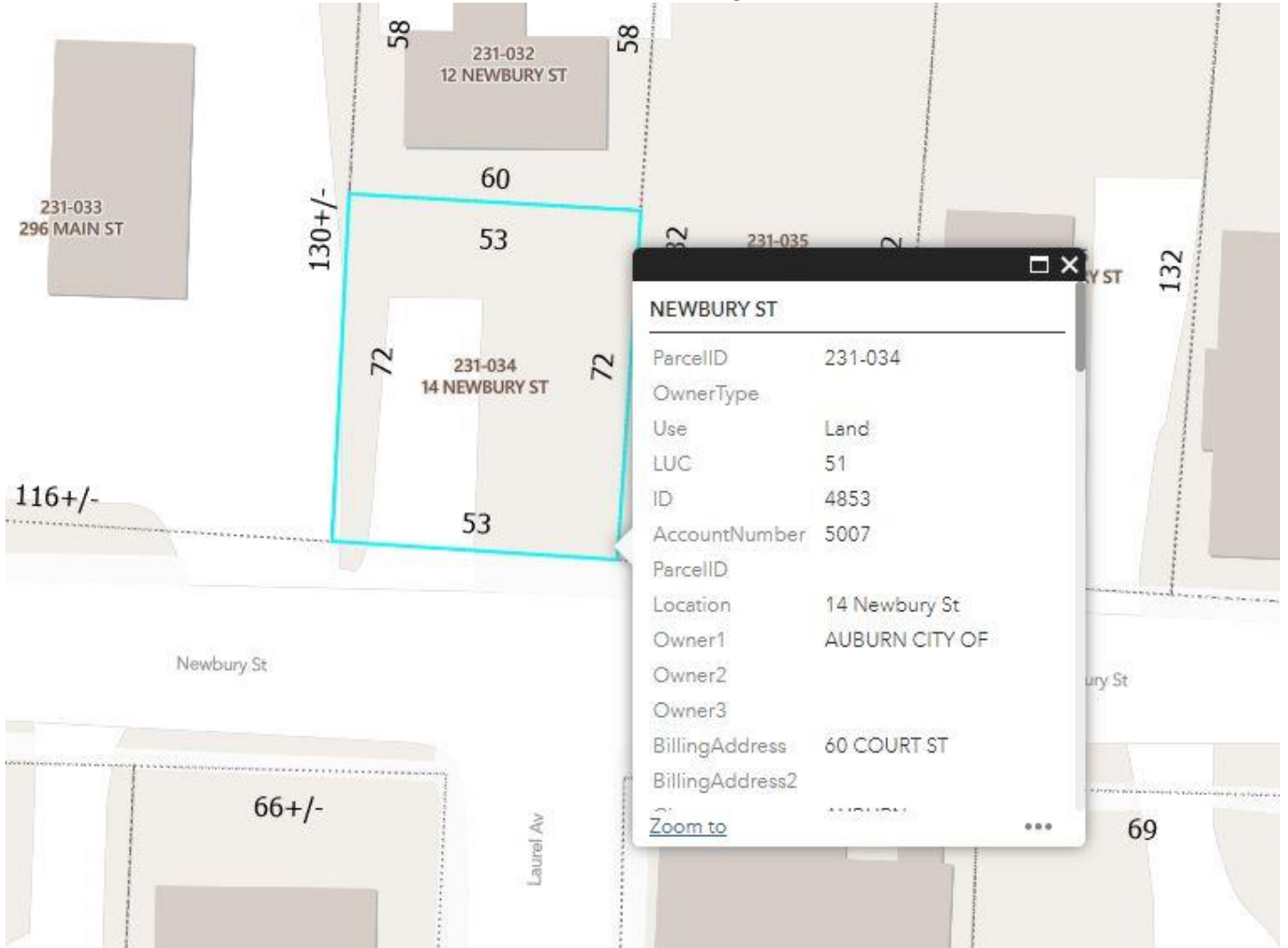
Previous Meetings and History:

City Manager Comments:

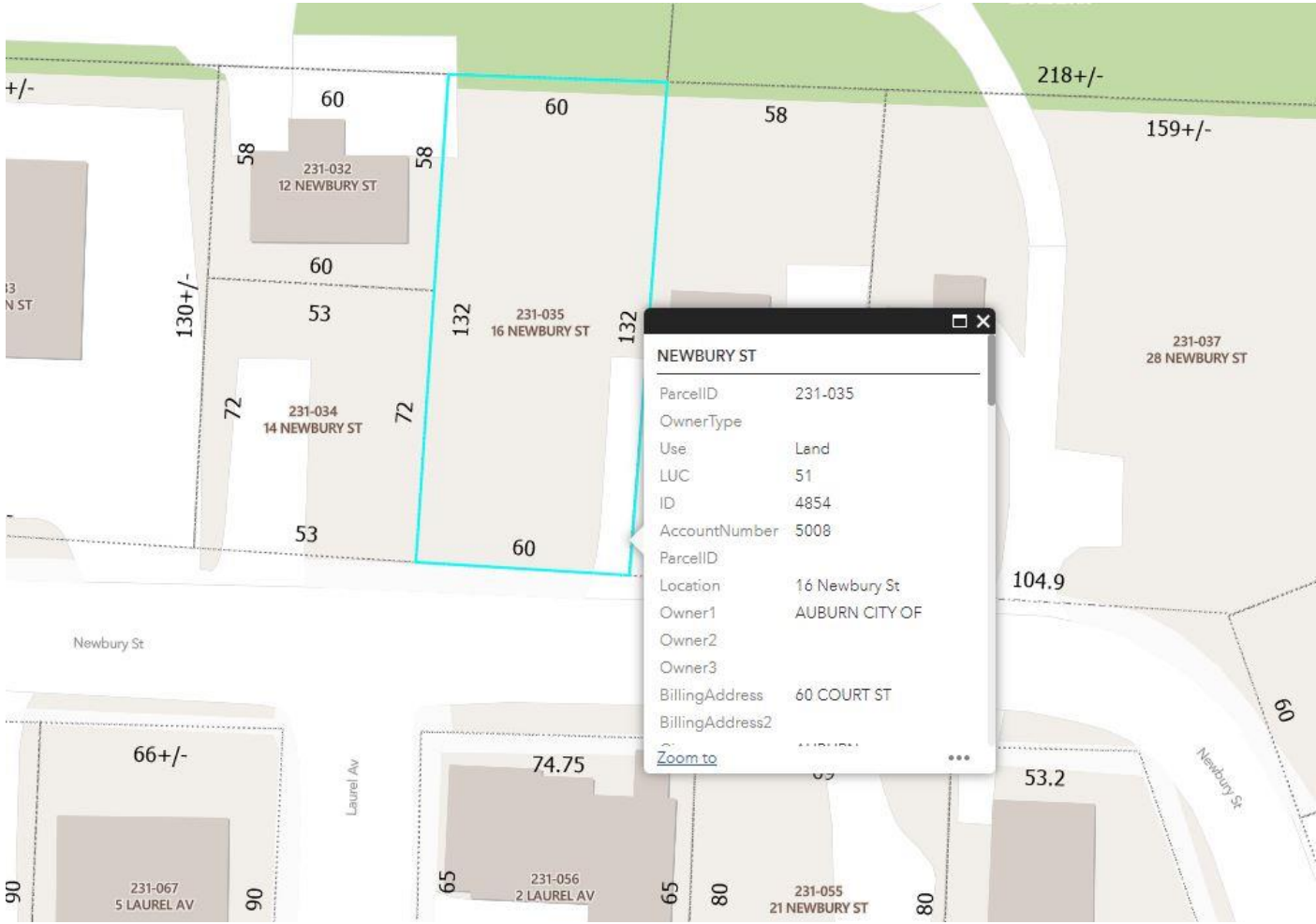
I concur with the recommendation. Signature:

Attachments: Property maps for 14 Newbury Street and 16 Newbury Street

14 Newbury Street
.09 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)



16 Newbury Street
.18 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)





ORDER 32-03042024

City Council Order

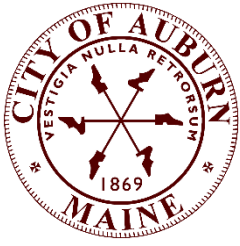
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute a purchase and sale agreement with Highest121, LLC for the purchase of 14 Newbury Street (Auburn Tax Parcel 231-034) and 16 Newbury Street (Auburn Tax Parcel 231-035) for \$25,000 (Twenty-Five Thousand Dollars).

Richard S. Whiting, Ward One
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Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Resolve: 01-03042024

Author: Eric J. Cousens, Director of Planning & Permitting

Subject: Resolve providing information to Planning Board related to Ordinance 01-01022024

Information: The City Council requested that the Planning Board consider the proposed amendment at their February meeting. The Board postponed a decision after Public Hearing to ask the Council for information and reasons for the proposed delayed applicability date. The ordinance being considered for delay is described in more detail below. This zoning map amendment is evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district which became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter.

This order is to consider the request from the Planning Board and respond to the questions and provide reasons. A draft order is attached for Council consideration. If the Council responds on March 4th, that will allow the Planning Board to consider the response and provide a recommendation back to Council on March 12, 2024 at the regularly scheduled Planning Board Meeting.

City Budgetary Impacts: None known.

Staff Recommended Action: Vote on Order to provide requested response to Planning Board.

Previous Meetings and History: December 18, 2023 CC meeting

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Order



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Date: 02/13/2024

To: Auburn City Council

From: Auburn Planning Board

Subject: Planning Board Motion on Postponing Applicability Date of Gracelawn GB Zone Change

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on January 9th, 2024, the Planning Board forwards this report to the City Council.

PUBLIC HEARING/ TEXT AMENDMENT: Consider adding Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023. This text change would delay the applicability date of amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district until July 1, 2024. The City Council has proposed this text change to allow residents and the City Council time to determine whether additional amendments related to this item are desirable. The proposal was initiated by the city and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Summary and Discussion:

The Chair does not believe she has enough information to change where they arrived. Specifically, she wants a list from Council of their concerns about the GB zone and their justification for reconsidering a decision that staff recommended based on the Comprehensive Plan. The Planning Board has asked for guidance from Council on what amendments to the zone they hope to see.

Though Dave Trask and Stacey LeBlanc agree that April 9th is an appropriate time to allow for the information they requested to be provided and for public notice to be disseminated

Motion: Tim DeRoche makes a motion to postpone agenda Item #6 to a date certain in April asking for detailed reasons for the request of delay. **Second:** Amanda Guerrette seconds.

Amendment to Motion: Dave Trask amends the date of this hearing to April 9th. **Second:** Tim DeRoche Seconds.

Vote: Vote on April 9th amendment to original motion (specifying that the item will be back on the Agenda at the regularly scheduled April PB Meeting): **5-2-0 motion carries**

Vote: Vote on original motion to push the decision to April 9th and ask City Council for a detailed outline of exactly what their concerns are with this zone that they would like planning board to review and consider when we're talking about delaying the applicability dates. **5-2-0 motion carries**



City Council Order

IN CITY COUNCIL

Resolved, That the Auburn City Council is in receipt of the Planning Board's request for Information on the Delayed applicability date in Ordinance 01-01022024 and in response, provides the following information.

Ordinance #26-11202023 amending the Zoning Map on approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district requires additional consideration prior to implementation. There are four areas which need further consideration:

1. The status of the current gravel mining operations, both within and outside of the Lake Auburn watershed, and future plans for mining operations.
2. Ensuring continued access to the abutting city owned landfill.
3. Whether potential topographical changes caused by development will present a risk to the drinking water quality.
4. Whether General Business is the appropriate district regulation to be applied, in whole or in part, to these parcels.

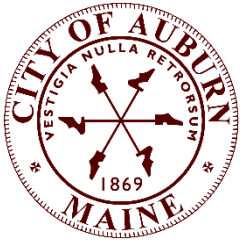
The delayed applicability date would allow the City to consider if there could be amendments to the zone and/or agreements with the property owner that could address these concerns and better position the parcel for a successful transition from the current use as a gravel mining and processing operation, while aligning with the comprehensive plan and public interests.

For these reasons the Council asks the Planning Board to consider the delayed applicability date in Ordinance 01-01022024 to allow the City time to address these concerns and to better position the parcels for a successful transition from the current use as a gravel mining and processing operation to something that provides greater community benefit and supports the protection of Lake Auburn.

Richard S. Whiting, Ward One
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Belinda A. Gerry, At Large

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Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Meeting Date: March 4, 2024

Ordinance: 08-03042024

Author: Sue Clements-Dallaire, City Clerk

Subject: Removing the Fee Schedule from the Code of Ordinances

Information: The action of Ordinance 08-03042024 removes the fee schedule from ordinance. If passed, an order will come before you to adopt the current fee schedule establishing it as a stand alone document which may be amended by the City Council from time to time as an order, which requires one reading as opposed to an ordinance which requires two separate readings and a public hearing.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

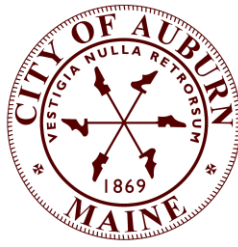
Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council that Chapter 1, General Provisions, of the Code of Ordinances be amended as follows:

Chapter 1 GENERAL PROVISIONS

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Fee schedule or schedule of fees and charges. The term "fee schedule" or "schedule of fees and charges" means the official consolidated list maintained in the city clerk's office that lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the city council [by council order](#).

Sec. 1-10. Form of Code; repository; maintenance; [fee schedule](#).

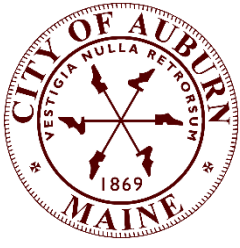
A copy of this Code shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or his designee to insert in their designated places all resolutions, general resolutions and ordinances that indicate the intention of the city council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from this Code all provisions that may be from time to time repealed by the city council. A copy of this Code shall be available in the office of the city clerk for examination by all persons.

[A copy of the fee schedule, as established and amended by council order, shall be kept on file in the office of the city clerk and may be appended to the Code for ease of reference, but the fee schedule is not itself an ordinance.](#)

Richard S. Whiting, Ward One
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Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Ordinance: 08-03042024

Author: Dan Goyette

Subject: Posted Roads

Information: An Ordinance review occurred in 2021. As part of that review the sections of the Ordinance related to posted roads (Chapter 52, Article VI. Sec. 238 and 239 were unknowingly inadvertently deleted. This will reinstate those Ordinance sections.

Sec. 52-238. - Limitation of 8,000 pounds: No vehicle weighing more than 8,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office between March 1 and May 31 of each year, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

Sec. 52-239. - Limitation of 23,000 pounds: No vehicle weighing more than 23,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office, between March 1 and May 31, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

City Budgetary Impacts: None

Staff Recommended Action: Vote to reinstate the Ordinance language.

Previous Meetings and History: 3-1-2021 and 3-15-2021.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Ordinance 08-03042024



City Council Order

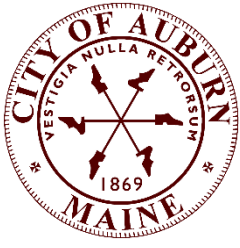
IN CITY COUNCIL

Adopting Ordinance Language in Chapter 52, Traffic and Vehicles, Sections 52-238 and 52-239

Be it ordained, that the City Council hereby adopts ordinance language in Chapter 52, Traffic and Vehicles, Sections 52-538 and 52-539 that was inadvertently removed in March of 2021. The language to be reinstated as follows:

Sec. 52-238. - Limitation of 8,000 pounds: No vehicle weighing more than 8,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office between March 1 and May 31 of each year, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

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**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: March 4, 2024

Order: 33-03042024

Author: Jay Brenchick, Director of Economic Development, Eric J. Cousens, Director of Planning and Permitting

Subject: Order initiating an ordinance to allow for a Technology Hub Overlay which will incorporate both Industrial and General Business uses in the area defined by the red border on the attached map.

Information: In October 2023, the Governor's Office announced that the Economic Development Administration (EDA) designated Maine's Forest Bioproducts Advanced Manufacturing Tech Hub as a Federal "Tech Hub." The designation acknowledges that Maine's forest bioproducts sector has the potential for rapid growth and opens the door for significant Federal investment. The Technology Hub overlay will allow the City of Auburn to compete for prospects and incentives related to the new federal Tech Hub designation. The attached map identifies the area staff recommends for the Technology Hub Overlay.

This change will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area to promote related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay to include manufacturing uses using Maine Forest Bioproducts. Maps will be refined to follow existing GB and ID zoning boundaries and text for a Planning Board Public hearing will be drafted if the Council moves forward. This change will create significant opportunities for manufacturing in the City of Auburn and leverage outside investment.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Staff recommends that the Council vote to initiate the process to allow for a technology zone overlay and send it to the Planning Board for a recommendation.

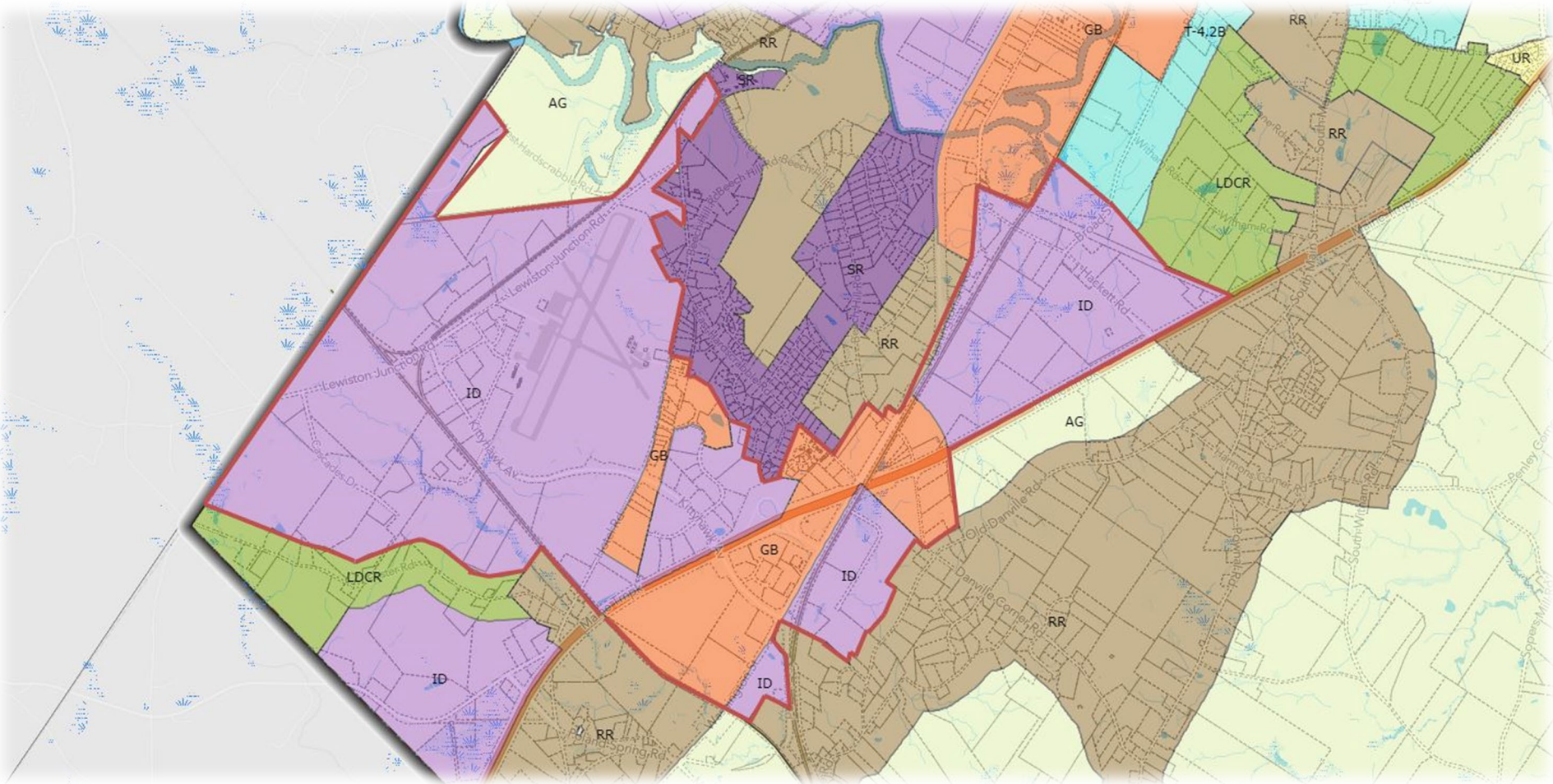
Previous Meetings and History: During the February 20, 2024, City Council Meeting, staff informed City Council of the Economic Development Administration (EDA) designation of Maine as a Forest Bioproducts Advanced Manufacturing Tech Hub. The Economic Development Department; Planning, Permitting & Code Department; and Business and Community Development Department will work together to create an Innovation/Tech Hub Designation in the area surrounding Exit 75 and the Auburn-Lewiston Municipal Airport. This designation aims to align the City of Auburn's zoning, business resources, marketing, and economic development partnerships with the efforts made at the state and federal levels.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Tech Hub Overlay Map

Proposed Boundary for the City of Auburn Technology Overlay District
(Outlined by red border)

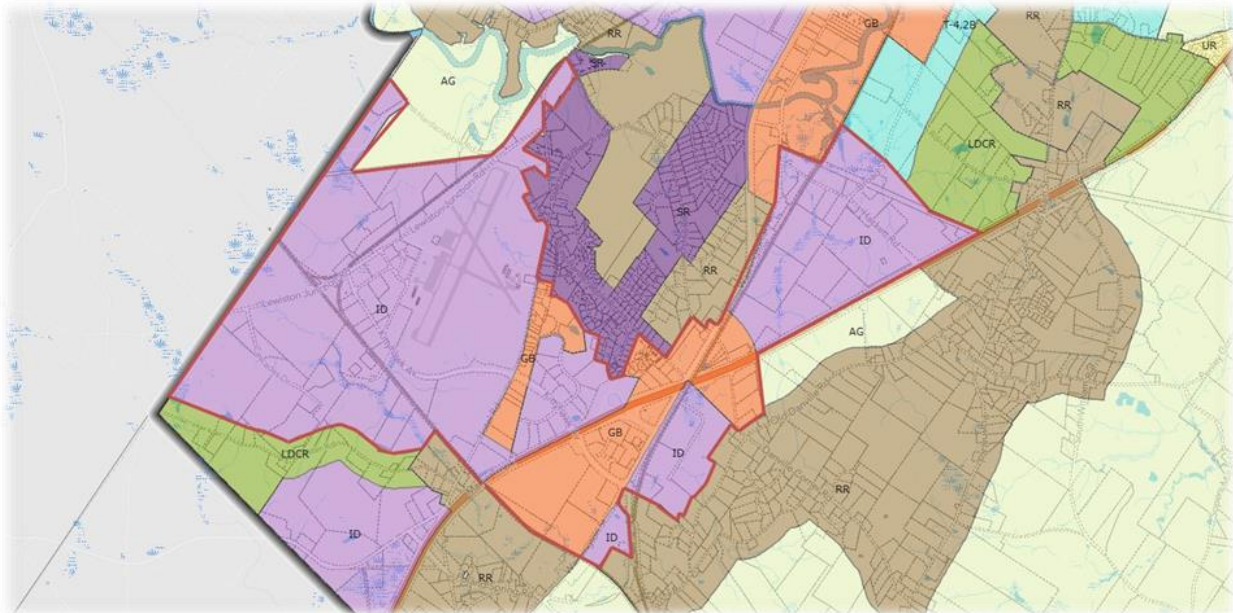




City Council Order

IN CITY COUNCIL

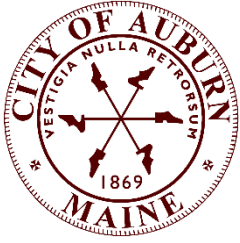
Ordered, That the Auburn City Council directs staff to draft Zoning Map and Text Ordinance amendments to Chapter 60, Zoning and prepare the items for Public Hearing and a Recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map. The intent is to consider amendments that will define and declare the City's desire to attract investment related to Maine's Forest Bioproducts Advanced Manufacturing Technologies in the mapped area (outlined in red). The amendments shall include text to allow related uses and expand uses in the General Business zoned portions of the Technology Hub Overlay (outlined in red) to include manufacturing using Maine Forest Bioproducts or locally grown foods or fibers. The overlay will follow existing GB and ID zoning boundaries and text for a Planning Board Public hearing will be drafted based on this directive.



Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: March 4, 2024

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

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.