



**City Council Workshop & Meeting
Agenda
April 18, 2023
Auburn Hall, Council Chambers**

5:30 P.M. City Council & Planning Board Joint Workshop

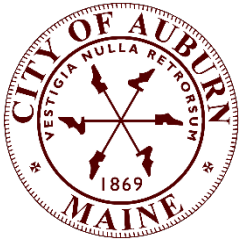
- Agriculture Resource Protection (AGRP) Income Ordinance and Residential Strips
- Public Comment

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

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 49-04182023***
Setting the date for the Special Municipal Referendum Election (June 13, 2023).
 - 2. Order 54-04182023***
Authorizing Jason Levesque to vote the shares held by any shareholders for the Lewiston Auburn Railroad Company.
- II. Minutes** - April 3, 2023, Regular Council Meeting
- III. Communications, Presentations and Recognitions**
- Communication from Lake Auburn Watershed Protection Commission
 - Communication – City of Auburn Petition to Intervene
 - Council Communications (about and to the community)
- IV. Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda. If time allows, Public Comment from the workshop may carry forward during the Open Session and may advance to the first item of the agenda.*
- V. Unfinished Business** - None
- VI. New Business**

1. **Order 50-04182023**
Adopting the 5-Year Capital Improvement Plan (CIP).
2. **Order 51-04182023**
Allocating funds from the American Rescue Plan Act (ARPA) to establish the Auburn Victory Garden Program.
3. **Order 52-04182023**
Allocating funds from the American Rescue Plan Act (ARPA) to support establishing the Auburn Commercial Agriculture Incentive Program.
4. **Ordinance 03-04182023**
Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery. First reading.
5. **Ordinance 04-04182023**
Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the definition of conservation cemetery. First reading.
6. **Order 53-04182023**
Authorization of funds for East Auburn Tennis Courts.
- VII. **Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- VIII. **Reports (from sub-committees to Council)**
 - a. Mayor's Report
 - b. City Councilors' Reports
 - c. City Manager Report
 - d. Jill Eastman, Finance Director – March Final Finance Report
- IX. **Executive Sessions**
 - a. Labor contract negotiations (Fire), pursuant to 1 M.R.S.A. §405(6)(D).
 - b. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
- X. **Adjournment**



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023

Order:

Author: Office of Planning and Permitting

Subject: Joint Workshop with Planning Board and City Council on Map Amendment to expand residential strips abutting the AGRP Zone and Text Amendment to eliminate the income standard.

Information:

On March 28, 2023, Auburn Planning Board held a public hearing on the text and map amendment City Council directs the Planning Board, after consultation with the Sustainability and Natural Resources Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and to report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the zoning ordinance to the City Council no later than March 20, 2023 (procedural amendment by City Council on March 6th, 2023, extended to 4.18.2023), on whether to eliminate the income standard and the current strip zoning limitations in all areas outside the Lake Auburn watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. This item is pursuant to Article XVII Division 2 & 3.

Staff outlined four options, A-D, listed in the attached Staff Report. After conducting a public hearing, Planning Board is recommending that council not remove the income standard until such time as there is a reasonable alternative and informing the Council that they have a draft of an alternative and need an additional hearing in order to vet it publicly.

City Budgetary Impacts:

Staff Recommended Action:

Review the Planning Board's findings with Staff, Planning Board, and Legal Counsel to discuss, and provide staff with recommendations on how to move forward with a draft for Public Hearing.

Request City Council to provide key policy directives:

- 1.) Is it the intent to allow residential uses separate from AG Uses?
 - 2.) Is it the intent to create new 10 acre lots to allow for additional residential homes?
 - 3.) If suggested language is implemented Future Land Use Plan should be amended-Appoint Planning Board as Comprehensive Plan Amendment Committee?
-

Previous Meetings and History:

September 9, 2022—City Council passes Resolve 06-09062022.

October 11, 2022—Planning Board is introduced to Resolve 06-09062022.

November 7, 2022—City Council passes Order 151-11072022.

November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151-11072022 Receive recommendation from SNRB.

December 5, 2022—City Council responds to questions submitted by SNRB.

December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022 and receive SNRB recommendation.

January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization matrix for mapping and community survey.

February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ receive survey and mapping results.

March 6, 2023—City Council extends recommendation deadline to April 18, 2023

March 28, 2023—Public Hearing on text and map amendments

April 2, 2023—Planning Board delivers recommendation to Council

May 9, 2023—Tentative Workshop or Public Hearing to review draft replacement text amendment.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

Planning Board motion/recommendation to City Council, 03/28/2023, 3/28/2023 staff report to PB, proposed text amendment eliminating income standard as introduced by E.Cyr and suggested by Planning Board, draft proposed text amendment eliminating income standard as suggested by Planning Board with staff and legal counsel edits(functional, not policy-based edits), Original CC Proposed Edits sent to PB to eliminate income standard in all but Lake Auburn Watershed, SNRB Memo to PB and CC regarding proposed 3/28/23 Draft Edits suggested by PB.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on text amendment on whether to eliminate the income standard in the AGRP zone

Date: 04/03/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on March 28, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ TEXT AMENDMENT: The City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Riley Bergeron makes a motion; Toni Ferraro seconds.

"I'd like to make a make a motion to not recommend the elimination of the income standard without a replacement standard that maintains a connection of housing and agricultural uses of which the draft version we've seen and we'd require one more public hearing to develop the new standard."

Evan Cyr clarifies Riley Bergeron's motion as:

Planning Board is recommending that they not remove the income standard until such time as there is a reasonable alternative and that we are telling them we have a draft of an alternative and need an additional hearing in order to vet it publicly.

Riley Bergeron accepts this clarification.

VOTE: 7-0-0 Motion passes.



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: Office of Planning and Permitting

Re: Public Hearing Map and Text Amendment on Resolve 06-09062022/ Order 151-11072022

Date: March 28, 2023

I. Proposal:

City Council directs the Planning Board, after consultation with the Sustainability and Natural Resources Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the zoning ordinance to the City Council no later than March 20, 2023 (procedural amendment by City Council on March 6th, 2023, extended to 4.18.2023), on whether to eliminate the income standard and the current strip zoning limitations in all areas outside the Lake Auburn watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. Review results from survey, conservation values map, and continue discussion. This item is pursuant to Article XVII Division 2 & 3.

II. Planning Board Action

The purpose of this Public Hearing for the Map and Text Amendment is to hear from the public, summarize results of the workshops as directed by the Planning Board and to make a recommendation to the City Council on eliminating income standards (outside Lake Auburn Watershed) and/or the current strip zone limitations in all areas outside the Lake Auburn Watershed. The Board has a range of options in making these recommendations.

- A. Recommend the elimination of the income standards without a replacement that connects housing to agricultural uses. Staff does not recommend this and the Planning board feedback to date has not supported this. This option would require an amendment to the Comprehensive Plan.
- B. Recommend the elimination of the income standards with a replacement standard that maintains a connection of housing to agricultural uses. The Board could recommend a timeline of 6-12 months to develop the new standard. This option may not require amendment to the Comprehensive Plan depending on how it is structured.
- C. Recommend removing strip zone limitations in RR and LDCR areas abutting AG zone outside the lake auburn watershed as shown on the map by expanding the residential portions of the lot to include the entirety of any lot that is partly RR and LDCR zoned currently. This option would uphold the income requirement in the remaining AGRP lands totaling approximately 14,735 acres but allow for more housing opportunity in 5,610 acres. This option may not require amendment to the Comprehensive Plan depending on how it is structured, but likely would require amendment.
- D. Recommend that the proposed changes not be approved, but that a hybrid be considered as follows: This option combines elements of the elimination of the income standards and the limitations of residential strips. Recommend a zoning

text change eliminating the income standard outside the lake auburn watershed in AGRP zone in certain areas by changing the zoning to Residential. This could be accomplished by amending the specific portions of the zoning map from AGRP to a residential zoning designation (RR, LDCR, SR, T-4.2, etc.) based on city wide planning conservation and economic services valuation map and proximity to existing developed areas. This option would uphold the income requirement in the remaining AGRP zone and would necessitate a Comprehensive Plan and Future Land Use Plan (FLUP) change that can be facilitated within 8-12 months. This combines a modified version of the residential strip limitations map with the concept of growing outward from the core while creating significant new opportunity for housing and leaving much of the AGRP zone as it is. This option could be modified based on environmental constraints, economics, and public input during the next 8-12 months. Staff recommends this option over the other options noted above.

E. Background

On 01/10/2023, the Planning Board reviewed the matrix that staff developed to reflect conservation land values that was informed by conversation leading up to that meeting, including the opinion from the Sustainability and Natural Resource Management Board (SNRB). This matrix informed a survey which was disseminated as a tool to gain additional public feedback beyond public meetings. The survey is an opportunity to highlight for the public some of the reason for the current policies, identify the Comprehensive plan elements/ qualities of the land that people have deemed important and continue a discussion about balancing those priorities with private property rights. Some reasons for the AGRP zone designation conflict with each other; such as preserving land for future industrial growth, protecting prime soils for agriculture, and conservation of natural resources for the sake of their ecological value. The conservation values map is a tool to identify the locations of natural resources and ecologically valuable land, like areas with significant habitat or significant farmland soils. The map also shows the locations of existing city services, housing densities, approximate locations for transportation projects, etc.

The map could be used, first, to determine which parts of the city could accept residential development. The densities of new residential development should be considered as part of these discussions. Second, the map could inform which areas to prioritize protection or conservation.

Schedule of meetings up to this point; and tentative schedule of future meetings:

September 9, 2022—City Council passes Resolve 06-09062022.

October 11, 2022—Planning Board is introduced to Resolve 06-09062022.

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November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151-11072022. Receive recommendation from SNRB.

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Materials in 02/14/2023 packet:

1. 02/14/2023 Staff Report
2. PDF copy of the survey
3. City Council Proposed Text Amendment Re: New Homes in Lake Auburn Watershed (also in 11/15/2022 packet, 12/13/2022 packet and 01/10/2023 packet.)
4. City Council Proposed Text Amendment Re: Income Requirement (also in 11/15/2022, 12/13/2022 and 01/20/2023 packet)

Materials in the 01/10/2023 Packet, not included in the 02/14/2023 packet:

1. SNRB Recommendation
2. City Council Order 51-11072022 (also in 11/15/2022 packet and 12/13/2022 packet)
3. City Council Resolve 06-09062022 (also in 11/15/2022 packet and 12/13/2022 packet)
4. 01/10/2023 Staff Report
5. Appendixes C-F

Materials in 12/13/2022 packet, not included in 01/10/2023 packet:

1. 12/13/2022 Staff Report

Materials from 11/15/2022 packet, not included in 12/13/2022 packet:

1. 11/15/2022 Staff Report [1_AG_StaffReport.pdf \(auburnmaine.gov\)](#)
2. Future Land Use Plan, Food Access and Agriculture Economy Chapter (2021 Comprehensive Plan), Crossroads Recommendation; Ad Hoc Committee Report, 11/09/2021 Staff Report (Residential Strips), 11/15/2021 Information Sheet (Residential Strips), 11/15/2021 City Council Meeting Minutes, 1995 Comprehensive Plan Excerpt, Ordinance 16-11182019, 12/03/2021 City Council Information Sheet (Text Amendment/ Income Standard), 12/09/2022 City Council Special Meeting Minutes (Text Amendment/ Income Standard). ([MergedDocsForWeb.pdf \(auburnmaine.gov\)](#))

Available map layers:

1. SNRB Conservation Values Map (New)
<https://auburnme.maps.arcgis.com/apps/webappviewer/index.html?id=45f2a7c85add4b78838a06aae667011b>
2. Link to AGRP Map <https://arcg.is/1imbnm0>
 - a. Slopes > 25%
 - b. Prime soils and soils of statewide significance
 - c. Land cover
 - d. Beginning with Habitat conserved lands
 - e. Beginning with Habitat areas of high value
 - f. Beginning with Habitat aquifers
 - g. Lake Auburn watershed boundary
3. AGRP Development Potential Dashboard (last updated 5/24/2021) [AG Zone Development Potential Dashboard | AG Zone - Maps and Documents \(arcgis.com\)](#)
4. Map of current land use taxation program utilization <https://arcg.is/1nuLDG>

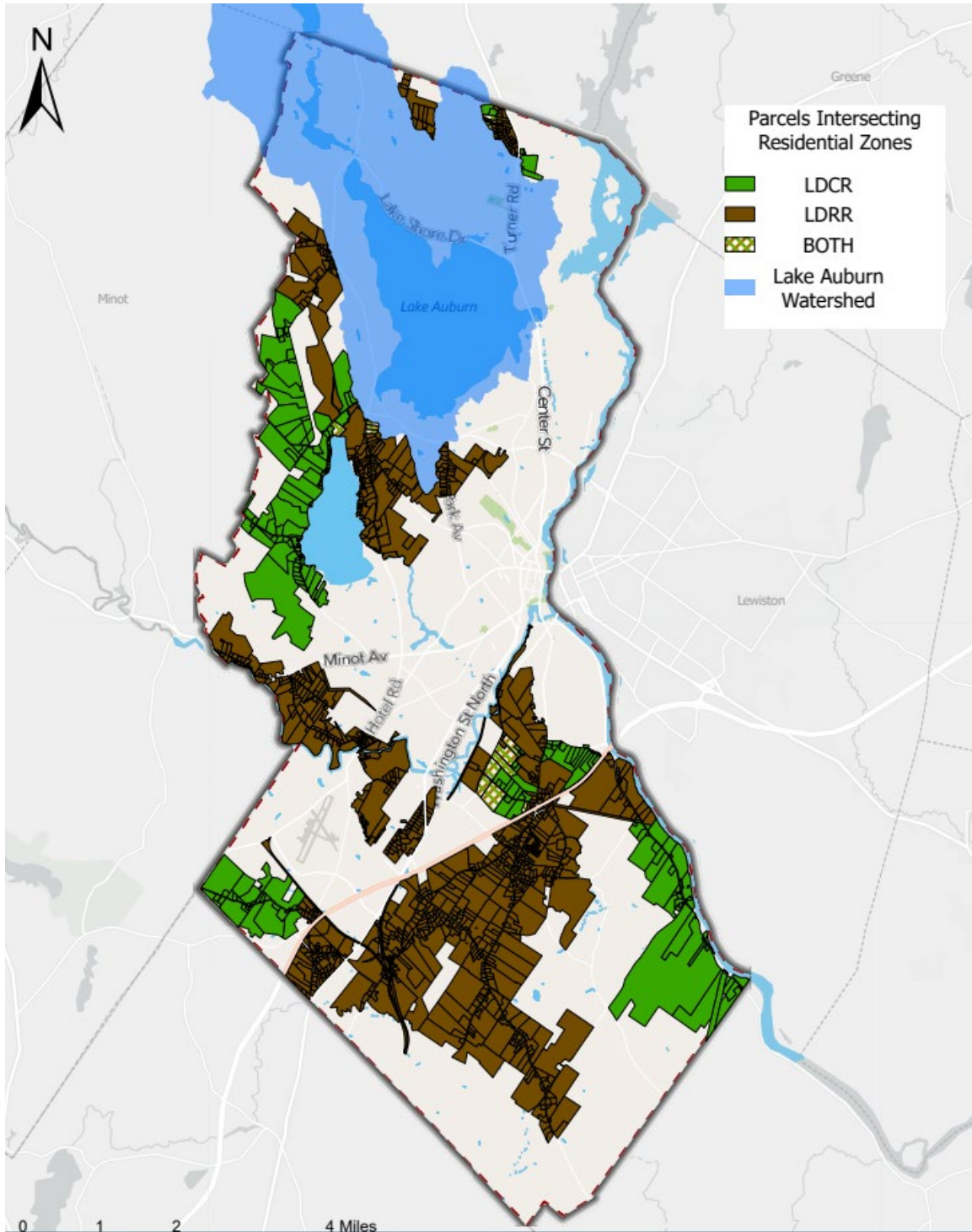
F. Staff Suggestion:

As listed above, the planning board could pursue one or more of the following options.

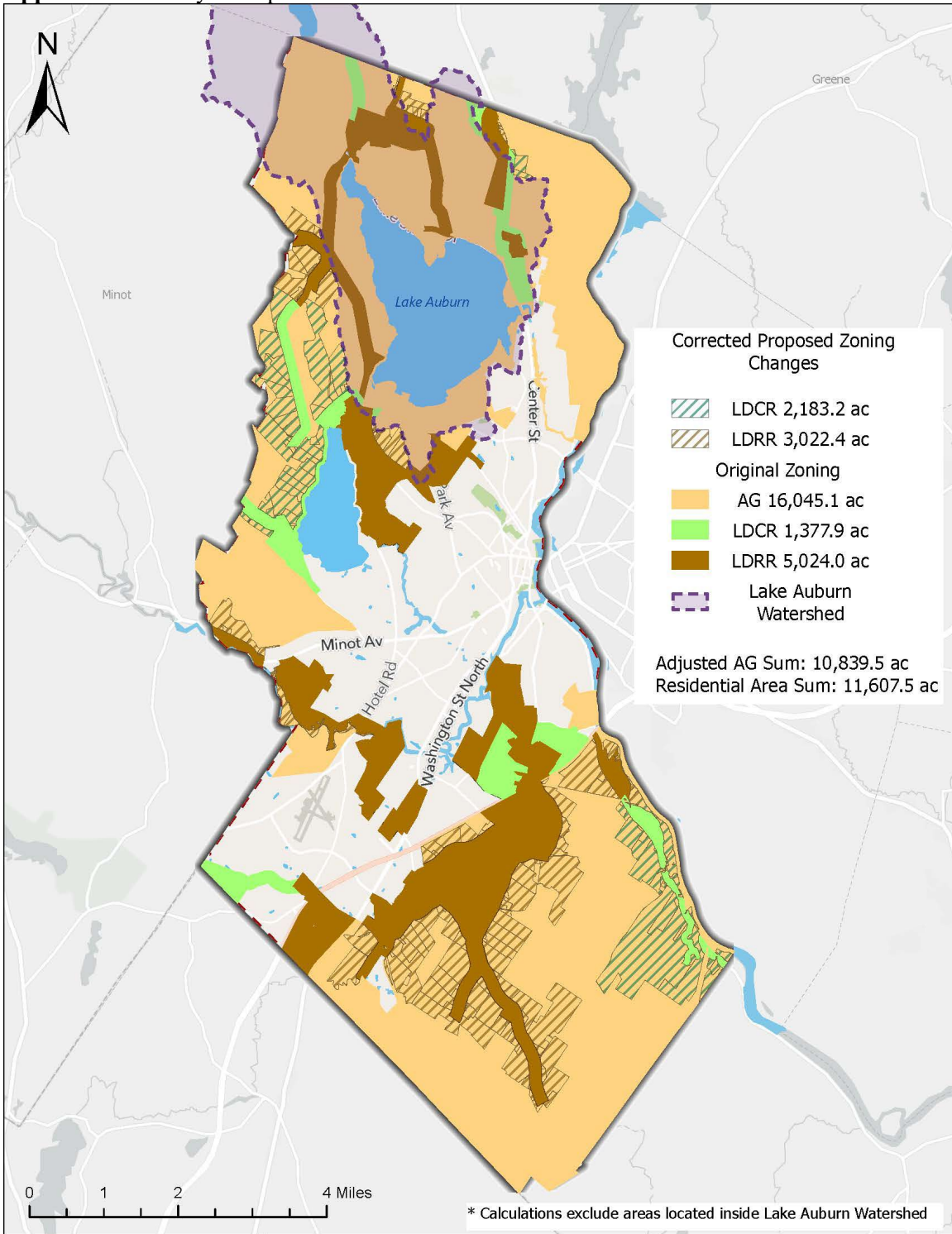
- A. Recommend that the proposed changes not be approved, but that a hybrid be completed as follows: This option combines elements of the elimination of the income standards and the limitations of residential strips. Recommend a zoning text change eliminating the income standard outside the lake auburn watershed in AGRP zone in certain areas by changing the zoning to Residential. This could be accomplished by amending the specific portions of the zoning map from AGRP to a residential zoning designation (RR, LDCR, SR, T-4.2, etc.) based on city wide planning conservation and economic services valuation map and proximity to existing developed areas. This option would uphold the income requirement in the remaining AGRP zone and would necessitate a Comprehensive Plan and Future Land Use Plan (FLUP) change that can be facilitated within 8-12 months. This combines a modified version of the residential strip limitations map with the concept of growing outward from the core while creating significant new opportunity for housing and leaving much of the AGRP zone as it is. This option could be modified based on environmental constraints, economics, and public input during the next 8-12 months. Staff recommends this option over the other options noted above.

A. Appendixes

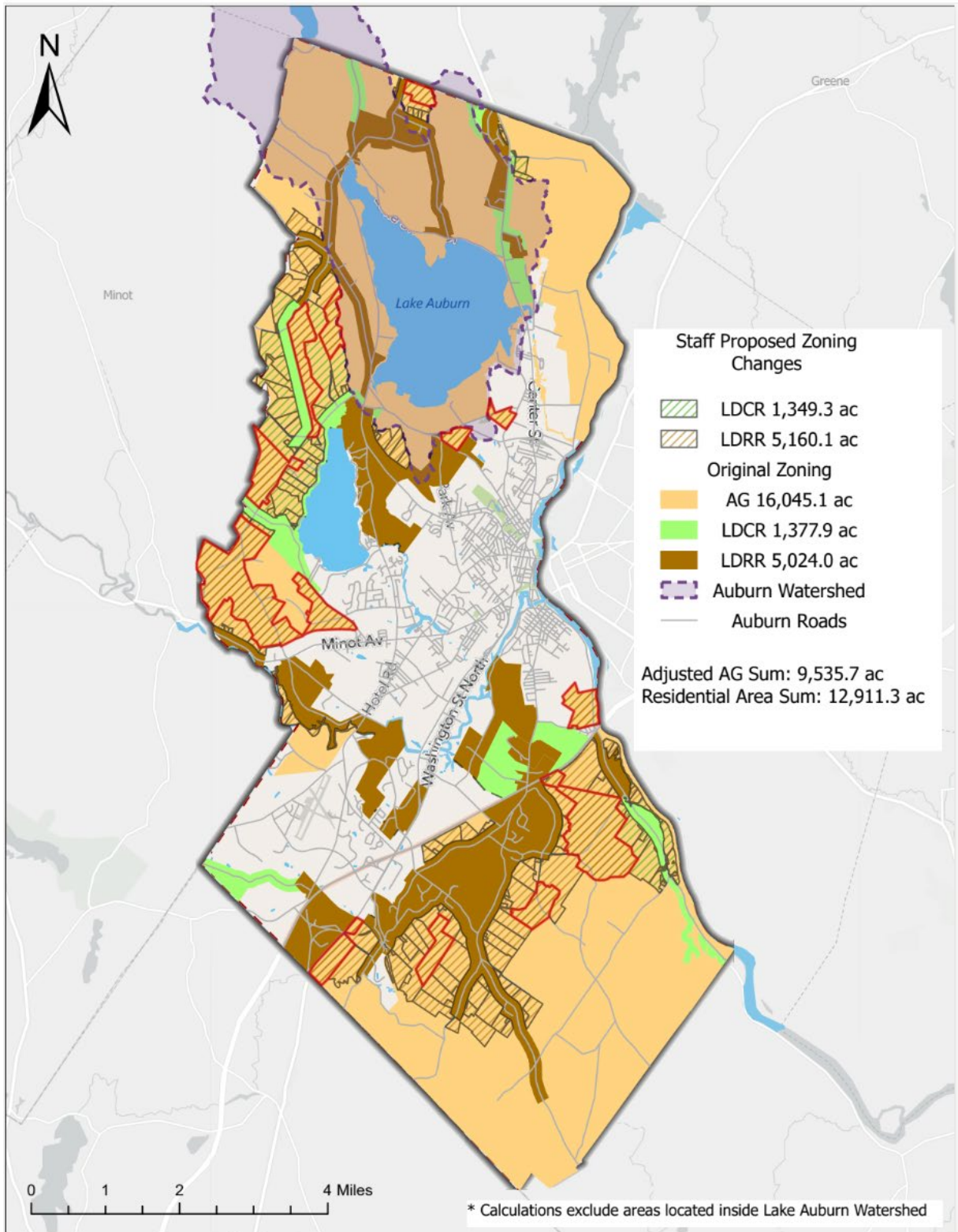
Appendix A: This map shows original public notice map submitted to residence on March 13, 2023



Appendix B: Clarity on expansion areas. With acres identified.



Appendix C: Staff Recommendation Map to include infill identified in red highlighted areas and cross hatched areas as compromise to the entirety of the AGRP Zone.



PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is ~~accessory to farming operations and~~ subject to the following restrictions:

- a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.~~

A building envelope comprising no more than 20% of the land coverage of the lot upon which the residential dwelling is to be constructed may be used for residential development. Residential development shall include, but is not limited to:

- (i) Residential structures; and
- (ii) Impervious surfaces accessory to residential use; and
- (iii) Structures accessory to the residential use; and
- (iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone; and

b. New residential dwellings shall:

- (i) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the planning

department that non-prime farmland is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(ii) Avoid being sited on land determined to be essential habitat, as defined by the state department of inland fisheries and wildlife unless it can be demonstrated to the planning department that non-essential habitat is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(iii) Avoid being sited on land that is currently forested unless it can be demonstrated to the planning department that non-forested land is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(i) Avoid being sited on wetland; and

(ii) Avoid being sited on steep slopes; and

(v) Not be built within the boundaries of the Lake Auburn Watershed Overlay; and

(vi) Not be sited on any portion of a parcel that has:

a. Been enrolled within the State of Maine's Farmland Tax Program within any of the ten years prior to construction of a new residential dwelling; or

b. Been used to derive income through an agricultural use within any of the ten years prior to construction of a new residential dwelling; or

c. Been enrolled in the State of Maine Tree Growth Tax Program within any of the ten years prior to construction of a new residential dwelling; or

d. Been used to derive income through the use of a forestry plan or wood cutting operation within any of the ten years prior to construction of a new residential dwelling; and

~~b. c.~~ No certificate of occupancy shall be issued for any such residence until the ~~proposed agricultural use as shown on the plans and specifications~~ proof of that Sec. 60-145(a)(1)a has been met is presented to the municipal officer charged with enforcement; ~~are 75 percent completed and~~

~~e. d.~~ In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Chapter 60-145(a)(1)a.

~~d.~~ Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.

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- (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional

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- floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
- b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
 - (11) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
 - (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
 - a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.

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- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - The proposed use shall not occupy more than 10,000 square feet of building area.
 - The number of employees shall be limited to not more than 15.
 - Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - Provisions shall be made to avoid surface and groundwater pollution.
 - Provisions shall be made to counteract vermin, insects and odors.
 - Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
- ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~

A building envelope comprising no more than 20% of the land coverage of the lot upon which the residential dwelling is to be constructed may be used for residential development. Residential development shall include, but is not limited to:

- (i) Residential structures; and
- (ii) Impervious surfaces accessory to residential use; and
- (iii) Structures accessory to the residential use; and
- (iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone; and

b. New residential dwellings shall:

- (i) Avoid being sited on soils of state significance as well as prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the planning department that non-prime farmland is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and
- (ii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine department of inland fisheries and wildlife unless it can be demonstrated to the planning department that non-essential habitat is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and
- (iii) Avoid being sited on land that is currently forested unless it can be demonstrated to the planning department that non-forested land is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and
- (i) Avoid being sited on wetland; and
- (ii) Avoid being sited on steep slopes; and
- (v) Not be built within the boundaries of the Lake Auburn Watershed Overlay; and
- (vi) Not be sited on any portion of a parcel that has:
 - a. Been enrolled within the State of Maine's Farmland Tax Program within any of the ten years prior to construction of a new residential dwelling; or
 - b. Been used to derive income through an agricultural use within any of the ten years prior to construction of a new residential dwelling; or
 - c. Been enrolled in the State of Maine Tree Growth Tax Program within any of the ten years prior to construction of a new residential dwelling; or
 - d. Been used to derive income through the use of a forestry plan or wood cutting operation within any of the ten years prior to construction of a new residential dwelling; and

~~b.c.~~ No certificate of occupancy shall be issued for any such residence until the proposed agricultural use as shown on the plans and specifications proof of that Sec. 60-145(a)(1)a has been met is presented to the municipal officer charged with enforcement; are 75 percent completed and

~~c.~~ The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

- ~~1.~~ The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.
- ~~2.~~ The parcel can reasonably accommodate the proposed farm.

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- ~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~
- ~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~
- ~~5. The proposed residence shall be accessory to farming.~~
- ~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~
- d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
- e. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Chapter 60-145(b)(18)(a).
- ~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
- b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
- d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the

proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

- e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 - 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 - 1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 - 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 - 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 - 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 - 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 - 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 - 2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
 - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).
- (2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed ~~an average of~~ one dwelling per ~~lot ten acres, unless approved pursuant to subsection (1) above.~~
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less, and having a maximum depth of 30% of the average depth of the lot.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DRAFT

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of ~~Section~~ 60-1010, as set forth in division 6 of article XII of this chapter, **on parcels containing no less than 6.1 ten acres**, ~~provided that the dwelling is accessory to farming operations and~~ subject to the following restrictions:

- a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.~~

The one-family detached dwelling residential development shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. Residential development shall include, but is not limited to:

- (i) Residential structures; and
- (ii) Impervious surfaces accessory to the residential use; and
- (iii) Structures accessory to the residential use; and
- (iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

- (i) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and

(ii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on wetland; and

(iv) Avoid being sited on slopes greater than 25%; and

(v) Not be built within the Lake Auburn Watershed Overlay District; and

(vi) Not be sited on any portion of a parcel that is:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program.

~~b. c.~~ No certificate of occupancy shall be issued for any such farm residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official ~~er~~ charged with authority to issue the certificate of occupancy ~~enforcement are 75 percent completed.~~

~~e. d.~~ In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).~~

~~d. — Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.

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- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Section 60-1501.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

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- b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.

- d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
- e. Hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of ~~Section 60-1010~~, as set forth in division 6, article XII of this chapter, on parcels containing ~~greater than 6.1 acres, but less than ten acres, provided that the dwelling is accessory to farming operations and~~ subject to the following restrictions:
- a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.~~
The one-family detached dwelling residential development shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. Residential development shall include, but is not limited to:
 - (i) Residential structures; and
 - (ii) Impervious surfaces accessory to the residential use; and
 - (iii) Structures accessory to the residential use; and
 - (iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
 - b. New one-family detached dwellings shall:

- (i) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Planning Board that non-prime farmland is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and
- (ii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Planning Board that non-essential habitat is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and
- (iii) Avoid being sited on wetland; and
- (iv) Avoid being sited on slopes greater than 25%; and
- (v) Not be built within the Lake Auburn Watershed Overlay District; and
- (vi) Not be sited on any portion of a parcel that is:
- a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program.
- ~~b. c.~~ No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications satisfactory evidence that the requirement of Sec. 60-145(b)(18)(a) has been met is presented to the municipal official ~~er~~ charged with authority to issue the certificate of occupancy enforcement are 75 percent completed.
- ~~c.~~ The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:
- ~~1.~~ The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.
 - ~~2.~~ The parcel can reasonably accommodate the proposed farm.
 - ~~3.~~ The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:
 - ~~4.~~ The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.
 - ~~5.~~ The proposed residence shall be accessory to farming.
 - ~~6.~~ The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.
- ~~d.~~ The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
- ~~e.~~ In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the~~

~~municipal officer charged with enforcement lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(b)(18)(a).~~

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~Section~~ 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No **new lot shall be created after October 1, 2017** containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or

other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

- b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
 - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing 6.1 or more acres if approved pursuant to Sec. 60-145(a)(1). A dwelling may be constructed on lots existing as of October 1, 2017 and containing less than greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to Sec. subsection 60-145(b)(18). A dwelling may be constructed on new lots containing ten or more acres or lots existing as of October 1, 2017 and containing ten or more acres if approved pursuant to Sec. 60-145(a)(1).
- (2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed ~~an average of~~ one dwelling unit per ~~lot-ten acres, unless approved pursuant to subsection (1) above.~~
- (3) *Yard requirements.*
- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DRAFT

PROPOSED TEXT AMENDMENT PART II - CODE OF ORDINANCES
 Chapter 60 - ZONING
 ARTICLE IV. - DISTRICT REGULATIONS
 DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings ~~except as prohibited by Section 60-952(b), including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:~~
 - a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~
 - b. ~~No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.~~
 - c. ~~In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~
 - d. ~~Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

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- (3) Forest products raised for harvest.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

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- (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
 - (11) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
 - (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

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- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, ~~including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter,~~

on parcels containing greater than 6.1, but less than ten acres, provided that ~~the dwelling is accessory to farming operations and subject to~~ the following restrictions are met:

- a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~
- b. ~~No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and~~
- c. ~~The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~
 1. ~~The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~
 2. ~~The parcel can reasonably accommodate the proposed farm.~~
 3. ~~The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~
 4. ~~The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~
 5. ~~The proposed residence shall be accessory to farming.~~
- a6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.
- bd. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
- e. ~~In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~
- f. ~~Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

- a. Must comply with the provisions of article XVIII under this chapter;
- b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

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2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
 - g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 1. Non-prime farmland is not reasonably available on the subject property.

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- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 - 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 - 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 - 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 - 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
 - i. All operations and maintenance plans shall also include:
 - 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 - 2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
 - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.
- (3) *Yard requirements.*

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XII. - ENVIRONMENTAL REGULATIONS
DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

The Lake Auburn Watershed District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the city water district on file in the office of the city water district, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed District.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
- (b) New Residential dwellings in the agriculture and resource protection zoning district are prohibited in the Lake Auburn Watershed. ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~

SNRB memo on Cyr proposal to Planning Board.

Voted and approved by SNRB, April 13, 2023

Members of the SNRB have reviewed the proposal submitted by Evan Cyr at the Planning Board meeting on March 28. We appreciate the efforts that have gone into crafting this proposal, along with efforts on the part of Auburn Planning staff to begin developing proposals grounded in the SNRB recommendations to the Planning Board in December of 2022. We recognize these as continuing good faith efforts to advance this complex issue.

However, we are concerned about various aspects of the Cyr proposal that if adopted would not support the intentions of the Planning Board, which voted on March 28 to not recommend the elimination of the income standard without a replacement standard....to protect the zone for its stated purposes.”¹ Numerous elements of the Cyr proposal allow for exceptions which undermine the intentions of both the Planning Board and the SNRB.

In particular:

1. The proposal allows building virtually anywhere on lots of 10 acres or more. Language in Sec. 60-145 (a)(i)(ii)(iii) allows for exceptions in siting a building envelope. Soils of state significance, essential habitat and forested land can all be built on if the owner claims there aren't alternatives.

Sec. 60-145 (b)(vi) restricts construction using criteria which will be very difficult to track.

Sec. 60-145 (b) (i),(ii),(III) allow siting exceptions provided that “it can be demonstrated to the planning department” that non-prime farmland, essential habitat or non-forested land is not “reasonably available”, without establishing criteria with which the planning department can make a determination.

Sec. 60-146. Dimensional regulations. This is previously existing language, but in the absence of any limitation to agricultural buildings the implications differ significantly. The following are matters of particular concern:

- 1.The minimum lot size of 10 acres (or lots that existed as of 10/1/2017 and have at least 6.1 acres but less than 10 acres and has at least 250 ft. of frontage on a public or private street) creates the opportunity for a string of narrow lots along all current roadways in the AGRP zone.
- 2.Additionally, 2 acres of the lot can be completely cleared for the development envelope and the dwelling can be set as much as 30% into of the depth of the lot.
- 3.These standards would also enable the creation of subdivisions of large tracks of land using these lot standards.

¹ Exact language drawn from Youtube of Planning Board meeting: “not recommend the elimination of the income standard without a replacement standard that maintains a connection of housing and agriculture uses of which a draft version we have seen which would require one more public hearing to develop the new standard.to protect the zone for its stated purposes.”

4. This could result in the creation of 250-foot-wide lots along roadways in the AGRP zone (spaghetti lots) with dwellings set deep into the lot with 2 acres of cleared building area, thus fragmenting open space, wildlife habitat, forestry, and farming land.

We also question what mechanisms exist in this proposal to prevent the building of multiple houses on a given lot.

Finally, the primary function of the zone in this proposal is residential, not agricultural or resource income and conservation. This directly contradicts the express purpose of the zone as stated in 60-144, "Purpose." The enumeration of use regulations should begin with the uses for which the zone is intended: agriculture, forestry, and the conservation of open space.

The SNRB has concerns that the proposal as submitted will lead to sprawl, stress on city services and higher taxes for all citizens and businesses in Auburn.

The SNRB recommends that the Planning Board take additional time, in collaboration with the planning staff and assessor's office, to develop an alternative that balances housing needs with the purpose of the AGRP. There are important questions to be answered to avoid any unintended consequences for Auburn's future.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023

Order: 49-04182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the date, June 13, 2023, as the date for the Special Municipal Referendum Election for the new high school construction remediation.

Information: This is to set the date, June 13, 2023, as the date for the Special Municipal Referendum Election for the new high school construction remediation which will be held in conjunction with the School Budget Validation Referendum Election. Polls will be open from 7:00 AM until 8:00 PM.

There is a cost savings to hold this election at the same time as the School Budget Validation Referendum election. Council voted to approve the ballot questions at the 4/03/2023 Special Council meeting.

City Budgetary Impacts: There is a cost savings of approximately \$5,000 by holding this election on the same date as the School Budget Validation Referendum Election.

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Council approved the ballot questions at the 4/03/2023 Council meeting.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 49-04182023

City Council Order

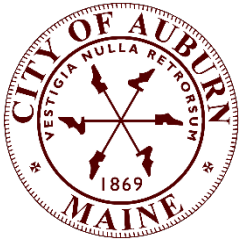
IN CITY COUNCIL

ORDERED, that the City Council hereby sets the date, June 13, 2023, as the date to hold the Special Municipal Referendum Election for the new high school construction remediation which will be held in conjunction with the School Budget Validation Referendum Election. Polls will be open from 7:00 AM until 8:00 PM.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023

Order: 54-04182023*

Author: Alison F. Pepin, Deputy City Clerk

Subject: Authorizing Jason Levesque to vote the shares held by any shareholder for the Lewiston Auburn Railroad Company

Information: Pursuant to Article IV Sec. 2 and Article VI Sec. 4 of the Bylaws of the Lewiston and Auburn Railroad Company and Auburn Directors of the LARC shall be elected by the Auburn City Council and only the municipal official designated by the municipal legislative body shall be authorized to vote the shares held by any Shareholder.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend Passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

*None



ORDER 54-04182023*

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby authorizes Jason Levesque to vote the shares held by any shareholders for the Lewiston Auburn Railroad Company.

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

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

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

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

1. Order 36-04032023*

Setting the date for the School Budget Validation Referendum Election (June 13, 2023).

2. Order 45-04032023*

Approving the transfer of \$1,600 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department.

3. Order 46-04032023*

Approving the transfer of \$2,000 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department.

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

Passage 7-0.

II. Minutes - March 20, 2023, Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the March 20, 2023 Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Communication – Request for funds from David Chittim, President of the Androscoggin Historical Society
- Communication - LA Arts programming review and funding request
- Council Communications (about and to the community)

Councilor Walker reported that the Age Friendly Committee will be offering a free clothing giveaway at the Auburn Public Library on April 8th from 2-4 pm.

Councilor Gerry stated that a constituent would like to know how many people staff the 911 Center during the daytime and in the evenings.

Mayor Levesque announced that there will be a joint City Council and Planning Board workshop on Tuesday, April 18th to discuss the Agriculture Resource Protection Zone

and the Strip Zones. He reminded everyone about the upcoming Lobster Festival adding that the Auburn Exchange Club will be putting on the lobster feed.

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

V. Unfinished Business

1. Order 33-03202023

Approving \$4,598,331 of additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. Public hearing and second reading.

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

Public hearing – No one from the public spoke.

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

VI. New Business

1. Order 37-04032023

Approving the question for a Municipal Referendum Election with respect to environmental remediation costs for the new high school construction project and general obligation bonds therefor.

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

Public comment – No one from the public spoke.

Passage 7-0.

2. Order 38-04032023

Authorizing the City Manager to execute the sale of St. Louis Church, 32 Dunn Street, Auburn, Maine.

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

Public comment – No one from the public spoke.

Passage 7-0.

3. Order 39-04032023

Approving the liquor license for the Olive Garden. Public hearing and vote.

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

Public hearing - Pawel Binczyk, Attorney representing the Olive Garden spoke. He stated that they are looking to open at the end of May.

Passage 7-0.

4. Order 40-04032023

Approving the Annual Reports to the Maine State Housing Authority for Tax Year 4/1/2022 – 3/31/2023.

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

Public comment - No one from the public spoke.

Passage 7-0.

5. Order 41-04032023

Authorizing the City Manager to execute the Collective Bargaining Agreement with the Public Works Teamsters (Highway), effective 07/01/2023.

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

Public comment - No one from the public spoke.

Passage 7-0.

6. Order 42-04032023

Authorizing the City Manager to execute the Collective Bargaining Agreement with the Public Works Teamsters (Mechanics), effective 07/01/2023.

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

Public comment - No one from the public spoke.

Passage 7-0.

7. Order 43-04032023

Approving the Mass Gathering for the Auburn Lobster Festival event to be held 05/06/2023. Public hearing.

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

Public hearing - No one from the public spoke.

Passage 7-0.

8. Order 44-04032023

IN COUNCIL REGULAR MEETING APRIL 03, 2023, VOL. 37 PAGE 29

Approving the temporary liquor license for an Incorporated Civic Organization for the Auburn Lobster Festival event to be held 05/06/2023. Public hearing.

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

Public hearing - No one from the public spoke.

Passage 7-0.

9. Order 47-04032023

Accepting the consideration of Riverside Drive gifted property.

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

Public comment - No one from the public spoke.

Passage 7-0.

10. Order 48-04032023

Authorizing the City Manager to enter into a naming rights agreement of the Drummond Street Playground Park with Tizz Crowley.

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

Public comment - No one from the public spoke.

Passage 7-0.

VII. Open Session

Wayne Souza, 256 Main Street reported concerns regarding a section of the riverwalk that needs better drainage to help with ice buildup and large puddles when the ice melts. He also commented on the safety cones on Elm Street that have been there for months. Last, he commented on the bike path, and the lines painted at the section of Elm Street near School Street.

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported that he and the City Manager were both in Washington, D.C. last week, meeting with our local delegation. He also reported on the School Committee budget, adding that they are looking at increased state aid to schools due to a statewide error calculating those figures.

Councilor Staples reported that the Auburn Public Library will be holding a fundraiser in June.

IN COUNCIL REGULAR MEETING APRIL 03, 2023, VOL. 37 PAGE 30

Councilor Walker reported on Waste to Energy adding that there was not a lot of bulky trash brought in last weekend.

City Manager Crowell reported that the next council meeting will be held on Tuesday April 18th, due to the holiday on the 17th, and there is a tentative date for a budget workshop to be held on April 24th. Last, he explained why the cones are on Elm Street.

IX. Executive Sessions - None

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 7:38 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



Lake Auburn Watershed Protection Commission

Auburn Water District
268 Court St.
Auburn, Me 04210

March 3, 2023

Trustees of the Auburn Water District,

This letter is addressed to you on behalf of the Commissioners of the Lake Auburn Watershed Protection Commission. This Commission was formed in 1993 with the principal purpose to maintain safe and healthful environmental conditions within the Lake Auburn Watershed, to prevent and control water pollution, and to protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed. In fulfillment of this purpose, Commissioners began reviewing changes being proposed by the City of Auburn to regulations within the Lake Auburn watershed last year. This process included conducting a peer review of the environmental studies being used by the City of Auburn in drafting new regulations, consultation with environmental engineers, and discussion at LAWPC meetings to assess the outcomes of these review processes.

Through this review process, Commissioners have concluded that additional regulation should be considered to maintain safe and healthful environmental conditions within the Lake Auburn Watershed, to prevent and control water pollution, and to protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed.

Commissioners reviewed the following documents in developing their recommendations regarding changes to regulations within the Lake Auburn Watershed:

- A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine prepared by FB Environmental Associates, Horsely Witten Group and the University of Maine, dated October 2021.
- Lake Auburn Model Technical Memorandum addressed to Eric Cousens, City of Auburn, prepared by Laura Diemer, FB Environmental Associates, dated August 1, 2022.
- Watershed Delineation Rezoning Review – Gravel Pit Parcel Lake Auburn Watershed Protection Commission prepared by Robert H. Fitzgerald and Anne E. Malenfant, CDM Smith, dated June 22, 2022, and revised October 5, 2022.
- Peer Review of FB Environmental Associates *A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine* dated October 2021 and the supplemental Lake Auburn Model Technical Memorandum dated August 1, 2022 prepared by

Rebecca Balke and Eileen Pannetier, Comprehensive Environmental Inc, dated December 5, 2022.

During their January 10, 2023 meeting, Commissions voted to adopt the following recommendation:

The Commissioners of LAWPC recommend that the Trustees of the Auburn Water District develop rules and policies within the watershed of Lake Auburn in order to implement the following regulatory recommendations:


Specific to Auburn

- Moratorium on siting of septic systems within a 400 foot buffer around Lake Auburn.
- Moratorium on new development within the boundaries of the AGRP zone within Auburn.
- Alum treatments be scheduled as needed based on regular monitoring rather than on a predetermined schedule.
- Any future development, based on changes to the watershed boundary on the Gracelawn Rd property, is required to monitor surface and ground water to ensure that water does not flow into the watershed.

Specific to the Entire Watershed

- A system of oversight for the installation of any new mounded wastewater systems be created and implemented to ensure proper installation. This system should include inspection prior to installation, prior to covering, and after final installation.
- An inspection schedule be developed and implemented for current septic systems.
- Ensure there is a responsible entity for the purpose of monitoring septic systems.
- Require using the most stringent standards for new septic systems, as set forth in the Maine Subsurface Disposal Rules chapter 241.
- Failing systems be replaced using the updated standards required for new installations.
- Create requirements for the replacement of older septic systems upon transfer of real estate within the watershed.
- Low Impact Development (LID) standards be implemented.
- Identify areas to be conserved in the upper watershed.
- Prohibit large scale disbursement of organic and synthetic fertilizers.

Respectfully Submitted,



Camille Parrish, Chair
Lake Auburn Watershed Protection Commission



Rick LaChapelle, Vice Chair
Lake Auburn Watershed Protection Commission

**STATE OF MAINE
PUBLIC UTILITIES COMMISSION**

Docket No. 2023-00069

**BRUCE RIOUX, ET ALS. v. AUBURN)
WATER DISTRICT)
)
10-Person Complaint Regarding)
Unreasonable Acts and Practices)
Threatening Water Quality and)
Potentially Unnecessary Increases in Rates)**

**CITY OF AUBURN’S
PETITION TO INTERVENE**

The City of Auburn (the “City”), a municipal corporation in the State of Maine, by and through its attorneys, hereby petitions to intervene in the above-captioned docket. The City respectfully requests that the Commission grant this petition for the reasons set forth herein.

1. The City is entitled to mandatory intervention pursuant to Section 8(B)(1) of Chapter 110 of the Commission’s Rules, as the City is an agency of local government.
2. The 10-Person Complaint that initiated this proceeding alleges that Auburn Water District (“AWD”) has engaged in practices, acts or services that are “unjust, unreasonable, insufficient or otherwise in violation of Title 35-A.” Under the AWD’s charter (attached to the Complaint as Exhibit B), the Auburn City Council is authorized to elect AWD trustees, and therefore, the allegations raised in the Complaint are of significant interest to the City.
3. Moreover, the Complainants assert that AWD has engaged in unreasonable acts and practices by failing to oppose certain actions taken by the City, particularly: (1) the City’s efforts to allow for development opportunities around Lake Auburn; and (2) the City’s request for AWD to modify the boundary of the Lake Auburn Watershed, which AWD ultimately approved. As such, there are repeated mentions of the City throughout the Complaint, which contains allegations and characterizations regarding certain actions taken by the City, including the commissioning of a report by FB Environmental Associates, dated October 2021, and the adoption of certain ordinance provisions by the City Council. Therefore, although it remains unclear what relief the Complainants are seeking precisely, it is foreseeable that an order by the Commission in this case could directly impact the residents of the City.
4. The City intends to actively monitor this proceeding and participate as an active party to the extent necessary and practicable, including attendance at hearings and conferences, the ability to present evidence and witnesses and engage in negotiations, briefing, and argument.
5. The City therefore requests that it be placed on the Commission’s service list and the service list of the parties, and that copies of documents served in this case be sent to:

Phillip L. Crowell, Jr.
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601
pcrowell@auburnmaine.gov

Eric Cousens
Director of Planning, Permitting & Code
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601
ecousens@auburnmaine.gov

Sally J. Daggett, Esq.
Mark A. Bower, Esq.
JENSEN BAIRD
10 Free Street
P.O. Box 4510
Portland, ME 04112
(207) 775-7271
sdaggett@jensenbaird.com
mbower@jensenbaird.com

WHEREFORE, the City of Auburn respectfully requests that the Commission grant it mandatory intervenor status in the above-captioned proceeding.

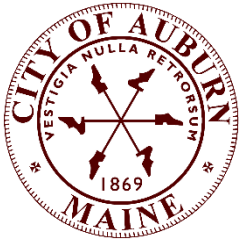
Dated at Portland, Maine this 13th day of April, 2023.

Respectfully submitted,

/s/ Sally J. Daggett
Sally J. Daggett, Esq.

/s/ Mark A. Bower
Mark A. Bower, Esq.

Attorneys for the City of Auburn
JENSEN BAIRD
10 Free Street, PO Box 4510
Portland, Maine 04112-4510
(207) 775-7271
sdaggett@jensenbaird.com
mbower@jensenbaird.com



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023

Order: 50-04182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Adoption of 5 Year Capital Improvement Plan

Information The City Manager has presented a 5 Year Capital Improvement Plan. By Charter, the City Council must adopt the Capital Plan before the end of the current fiscal year.

City Budgetary Impacts: This action is just adopting the plan.

Staff Recommended Action: Adoption of the 5 Year Capital Improvement Plan

Previous Meetings and History: 3/20/2023 and 4/3/2023

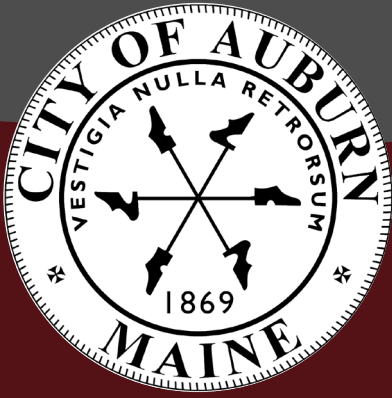
City Manager Comments:

The 5 Year Capital Improvement Plan is a conceptual plan for the City's long-term capital improvement program which is subject to change due to changing circumstances.

I concur with the recommendation. Signature:

Attachments:

CIP 5 Year Plan



City of Auburn

BUDGET **FY24**

5-Year Capital Improvement Plan

**CITY MANAGER'S PROPOSED
FY24 CIP PLAN**

March 30, 2023

Honorable Mayor Jason Levesque
Auburn City Council Members

RE: Five Year Capital Improvement Program Plan

Dear Mayor and Councilors:

The Five-Year City of Auburn Capital Improvement Plan is hereby submitted for your review in accordance with the provisions of the City Charter.

CAPITAL IMPROVEMENT

Introduction

My preliminary draft recommendations for the FY24 Capital Improvement Program were presented for your review at the Joint City Council and School Committee workshop on March 20, 2023. The City of Auburn Capital Improvement Plan, updated annually, is a five-year plan that serves as a multi-year planning instrument. The expectation is that looking longer-term will bring stability to requests over time. While the long-term CIP Plan takes a five year look at the needs of the city, the focus will be on the projects requested for the upcoming fiscal year. Finally, the initial presentation of the CIP includes all needs of the city to sustain operations.

As usual the CIP includes a spreadsheet for FY 2024 by expenditure and department, including the intended source of funds. There is also a more detailed sheet of expenditures planned for this year.

Charter Requirements

1. A clear general summary of its contents;
2. Identification of the long-term goals of the community;
3. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity of each;
4. Cost estimates and recommended time schedules for each improvement or other capital expenditures;
5. Method of financing upon which each capital expenditure is to be reliant;
6. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
7. A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
8. Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

Long-term Goals

The goals of the City of Auburn focus on these 5 general areas. These are not in any particular order of importance:

1. Planning for a better future.
2. Reclaiming our streets.
3. Making housing more attainable.
4. Enacting resilient solutions.
5. Enriching neighborhood identities

The FY24 Work Plan recognizes that there are also other goals that serve as a “catch-all” for items outside of these 5 areas.

Of course, we must remain aware of the overall cost of services and taxes. And we must also acknowledge that there is a limit to the amount of spending and debt service the City can afford. This leads me to suggest that the CIP has a final, general goal, “to assure that the assets of the City are maintained in a fiscally responsible manner.” Following this approach recognizes that neglect or underfunding the capital needs of the City results in long-term increased costs.

Cost and Schedule

Please see attached spreadsheet at the end of the memo.

Status (See Next Page)

Sustainability

Sustainability has two concepts that must be acknowledged. The first is the core principle that assets are maintained such that they do not deteriorate to the point of being destroyed or beyond repair. The second concept identifies that the City of Auburn can only afford to sustain a certain annual expense. The job of the staff and Council is to strike that balance the best way possible.

The following chart shows the amount of debt issued and retired over the last fifteen years.

CAPITAL IMPROVEMENT PROGRAM - Fund 3000

CURRENT STATUS OF BONDED PROJECTS

FY 22-23

Description	Original Budget	Revised Budget	FY 22	FY 23	Total Exp	Encumbered	Unexpended (Over exp)	Notes
			Actual	To Date 3/7/2023				
2021 GO BOND (FY 21-22)								
Airport Snow Removal	125,000.00	125,000.00		125,000.00	125,000.00		-	Completed
Union St/Chestnut Park	90,000.00	90,000.00	90,000.00		90,000.00		-	Completed
Hasty HVAC/Efficiency	375,000.00	375,000.00			-	253,668.00	121,332.00	
Comp Plan Property Acquisition	800,000.00	800,000.00	7,411.63	789,555.32	796,966.95	3,033.05	0.00	Completed
Pettingill Ball Field Renovation	350,000.00	350,000.00	330,675.00	8,989.69	339,664.69		10,335.31	
Park Upgrades	50,000.00	50,000.00	50,000.00		50,000.00		-	Completed
Airport East Side Ramp	78,750.00	78,750.00	78,750.00		78,750.00		-	Completed
Fiber Rollout	43,000.00	43,000.00	43,000.00		43,000.00		-	Completed
Eagle View Oblique	50,000.00	50,000.00	29,695.30	2,078.70	31,774.00	18,226.00	-	
PD-Body Cameras	170,000.00	170,000.00	170,000.00		170,000.00		-	Completed
Festival Plaza Rehab	100,000.00	100,000.00	4,181.00	542.14	4,723.14	819.00	94,457.86	
NSBA Dehumidification	20,000.00	20,000.00	-		-	20,000.00	-	
NSBA RO Water Treatment	35,000.00	35,000.00	-		-		35,000.00	
Public Safety Facility	200,000.00	200,000.00	160,838.33	39,161.67	200,000.00		-	Completed
Major Drainage	725,000.00	725,000.00	-	65,510.61	65,510.61	659,489.39	-	
Rec Playground Upgrade	1,300,000.00	1,300,000.00	10,416.24	547,906.63	558,322.87	200,300.00	541,377.13	
Reclamation	1,275,000.00	1,275,000.00	24,286.09	383,268.08	407,554.17	448,335.21	419,110.62	
Reconstruction	1,000,000.00	1,000,000.00	-	542,427.35	542,427.35	457,572.65	-	
Resurfacing	1,000,000.00	1,000,000.00	679,693.13	62,502.68	742,195.81	295,731.37	(37,927.18)	
MDOT Match	900,000.00	900,000.00	12,000.00	123,739.68	135,739.68	674,856.48	89,403.84	
Fire Air Pack	280,000.00	280,000.00	-	267,754.30	267,754.30	12,245.70	-	
PW 12 YD Pow	232,000.00	232,000.00	216,899.00	15,101.00	232,000.00		-	Completed
PW-Tracked Excavation	260,000.00	260,000.00	260,000.00	-	260,000.00		-	Completed
PW-Tractor Replacement	160,000.00	160,000.00	160,000.00		160,000.00		-	Completed
Police Vehicles	159,000.00	159,000.00	34,580.33	124,419.67	159,000.00		-	Completed
Police Motorcycle	18,000.00	18,000.00	18,000.00		18,000.00		-	Completed
Planning Inspection Vehicle	24,000.00	24,000.00	24,000.00		24,000.00		-	Completed
Fire Apparatus	45,000.00	45,000.00	45,000.00		45,000.00		-	Completed
Fire UTV/Rescue Equipment	30,000.00	30,000.00	6,165.00	23,835.00	30,000.00		-	Completed
Contingency	5,250.00	5,250.00	5,250.00		5,250.00		-	Completed
School Department	1,250,000.00	1,250,000.00	1,076,370.46		1,076,370.46		173,629.54	
Subtotal 2021 Bonds	11,150,000.00	11,150,000.00	3,537,211.51	3,121,792.52	6,659,004.03	3,044,276.85	1,446,719.12	
2022 GO BOND (FY 22-23)								
Auburn Hall Lighting	60,000.00	60,000.00			-		60,000.00	
Dangerous Buildings	120,000.00	120,000.00		58,442.73	58,442.73	47,430.57	14,126.70	
PO-Mobile Printers	50,000.00	50,000.00		24,179.80	24,179.80		25,820.20	
Public Safety Facility	300,000.00	300,000.00			-	32,000.00	268,000.00	
Major Drainage	500,000.00	500,000.00		4,748.80	4,748.80	1,912.50	493,338.70	
Reclamation	1,800,000.00	1,800,000.00			-	1,800,000.00	-	
Reconstruction	1,200,000.00	1,200,000.00			-		1,200,000.00	
Resurfacing	600,000.00	600,000.00			-		600,000.00	
Sidewalks	100,000.00	100,000.00			-		100,000.00	
Enhanced Crosswalks	200,000.00	200,000.00			-		200,000.00	
MDOT Match	1,100,000.00	1,100,000.00		238,514.20	238,514.20		861,485.80	
Downtown Parking & Walkability	148,000.00	148,000.00			-		148,000.00	
12 Yard Plow Truck	520,000.00	520,000.00			-	520,000.00	-	
Street Sweeper	265,000.00	265,000.00		265,000.00	265,000.00		-	Completed
Tractor (haul) Replacemnt	75,000.00	75,000.00		75,000.00	75,000.00		-	Completed
Portable Flagging System	50,000.00	50,000.00		50,000.00	50,000.00		-	Completed
Police Vehicles	165,000.00	301,595.00		169,212.59	169,212.59	108.00	132,274.41	
Contingency	47,000.00	47,000.00		15,685.00				
Subtotal 2022 Bonds	7,300,000.00	7,436,595.00	-	900,783.12	900,783.12	2,401,451.07	4,103,045.81	
TOTAL	18,450,000.00	18,586,595.00	3,537,211.51	4,022,575.64	7,559,787.15	5,445,727.92	5,549,764.93	

Debt Service Analysis

	Outstanding Debt at Beginning of Fiscal Year	Debt Issued	Debt Retirement	Outstanding Debt at End of Fiscal Year
FY 08-09	\$70,267,000	\$6,430,000	\$8,772,000	\$67,925,000
FY 09-10	\$67,925,000	\$6,500,000	\$8,452,000	\$65,973,000
FY 10-11	\$65,973,000	\$7,900,000	\$8,412,000	\$65,461,000
FY 11-12	\$65,461,000	\$4,500,000	\$8,722,000	\$61,239,000
FY 12-13	\$61,239,000	\$6,207,323	\$7,912,000	\$59,534,323
FY 13-14	\$59,534,323	\$5,625,000	\$8,332,732	\$56,826,591
FY 14-15	\$56,826,591	\$6,800,000	\$8,455,733	\$55,170,858
FY 15-16	\$55,170,858	\$9,950,000	\$12,895,732	\$52,225,126
FY 16-17	\$52,225,126	\$5,030,000	\$8,620,732	\$48,634,394
FY 17-18	\$48,634,394	\$8,500,000	\$8,250,732	\$48,883,662
FY 18-19	\$48,883,662	\$7,655,000	\$8,872,811	\$47,665,851
FY 19-20	\$44,720,000	\$22,900,000	\$7,695,000	\$59,925,000
FY 20-21	\$59,925,000	\$76,445,000	\$24,240,000	\$112,130,000
FY 21-22	\$112,130,000	\$60,070,000	\$8,299,900	\$163,900,100
FY 22-23	\$163,900,100	\$6,800,000	\$12,328,518	\$158,371,582

Average Debt Issued FY 08 - FY 23 \$10,387,909
 Minus the debt for ELHS new High School

Between FY09 and FY19 the City's total outstanding debt was reduced by **\$22,601,149**. Due to the approval by the State of the New Edward Little High School, In FY 20 through FY 22 the City has borrowed the \$120,000,000 to complete the project. Of this \$120,000,000, the State of Maine will pay the debt service on approximately \$105,000,000, leaving \$15,000,000 to be paid by the City. It is my goal to keep the debt service payments at 12% - 14% of the total operating budget as recommended by our bond advisors. This is the range that bond rating agencies look favorably on. Less than this and the bond rating agencies will feel that we are not addressing our infrastructure needs. And more than this will make them concerned about our ability to repay the debt. These efforts in conjunction with other sound management policies should continue to support or improve the City's bond rating.

Per the State of Maine's state valuation for 2023, below is a table that shows what the City of Auburn's legal debt limitation is as of June 30, 2023. This statutory analysis needs to be reviewed with the understanding of the City's capacity to meet debt service payments.

CITY OF AUBURN, MAINE
Legal Debt Management
Last Ten Years

Computation of Legal Debt Margin
June 30, 2023

Total State Valuation			\$		2,607,050,000
Legal Debt Limitation:					
15% of State Valuation					391,057,500
Debt Applicable to Debt Limitation:				Bonded General Obligation Debt	
	Legal Maximum				
			Dollar	As a Percent of	
				Legal	State
Purpose	Percentage	Amount	Amount	Maximum	Valuation
Municipal & School	15.0%	\$ 391,057,500	-	0.00%	0.00%
			\$		
		Margin for Additional Borrowing:			391,057,500

Historical Legal Debt Margin
Last Ten Fiscal Years

	Legal Debt Limit	Debt Outstanding	Legal Debt Margin	Debt Outstanding/ Legal Debt Limit
	\$			
2007	288,330,000	72,629,000	215,701,000	25.2%
2016	294,015,000	52,225,126	241,789,874	17.8%
2017	297,592,500	48,634,394	248,958,106	16.3%
2018	297,255,000	48,883,662	248,371,338	16.4%
2019	300,330,000	48,082,930	252,247,070	16.0%
2020	315,592,500	59,925,000	255,667,500	14.9%
2021	326,385,000	112,130,000	214,255,000	14.9%
2022	342,300,000	178,342,692	163,957,308	52.1%
2023	391,057,500	159,770,000	231,287,500	40.9%

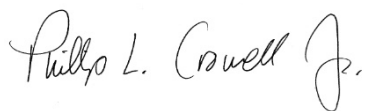
The most significant impact to the City of Auburn's debt service being sustainable is investment in road infrastructure. Auburn's local roads currently have zero funding in the operating budget. In the City's Engineering CIP request there is \$6.0 million recommended for this coming fiscal year. The \$6.0 million, if funding and construction costs remain stable, would result in an ability to reconstruct, reclaim or overlay only 10% of the roads over the next 10 years.

The funding allocated to overlays will proportionally grow as the City's roadways are reconstructed. The overlay acts as a surface maintenance that protects and sustains previous reconstruction and reclamation projects. These funds account for 25% of the current request for the recommended budget but account for 80% of the roads undergoing work.

Capital Investment Director Dan Goyette has said a maintenance program that would stabilize the remaining 90% of local roads would require \$10,000,000 per year. Due to both staff capacity and financial availability this is too much to add to the operating budget in one year.

Finally, I would like to thank the City Finance Director Jill Eastman for her major contribution to the preparation of this memo and her overall assistance with the Five-Year CIP Plan, the FY24 CIP, and the FY24 Budget. The City of Auburn has a capable and dedicated team with sound financial management.

Sincerely,

A handwritten signature in cursive script that reads "Phillip L. Crowell Jr.".

Phillip L. Crowell Jr., City Manager

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
AUBURN-LEWISTON AIRPORT					
Airport Owned T-Hangars	\$ -				
TOTAL AUBURN-LEWISTON AIRPORT	\$ -	\$ -	\$ -	\$ -	\$ -
CITY CLERK					
Record Restoration	\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Fire Proof Vault Construction			\$ 100,000		
TOTAL CITY CLERK	\$ 50,000	\$ 100,000	\$ 200,000	\$ 100,000	\$ 100,000
PLANNING & PERMITTING					
Dangerous Buildings and Junkyard Cleanups	\$ 400,000	\$ 200,000	\$ 100,000	\$ 100,000	
Comprehensive Plan Program	\$ 200,000	\$ 400,000			
Discontinue Municipal Fire Alarm System		\$ 200,000			
Downtown Parking and Walkability-Grant Match		\$ 400,000	\$ 400,000	\$ 400,000	
TOTAL PLANNING AND PERMITTING	\$ 600,000	\$ 1,200,000	\$ 500,000	\$ 500,000	\$ -
CAPITAL INVESTMENT AND PURCHASING					
Facilities					
Auburn Hall Carpet Replacement	\$ 85,000				
Auburn Hall Boiler/Mechanical Upgrades			\$ 865,000		
Hasty HVAC Replacement and Ventilation Upgrades	\$ 550,000				
Auburn Public Library Boiler Replacement		\$ 125,000			
NSBA Exhaust Fan and Control System Upgrade	\$ 68,000				
Ingersoll Field Lighting Replacement	\$ 35,000				
Ingersoll Arena Installation of Air Conditioning				\$ 445,000	
Library HVAC and Controls Upgrade		\$ 630,000			
Public Safety Facility	\$ 3,000,000	\$ 25,000,000	\$ 25,000,000		
Public Works Space Needs Analysis/Addition		\$ 100,000			\$ 3,500,000
Intermodal Facility		\$ 25,000			
Auburn Hall Building Envelope Repairs			\$ 100,000		
Building Management Control System			\$ 200,000		
Public Works Repoint Brick			\$ 100,000		
Auburn Hall Reconfiguration/APD Relocate				\$ 500,000	
Senior Center Parking Lot		\$ 400,000			
PAL Center (new)	\$ 1,500,000	\$ 1,500,000			
Total Facilities	\$ 5,238,000	\$ 27,780,000	\$ 26,265,000	\$ 945,000	\$ 3,500,000
City wide Vehicles					
Police Vehicle Replacement	\$ 225,500	\$ 265,300	\$ 267,300	\$ 269,300	\$ 271,300
Public Works Replace Car (Ford Ranger)	\$ 25,000				
Recreation Mini Bus replacement/upgrade	\$ 80,000		\$ 80,000		
Total City Wide Vehicles	\$ 330,500	\$ 265,300	\$ 347,300	\$ 269,300	\$ 271,300
Engineering					

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Reconstruction	\$ 1,500,000	\$ 3,600,000	\$ 1,300,000	\$ 1,400,000	\$ 1,000,000
Reclamation	\$ 1,500,000	\$ 1,150,000	\$ 1,000,000	\$ 1,000,000	\$ 1,200,000
Major Drainage	\$ 500,000	\$ -	\$ -	\$ -	\$ -
MDOT Match	\$ 1,500,000	\$ 1,100,000	\$ 1,000,000	\$ 1,000,000	\$ 1,200,000
Resurfacing	\$ 750,000	\$ 900,000	\$ 1,000,000	\$ 700,000	\$ 300,000
Retaining Walls	\$ 250,000	\$ 444,000	\$ 40,000		
Pavement Assessment	\$ 100,000				
Total Engineering	\$ 6,100,000	\$ 7,194,000	\$ 4,340,000	\$ 4,100,000	\$ 3,700,000
TOTAL CAPITAL INVESTMENTS & PURCHASING	\$ 11,668,500	\$ 35,239,300	\$ 30,952,300	\$ 5,314,300	\$ 7,471,300
FIRE DEPARTMENT					
Fire					
Apparatus Replacement	\$ 60,000	\$ 785,000	\$ 60,000	\$ 50,000	
Fire Hose Replacement			\$ 40,000		
Extrication equipment replacement	\$ 50,000				
Air-pac replacement					
Rescue Boat Replacement		\$ 30,000			
AEDs for Police & Fire	\$ 45,000				
Cascade air fill station system replacement			\$ 60,000		
Rescue Trailer	\$ 15,000				
Total Fire	\$ 170,000	\$ 815,000	\$ 160,000	\$ 50,000	\$ -
EMS					
Ambulance Replacement	\$ 450,000	\$ 170,000		\$ 180,000	
Cardiac monitors	\$ 47,000	\$ 70,000	\$ 70,000	\$ 70,000	
Stretcher Replacement		\$ 30,000		\$ 32,000	
Chest Compression Systems	\$ 21,000				
Total EMS	\$ 518,000	\$ 270,000	\$ 70,000	\$ 282,000	\$ -
TOTAL FIRE DEPARTMENT	\$ 688,000	\$ 1,085,000	\$ 230,000	\$ 332,000	\$ -
INFORMATION TECHNOLOGY					
Security Camera Project	\$ 50,000				
TOTAL INFORMATION TECHNOLOGY	\$ 50,000	\$ -	\$ -	\$ -	\$ -
LA911 (Auburn's share)					
Server Infrastructure Replacement	\$ 150,000				
Communications Center				\$ 1,250,000	
Dispatch Center HVAC			\$ 100,000		
TOTAL LA911	\$ 150,000	\$ -	\$ 100,000	\$ 1,250,000	\$ -
NSBA					
Gold Series Stadium Charis (750 w/rack)		\$ 100,000	\$ 100,000		
Rehab Front Desk to Ticket Office	\$ 50,000				
Rubber Flooring, Front Lobby w/ new Logo, Locker room area	\$ 100,000				

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Rubber Flooring, Mezzanine and Rink 1 and 2		\$ 100,000			
Protective netting Rink 1 and 2			\$ 35,000		
New LED Scoreboards (2)			\$ 100,000		
New Zamboni				\$ 200,000	
New board system w/glass for Rink 2					\$ 300,000
TOTAL NSBA	\$ 150,000	\$ 200,000	\$ 235,000	\$ 200,000	\$ 300,000
POLICE DEPARTMENT					
Cruiser Camera System Replacement				\$ 200,000	
Body worn Cameras					\$ 280,000
Gym Equipment Replacement		\$ 25,000			
Digital Mapping Equipment					\$ 50,000
Patrol Rifle Replacement	\$ 21,000				
Emergency Operations Center Upgrade		\$ 50,000			
TASER Upgrade	\$ 169,000				
Mobile Data Terminal Replacement		\$ 125,000			
Command Vehicle Replacement			\$ 300,000		
TOTAL POLICE DEPARTMENT	\$ 190,000	\$ 200,000	\$ 300,000	\$ 200,000	\$ 330,000
PUBLIC WORKS					
Public Works					
Replace 7 yard plow trucks (plowing/sanding and roadway maintenance)	\$ 601,600	\$ 601,000	\$ 902,000	\$ 601,000	\$ 1,203,200
Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)				\$ 700,000	
Replace front end loader (loading materials and snow removal)	\$ 250,000		\$ 250,000	\$ 500,000	
Weather Station		\$ 47,150			
Grader			\$ 450,000		\$ 450,000
Weekingtech Foam Stream		\$ 35,300			
Replace One Ton Truck with Plow (2)	\$ 150,000	\$ 70,000		\$ 70,000	\$ 70,000
Replace 3/4 Ton Pickup w Plow		\$ 160,000	\$ 80,000	\$ 50,000	\$ 90,000
Hot Box Pavement Reclaimer			\$ 50,000		
Backhoe		\$ 185,000			
Replace sidewalk tractor (sidewalk maintenance and mowing)		\$ 170,000	\$ 170,000	\$ 170,000	
Longley Park Renovation		\$ 110,500			
Scorpion Trailer Crash Pad (Safety)		\$ 50,000			
Ventrac Machine with Attachments		\$ 48,000			
Hay Bale Chopper (Erosion Control)	\$ 10,000	\$ 10,000			
Trench Box		\$ 15,000			
Drone		\$ 20,000			
Replace Vactor Truck		\$ 525,000			
Pressure Washer for Wash Bay		\$ 50,000			
Replace Western Star Pulp Truck				\$ 275,000	

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Replace Chipper		\$ 80,000			
Replace Loader Mounted Snow Blower					\$ 150,000
Field GPS Painter		\$ 63,000			
Electrical Division - Vehicle Replacement		\$ 50,000			
Electrical Division - Bucket Truck Replacement					
Upper Pettingill Light Replacement			\$ 300,000		
Replace Softball Field Wall Pads			\$ 11,000	\$ 11,000	
Mount Auburn Ave Retaining Wall Replacement		\$ 185,250			
Repair Brick Sidewalk-Main St		\$ 262,700			
TOTAL PUBLIC WORKS	\$ 1,011,600	\$ 2,737,900	\$ 2,213,000	\$ 2,377,000	\$ 1,963,200
RECREATION & SPORTS FACILITIES					
Recreation					
Update Basketball Court Logo	\$ 35,000				
Senior Center Building Upgrades and Repairs	\$ 10,000		\$ 10,000		\$ 10,000
Equipment Repairs Ingersoll	\$ 10,000		\$ 10,000		\$ 10,000
Replace Turf at Ingersoll			\$ 300,000		
TOTAL RECREATION & SPORTS FACILITIES	\$ 55,000	\$ -	\$ 320,000	\$ -	\$ 20,000
TRANSPORTATION					
Traffic Calming and Pedestrian Safety	\$ 200,000				
TOTAL TRANSPORTATION	\$ 200,000	\$ -	\$ -	\$ -	\$ -
EDUCATION (See attached list)					
TOTAL CIP	\$ 14,813,100	\$ 40,762,200	\$ 35,050,300	\$ 10,273,300	\$ 10,184,500

**CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only**

Description	Bonds	Operating	Other
CITY CLERK Record Restoration	\$ 50,000		
TOTAL CITY CLERK	\$ 50,000	\$ -	\$ -
PLANNING & PERMITTING			
Dangerous Building Demolition	\$ 400,000		
Comprehensive Plan Program	\$ 200,000		
TOTAL PLANNING AND PERMITTING	\$ 600,000	\$ -	\$ -
CAPITAL INVESTMENT AND PURCHASING			
Facilities			
PAL Center (new)	\$ 1,500,000		
Public Safety Facility	\$ 3,000,000		
Carpet Replacement - Auburn Hall	\$ 85,000		
NSBA Exhaust Fan and Control System Upgrade			\$ 68,000
Hasty HVAC Replacement and Ventilation Upgrades			\$ 550,000
Ingersoll Field Lighting Replacement		\$ 35,000	
Total Facilities	\$ 4,585,000	\$ 35,000	\$ 618,000
City wide Vehicles			
Police Vehicle Replacement	\$ 225,500		
Public Works-Vehicle Replacement	\$ 25,000		
Recreation Minibus replacement/upgrade	\$ 80,000		
Total City-Wide Vehicles	\$ 330,500	\$ -	\$ -
Transportation			
Traffic Calming and Pedestrian Safety	\$ 200,000		
Total Transportation	\$ 200,000	\$ -	\$ -
Engineering			
Reconstruction	\$ 1,500,000		
Reclamation	\$ 1,500,000		
Major Drainage	\$ 500,000		
MDOT Match	\$ 1,500,000		
Resurfacing	\$ 750,000		
Retaining Walls	\$ 250,000		
Pavement Assessment		\$ 100,000	
Total Engineering	\$ 6,000,000	\$ 100,000	\$ -
TOTAL CAPITAL INVESTMENTS & PURCHASING	\$ 11,115,500	\$ 135,000	\$ 618,000

**CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only**

Description	Bonds	Operating	Other
<u>FIRE & EMS</u>			
Fire Apparatus Replacement	\$ 60,000		\$ -
Extrication Equipment	\$ 50,000		
Rescue Trailer	\$ 15,000		
	\$ 125,000	\$ -	\$ -
EMS Ambulance Replacement			\$ 450,000
AEDs for Police and Fire			\$ 45,000
Cardiac monitors			\$ 47,000
Chest Compression Systems			\$ 21,000
	\$ -	\$ -	\$ 563,000
TOTAL FIRE AND EMS	\$ 125,000	\$ -	\$ 563,000
<u>INFORMATION TECHNOLOGY</u>			
Security Camera Project	\$ 50,000		
TOTAL IT	\$ 50,000	\$ -	\$ -
<u>LA 911</u> Server Infrastructure Replacement	\$ 150,000		
TOTAL LA911	\$ 150,000	\$ -	\$ -
<u>NSBA (Norway Savings Bank Arena)</u>			
Rehab front desk to Ticket Office		\$ 50,000	
Rubber Flooring, Front Lobby w/new Logo, Locker room area	\$ 100,000		
TOTAL NSBA	\$ 100,000	\$ 50,000	\$ -
<u>POLICE</u>			
Patrol Rifle Replacement	\$ 21,000		
TASER Upgrade	\$ 169,000		
TOTAL POLICE	\$ 190,000	\$ -	\$ -
<u>PUBLIC WORKS</u>			
2 Replace 12-yard plow trucks (plowing/sanding and roadway maintenance)	\$ 601,600		
1 Replace Front End Loader	\$ 250,000		
3 Replace One ton truck w/plow (2)	\$ 150,000		
4 Hay Bale Chopper (Erosion Control)		\$ 10,000	
TOTAL PUBLIC WORKS	\$ 1,001,600	\$ 10,000	\$ -

**CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only**

Description	Bonds	Operating	Other
RECREATION & SPORTS FACILITIES			
Recreation			
Update Basketball Court Logo	\$ 35,000		
Senior Center Building Upgrades and Repairs			\$ 10,000
Equipment Repairs Ingersoll		\$ 10,000	
TOTAL RECREATION AND SPORTS FACILITIES	\$ 35,000	\$ 10,000	\$ 10,000
EDUCATION (See attached list)	\$ -		
TOTAL CIP	\$ 13,417,100	\$ 205,000	\$ 1,191,000

**CITY WIDE
CAPITAL IMPROVEMENT PLAN
FY 24 BONDS**

Description			Page
City Clerk	Record Restoration	\$ 50,000	16
Econ Dev & Planning	Dangerous Building Demolition	\$ 400,000	17
Econ Dev & Planning	Comprehensive Plan Program	\$ 200,000	18
Facilities	PAL Center	\$ 1,500,000	
Facilities	Public Safety Facility	\$ 3,000,000	19
Facilities	Carpet Replacement - Auburn Hall	\$ 85,000	20
City Wide Vehicles	Police Vehicle Replacement	\$ 225,500	21
City Wide Vehicles	Public Works-Vehicle Replacement	\$ 25,000	22
City Wide Vehicles	Recreation Minibus Replacement	\$ 80,000	23
Transportation	Traffic Calming and Pedestrian Safety	\$ 200,000	24
Engineering	Reclamation	\$ 1,500,000	25
Engineering	Reconstruction	\$ 1,500,000	26
Engineering	Major Drainage	\$ 500,000	27
Engineering	MDOT Match	\$ 1,500,000	28
Engineering	Resurfacing	\$ 750,000	29
Engineering	Retaining Walls	\$ 250,000	30
Fire	Apparatus Replacement	\$ 60,000	31
Fire	Excavation Equipment	\$ 50,000	32
Fire	Rescue Trailer	\$ 15,000	33
IT	Security Camera Project	\$ 50,000	34
LA911	Server Infrastructure Replacement	\$ 150,000	35
NSBA	Rubber Flooring, Front Lobby and Locker Room Area	\$ 100,000	36
Police	Patrol Rifle Replacement	\$ 21,000	37
Police	TASER Upgrade	\$ 169,000	38
Public Works	Replace 12-yard plow trucks	\$ 601,600	39&40
Public Works	Replace Front End Loader	\$ 150,000	41
Public Works	Replace One ton truck w/ plow	\$ 250,000	42
Recreation	Update Basketball Court w/new logo	\$ 35,000	43
Administration	Contingency	\$ 82,900	
TOTAL CIP		\$ 13,500,000	

**CITYWIDE
CAPITAL IMPROVEMENT PLAN
FY 24 Other Funds**

Description		Funds		Page
Facilities	NSBA Exhaust Fan and Control System	ARPA	\$ 68,000	44
Facilities	Hasty HVAC Replacement & Ventilation	ARPA	\$ 550,000	45
EMS	Ambulance Replacement	EMS Capital Reserve	\$ 450,000	46
EMS	AEDs for Police and Fire	ARPA	\$ 45,000	
EMS	Cardiac Monitors	EMS Capital Reserve	\$ 47,000	47
EMS	Chest Compression Systems	EMS Capital Reserve	\$ 21,000	48
Senior Center FB	Building Upgrades and Repairs	Senior Center FB	\$ 10,000	49
TOTAL CIP			\$ 1,191,000	



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

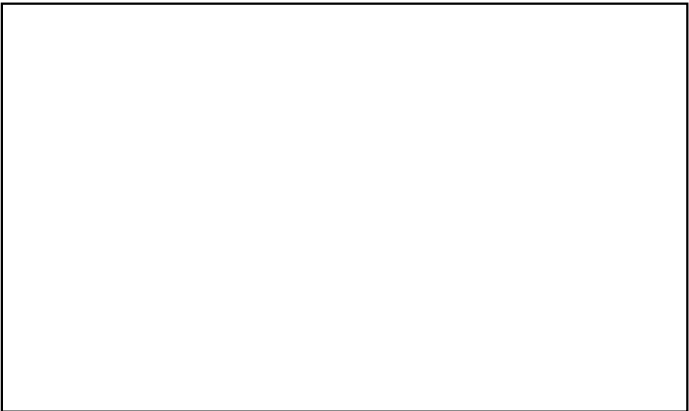
Project Title: Record Restoration

Project Purpose: Restore and protect all of the City's old records

Department: City Clerk

Project Description:

Binding and preserving the City's old records of Council Minutes, etc.



Location: City Clerks Vault

Justification:

We are required by Statute to keep these records forever.

Useful Life: 20 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 50,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 450,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Dangerous Buildings and Junkyard Cleanups

Project Purpose: Removal of Dangerous conditions from properties

Department: Planning & Permitting

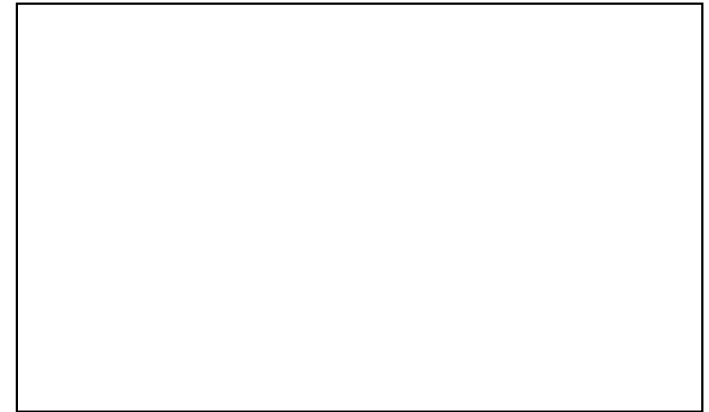
Project Description:

We have completed two more junkyard cleanups at tax acquired properties in 2022 2 (1865 Hotel 145 Eastman Lane). We will be pursuing cleanup at 250 Hackett Road Junkyard in 2023/2024 and have a condemned building at 100 Hampshire Street that may require demolition. Others may come to our attention in any given year due to complaints, fire, or damage. We attempt to recoup costs from the sale of property and special tax filings but need to address the safety and

Location:

Justification:

Without these funds we will not be able to address dangerous buildings or illegal junkyard cleanups.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Comprehensive Plan Program Implementation

Project Purpose: Implement Elements of the Comprehensive Plan Prioritized by

Department: Planning & Permitting

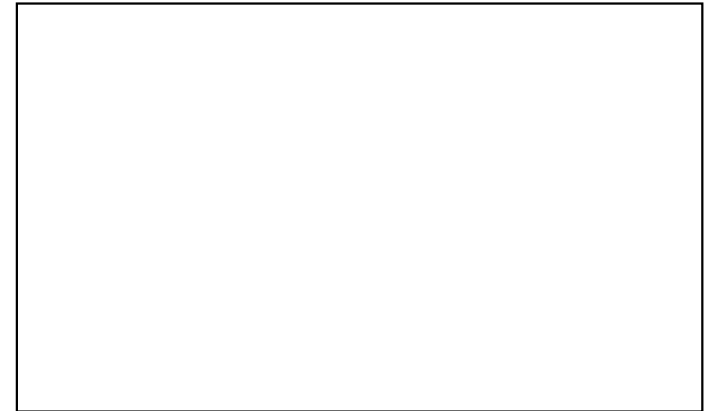
Project Description:

Comprehensive Plan Implementation Program-Council reserved funding for priority comprehensive plan efforts and property acquisition when opportunities present themselves. Past years projects include ballfields design, Mapping services for Comp Plan Update and printing updated plan, Lake Auburn Study.

Location:

Justification:

Without these funds we will not be able to implement comprehensive and strategic plan initiatives. If there is not funding available, the Council will need to budget for priorities next year and that does not place the City in a Competitive position for a property that may become available during the year. Council will be asked to vote to allocate this funding to specific efforts during the year.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 200,000	\$	- \$	- \$	-	\$ 200,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Public Safety Facility

Project Purpose:

Department: Capital Investment and Purchasing

Project Description:

Half of cost for Engine 2 reconstruction.

Location:

Justification:

Existing facility is beyond useful life.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 3,000,000	\$ 25,000,000	\$ 25,000,000		\$ -	\$ 53,000,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Auburn Hall Carpet Replacement

Project Purpose: Facility Maintenance

Department: Capital Investment and Purchasing

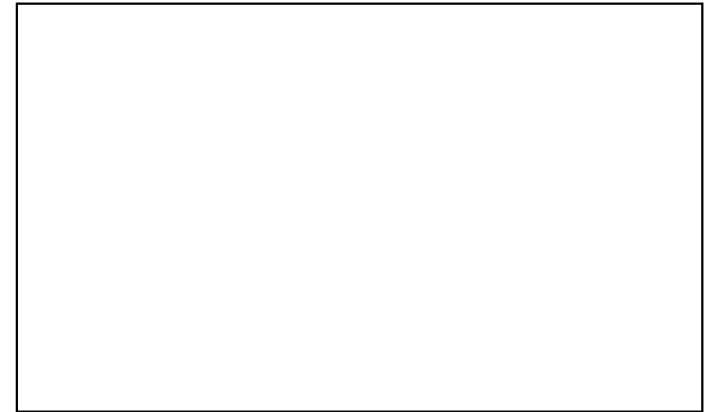
Project Description:

Replace existing carpet on 1st and 2nd floors with new carpet tiles.

Location: Auburn City Hall

Justification:

Existing carpet is old, stained and worn out.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 85,000	\$ -	\$ -	\$ -	\$ -	\$ 85,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Scheduled Fleet Replacement

Project Purpose: Vehicle Replacement

Department: Police

Project Description:

Scheduled replacement of four police vehicles.

Location: Police Department

Justification:

The department has established a three-year life cycle for the patrol fleet and a five to seven year life cycle for support vehicles. Due to previous budget cuts, the service life of some patrol vehicles has been extended. This has increased vehicle repair costs significantly while drastically reducing trade-in value. The department will trade out a 2012 vehicle, a 2015 vehicle and two 2016 vehicles. The department will purchase four new vehicles. one of which will be an electric vehicle for Support Services / CID.



Useful Life: Five Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ -	\$ 225,500	\$ -	\$ -	\$ -	\$ 225,500



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Electric Vehicle

Project Purpose: Replace worn-out equipment

Department: Public Works

Project Description:

Replace Ford Ranger pick-up truck with Electric Vehicle and install charging station at Public Works

Location: Woodbury Brackett Municipal Garage

Justification:

This unit would replace unit 89 a Ford Ranger pick-up truck.



Useful Life: 10

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ 25,000



**City of Auburn, Maine
 FY 2024 Capital Improvement Program
 Project Description Worksheet**

Fiscal Year: 2024

Priority: High

Project Title: New Minibus

Project Purpose: Replace "Age-Friendly" Mini Bus with a new one

Department: Recreation

Project Description: Current Minibus used for senior trips is in-need of many repairs and is currently unsafe to take on long trips. We are looking to replace that Minibus with a new one. Looking to add an additional \$2,500 to cover the possible repair costs in 2-3 years.

Location: Auburn Senior Community Center

Justification: Senior/age-friendly trips are limited to the space we have on our minibusses. With our before & aftercare program that limits the use of that "Rec" minibus to 9-2PM Mon-Fri. Having another reliable bus will ensure that all programs get the proper and safe transportation.



Useful Life: 5-10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 80,000	\$ -	\$ 2,500	\$ -		\$ 82,500



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Traffic Calming and Pedestrian Safety

Project Purpose: To create targeted funds for neighborhood-initiated traffic calming

Department: Transportation



Project Description:

Modeling after the FY23 City Council amended request, these funds would be available to support the implementation of traffic calming and pedestrian safety efforts that align with neighborhood-initiated requests.

Location: Various locations throughout the City

Justification:

Traffic calming and pedestrian safety are regular requests from Councilors and citizens city-wide. A dedicated fund of capital resources, aligned with policies to manage requests for safety evaluations, will improve livability in the city and support the Reclaiming our Streets recommendation in the strategic plan.

Useful Life:

	Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$	200,000	-	\$ -	\$ -	\$ -	\$ 200,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

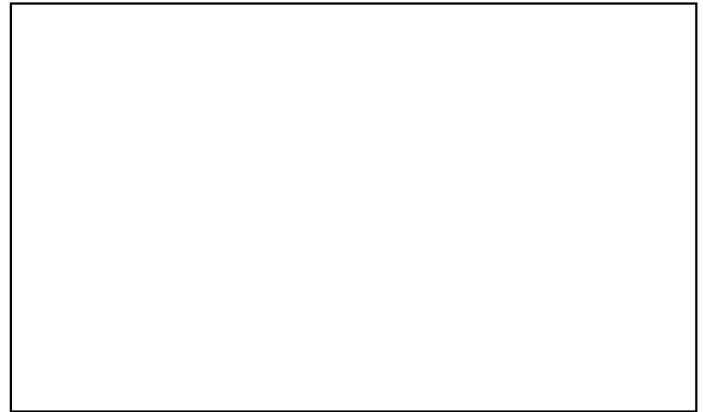
Project Title: Road Reclamation

Project Purpose: Street Improvement

Department: Capital Investment and Purchasing

Project Description:

Hersey Hill Road from North Auburn Road to Minot Town Line.
 Harmon's Corner Road from South Witham Road to Pownal Road.



Location: Various

Justification:

These road segments have low Pavement Condition Ratings and are in need of repair. These roads are good candidates for reclamation, where existing road base is utilized, and the road grade is raised.

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 1,500,000	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Road Reconstruction

Project Purpose: Street Improvement

Department: Capital Investment and Purchasing

Project Description:

Fourth Street from South Main Street to End.
 Dunn Street from South Main Street to Second Street.
 Loring Street from South Main Street to Seventh Street.
 Marian Drive from Sherwood Drive to Broad Street.

Location: Various

Justification:

These road segments have low Pavement Condition Ratings and are in need of repair. These sections will require restoration of the road base, closed drainage system, curbing and sidewalks.



Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 2,100,000	\$ -	\$ -	\$ -	\$ -	\$ 2,100,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Major Drainage

Project Purpose: State Mandate

Department: Capital Investment and Purchasing

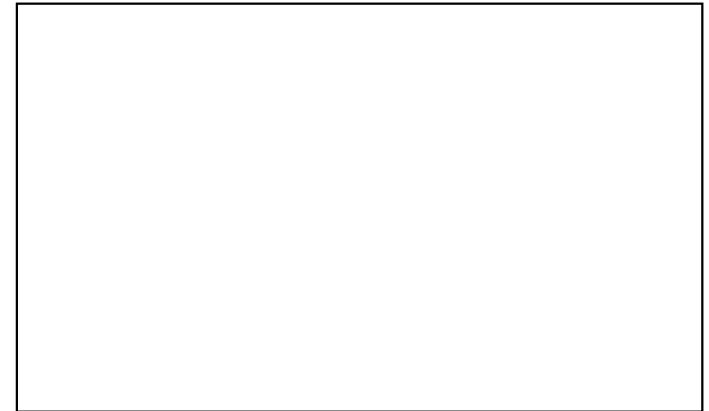
Project Description:

This item covers the MS4 Storm water permit regulations and drainage asset management. In addition, it would allow us to make repairs to existing systems that were identified as part of our storm water infrastructure assessment as failing.

Location: Various

Justification:

The City is required by MDEP to follow storm water regulations and annual reporting. The City is also mapping its storm water infrastructure inventory for future planning.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ 500,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: MDOT Match

Project Purpose: Street Improvement

Department: Capital Investment and Purchasing

Project Description:

This would provide the match for the MPI program (\$825,000) which would reconstruct a State Aid Road. The additional \$\$\$\$ is to provide match money for STIP projects.

Location: Various

Justification:

The money will provide the matching funds for the MDOT's Municipal Partnership Initiative (50/50) and the matching funds for STIP Projects (80/20). Without these funds the State will not contribute the 50% or the 80% matches.



Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 1,500,000	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Pavement Resurfacing

Project Purpose: Street Improvement

Department: Capital Investment and Purchasing

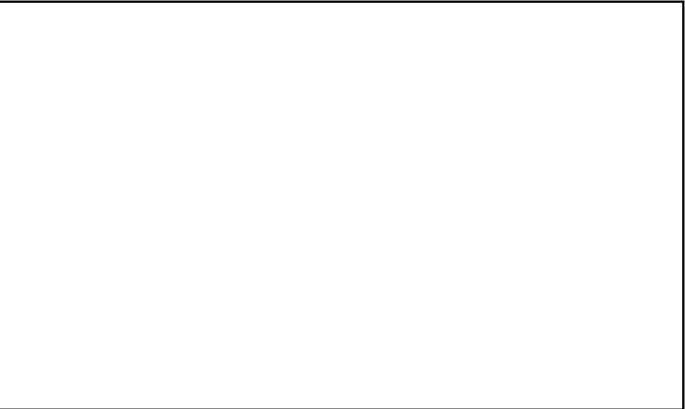
Project Description:

Holbrook Road from North Auburn Road to Town Line.
South Witham Road from Penley Corner Road to Sopers Mill Road.
Maple Hill Road from Dillingham Hill Road to Lakeshore Drive.

Location: Various

Justification:

This would add about 10 years of life to the roadway, allowing for another resurfacing in the future instead of needing to reconstruct the road at a much more significant cost.



Useful Life: 10 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Retaining Walls

Project Purpose: Street Improvement

Department: Capital Investment and Purchasing

Project Description:

Repairing a failing dry stacked retaining wall on a corner within the Hillcrest Street corridor. This is a safety project to include a new retaining wall with guardrail.

Location: Hillcrest Street

Justification:

The current retaining wall is failing and poses a safety concern to motorists and abutting properties.

Useful Life: 40 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Replace unit 320

Project Purpose: Replace worn out equipment

Department: Fire

Project Description:

To replace a 2014 Ford Explorer which is used as the Chief's vehicle. The project costs include vehicle costs as well as emergency lights, and the cost of a small command console so there will be a back up to our command unit if it is out of service.

Location: Fire

Justification:

The current vehicle has 125,000 miles on it, needs body repairs and is nearing the end of its reliable life. This project cost also funds a small command console with radios which will be installed and provide redundancy for our primary command SUV when the primary unit is out of service.



Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 60,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Extrication tool replacement/upgrade

Project Purpose: Replace tools

Department: Fire

Project Description:

Replace one full set of hydraulic extrication tools.

Location: Fire/Center St. Station

Justification:

The departments current extrication tools are over 20 years old and lack the power to cut the high strength components used in today's modern cars. The department has extrication tools on all three front line fire apparatus. This is phase two of a three step plan to upgrade all department extrication tools to work effectively on modern vehicles.

Useful Life: 15 years



Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 50,000	\$ -	\$ 50,000	\$ -	\$ -	\$ 100,000



**City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet**

Fiscal Year: 2024

Priority: Moderate

Project Title: Replace Rescue 1

Project Purpose: Replace Rescue 1 with a trailer

Department: Fire

Project Description:

This project will replace Rescue 1, Which is a 2001 PL Custom converted ambulance, with 125,000 miles on it. It will be replaced with a 16-foot enclosed trailer. The project costs include the cost of the trailer and all necessary shelving and mounting of the technical rescue equipment currently stored and deployed in Rescue 1.

Location: Fire

Justification:

Rescue 1 is long overdue for replacement. Moving to a trailer will eliminate an old apparatus from our fleet reducing maintenance costs. The trailer can be stored outside freeing up much needed bay space in the fire station.

Useful Life: 20 years



	Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$	15,000	\$ -	\$ -	\$ -	\$ -	\$ 15,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Security Camera Project

Project Purpose: Replace outdated equipment

Department: IT

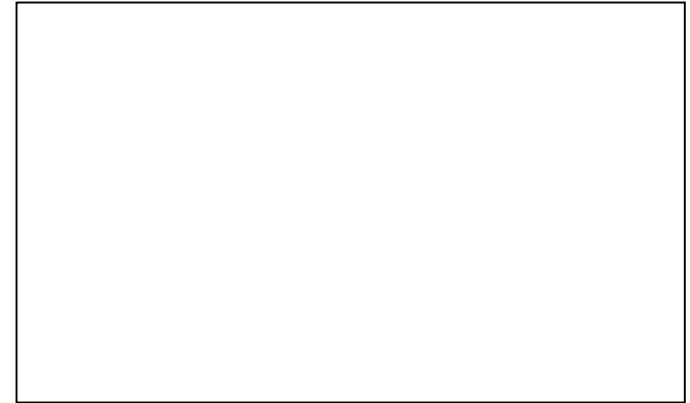
Project Description:

Auburn Hall parking garage is on schedule to have 12 cameras replaced due to age and advancements in camera technology, along with adding 3 cameras in the Pettengill Park fields.

Location: Auburn Hall & Pettengill Park

Justification:

The IT department has reviewed the age of cameras and found many needed to be replaced to keep up with security needs within the Parking Garage at Auburn Hall. It was also brought to our attention that we needed more camera footage on a regular basis at Pettengill Park Fields, so we would like to add cameras there.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000

FY24 Capital Improvement Program Project Description Form

Project Title: LA911 Server Infrastructure Replacement

Operational Funding Division: LA911 **Project Name:** Server Replacement

Est. Total Cost FY24:	0	Est. Total Cost FY25-FY28:	300,000
City Share FY24:	0	City Share FY25-FY28:	150,000

Project Description:

Planned LA911 Server Infrastructure Replacement. Hardware will be due to be replaced because of end of life (EOL) situations or replaced due to age of equipment, and manufacture support limitations in FY23. The Storage Area Networks (SAN), network switches, and servers that house the datacenter of LA911 will be due to be replaced in FY23. This project includes both the replacement of production site hardware and Disaster Recovery (DR) site hardware with reuse of current equipment as available. We have pushed the project to FY25 to align with planned relocation of the 9-1-1 Center.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:

Organizations should proactively develop strategies that leverage resources, anticipate future requirements, and focus on business goals and performance objectives. As technology and other computing platforms become central to supporting the mission of the organization, effective planning for the management of these platforms has become vital.

Justification for project implementation/construction and segments, if applicable:

By not staying current with supported hardware and emerging technologies, systems become outdated, obsolete, and lose residual value. There is a high factor of risk involved in falling behind in a datacenter hardware lifecycle management. Potential issues are extended system downtime, data loss, and data corruption.

Future maintenance costs if known, including contracts and special service requirements:

All hardware purchased will have a 3 - 5-year life span. Recurring capital expenditure will be required each 3- 5-year cycle.

How were cost estimates obtained and expenditure commitment:

Worked with vendor to assess current usage and needs with planned growth and data trends.

FUNDING SOURCES

Source	Amount	Agency:	Approval Received?	Yes	No
City Operating Budget					
City Bond Issue	150,000				
Federal/State Funding					
Other Agency/Municipality	150,000				
Total Project Costs	300,000				

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2024	2025	2026	2027	2028	Future
Total Project Cost		300,000				
Non-City Share		150,000				
City Share	0	150,000	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Floor Rubber

Project Purpose:

Department: Norway Savings Bank Arena

Project Description:

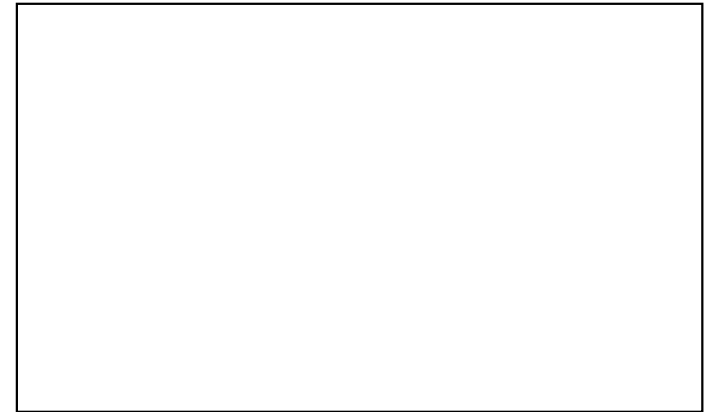
FY 24: To remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in the locker rooms, coaches' room, locker hallway, referee's room, and main lobby to include installation of new "Norway Savings Bank Arena"

Location:

FY 25: Supply and install new 3/8" rubber flooring color black with light grey 10% speckle throughout the a Mezzanine with new black cove base as needed. Remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in Rink 1 per walk-through. Remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in Rink 2 per walk-through

Justification:

Replacement of wear and tear after ten (10) years



Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 98,875	\$ 113,345	\$ -	\$ -	\$ -	\$ 212,220



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Patrol Rifle Replacement

Project Purpose: Replace worn-out equipment

Department: Police

Project Description:

Replacement of Patrol Rifles

Location: Police Department

Justification:

Current Patrol rifles are over 15 years old and have reached the end of their service life. New rifles will also include a noise suppressor to reduce hearing loss exposure to officers. 22 rifles will be purchased. The original project was partially funded in FY23 at \$17,500 with the understanding the second half would be funded in FY24.



Useful Life: 15 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 21,000	\$ -	\$ -	\$ -	\$ -	\$ 21,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: TASER Replacement Project

Project Purpose: Replace worn-out equipment

Department: Police

Project Description:

Replace 55 TASER X26P units with TASER 7 units

Location: Police Department

Justification:

The TASER X26P has reached the end of its service life and will no longer be serviced by AXON. The TASER 7 is the model that Axon has transitioned to. TASER 7 is available as a \$55.32 per month, per unit subscription that includes the TASER weapon, docks, batteries and cartridges, integration with Axon Evidence, full user training and certification for five years.



Useful Life:

5 Years

	Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$	186,000	\$ -	\$ -	\$ -	\$ -	\$ 186,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Replace Single Axle Dump Truck

Project Purpose: Replace worn-out equipment

Department: Public Works

Project Description:

This unit is used for plowing and sanding/salting in winter months and is used to move material to and from APW job sites in the summer months.

Location: Woodbury Brackett Municipal Garage

Justification:

This would replace unit 7- single axle dump truck with plow and wing.



Useful Life: 10 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 300,800	\$ -	\$ -	\$ -	\$ -	\$ 300,800



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Replace Single Axle Dump Truck

Project Purpose: Replace worn-out equipment

Department: Public Works

Project Description:

This unit is used for plowing and sanding/salting in winter months and is used to move material to and from APW job sites in the summer months.

Location: Woodbury Brackett Municipal Garage

Justification:

This would replace unit 16-single axle dump truck with plow and wing.



Useful Life: 10yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 300,800	\$ -	\$ -	\$ -	\$ -	\$ 300,800



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Replace Bucket Loader

Project Purpose: Replace worn-out equipment

Department: Public Works

Project Description:

Replace 1999 John Deere Wheeled Bucket Loader

Location: Woodbury Brackett Municipal Garage

Justification:

The loader is used in winter operations for snow removal, loading trucks with sand and salt, and plowing as it's available. The 1999 loader is useful life and needs replacement.



Useful Life: 15 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: One Ton Truck

Project Purpose: Replace worn-out equipment

Department: Public Works

Project Description:

Replace one ton truck with plow and sander.

Location: Woodbury Brackett Municipal Garage

Justification:

This unit would replace unit 33 a 2009 one ton.

Useful Life: 10

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ 75,000



**City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet**

Fiscal Year: 2024

Priority: Low

Project Title: Basketball Court Logo Update

Project Purpose: Refinish basketball court and add rebranded Auburn Recreation logo

Department: Recreation

Project Description: Replace old logo with rebranded logo - would include shaving down entire court and cleaning off old lines.



Location: Hasty Community Center

Justification: Current logo is 10 years old and does not resemble our current logo or brand. Cost would include the annual cleaning that the floor gets so that would be taken off FY 24 budget. This quote also includes the cost of relining the court for pickleball, volleyball and basketball.

Useful Life: 15 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ 35,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: NSBA Exhaust Fan and Control System Upgrade

Project Purpose: Facility Maintenance

Department: Capital Investment and Purchasing

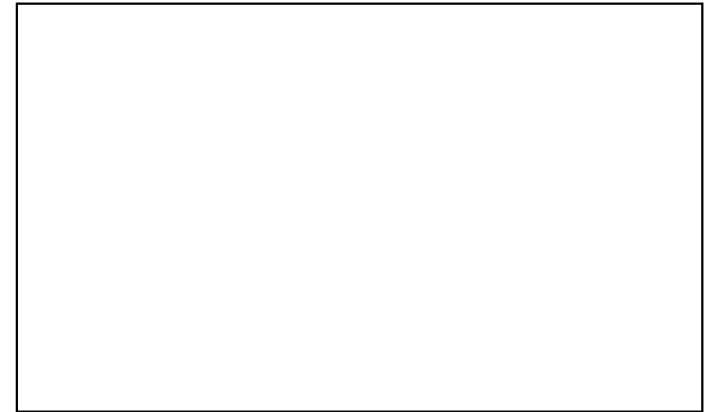
Project Description:

Replace locker room exhaust fan and perform control system upgrades

Location: Norway Savings Bank Arena

Justification:

System was never properly commissioned when building was opened.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 68,000	\$ -	\$ -	\$ -	\$ -	\$ 68,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: Very High

Project Title: Hasty HVAC Replacement and Ventilation Upgrades

Project Purpose: Facility Maintenance

Department: Capital Investment and Purchasing

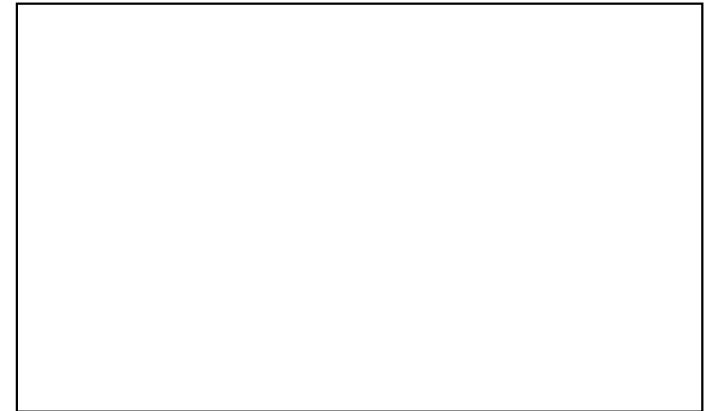
Project Description:

Install new HVAC system in Hasty.

Location: Hasty

Justification:

No air conditioning exists and existing heating system is failing. Air quality is also poor.



Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ 550,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Ambulance Purchase

Project Purpose: New equipment to meet service needs

Department: EMS

Project Description:

Purchase one ambulance.

Location: Fire

Justification:

As call volumes continue to increase, Auburn EMS has reached the point where we must begin to staff a third ambulance to meet the service demands of the City. To prepare for having three staffed units, we must increase our fleet of ambulances. The current lead time from the ambulance vendor for a new ambulance is 18-24 months. It is important that we make this purchase now to have the ambulance before the service demands exceed our ability to respond.



Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ 450,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Cardiac Monitor

Project Purpose: Add one additional system to department capabilities

Department: EMS

Project Description:

Purchase one Cardiac Monitor.

Location: Fire

Justification:

Cardiac monitors allow EMS providers to monitor and document patient heart function as well as to defibrillate (shock) a patient's heart during severe cardiac events. This is required equipment on all licensed ambulances. This purchase is in preparation for adding a third response ambulance to meet increasing call volumes and increased patient demands for service.



Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 47,000	\$ -	\$ -	\$ -	\$ -	\$ 47,000



City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: 2024

Priority: High

Project Title: Chest Compression System

Project Purpose: Add one additional system to department capabilities

Department: EMS

Project Description:

Purchase one chest compression system.

Location: Fire

Justification:

Chest compression systems produce much more effective, and consistent compressions during CPR than manual compressions. This can result in better patient outcomes. This purchase is in preparation for adding a third response ambulance to meet increasing call volumes and increased patient demands for service.



Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 21,000	\$ -	\$ -	\$ -	\$ -	\$ 21,000



**City of Auburn, Maine
 FY 2024 Capital Improvement Program
 Project Description Worksheet**

Fiscal Year: 2024

Priority: Low

Project Title: Senior Center Upgrades & Repairs

Project Purpose: Replacement of equipment or additional equipment needed

Department: Recreation

Project Description: New projector to replace current one, repair the divider wall, funds to help cover any repair costs to AV system. New signage to match rebranding.

Location: Auburn Senior Community Center

Justification: Building is used almost every day. Making sure funds are available to make quick repairs is crucial to ensure the building stays up and running for not only our own senior programming but also the Senior groups and rentals that we service daily.



Useful Life: 2 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
\$ 10,000	\$ -	\$ 10,000	\$ -	\$ 10,000	\$ 30,000



ORDER 50-04182023

City Council Order

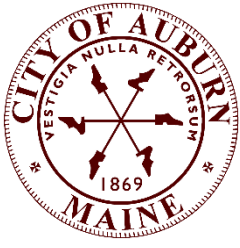
IN CITY COUNCIL

ORDERED, that the City Council hereby adopts the FY 2024 - 2028 (5 year) Capital Improvement Plan, as presented.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023

Order: 51-04182023

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

Subject: Auburn Victory Garden Program

Information:

The City of Auburn seeks funds from the American Rescue Plan Act (ARPA) to establish the Auburn Victory Garden Program. The program will assist residents in producing fresh, healthy food by providing a one-time grant from the Auburn Victory Garden Program. This program will incentivize residents to grow healthy food items for themselves or share with others. This grant program aligns with the city's strategic goal of enhancing access to healthy food choices and promoting neighborhoods.

City Budgetary Impacts:

This program will not impact the City's Budget as The Office of Business & Community Development is seeking \$25,000 in ARPA funds to administer the program.

Staff Recommended Action:

Approve the Order as submitted.

Previous Meetings and History:

City Council Meeting March 20, 2023, during Communications and Presentations, Mayor Leveque proposed action for staff to work from.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

Auburn Victory Garden Program Overview
Program Application
Informational Intake Form



City of Auburn, Maine

Business & Community Development

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Auburn Victory Garden Program

Purpose

The purpose of the Victory Garden program is to assist residents who wish to produce their own fresh, healthy food by reducing the start-up costs of backyard or container gardens. This initiative aligns with goals established within the city’s Comprehensive Plan which aims to “ensure that fresh, local food is equitably accessible to everyone regardless of income or geography” (Objective K.1.1) by “supporting practices that facilitate access to healthy food in residential settings” (Objective K.1.3).

Funding

The City of Auburn may allocate \$25,000 from the City ARPA funds for this program to provide funds to qualified residents. Maximum assistance is \$150 per household. Funds will be provided as vouchers to participating farm & garden retailers and nurseries.

Eligibility

Existing Auburn residents are eligible for financial assistance. The funds can be used to purchase necessary equipment, supplies or seedlings to improve the selection of fresh and healthy food offerings.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	Budget
City ARPA Funds =			\$25,000
Total Uses=			\$25,000
Program Administration (1 year)			\$1,000
Grants	\$150.00	<i>Approx. 160</i>	\$24,000

Application

Applications will be accepted until August. 1, 2023, or until all funds are exhausted. The following application will be used to collect all pertinent information and determine eligibility.



Victory Garden Application

Business & Community Development

60 Court St Auburn, Maine 04210

Phone (207)-333-6601

www.AuburnMaine.Gov

Applicant Information			
Applicant Name: _____		Number in Household: _____	
Home Address: _____		Phone: _____	
City: _____	State: _____	Zip: _____	Email : _____
<input type="radio"/> Female	<input type="radio"/> Male	Veteran Status	Race/Ethnicity
This garden's primary focus is to provide:		<input type="radio"/> Non-Veteran	<input type="radio"/> Black/African
<input type="radio"/> Availability of Fresh produce		<input type="radio"/> Veteran	<input type="radio"/> Asian/Pacific
<input type="radio"/> Financial stability			<input type="radio"/> Hispanic
			<input type="radio"/> Native/Eskimo
			<input type="radio"/> White
			<input type="radio"/> Other
Have you ever grown your own produce? <input type="radio"/> No <input type="radio"/> Yes			
Do you require assistance <input type="radio"/> No <input type="radio"/> Yes (if yes, the city will share your contact information with a garden mentor organization).			
Do you agree to use these resources to provide food for your household? <input type="radio"/> No <input type="radio"/> Yes Initial: _____			

Please Describe how you will use these funds: _____

Amount Requested: \$ _____

Please include recent 1 utility or tax bill with your application to verify residency status.

If Approved, you will receive a voucher to one of the following retailers. Present the voucher during checkout to redeem.

- Retailer 1
- Retailer 2
- Retailer 3

Authorization & Certification

I hereby certify that all information contained in this document and any attachments is true and correct to the best of my knowledge. I understand that this is a federally funded program, and I may have to provide further documentation, receipts and reports confirming these funds were used in accordance with federal guidelines. Failure to do so will constitute a default on a federal debt and may cause me to be debarred from future government assistance.

The city does not warrant or guarantee in any manner that its assistance will result in a successful harvest. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: _____

Date _____

For Office Use Only:

Approved

Denied

Authorized Official: _____ Date: _____

Voucher # _____

Amount approved: \$ _____



Intake Form
Business & Community Development
60 Court St Auburn, Maine 04210
Phone (207)-333-6601
www.AuburnMaine.Gov

Business Information	
Name of Business: _____	Role: _____
Length of Business Ownership: _____ Yrs.	Percent of Ownership* _____
Previous Year Gross Income: _____	Previous year Net Income: _____

***Each individual owning 20% or more of the business must complete a separate form.**

Personal Information	
Applicant Name: _____	Date of Birth: _____
Home Address: _____	
City: _____	State: _____ Zip: _____
Household Income: _____	
Marital Status: <input type="radio"/> Married <input type="radio"/> Unmarried (single/divorced/widowed)	Number in Household: _____
Email Address: _____	Phone Number: _____

<input type="radio"/> Female	<input type="radio"/> Male	Veteran Status	Race/Ethnicity	
Business Income is:		<input type="radio"/> Non-Veteran	<input type="radio"/> Black/African	<input type="radio"/> Asian/Pacific
<input type="radio"/> Supplementary Income		<input type="radio"/> Veteran	<input type="radio"/> Hispanic	<input type="radio"/> Native/Eskimo
<input type="radio"/> Sole Source of Income			<input type="radio"/> White	<input type="radio"/> Other

Legal History	
Have you ever been convicted of a Felony? <input type="radio"/> No <input type="radio"/> Yes, Type & Date Filed: _____	
Do you have any collection items, child support payments, judgments, or unpaid taxes (personal or business) <input type="radio"/> No <input type="radio"/> Yes	
Are you or your business involved in any pending lawsuits? <input type="radio"/> No <input type="radio"/> Yes	
Are you a US citizen? <input type="radio"/> No <input type="radio"/> Yes	Are you a permanent resident alien <input type="radio"/> No <input type="radio"/> Yes

Authorization & Certification

I authorize the City of Auburn and/or its agents to make any investigations as it relates to my role within this business. I hereby certify that all information contained in this document and any attachments is true and correct to the best of my knowledge. I understand that this is a federally funded program, and I will have to provide further documentation, receipts and reports confirming these funds were used in accordance with federal guidelines. Failure to do so will constitute a default on a federal debt and may cause me to be debarred from future government assistance.

The city does not warrant or guarantee in any manner that its assistance will result in business success. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: _____

Date _____



ORDER 51-04182023

City Council Order

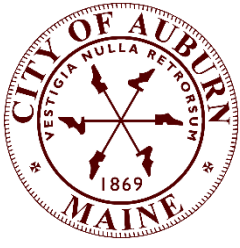
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the use of \$25,000 in ARPA funds for the Auburn Victory Garden Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023,

Order: 52-04182023

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

Subject: Auburn Commercial Agriculture Incentive Program

Information:

The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) to support establishing the Auburn Commercial Incentive Program. This program is intended to incentivize the creation or expansion of commercial agricultural activity in the city. This forgivable loan program aligns with the city's strategic goal of enhancing access to healthy food choices and promoting existing and new businesses.

City Budgetary Impacts:

This program will not impact the City's Budget as The Office of Business & Community Development is seeking \$50,000 in ARPA funds to administer the program.

Staff Recommended Action:

Approve the Order as submitted.

Previous Meetings and History:

City Council Meeting March 20, 2023, during Communications and Presentations, Mayor Leveque proposed action for staff to work from.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

Auburn Commercial Agricultural Incentive Program Overview
Program Application
Informational Intake Form



City of Auburn, Maine

Business & Community Development

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Auburn Commercial Agriculture Incentive Program

Purpose

The purpose of the Auburn Commercial Agriculture Incentive program is to support the establishment or expansion of local farm and food production operations. This initiative aligns with goals established within the city Comprehensive Plan which aim to “ensure that fresh, local food is equitably accessible to everyone regardless of income or geography” (Objective K.1.1) by “supporting practices that facilitate access to healthy food in residential settings” (Objective K.1.3).

Funding

The City of Auburn may allocate \$50,000 from the City ARPA funds for this program to provide funds to approx. ten (10) qualified farming operations. Maximum assistance is \$5,000 per operation for approved expenses. Fund requests will provide a detailed budget and explain how this funding will provide a net increase in food production for existing or new farm operations. Funds will be made available as a deferred-payment, 12-month loan. If all conditions are met, the funds will be converted to a grant.

Eligibility

Existing or start-up Auburn based agricultural food producers who derive or will sell at least 25% of their produce locally, are eligible for financial assistance. These include qualified for-profit or non-profit C-corps, S-corps, partnerships, or sole proprietors filing a schedule F on their personal tax returns. The funds may be used to acquire or upgrade equipment, purchase supplies, or expand labor as necessary to improve the selection of healthy food offerings or facilitate greater access to local produce.

Post closing conditions will be reviewed 12 months after closing. If all conditions are met the loan will be converted to a grant. Conditions include copy of 2023 tax returns verifying agriculture based revenue and evidence of on-going operation.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application, must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	Budget
City ARPA Funds =			\$50,000
Total Uses=			\$50,000
Program Administration (1 year)			\$2,000
Forgivable Loans up to	\$5,000.00	Approx. 10	\$48,000

Application

Applications will be accepted until Nov. 1, 2023, or until all funds are exhausted. The following application will be used to collect all pertinent information and determine eligibility.



Commercial Agriculture Incentive Application

Business & Community Development
 60 Court St Auburn, Maine 04210
 Phone (207)-333-6601
www.AuburnMaine.Gov

Forgivable Loans not to Exceed \$5,000

This Application is for a Forgivable **LOAN** not a grant. Repayment may be required if all conditions are not met.

Business Information

Name of Business: _____ Tax ID # _____
 Business Address: _____ Phone # _____
 City: _____ State: _____ Zip: _____ email: _____
 Legal Entity: Sole Proprietor Partnership LLC Corporation **Other**
 Length in Business: _____ Yrs Mos _____ **OR** Startup Principle Owner: _____

**Each individual owning 20% or more of the business must complete a separate Intake Form.*

Business Operations

Industry: _____ FT Employees: _____ PT Employees: _____

Description of Business:

Description of Need:

Detailed Use of Funds:

Application Checklist

All Items Are Required to Complete Application	Use of Funds:
<input type="checkbox"/> Signed Application + Intake from Owners	Working Capital: \$ _____
<input type="checkbox"/> 1 Form of Identification	Inventory/Equipment: \$ _____
<input type="checkbox"/> 1 year Business tax returns and/or Personal Tax Return	Total Request: \$ _____
<input type="checkbox"/>	_____

Authorization & Certification

I/We agree to use these funds in compliance with the program guidelines established by the City of Auburn. I/We hereby certify that all information contained in this document and any attachments is true and correct to the best of my/our knowledge and that we have not been debarred from receiving federal funds. The city does not warrant or guarantee in any manner that its assistance will result in business success. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: _____ Title _____ Date _____

For Office Use Only:

Loan Terms: 0% Interest 12 months deferred. Post-Closing Conditions Apply

Application Complete Date Received: _____

Approved Denied Authorization: _____ Date: _____



ORDER 52-04182023

City Council Order

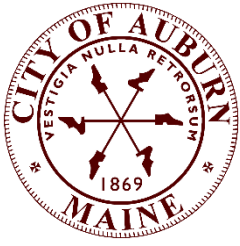
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the use of \$50,000 in ARPA funds for the Auburn Commercial Agriculture Incentive Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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

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

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



**City of Auburn
City Council Information Sheet**

First Reading or Meeting Date: April 18, 2023

Ordinances: 03-04182023 & 04-04182023

Author: Planning and Permitting Dept.

Subject: First Reading on adding conservation cemetery definition and size requirement as a zoning text amendment.

Information:

On March 28, 2023, Auburn Planning Board held a public hearing on a text amendment for Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map. Planning Board recommended the amendments as suggested, but slightly amended for clarification, adding, "burials in conservation cemeteries consist solely of cremains." Staff believes this change is not substantive enough to require another public hearing.

City Budgetary Impacts: None

Staff Recommended Action:

Review the Planning Board's findings, discuss, and provide the first reading towards council adoption.

Previous Meetings and History:

March 28, 2023- Planning Board Public Hearing
April 2, 2023- City Council First Reading

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

Planning Board positive recommendation, 03/28/2023 staff report, Sec. 60-145 proposed amendment, Sec. 60-2 proposed amendment, petition with signatures.



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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on adding conservation cemetery definition and size requirement as a zoning text change

Date: 04/03/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on March 28, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT: The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; Riley Bergeron seconds.

“I make a motion to recommend amending chapter 60 of the city ordinances specifically sec 60-145b8 use regulations and sec 60-2 definitions by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery and adding the definition conservation cemetery to section 60-2 as stated in the petition and included in this meetings materials with the amendment that the definition of conservation cemetery read conservation cemetery means a type of natural cemetery that includes a conservation management plan that holds best practices and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries consist solely of cremains and utilize non-toxic and biodegradable chemicals.”

VOTE: 7-0-0 Motion passes.



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: Katherine Cook, Planning Coordinator

Re: Public Hearing on petition to change the minimum size requirement for cemeteries and add the definition of conservation cemetery to Chapter 60 of the zoning ordinance.

Date: March 14, 2023

I. PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT:

The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

II. Materials:

1. March 14, 2023, Staff Report
2. Proposed Text Change: Sec. 60-145. Use regulations.
3. Proposed Text Change: Sec. 60-2. Definitions.
4. Signed Petition

III. Background

Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city (Sec. 60-1445). The City received the completed application with 48 verified signatures on February 10, meeting the requirements of Sec. 60-1446.

Each proposal to change any zoning ordinance text (other than a change of zoning district name or zoning boundary description) shall include the wording then current, the words of change, the wording if so amended and a statement of the reasons for such change, showing how such change would affect the public health, safety, convenience and welfare (Sec. 60-1447).

One of the primary measures of whether a text change is appropriate is conformance with Comprehensive Plan. As the petition states, the proposed change is consistent with the Future Land Use Plan, Agricultural and Resource Protection (AGRP) District, and the Comprehensive Plan.

Currently, cemeteries are an allowed use in the Agricultural and Resource Protection Zone if they are at least 20 acres. This was originally put in place to avoid having many small cemeteries through the city which could become the municipality's responsibility to maintain over time. Allowing a smaller lot size for conservation cemeteries would not increase the burden of eventual maintenance for the city because first, they only bury cremains, which require smaller plot sizes, and they do not require the regular mowing maintenance of traditional cemeteries. Conservation

cemeteries and memorial forests intend that the look and feel of the land be created by nature. Therefore, unlike traditional cemeteries, there are no gravestones or manicured grass. Parking areas are to be of a gravel base and trails are to be woodland and natural.

IV. Planning Board Action

Review the proposed text change pursuant to Chapter Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map, for consistence with the Comprehensive Plan. Hold a Public Hearing and make a motion to approve or deny the proposal.

V. Suggested Motion:

I make a motion to recommend amending Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and included in this meeting's materials.



City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving use standards related to conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

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

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

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

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
 - a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.
 - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.
 - c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

-
- (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.

-
- (8) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - c. At least 10 acres if designated a conservation cemetery.
- (9) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

-
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
- a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and
 - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and
 - c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:
 1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.
 2. The parcel can reasonably accommodate the proposed farm.
 3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:
 4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of

agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.
 6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.
 - d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
 - e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear*. There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side*. There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front*. There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
 - d. *Total land area*. Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

-
- f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)



City Council Ordinance

IN CITY COUNCIL

Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving definitions for conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions, by adding the definition of Conservation Cemetery to Sec. 60-2 as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

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

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

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

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

- (1) Bed and breakfast homes or inns;
- (2) Restaurants, diners or cafes;
- (3) Art studios and galleries;
- (4) Performing arts centers;
- (5) Medical and dental clinics;
- (6) Office space;
- (7) Municipal and government uses; and
- (8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or lodginghouse means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure*.)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments, or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Conservation cemetery means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or zone means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

-
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
 - (4) Swine: Two animal units per acre of cleared land.
 - (5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft,

technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School*.)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Junkyard or automobile graveyard means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeded of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lodge, private. See the term *Club, private*.

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
- (5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)
- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

- (1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;
- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;
- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or earth removing means the excavation of any earth materials.

Minor arterial highway means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and
- (2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeeter trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school*.)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or office mall means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city;
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage*.

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or building means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home*.

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or RV means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones

that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

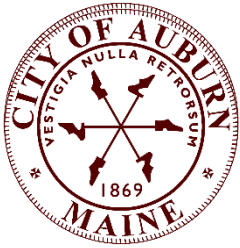
Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District*.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 18, 2023

Order: 53-04182023

Author: Brian Wood, Assistant City Manager

Subject: Reclamation of East Auburn Tennis Courts

Information:

The City of Auburn in collaboration with the Auburn School District are reclaiming the East Auburn Tennis courts that have fallen into disrepair. This is a joint effort to address an outstanding commitment when the City built these courts with funding and support from the Land and Water Conservation Fund. This project will revive the 2 current tennis courts and provide 4 new pickleball courts by using mixed striping.

City Budgetary Impacts:

ARPA Funds recommended

Staff Recommended Action:

Staff recommends supporting this project

Previous Meetings and History:

N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 53-04182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby directs the City Manager to execute the East Auburn Tennis Court reclamation project. The City Council authorizes up to \$95,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative to match the \$95,000 allocated by the Auburn School District.

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

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

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



City of Auburn, Maine

Finance Department

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

TO: Phillip Crowell, City Manager

FROM: Jill Eastman, Finance Director

REF: March 2023 Financial Report

DATE: April 18, 2023

The following is a discussion regarding the significant variances found in the City's March financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its ninth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 75.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through March 31st, including the school department, were \$86,340,720 or 80.66% of the budget. The municipal revenues including property taxes were \$62,551,231, or 88.75% of the budget which is less than the same period last year by 2.07%. Due to the increase in the budgeted estimate for revenues, the percentage is lower, but the dollars collected are higher than the same period last year. The accounts listed below are noteworthy.

- A. The current year tax revenue is at 94.31%, the second payment was due March 15th. We are currently \$2,127,865 higher than this time last year.
- B. Excise tax for the month of March is at 78.54%. This is an increase of \$137,548 compared to FY 22.
- C. State Revenue Sharing at the end of March is 102.21% or \$753,648 more than in FY 22.



City of Auburn, Maine

Finance Department

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Auburn, Maine 04210

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Expenditures

City expenditures through March 2023 were \$39,085,533 or 76.17% of the budget. This is a 3.07% decrease in percentage for the same period last year. Actual dollars spent are higher than last year by \$ 1,788,123. Noteworthy variances are:

- A. Fiscal Services are higher than last year due to the higher debt service payments than last year.
- B. Administration, Community Services, Public Safety and Public Works are higher dollar wise than last year.

Investments

This section contains an investment schedule as of March 31st. Currently the City's funds are earning an average interest rate of 3.24%.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M. Eastman".

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of March 2023, February 2023, and June 2022

	March 31	February 28	Increase	UNAUDITED
ASSETS	2023	2023	(Decrease)	JUNE 30
				2022
CASH	\$ 65,083,908	\$ 48,173,422	\$ 16,910,486	\$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	3,072,657	3,009,692	62,965	1,461,282
TAXES RECEIVABLE-CURRENT	2,902,946	19,573,162	(16,670,216)	42,636
DELINQUENT TAXES	453,145	453,215	(70)	395,714
TAX LIENS	599,820	622,951	(23,131)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(25,870,873)	(18,653,109)	(7,217,764)	4,391,622
	<hr/>			
TOTAL ASSETS	\$ 46,241,603	\$ 53,179,333	\$ (6,937,730)	\$ 32,645,195
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ 21,731	\$ 21,198	\$ 533	\$ (824,510)
PAYROLL LIABILITIES	(191,636)	(50,189)	(141,447)	2,948,844
ACCRUED PAYROLL	-	-	-	(263,746)
STATE FEES PAYABLE	(126,744)	(40,687)	(86,057)	(183)
ESCROWED AMOUNTS	(42,041)	(42,020)	(21)	(40,426)
DEFERRED REVENUE	(3,804,057)	(20,497,437)	16,693,380	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
	<hr/>			
TOTAL LIABILITIES	\$ (4,142,747)	\$ (20,609,135)	\$ 16,466,388	\$ 234,377
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (39,100,040)	\$ (29,571,382)	\$ (9,528,658)	\$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
	<hr/>			
TOTAL FUND BALANCE	\$ (42,098,856)	\$ (32,570,198)	\$ (9,528,658)	\$ (32,879,572)
	<hr/>			
TOTAL LIABILITIES AND FUND BALANCE	\$ (46,241,603)	\$ (53,179,333)	\$ 6,937,730	\$ (32,645,195)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH March 31, 2023 VS March 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAR 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 52,463,320	\$ 49,477,540	94.31%	\$ 50,042,450	\$ 47,349,675	94.62%	\$ 2,127,865
PRIOR YEAR TAX REVENUE	\$ -	\$ 692,123		\$ -	\$ 513,399		\$ 178,724
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,770,000	\$ 1,322,921	74.74%	\$ 1,650,000	\$ 1,290,048	78.18%	\$ 32,873
EXCISE	\$ 4,435,000	\$ 3,483,266	78.54%	\$ 4,425,000	\$ 3,345,718	75.61%	\$ 137,548
PENALTIES & INTEREST	\$ 120,000	\$ 54,845	45.70%	\$ 120,000	\$ 81,393	67.83%	\$ (26,548)
TOTAL TAXES	\$ 58,788,320	\$ 55,030,695	93.61%	\$ 56,237,450	\$ 52,580,233	93.50%	\$ 2,450,462
LICENSES AND PERMITS							
BUSINESS	\$ 190,000	\$ 234,080	123.20%	\$ 166,000	\$ 233,451	140.63%	\$ 629
NON-BUSINESS	\$ 195,250	\$ 265,174	135.81%	\$ 300,200	\$ 307,769	102.52%	\$ (42,595)
TOTAL LICENSES	\$ 385,250	\$ 499,254	129.59%	\$ 466,200	\$ 541,220	116.09%	\$ (41,966)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ 419,744	104.94%	\$ 390,000	\$ 421,592	108.10%	\$ (1,848)
STATE REVENUE SHARING	\$ 4,504,100	\$ 4,603,571	102.21%	\$ 3,150,000	\$ 3,849,923	122.22%	\$ 753,648
WELFARE REIMBURSEMENT	\$ 83,912	\$ 79,233	94.42%	\$ 90,656	\$ 34,414	37.96%	\$ 44,819
OTHER STATE AID	\$ 32,000	\$ 3,403	10.63%	\$ 32,000	\$ 15,763	49.26%	\$ (12,360)
CITY OF LEWISTON	\$ 182,000	\$ -	0.00%	\$ 228,384	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 5,202,012	\$ 5,105,950	98.15%	\$ 3,891,040	\$ 4,321,692	111.07%	\$ 784,258
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 361,400	\$ 98,422	27.23%	\$ 184,400	\$ 125,813	68.23%	\$ (27,391)
PUBLIC SAFETY	\$ 30,800	\$ 77,936	253.04%	\$ 176,600	\$ 121,029	68.53%	\$ (43,093)
EMS TRANSPORT	\$ 1,350,000	\$ 1,213,462	89.89%	\$ 1,250,000	\$ 1,119,331	89.55%	\$ 94,131
TOTAL CHARGE FOR SERVICES	\$ 1,742,200	\$ 1,389,820	79.77%	\$ 1,611,000	\$ 1,366,173	84.80%	\$ 23,647
FINES							
PARKING TICKETS & MISC FINES	\$ 28,000	\$ 19,880	71.00%	\$ 41,500	\$ 36,769	88.60%	\$ (16,889)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 30,000	\$ 74,384	247.95%	\$ 40,000	\$ 19,348	48.37%	\$ 55,036
RENTS	\$ 75,000	\$ 11,732	15.64%	\$ 125,000	\$ 13,661	10.93%	\$ (1,929)
UNCLASSIFIED	\$ 20,000	\$ 160,101	800.51%	\$ 20,000	\$ 28,102	140.51%	\$ 131,999
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 39,230		\$ -	\$ 37,779		\$ 1,451
SALE OF PROPERTY	\$ 100,000	\$ 1,849	1.85%	\$ 120,000	\$ 33,577	27.98%	\$ (31,728)
MMWAC HOST FEES	\$ 240,000	\$ 174,083	72.53%	\$ 234,000	\$ 174,083	74.39%	\$ 0
TRANSFER IN: TIF	\$ 1,140,000	\$ -	0.00%	\$ 1,140,000	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 619,000	\$ -	0.00%	\$ 473,925	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		\$ 37,095					
CDBG	\$ 588,154	\$ -	0.00%	\$ 252,799	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ 7,156	35.78%	\$ 20,000	\$ 13,854	69.27%	\$ (6,698)
CITY FUND BALANCE CONTRIBUTION	\$ 1,500,000	\$ -	0.00%	\$ 475,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 4,332,154	\$ 505,631	11.67%	\$ 2,900,724	\$ 320,404	11.05%	\$ 148,132
TOTAL GENERAL FUND REVENUES	\$ 70,477,936	\$ 62,551,231	88.75%	\$ 65,147,914	\$ 59,166,491	90.82%	\$ 3,347,645
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 34,826,024	\$ 23,470,665	67.39%	\$ 28,900,061	\$ 22,430,127	77.61%	\$ 1,040,538
EDUCATION	\$ 489,465	\$ 290,030	59.25%	\$ 518,821	\$ 561,031	108.14%	\$ (271,001)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 1,251,726	\$ 28,794	2.30%	\$ 879,404	\$ -	0.00%	\$ 28,794
TOTAL SCHOOL	\$ 36,567,215	\$ 23,789,489	65.06%	\$ 30,298,286	\$ 22,991,158	75.88%	\$ 798,331
GRAND TOTAL REVENUES	\$ 107,045,151	\$ 86,340,720	80.66%	\$ 95,446,200	\$ 82,157,649	86.08%	\$ 4,145,976

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH March 31, 2023 VS March 31, 2022

DEPARTMENT	FY 2023 BUDGET	EXP THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU MAR 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 170,500	\$ 150,683	88.38%	\$ 104,850	\$ 97,813	93.29%	\$ 52,870
CITY MANAGER	\$ 510,978	\$ 331,768	64.93%	\$ 447,401	\$ 348,011	77.79%	\$ (16,243)
COMMUNICATIONS & ENGAGEMENT	\$ 218,746	\$ 123,498	56.46%	\$ 911,637	\$ 797,541	87.48%	\$ (674,043)
CITY CLERK	\$ 257,506	\$ 197,998	76.89%	\$ 237,474	\$ 173,322	72.99%	\$ 24,676
FINANCIAL SERVICES	\$ 1,138,802	\$ 875,762	76.90%	\$ 810,303	\$ 575,845	71.07%	\$ 299,917
HUMAN RESOURCES	\$ 222,099	\$ 161,036	72.51%	\$ 220,250	\$ 155,692	70.69%	\$ 5,344
INFORMATION TECHNOLOGY	\$ 827,000	\$ 611,784	73.98%	\$ -	\$ -	-	\$ 611,784
TOTAL ADMINISTRATION	\$ 3,345,631	\$ 2,452,529	73.31%	\$ 2,731,915	\$ 2,148,224	78.63%	\$ 304,305
COMMUNITY SERVICES							
PLANNING & PERMITTING	\$ 666,629	\$ 544,487	81.68%	\$ 900,583	\$ 599,006	66.51%	\$ (54,519)
ECONOMIC DEVELOPMENT	\$ 286,598	\$ 207,315	72.34%	\$ 108,469	\$ 86,678	79.91%	\$ 120,637
BUSINESS & COMMUNITY DEVELOPMENT	\$ 671,411	\$ 211,598	31.52%	\$ 512,260	\$ 208,298	40.66%	\$ 3,300
HEALTH & SOCIAL SERVICES	\$ 119,875	\$ 150,357	125.43%	\$ 119,875	\$ 74,134	61.84%	\$ 76,223
RECREATION & SPORTS TOURISM	\$ 762,440	\$ 468,793	61.49%	\$ 584,056	\$ 429,551	73.55%	\$ 39,242
PUBLIC LIBRARY	\$ 1,084,437	\$ 632,590	58.33%	\$ 1,052,163	\$ 789,122	75.00%	\$ (156,532)
TOTAL COMMUNITY SERVICES	\$ 3,591,390	\$ 2,215,140	61.68%	\$ 3,277,406	\$ 2,186,789	66.72%	\$ 28,351
FISCAL SERVICES							
DEBT SERVICE	\$ 8,361,254	\$ 8,394,861	100.40%	\$ 7,734,169	\$ 7,629,420	98.65%	\$ 765,441
CAPITAL INVESTMENT & PURCHASING	\$ 672,473	\$ 438,842	65.26%	\$ 677,872	\$ 487,732	71.95%	\$ (48,890)
WORKERS COMPENSATION	\$ 698,000	\$ 698,000	100.00%	\$ 642,400	\$ 642,400	100.00%	\$ 55,600
WAGES & BENEFITS	\$ 7,876,393	\$ 4,924,603	62.52%	\$ 7,334,932	\$ 4,871,295	66.41%	\$ 53,308
EMERGENCY RESERVE (10108062-670000)	\$ 461,230	\$ -	0.00%	\$ 461,230	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 18,069,350	\$ 14,456,306	80.00%	\$ 16,850,603	\$ 13,630,847	80.89%	\$ 825,459
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	\$ 5,693,284	\$ 4,164,918	73.15%	\$ 5,446,588	\$ 4,278,854	78.56%	\$ (113,936)
POLICE DEPARTMENT	\$ 4,945,034	\$ 3,529,083	71.37%	\$ 4,343,924	\$ 3,358,372	77.31%	\$ 170,711
TOTAL PUBLIC SAFETY	\$ 10,638,318	\$ 7,694,001	72.32%	\$ 9,790,512	\$ 7,637,226	78.01%	\$ 56,775
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 5,600,109	\$ 4,037,298	72.09%	\$ 5,077,370	\$ 3,802,104	74.88%	\$ 235,194
SOLID WASTE DISPOSAL*	\$ 1,320,000	\$ 830,448	62.91%	\$ 1,089,950	\$ 647,957	59.45%	\$ 182,491
WATER AND SEWER	\$ 792,716	\$ 585,902	73.91%	\$ 792,716	\$ 585,902	73.91%	\$ -
TOTAL PUBLIC WORKS	\$ 7,712,825	\$ 5,453,648	70.71%	\$ 6,960,036	\$ 5,035,963	72.36%	\$ 417,685
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 205,000	\$ 206,005	100.49%	\$ 177,000	\$ 180,092	101.75%	\$ 25,913
E911 COMMUNICATION CENTER	\$ 1,217,713	\$ 913,285	75.00%	\$ 1,161,479	\$ 871,109	75.00%	\$ 42,176
LATC-PUBLIC TRANSIT	\$ 431,811	\$ 431,811	100.00%	\$ 225,000	\$ 118,715	52.76%	\$ 313,096
LA ARTS	\$ 30,000	\$ 22,500	75.00%	\$ 10,000	\$ 10,000	100.00%	\$ -
TAX SHARING	\$ 260,000	\$ -	0.00%	\$ 260,000	\$ -	0.00%	\$ -
TOTAL INTERGOVERNMENTAL	\$ 2,144,524	\$ 1,573,601	73.38%	\$ 1,833,479	\$ 1,179,916	64.35%	\$ 393,685
COUNTY TAX	\$ 2,761,220	\$ 2,761,220	100.00%	\$ 2,611,080	\$ 2,611,080	100.00%	\$ 150,140
TIF (10108058-580000)	\$ 3,049,803	\$ 2,479,088	81.29%	\$ 3,049,803	\$ 2,867,365	94.02%	\$ (388,277)
OVERLAY	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
TOTAL CITY DEPARTMENTS	\$ 51,313,061	\$ 39,085,533	76.17%	\$ 47,104,834	\$ 37,297,410	79.18%	\$ 1,788,123
EDUCATION DEPARTMENT	\$ 55,732,090	\$ 28,870,222	51.80%	\$ 48,341,366	\$ 24,667,380	51.03%	\$ 4,202,842
TOTAL GENERAL FUND EXPENDITURES	\$ 107,045,151	\$ 67,955,755	63.48%	\$ 95,446,200	\$ 61,964,790	64.92%	\$ 5,990,965

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF March 31, 2023**

INVESTMENT	FUND	BALANCE March 31, 2023	BALANCE February 28, 2023	INTEREST RATE
ANDROSCOGGIN BANK 449	CAPITAL PROJECTS	\$ 11,170,041.94	\$ 11,170,041.94	0.80%
ANDROSCOGGIN BANK 502	SR-TIF	\$ 1,053,460.33	\$ 1,053,460.33	0.80%
ANDROSCOGGIN BANK 836	GENERAL FUND	\$ 13,478,584.10	\$ 13,478,584.10	0.80%
ANDROSCOGGIN BANK 801	WORKERS COMP	\$ 52,815.77	\$ 52,815.77	0.80%
ANDROSCOGGIN BANK 684	EMS CAPITAL RESERVE	\$ 341,490.20	\$ 341,490.20	0.80%
ANDROSCOGGIN BANK 414	INGERSOLL TURF FACILITY	\$ 227,831.35	\$ 227,831.35	0.80%
ANDROSCOGGIN BANK 0888	ELHS FUNDRAISING	\$ 468,957.49	\$ 468,957.49	0.80%
ANDROSCOGGIN BANK	ELHS CONSTRUCTION	\$ 835,968.36	\$ 835,968.36	0.80%
ANDROSCOGGIN BANK 0627	ST LOUIS BELLS FUNDRAISING	\$ 15,450.87	\$ 15,450.87	0.80%
NOMURA 2	ELHS Bond Proceeds	\$ 41,148,609.00	\$ 41,148,609.00	2.08%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.25%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	3.95%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	3.95%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.40%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.60%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.70%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.45%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.00%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.40%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.20%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
GRAND TOTAL		\$ 72,793,209.41	\$ 71,793,209.41	3.24%

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of March 28, 2023

	Beginning	March 2023					Ending
	Balance 3/1/2023	New Charges	Payments	Refunds	Adjustments	Write-Offs	Balance 3/31/2023
Bluecross	\$ 9,917.96	\$ 13,676.80	\$ (8,429.31)		\$ (1,538.14)		\$ 13,627.31
Intercept	\$ 400.00	\$ 100.00	\$ (200.00)				\$ 300.00
Medicare	\$ 183,040.02	\$ 196,522.60	\$ (62,985.49)		\$ (192,774.50)	\$ (15,903.35)	\$ 107,899.28
Medicaid	\$ 34,255.63	\$ 77,619.20	\$ (82,084.57)		\$ 18,268.70		\$ 48,058.96
Other/Commercial	\$ 93,325.86	\$ 20,282.80	\$ (25,936.45)		\$ (2,937.33)		\$ 84,734.88
Patient	\$ 104,424.73	\$ 30,303.00	\$ (16,629.58)	\$ 210.44	\$ 24,831.52		\$ 143,140.11
Worker's Comp	\$ 290.00	\$ 2,789.00	\$ (7,461.60)		\$ (179.29)		\$ (4,561.89)
TOTAL	\$ 425,654.20	\$ 341,293.40	\$ (203,727.00)	\$ 210.44	\$ (154,329.04)	\$ (15,903.35)	\$ 393,198.65

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of March 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Totals	% of Total
Bluecross	\$ 2,477.35	\$ 13,307.40	\$ 13,596.80	\$ 13,635.40	\$ 10,192.40	\$ 11,633.60	\$ 13,907.00	\$ 12,001.00	\$ 13,676.80	\$ 104,427.75	3.85%
Intercept	\$ 100.00	\$ -	\$ 100.00	\$ 200.00	\$ 200.00	\$ 300.00	\$ 200.00	\$ 200.00	\$ 100.00	\$ 1,400.00	0.05%
Medicare	\$ 155,398.20	\$ 205,712.40	\$ 155,567.20	\$ 163,526.80	\$ 154,190.50	\$ 190,431.40	\$ 216,896.50	\$ 138,902.80	\$ 196,522.60	\$ 1,577,148.40	58.21%
Medicaid	\$ 61,000.80	\$ 82,386.60	\$ 63,625.60	\$ 50,457.40	\$ 68,679.75	\$ 51,541.80	\$ 65,923.00	\$ 49,823.00	\$ 77,619.20	\$ 571,057.15	21.08%
Other/Commercial	\$ 38,520.45	\$ 50,549.60	\$ 28,756.00	\$ 21,232.20	\$ 18,577.60	\$ 28,491.40	\$ 26,074.30	\$ 31,940.20	\$ 20,282.80	\$ 264,424.55	9.76%
Patient	\$ 8,120.20	\$ 12,558.80	\$ 18,008.60	\$ 32,205.60	\$ 18,078.20	\$ 18,295.40	\$ 19,672.25	\$ 19,312.40	\$ 30,303.00	\$ 176,554.45	6.52%
Worker's Comp	\$ 1,803.40	\$ 3,664.60	\$ -	\$ 827.00	\$ 1,805.20	\$ 1,720.60	\$ 1,974.60	\$ -	\$ 2,789.00	\$ 14,584.40	0.54%
TOTAL	\$ 267,420.40	\$ 368,179.40	\$ 279,654.20	\$ 282,084.40	\$ 271,723.65	\$ 302,414.20	\$ 344,647.65	\$ 252,179.40	\$ 341,293.40	\$ 2,709,596.70	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of March 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	12	14	107	3.57%
Intercept	1	0	1	2	2	3	2	2	1	14	0.47%
Medicare	170	231	170	180	170	205	237	163	226	1752	58.42%
Medicaid	65	88	69	55	77	57	75	55	87	628	20.94%
Other/Commercial	43	54	30	23	21	33	32	37	21	294	9.80%
Patient	10	13	19	34	20	18	21	22	31	188	6.27%
Worker's Comp	2	4		1	2	2	2	0	3	16	0.53%
TOTAL	294	403	303	309	303	330	383	291	383	2999	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of March 31, 2023

	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant	2016 Pedestrian Safety
Fund Balance 7/1/22	\$ 517,052.67	\$ 6,919.98	\$ 34,914.39	\$ 1,421.68	\$ 3,039.35	\$ -	\$ 4,796.03	\$ 169.19	\$ 2,808.57	\$ 79,868.61	\$ (153,799.68)	\$ 4,289.65	\$ 23,595.00	\$ 4,356.29	\$ 5,520.52	\$ 409.11
Revenues FY23	\$ 57,054.50	\$ 1,286.95	\$ 1,333.15		\$ 7,565.00	\$ 100.00				\$ 200,100.00	\$ 101,027.87	\$ 45.00	\$ 11,148.75		\$ 3,818.51	\$ 1,053.34
Expenditures FY23	\$ 159,120.00	\$ 950.00	\$ 386.10		\$ 3,821.72	\$ 765.59		\$ 382.50		\$ 359,965.49	\$ 24,660.71	\$ 2,799.34	\$ -		\$ 3,414.26	\$ 917.14
Fund Balance 3/31/2023	\$ 414,987.17	\$ 7,256.93	\$ 35,861.44	\$ 1,421.68	\$ 6,782.63	\$ (665.59)	\$ 4,796.03	\$ (213.31)	\$ 2,808.57	\$ (79,996.88)	\$ (77,432.52)	\$ 1,535.31	\$ 34,743.75	\$ 4,356.29	\$ 5,924.77	\$ 545.31

	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver	2051 Project Canopy
Fund Balance 7/1/22	\$ -	\$ (8,205.29)	\$ 1,069,816.45	\$ 30,822.46	\$ -	\$ 46,171.40	\$ 2,560.00	\$ 8,281.24	\$ 20,536.23	\$ 22,850.45	\$ (930.00)	\$ 92,332.26	\$ (1,695.00)	\$ -	\$ 189.35	\$ (9,519.48)
Revenues FY23	\$ 211,035.72		\$ 747,435.63	\$ 119.34	\$ 31,165.02	\$ 109,936.50		\$ 2,288.40		\$ 3,360.73	\$ 930.00	\$ 25,242.80	\$ 49,569.53	\$ 12,000.00		\$ 7,996.88
Expenditures FY23			\$ 908,857.28	\$ 562.00	\$ 104.71	\$ 134,315.49		\$ 4,122.14		\$ 4,223.52		\$ 3,651.12	\$ 49,569.53	\$ 9,786.95		
Fund Balance 3/31/2023	\$ 211,035.72	\$ (8,205.29)	\$ 908,394.80	\$ 30,379.80	\$ 31,060.31	\$ 21,792.41	\$ 2,560.00	\$ 6,447.50	\$ 20,536.23	\$ 21,987.66	\$ -	\$ 113,923.94	\$ (1,695.00)	\$ 2,213.05	\$ 189.35	\$ (1,522.60)

	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME- PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2077 CTCI Grant	2080 Futsol Court Project	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	
Fund Balance 7/1/22	\$ 21,359.27	\$ 170,048.62	\$ 4,911.03	\$ 898.69	\$ 209.00	\$ 178,046.71	\$ (3,500.00)	\$ 1,719.02	\$ 25,353.61	\$ 12,716,078.13	\$ (1,443.69)	\$ 10,000.00	\$ 232,365.87	
Revenues FY23	\$ (135.27)	\$ 176,496.20		\$ 508.14						\$ 291,159.17	\$ 13,491.68	\$ 82,000.00	\$ 327,767.78	
Expenditures FY23			\$ -	\$ 604.26			\$ 481.25		\$ 1,299,150.23	\$ 16,703.17		\$ 385,686.80		
Fund Balance 3/31/2023	\$ 21,224.00	\$ 346,544.82	\$ 4,911.03	\$ 802.57	\$ 209.00	\$ 178,046.71	\$ (3,500.00)	\$ 1,237.77	\$ 25,353.61	\$ 11,708,087.07	\$ (4,655.18)	\$ 92,000.00	\$ 174,446.85	\$ -

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	\$ 78,950.70	\$ 806,274.01	\$ 237,684.12	\$ (519,427.49)	\$ 455,494.65	\$ (900,465.25)	\$ (0.03)	\$ (2,663.69)	\$ 1,120.91	\$ 50,241.31	\$ 84,060.95	\$ 33,113.81	\$ 13,914.35	\$ (102,204.06)	\$ -	\$ 15,400,711.98
Revenues FY23	\$ 190,974.78		\$ 865,341.00	\$ 157,316.00	\$ 294,264.43	\$ 448,773.33	\$ 48,589.45	\$ 30,616.50	\$ 56,495.08	\$ 48,218.63	\$ 96,002.45	\$ 113,293.40	\$ 35,248.40	\$ 34,426.44	\$ 59,527.65	\$ 4,955,988.86
Expenditures FY23			\$ 307,083.16	\$ 265,100.00	\$ 69,152.14	\$ 105,461.73	\$ 14,576.84		\$ 28,247.54	\$ 12,054.66	\$ 24,000.61	\$ 155,062.34	\$ 17,624.20	\$ 6,034.48		\$ 4,379,399.00
Fund Balance 3/31/2023	\$ 269,925.48	\$ 806,274.01	\$ 795,941.96	\$ (627,211.49)	\$ 680,606.94	\$ (557,153.65)	\$ 34,012.58	\$ 27,952.81	\$ 29,368.45	\$ 86,405.28	\$ 156,062.79	\$ (8,655.13)	\$ 31,538.55	\$ (73,812.10)	\$ 59,527.65	\$ 15,977,301.84

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for March 2023



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of March 31, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of March 31, 2023.

Current Assets:

As of the end of March 2023 the total current assets of Ingersoll Turf Facility were \$305,583. This consisted of cash and cash equivalents an increase from February of \$21,917.

Noncurrent Assets:

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of March 31, 2023, were \$61,779.

Liabilities:

Ingersoll had no accounts payable as of March 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through March 2023 are \$132,563. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through March 2023 were \$28,715. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of March 2023, Ingersoll has an operating gain of \$103,848 compared to \$81,931 in February an increase in the gain of \$21,917.

As of March 31, 2023, Ingersoll has an increase in net assets of \$103,848.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
March 31, 2023
Business-type Activities - Enterprise Fund

	March 31, 2023	February 28, 2023	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 228,015	\$ 227,831	\$ 184
Interfund receivables/payables	\$ 77,568	\$ 55,835	21,733
Accounts receivable	-	-	-
Total current assets	305,583	283,666	21,917
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(748,757)	(748,757)	-
Total noncurrent assets	61,779	61,779	-
Total assets	367,362	345,445	21,917
LIABILITIES			
Accounts payable	\$ -	\$ -	-
Interfund payable	\$ -	\$ -	-
Total liabilities	-	-	-
NET ASSETS			
Invested in capital assets	\$ 61,779	\$ 61,779	\$ -
Unrestricted	\$ 305,583	\$ 283,666	\$ 21,917
Total net assets	\$ 367,362	\$ 345,445	\$ 21,917

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
March 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	\$ 132,563
Operating expenses:	
Personnel	490
Supplies	12,448
Utilities	
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	15,777
Other expenses	
Total operating expenses	28,715
Operating gain (loss)	103,848
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	103,848
Transfers out	-
Change in net assets	103,848
Total net assets, July 1	263,514
Total net assets, March 31, 2023	\$ 367,362

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through March 31, 2023 compared to March 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAR 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship	\$ -	\$ 2,500		\$ 25,000	\$ 9,775	39.10%
Batting Cages	\$ -	\$ 9,330		\$ 16,000	\$ 16,116	100.73%
Programs	\$ -	\$ 27,953		\$ 94,000	\$ 45,360	48.26%
Rental Income	\$ -	\$ 69,108		\$ 138,000	\$ 90,362	65.48%
TOTAL CHARGE FOR SERVICES	\$ -	\$ 108,891		\$ 273,000	\$ 161,613	59.20%
INTEREST ON INVESTMENTS	\$ -	\$ 815		\$ -	\$ 445	
GRAND TOTAL REVENUES	\$ -	\$ 109,706		\$ 273,000	\$ 162,058	59.36%

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through March 31, 2023 compared to March 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2023 BUDGET	EXPENDITURES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	EXPENDITURES THRU MAR 2022	% OF BUDGET	
Salaries & Benefits	See Recreation Budget			\$ 133,041	\$ 73,019	54.88%	\$ (73,019)
Purchased Services		\$ 490		\$ 15,750	\$ 4,846	30.77%	\$ (4,356)
Programs		\$ 11,508		\$ 16,300	\$ -	0.00%	\$ 11,508
Supplies				\$ 2,500	\$ 14,903	596.12%	\$ (14,903)
Utilities				\$ 24,150	\$ 17,787	73.65%	\$ (17,787)
Insurance Premiums	\$ -			\$ -	\$ -		
Capital Outlay	\$ -	\$ 15,777		\$ -	\$ 5,556		\$ 10,221
	\$ -	\$ 27,775		\$ 191,741	\$ 116,111	60.56%	\$ (88,336)
GRAND TOTAL EXPENDITURES	\$ -	\$ 27,775		\$ 191,741	\$ 116,111	60.56%	\$ (88,336)



City of Auburn, Maine

Finance Department

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for March 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of March 31, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:

The Statement of Net Assets lists current assets, noncurrent assets, liabilities, and net assets and shows a comparison to the previous month, in this case, February 28, 2023.

Current Assets:

As of the end of March 2023 the total current assets of Norway Savings Bank Arena were (\$1,242,536). These consisted of cash and cash equivalents of \$281,010, accounts receivable of \$131,143, and an interfund payable of \$1,654,689.

Noncurrent Assets:

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of March 31, 2023 was \$147,691.

Liabilities:

Norway Arena had no accounts payable as of March 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through March 2023 are \$702,427. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

The operating expenses for Norway Arena through March 2023 were \$561,422. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of March 2023, there was an operating gain of \$141,005.

As of March 31, 2023, Norway Arena has an increase in net assets of \$141,005.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is \$6,921 more than in FY22 and expenditures in FY23 are \$25,426 more than last year in February.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
March 31, 2023
Business-type Activities - Enterprise Fund

	March 31 2023	February 28 2023	Increase/ (Decrease)
ASSETS			
Current assets:			
Cash and cash equivalents	\$ 281,010	\$ 281,140	\$ (130)
Interfund receivables	\$ (1,654,689)	\$ (1,811,720)	\$ 157,031
Prepaid Rent			\$ -
Accounts receivable	131,143	190,673	\$ (59,530)
Total current assets	(1,242,536)	(1,339,907)	97,371
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	514,999	514,999	-
Land improvements	-	-	-
Less accumulated depreciation	(425,531)	(425,531)	-
Total noncurrent assets	147,691	147,691	-
Total assets	(1,094,845)	(1,192,216)	97,371
LIABILITIES			
Accounts payable	\$ -	\$ -	-
Net OPEB liability	\$ 43,810	\$ 43,810	-
Net pension liability	42,634	42,634	-
Total liabilities	86,444	86,444	-
NET ASSETS			
Invested in capital assets	\$ 147,691	\$ 147,691	-
Unrestricted	\$ (1,328,980)	\$ (1,426,351)	\$ 97,371
Total net assets	\$ (1,181,289)	\$ (1,278,660)	\$ 97,371

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
February 28, 2023

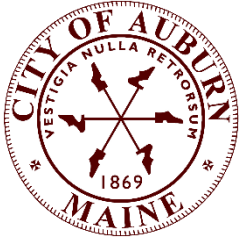
	Norway Savings Arena
Operating revenues:	
Charges for services	\$ 702,427
Operating expenses:	
Personnel	287,797
Supplies	35,116
Utilities	102,848
Repairs and maintenance	47,427
Insurance Premium	33,538
Depreciation	-
Capital expenses	29,056
Other expenses	25,640
Total operating expenses	561,422
Operating gain (loss)	141,005
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	141,005
Transfers out	-
Change in net assets	141,005
Total net assets, July 1	(1,322,294)
Total net assets, February 28, 2023	\$ (1,181,289)

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through March 31, 2023 compared to March 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAR 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concussions	\$ 16,500		0.00%	\$ 16,500	\$ 14,250	86.36%	\$ (14,250)
Skate Rentals	\$ 6,000	\$ 2,430	40.50%	\$ 6,000	\$ 425	7.08%	\$ 2,005
Pepsi Vending Machines	\$ 2,000	\$ 1,348	67.40%	\$ 2,000	\$ 782	39.10%	\$ 566
Games Vending Machines	\$ 3,000		0.00%	\$ 3,000	\$ 1,093	36.43%	\$ (1,093)
Vending Food	\$ 2,000	\$ 733	36.65%	\$ 2,000	\$ 148	7.40%	\$ 585
Sponsorships	\$ 230,000	\$ 134,382	58.43%	\$ 185,000	\$ 132,664	71.71%	\$ 1,718
Pro Shop	\$ 7,000	\$ 4,095	58.50%	\$ 7,000	\$ 4,622	66.03%	\$ (527)
Programs	\$ 20,000		0.00%	\$ 20,000	\$ 2,370	11.85%	\$ (2,370)
Rental Income	\$ 702,000	\$ 471,924	67.23%	\$ 683,500	\$ 483,613	70.76%	\$ (11,689)
Camps/Clinics	\$ 50,000	\$ 21,010	42.02%	\$ 50,000	\$ 24,860	49.72%	\$ (3,850)
Tournaments	\$ 50,000	\$ 66,505	133.01%	\$ 50,000	\$ 30,679	61.36%	\$ 35,826
TOTAL CHARGE FOR SERVICES	\$ 1,088,500	\$ 702,427	64.53%	\$ 1,025,000	\$ 695,506	67.85%	\$ 6,921

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through March 31 2023 compared to March 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2023 BUDGET	EXPENDITURES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	EXPENDITURES THRU MAR 2022	% OF BUDGET	
Salaries & Benefits	\$ 291,095	\$ 287,797	98.87%	\$ 339,437	\$ 210,351	61.97%	\$ 77,446
Purchased Services	\$ 136,900	\$ 80,965	59.14%	\$ 123,928	\$ 89,998	72.62%	\$ (9,033)
Supplies	\$ 76,562	\$ 60,756	79.36%	\$ 79,000	\$ 48,743	61.70%	\$ 12,013
Utilities	\$ 267,000	\$ 102,848	38.52%	\$ 250,350	\$ 186,904	74.66%	\$ (84,056)
Capital Outlay	\$ 50,000	\$ 29,056	58.11%	\$ 42,500	\$ -	0.00%	\$ 29,056
Rent	\$ -	\$ -		\$ -	\$ -		\$ -
	\$ 821,557	\$ 561,422	68.34%	\$ 835,215	\$ 535,996	64.17%	\$ 25,426
GRAND TOTAL EXPENDITURES	\$ 821,557	\$ 561,422	68.34%	\$ 835,215	\$ 535,996	64.17%	\$ 25,426



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date:

Subject: Executive Session

Information: Contract Negotiations (Fire), pursuant to 1 M.R.S.A. Section 405(6) (D).

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

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

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

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

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

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

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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date:

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C). Premature disclosure would prejudice the competitive or bargaining position of the City.

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.