



**City Council Workshop & Meeting  
Agenda  
March 18, 2024  
Auburn Hall, Council Chambers**

**5:30 P.M. City Council Workshop**

- A. Department Presentations and Council Discussion
  - 1. Auburn Public Library
  - 2. Human Resources
  - 3. Planning & Permitting
- B. Overview of Transportation Studies

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

**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 34-03182024\***  
Re-appointing Chris Carson to the Sustainability and Natural Resource Management Board as nominated by the Natural Products and Agriculture Working Group. Term expiration of 04/01/2027.
  - 2. **Order 35-03182024\***  
Appointing Steve Buchanan to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2027.
  - 3. **Order 36-03182024\***  
Appointing Gerald Samson to the Board of Assessment as nominated by the Appointment Committee. Term expiration of 03/31/2027.
  - 4. **Order 37-03182024\***

Appointing Kathy Shaw to the Board of Assessment as nominated by the Appointment Committee.  
Term expiration of 03/31/2026.

**5. Order 38-03182024\***

Appointing Tina Eugley to the Age Friendly Community Committee as nominated by the Appointment Committee. Term expiration of 06/01/2027.

**II. Minutes – March 4, 2024, Regular Council Meeting**

**III. Communications, Presentations and Recognitions**

- Disenfranchised Business Enterprise (DBE) Plan FFY24/25/26
- Use of City Property – 143 Hampshire Street Parking Area
- Communication - The Mayor's Ad-hoc Committee on Homelessness

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

**V. Unfinished Business**

**1. Ordinance 07-03042024**

Removing Appendix A from Auburn's Code of Ordinances. Second reading.

**VI. New Business**

**1. Order 39-03182024**

Disposition of building located at 46 Fair Street under dangerous building statute. Public hearing for parties with interest in property.

**2. Order 40-03182024**

Adopting the City of Auburn's fee schedule.

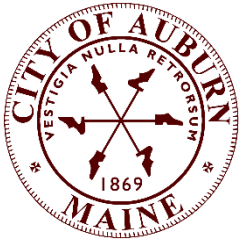
**VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda***

**VIII. Reports**

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

**IX. Executive Sessions – 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:** March 18, 2024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Department and FY25 Budget Presentations

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**Information:** The following departments will be presenting:

- a. Auburn Public Library
  - b. Human Resources
  - c. Planning & Permitting
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**City Budgetary Impacts:** None at this time

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**Staff Recommended Action:** Questions and discussion

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**Previous Meetings and History:** Annual

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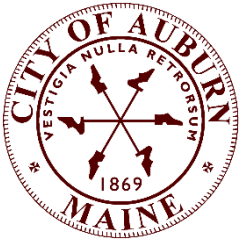
**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** March 18, 2024

**Author:** Jonathan P. LaBonte, Transportation Systems Director

**Subject:** Overview of Transportation Studies

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**Information:** As with many areas of the City, transportation planning and project development involves a significant number of partners, contractors, and extensive process. The simple map and related spreadsheet provide a very high-level overview of some of those transportation studies underway and the geographic location of those efforts. It is important to note that this is not exhaustive, as the Engineering Department regularly manages project development with MaineDOT as part of the 5-year CIP implementation.

Projects shown on the map and spreadsheet arose in the last couple of years from a number of sources; enhancements to projects MaineDOT had already scheduled, projects generated through plan review/permitting processes, studies/plans recommended in the Comprehensive Plan, or studies/plan initiated for a targeted area by city leaders.

In an attempt to simplify the overview, three large categories are noted. Design/Engineering/Construction will suggest that funding is in hand, the specific project has been identified, and it is on its way to being built/implemented. Planning signifies that an effort is underway to evaluate a part of our transportation system with assistance from third parties (MaineDOT, ATRC, etc) and that public involvement will be key to determining outcomes, from which the city can pursue funding strategies to implement (state, local, federal, or other). Scoping suggests that we have documented key elements to evaluate in a study but have not finalized a scope to proceed to an RFP process, and further discussion can be had about what we wish to learn and how we might organize alternative evaluations in the study.

The process from policy objective/directive to building is a long-term venture, and state and federal funding partners expect communities to have demonstrated the purpose and need for projects when seeking funding, in addition to evidence of community engagement and support.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:**

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**Previous Meetings and History:**

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**City Manager Comments:**

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*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

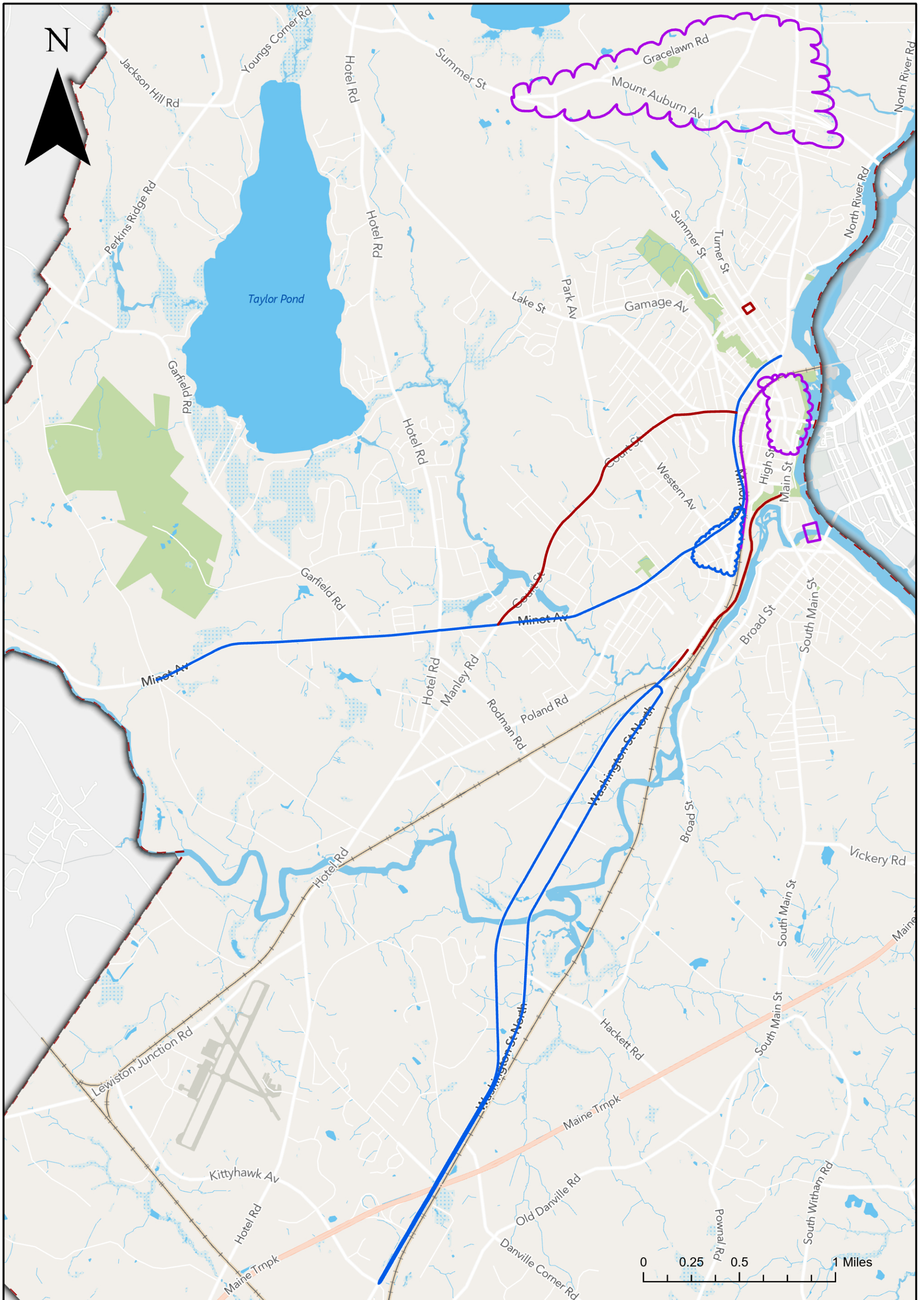
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**Attachments:**

City Overview Map created by AuburnPW/GIS

Table of Ongoing Initiatives

# City of Auburn Transportation Projects



## STATUS

- Design/Engineering/Construction
- Planning
- Scoping

- o Citywide – Safe Streets and Roads for All (SS4A)
- o Citywide – Traffic Signal Management (ATRC)
- o Citywide – Metropolitan Transportation Plan (ATRC)

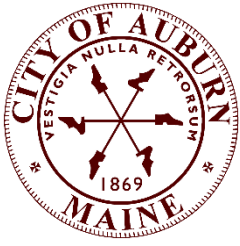
Funding (or Cost Estimates)

Project Area	Project Type	City Policy/References (Comprehensive Plan)	Purpose/Need	Status (Scoping, Planning, Design, Construction)	Completion Target	Federal	State	Local - General Fund	Local - TIF	Local - Other
Turner and Dennison Street Intersection	Safety	City Policy/References (Comprehensive Plan) <b>Strategy G.2.6.b:</b> Establish Turner Street, between Union Street and Mt. Auburn Ave, as a local corridor	To improve intersection safety for pedestrians and those traveling through by calming traffic and improving visibility	Design/Engineering (Construction will be MaineDOT funded post-engineering)	2025/2026		\$ 600,000	\$ 150,000		
Turner Street (Court to Hampshire/Great Falls Plaza)	Safety	<b>Strategy G.2.1.c:</b> Improve pedestrian and bicycle access along the Route 4 Corridor. i. Develop safe pedestrian crossings through the installation of relief medians and raised crosswalks at major intersections and the establishment of longer pedestrian crossing signals. <b>Strategy G.2.9.d:</b> Provide creative parking solutions to meet the needs of downtown neighborhoods and businesses.	To improve pedestrian safety for those traveling to destinations on Turner Street.	Design/Engineering/Construction	2025/2026	\$ 220,000		\$ 280,000		
Riverwalk Extension/Lewiston and Auburn Railroad Trail	New Construction	<b>Strategy A.3.1.e:</b> Collaborate with major industries and landowners to develop land/trail management plans to protect the river and establish adjacent recreational areas to enhance public access. <b>Strategy E.1.5.h:</b> Consider adding multiuse trails in the city where economically feasible with a focus on equity. <b>Strategy G.2.9.f:</b> Develop a greenbelt bicycle/pedestrian connection from West Pitch Park into Moulton Field and New Auburn via the Little Androscoggin River/Barker Mill Trail	To expand active transportation and recreation opportunities within and across Auburn neighborhoods, while enhancing access to natural resources	Design/Engineering/Construction	2025	\$3,900,000		TBD		
Minot Avenue and Washington Street Rotary	Pavement Rehab and New Pavement Markings (Striping)	<b>Strategy G.2.2.c:</b> Support initiatives to reconfigure the Minot Avenue Rotary with the purpose of simplifying the connection from Minot Avenue to the downtown to increase safety. This should occur in coordination with the strategy to shift Washington Street North (in-bound) to two-way traffic and South (out-bound) to a two-way controlled access highway.	To improve safety for all road users	Design/Engineering	2024			\$ 19,450		
Court Street (Minot/Manley to Union/Minot)	Pavement Rehab and New Pavement Markings (Striping)	<b>Strategy G.2.2.a:</b> Address volume and safety along Minot Avenue and adjoining streets. iii. Utilize a variety of design strategies to discourage excessive vehicular travel speeds on Court Street and Park Avenue to keep through traffic on Minot Avenue.	To improve safety for all road users and begin introduction of traffic calming measures	Design/Engineering	2024			\$ 25,500		
Brickyard Circle and Washington Street	Safety and Response to Development	<b>Strategy G.2.3.a:</b> Work with MaineDOT and other agencies/entities to modify Washington Street southbound to accommodate controlled access through traffic in both directions in support of regional mobility, including a new intersection/interchange with Rodman Road. Reconstruct the existing Washington Street northbound to serve local land uses, accompanied by new zoning guidance. Implement recommended changes as appropriate and feasible.	To improve safety for the traveling public by clearly defining reverse direction options at the convergence of Washington Street North and South	Design/Engineering/Construction	2025			\$ 300,000		
Citywide - Safe Streets and Roads for All	Safety	<b>Strategy G.2.2.a:</b> Address volume and safety along Minot Avenue and adjoining streets. (Safety included in many other sub-elements of the Comprehensive Plan)	To develop an action plan for Auburn's pursuit of a transportation system with zero crashes leading to serious injury or death (Vision Zero)	Planning	2024/2025	\$ 200,000		\$ 25,000		

Project Area	Project Type	City Policy References (Comprehensive Plan)	Purpose/Need	Status (Scoping, Planning, Design, Construction)	Completion Target	Federal	State	Local - General Fund	Local - TIF	Local - Other
Minot Avenue and Union Street Bypass	MaineDOT Village Partnership Initiative	<b>Strategy H.1.2.c:</b> Manage traffic and limit the potential for "cut through" traffic in neighborhoods, support traffic calming measures where necessary, and invest in sidewalk and bike route development as appropriate <b>Strategy G.2.2.a:</b> Address volume and safety along Minot Avenue and adjoining streets. <b>Strategy G.2.2.b:</b> Review and revise access management measures to limit the number of curb cuts along Minot Avenue and to promote the development of interconnected lots and shared parking areas. <b>Strategy G.2.2.c:</b> Support initiatives to reconfigure the Minot Avenue Rotary. <b>Strategy G.2.2.d:</b> Establish streetscape and site design criteria that promote the creation of an attractive gateway along Minot Avenue. <b>Strategy G.2.6.b:</b> Establish Turner Street, between Union Street and Mt. Auburn Ave, as a local corridor providing local vehicle, bicycle, pedestrian, and transit access to the downtown and the North Auburn Retail District area	To improve economic vitality of Auburn's major east-west corridor by enhancing safety and access for all users while implementing enhancement to improve mobility	Planning	2024/2025		\$ 100,000			\$100,000 (ARPA)
Citywide - Traffic Signal Management (ATRC)	ATRC-Initiated Study	<b>Strategy G.2.1.a:</b> Address volume and congestion along Center Street/Turner Road. <b>Strategy G.2.1.c:</b> Improve pedestrian and bicycle access along the Route 4 Corridor. <b>Strategy G.2.2.a:</b> Address volume and safety along Minot Avenue and adjoining streets. Objective G.2.8: Work to ensure that through traffic primarily uses designated travel routes.	To assess the current state of maintenance and coordination for our signal system and establish a multi-year plan for investment and maintenance	Planning	2024	\$ 60,000				
Citywide - Metropolitan Transportation Plan (ATRC)			To develop a long range plan for the region including Auburn, Lewiston, Lisbon, and Sabattus	Planning	2024/2025	\$ 177,000				
Washington Street Corridor (Exit 75 to Rotary)	ATRC/FHWA Corridor Study	<b>Strategy G.2.3.a:</b> Work with MaineDOT and other agencies/entities to modify Washington Street southbound to accommodate controlled access through traffic in both directions in support of regional mobility, including a new intersection/interchange with Rodman Road. Reconstruct the existing Washington Street northbound to serve local land uses, accompanied by new zoning guidance. Implement recommended changes as appropriate and feasible. <b>Strategy G.2.3b:</b> Establish streetscape and site design criteria to promote attractive mixed-use development along Washington Street-northbound. <b>Strategy G.2.5.b:</b> Study the feasibility of creating a connector road between the new turnpike interchange and Washington Street-northbound/Rodman Road that would efficiently connect to a controlled access Washington Street-southbound.	To improve regional mobility north and south from Exit 75 to downtown Auburn and Lewiston while providing neighborhood-scale transportation improvements for redevelopment of Washington Street North along the Little Androscoggin River.	Planning	2024/2025	\$ 150,000	\$ 17,000			



Project Area	Project Type	City Policy References (Comprehensive Plan)	Purpose/Need	Status (Scoping, Planning, Design, Construction)	Completion Target	Federal	State	Local - General Fund	Local - TIF	Local - Other
Mt. Auburn Neighborhood (Mall Area)	City-initiated Study	<b>Strategy 1.2.3.c:</b> Investigate opportunities for high quality, creative reuse of vacant land and/or buildings in and around commercial/industrial centers. <b>Strategy G.2.7.b:</b> Study the impacts of increased traffic from western communities along Jackson Hill Road, Holbrook Road, Marston Hill Road, Hatfield Road, Hersey Hill Road and at the Young's Corner/ Mt Auburn/ Summer Street crossing and implement appropriate traffic control and intersection configuration to maintain and improve function of the roads. <b>Strategy G.2.8.a:</b> Install signage to direct traffic to appropriate through travel routes, including to and from the turnpike and the North Auburn Retail District via either Washington Street/Route 4 or Hotel Road/Mt Auburn Avenue. <b>Strategy G.2.11.b:</b> Require, where appropriate within designated residential and mixed-use growth areas, that all local roads include at least a 6-foot-wide sidewalk. <b>Strategy G.2.11.c:</b> Establish neighborhood bicycle routes to link riders to major destinations via safe streets. <b>Strategy G.2.12.a:</b> When residential streets are improved or reconstructed, incorporate design elements that slow traffic and benefit local cyclists and pedestrians, particularly the elderly and children.	To establish the retail area as a location that is safe for multiple user types (pedestrians, cyclists, transit) while improving the safety and street connections in support of reinvestment/infill development	Scoping	2024/2025					\$100,000 (ARPA)
Downtown (Mechanics Row/Main Street/Great Falls Plaza)	City-initiated Study	<b>Strategy G.2.9.a:</b> Establish Elm Street as a primary route from Main Street and the downtown neighborhoods to Minot Ave, developing an attractive, well-designed streetscape. <b>Strategy G.2.9.d:</b> Provide creative parking solutions to meet the needs of downtown neighborhoods and businesses. <b>Strategy 1.1.1.a:</b> Establish a traditional downtown business district that promotes local business development, encourages creative reuse of existing buildings, and supports the continuation of an urban development pattern. <b>Strategy 1.1.1.b:</b> Maintain the Great Falls area as a large-scale office/hotel complex, with an emphasis on integrating this area with the traditional downtown business district	To improve street grid/intersection layouts to improve safety and mobility for all user types, while accommodating further infill development in the city's core downtown area.	Scoping	2024/2025					\$100,000 (ARPA)
Library Ave and Spring Street at CSX Rail Corridor	Crossing and Closure and Downtown Train Horn Quiet Zone		To improve quality of life and neighborhood safety by channelizing the rail corridor downtown and establishing a quiet/limited-horn zone	Scoping	2024/2025		\$ 200,000			\$25-\$50,000 (CSX)
Court Street (Minot/Manley to Union/Minot)	Pedestrian and Bicyclist Safety and Response to Development	<b>Strategy G.2.2.a:</b> Address volume and safety along Minot Avenue and adjoining streets. iii. Utilize a variety of design strategies to discourage excessive vehicular travel speeds on Court Street and Park Avenue to keep through traffic on Minot Avenue.	To improve safety for all road users and begin introduction of traffic calming measures	Scoping	2025/2026		\$ 333,000	\$ 333,000	\$ 334,000	
Lewis and Auburn to Portland Corridor (MaineDOT)	Commuter Bus Pilot Project Monitoring	<b>Strategy G.3.2.b:</b> Work with regional and state agencies to assess the potential for the expansion of passenger rail service from Portland to Auburn. <b>Strategy G.3.2.d:</b> Continue to participate in regional commuter transit programs. <b>Strategy G.3.2.c:</b> Expand, as necessary, the local fixed-route bus service.	To improve transportation choices and reduce vehicle miles traveled between Maine's two largest urban areas	Initiated	2024/2025		\$ 2,000,000			



City of Auburn  
City Council Information Sheet

**Council Workshop or Meeting Date:** March 18, 2024

**Order:** 34-03182024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Appointment to the Sustainability and Natural Resource Management Board (SNRB)

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**Information:** Chris Carson has been selected by the agriculture working group to serve another term on the Sustainability & Natural Resource Management Board (SNRB):

*Sec. 2-477. Board established. A Board is hereby established pursuant to 30-A M.R.S.A. §§ 3261—3263 to consist of six members, including representatives of the city council, planning board, and four standing working groups on agriculture, conservation, the community forest, and sustainability. The planning board chair and the mayor may either serve on this board or appoint a representative to serve as members of the SNRB for a term of two years. **The standing working groups on agriculture, conservation, the community forest, and sustainability shall nominate one representative each for approval by the Council;** these members shall serve staggered three-year terms. There shall be one ex officio member of the board, consisting of the city manager or his/her designee.*

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Motion to approve the appointment as nominated by the agriculture working group.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 34-03182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that the City Council hereby re-appoints Chris Carson to serve another term on the Sustainability and Natural Resource Management Board (SNRB) with a 04/01/2027 term expiration as nominated by the Natural Products and Agriculture Working Group.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** March 18, 2024      **Orders:** 35-03182024 through 38-03182024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Board and Committee Appointments

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The Appointment Committee met on March 7, 2024, to review applications and make their nominations for various boards and committees of the city as follows:

Steve "Buck" Buchanan, Board of Assessment, new appointment, term expiration 03/31/2027.

Gerald Samson, Board of Assessment, new appointment, term expiration of 03/31/2027.

Kathy Shaw, Board of Assessment, new appointment, term expiration of 3/31/2026.

Tina Eugley, Age Friendly Community Committee, new appointment, term expiration of 6/1/2027.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Motion to appoint members as recommended by the Appointment Committee.

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**Previous Meetings and History:** The Appointment Committee met on March 7, 2024 to make their recommendations.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Vacancies, Application Spreadsheet, Applications, Orders

March 7, 2024

Applicant List

<b>Board or Committee</b>	<b>Ward</b>	<b>Last Name</b>	<b>First Name</b>	<b>Address</b>
Age Friendly Community Committee	4	Eugley	Tina	118 Country Club Drive
Board of Assessment Review	4	Buchanan	Steve	125 Madison Street
	3	Samson	Gerald	1394 Minot Avenue
	5	Shaw	Kathleen	1200 Sopers Mill Road

\* Indicates this applicant is seeking re-appointment

\*\* Indicates this person is an associate/alternate member seeking full member status

## **VACANCIES**

**Age Friendly Community Committee** - 1 vacancy with a term expiration of 6/1/2027

**Board of Assessment Review** - 8 vacancies, 5 regular members and 3 alternate members, up to a three-year term TBD

**City Council Student Representative** - 2 appointments

**Parks & Recreation Advisory Board** - 2 vacancies, with term expirations of 10/01/2024

**Zoning Board of Appeals** - 9 vacancies, 7 regular members and 2 associate members, up to a three-year term TBD



# CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 2-6-24

Last name: BUCHANAN First name: STEVE "BUCK" Middle initial: \_\_\_\_\_

Residence address: 125 MADISON ST Ward: 4

City: AUBURN State: ME Zip code: 04210

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_ Cell phone: 7046295

Email address: INFO@PRO-PC.US

Current occupation: RETIRED

Previous occupation (if retired or no longer working): IT CONSULTANT

Educational and/or experience (or attach your resume): \_\_\_\_\_

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

- |   |   |
|---|---|
| <input type="checkbox"/> 9-1-1 Committee              | <input type="checkbox"/> Complete Streets Committee                         |
| <input type="checkbox"/> Age Friendly Committee       | <input type="checkbox"/> Ethics Panel                                       |
| <input type="checkbox"/> Agriculture Committee        | <input type="checkbox"/> L/A Transit Committee                              |
| <input type="checkbox"/> Airport Board                | <input type="checkbox"/> Parks & Recreation Advisory Board                  |
| <input type="checkbox"/> Auburn Housing Authority     | <input type="checkbox"/> Planning Board                                     |
| <input type="checkbox"/> Audit Committee              | <input type="checkbox"/> Regulatory Advisory Board                          |
| <input type="checkbox"/> Cable TV Advisory Board      | <input type="checkbox"/> Sewer District                                     |
| <input type="checkbox"/> CDBG Loan Committee          | <input type="checkbox"/> Water District                                     |
| <input type="checkbox"/> Citizen's Advisory Committee | <input checked="" type="checkbox"/> Other <u>BOARD OF ASSESSMENT REVIEW</u> |
| <input type="checkbox"/> Community Forest Board       |   |
| <input type="checkbox"/> Conservation Commission      |   |

Is this application for a  new appointment or \_\_\_ reappointment or \_\_\_ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed).

WAS PREVIOUSLY ON BOARD + WAS ASKED TO SERVE AGAIN

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed).

TO PROVIDE ACCURATE + FAIR ASSESSMENT OF PROPERTIES

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?

NO

Dates served (if known)?

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

YES SAME BOARD

Dates served (if known)?

How did you learn of this vacancy? EMAIL FROM MAYOR

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature:  Date: 2-6-24

Please submit your application to;  
Susan Clements-Dallaire, City Clerk  
60 Court Street, Auburn, ME 04210  
207-333-6601, extension 1126 [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

<b>FOR OFFICE USE ONLY</b>	
DATE APPLICATION RECEIVED:	<u>2-6-2024</u>
APPOINTMENT DATE:	_____
TERM EXPIRATION DATE:	_____
OATH DATE:	_____





# CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 2/5/24

Last name: SAMSON First name: Gerald Middle initial: N

Residence address: 1394 MINOT Ave Ward: \_\_\_\_\_

City: AUBURN State: ME Zip code: 04210

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_ Cell phone: 740-1414

Email address: Cleves8313@GMAIL

Current occupation: RETIRED

Previous occupation (if retired or no longer working): ASSESSOR + CODE ENFORCEMENT OFFICER

Educational and/or experience (or attach your resume): 2 yrs College 33 years Assessing/Code

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

- |  |  |
|--|--|
| <input type="checkbox"/> 9-1-1 Committee                       | <input type="checkbox"/> Airport Board                     |
| <input type="checkbox"/> Auburn Housing Authority              | <input type="checkbox"/> Audit & Procurement Committee     |
| <input checked="" type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Cable TV Advisory Board           |
| <input type="checkbox"/> CDBG Loan Committee                   | <input type="checkbox"/> Community Forest Board            |
| <input type="checkbox"/> Complete Streets Committee            | <input type="checkbox"/> Conservation Commission           |
| <input type="checkbox"/> Ethics Panel                          | <input type="checkbox"/> Finance Committee                 |
| <input type="checkbox"/> L/A Transit Committee                 | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Planning Board                        | <input type="checkbox"/> Sewer District                    |
| <input type="checkbox"/> St. Louis Bells Committee             | <input type="checkbox"/> Water District                    |
| <input checked="" type="checkbox"/> Zoning Board of Appeals    |  |

Is this application for a \_\_\_ new appointment or  reappointment or \_\_\_ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Public Service

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed).

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Yes Appeals Board

Dates served (if known)? 2023

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes Board of Assessment Review

Dates served (if known)? Mid 1990's Auburn

How did you learn of this vacancy?

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: [Signature] Date: 7/5/24

Please submit your application to:  
Susan Clements-Dallaire, City Clerk  
60 Court Street, Auburn, ME 04210  
207-333-6601, extension 1126 [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

**FOR OFFICE USE ONLY**

DATE APPLICATION RECEIVED: \_\_\_\_\_  
APPOINTMENT DATE: \_\_\_\_\_  
TERM EXPIRATION DATE: \_\_\_\_\_  
OATH DATE: \_\_\_\_\_

## Susan Clements-Dallaire

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**From:** donotreply@auburnmaine.gov  
**Sent:** Sunday, February 4, 2024 6:17 PM  
**To:** Susan Clements-Dallaire  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: kathleen

Middle Initial: A

Last Name: shaw

Residence Address: 1200 sopers Mill road

Ward: Ward 5

City: auburn

Home Phone: 207-320-1969

Cell Phone: 207-320-1969

E-mail Address: kath@valleyviewfarm.me

Current Occupation: state representative for district 88,Auburn

Previous Occupation (if retired or no longer working): (still) farmers and landscape design and installer

Education and/or experience: high school, leadership learning courses, some college courses

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one): Regulatory Advisory Board

OTHER (Ad-Hoc Committees not on the list above):: assessment review board

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): long time participant in city politics, long standing member of the Auburn Ag Committee and current chair of the agriculture and natural products working group.

served on the Board of appeals

What do you hope to accomplish?: I enjoy learning about city policies and hope to be able to contribute positive results, and feedback to any group I work with

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: chair of the natural products and agriculture working group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: one of the organizers of the now disbanded Auburn farmers market

Dates served (if known):

How did you learn of this vacancy?: I have served on the board of appeals

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: kathleen shaw

Date of Electronic Signature: February 4 ,2024



CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 1/6/2022
Last name: Eugley First name: Tina Middle initial: A
Residence address: 118 Country Club Drive Ward:
City: AUBURN State: ME Zip code: 04210
Home phone: N/A Work phone: N/A Cell phone: (207) 577-2704
Email address: eugley64@gmail.com
Current occupation: Not working
Previous occupation (if retired or no longer working): Office Manager
Educational and/or experience (or attach your resume): See resume

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

- 9-1-1 Committee
[X] Age Friendly Committee
Agriculture Committee
Airport Board
Auburn Housing Authority
Audit Committee
Cable TV Advisory Board
CDBG Loan Committee
Citizen's Advisory Committee
Community Forest Board
Conservation Commission
Complete Streets Committee
Ethics Panel
L/A Transit Committee
Parks & Recreation Advisory Board
Planning Board
Regulatory Advisory Board
Sewer District
Water District
Other

Is this application for a  new appointment or \_\_\_ reappointment or \_\_\_ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I currently help them at events when needed.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Continue to be of service where/when needed.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? NO

Dates served (if known)? \_\_\_\_\_

Have you previously served on a City or Community Board or Committee? If so, which one(s)? NO

Dates served (if known)? \_\_\_\_\_

How did you learn of this vacancy? Not sure if any vacancies at this time

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Jana A. Easley Date: ~~11/25/22~~

Please submit your application to;  
Susan Clements-Dallaire, City Clerk  
60 Court Street, Auburn, ME 04210  
207-333-6601, extension 1126 [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

<b>FOR OFFICE USE ONLY</b>	
DATE APPLICATION RECEIVED:	_____
APPOINTMENT DATE:	_____
TERM EXPIRATION DATE:	_____
OATH DATE:	_____

# Tina A Eugley

118 Country Club Drive  
Auburn, ME 04210  
Phone 207-577-2704

## Experience

**March 2006 to July 2014**                      **Morong Falmouth VW**      **Falmouth, ME**  
**Automobile Dealership**

### **Office Manager**

- Daily business functions in a office atmosphere
- Phone reception & cashier duties
- Reconcile different accounts
- End of month accounting procedures
- Human Resources Duties and new employee set ups
- Payroll processing
- Bank statement reconcile
- Notary Public
- Assisted other departments as needed
- Account payables and receivables experience

**August 2001 to March 2006**                      **Emerson Toyota**                      **Auburn, ME**

### **Financial Services Manager until August 2005 then went to a Billing Clerk/Title Clerk Position**

- Selling of products such as extended warranties, Gap insurance and other products that are available to the customer
- Doing loan applications for car loans for customers
- Do the paperwork involved with the car deliveries & sorting them for processing
- Research automobile title problems
- Work with several different lending sources
- Cashier & Telephone Support with other office functions
- Assist sales department with customers

**November 2000 to August 2001**                      **Banknorth Group**                      **Lewiston, ME**

### **Lead Unit Settlement Clerk**

- Do Cash Advances for several banks with Banknorth
- Balance different GL's & DDA's
- Oversee 4 employee's in my group

**July 1983 to November 2000**                      **Louis Chevrolet Inc**                      **Auburn, ME**

### **Title / Billing Clerk**

- Title Clerk for Automobiles sold and traded in.
- In charge of documents being sent to finance resources.
- Assistant Office Manager
- Take care of Accounts Receivables.
- Back up for Payroll Processing.
- Customer Service

**1980-1983**                      **High School Part-Time Jobs**                      **Auburn, ME**

- Clover Manor as a Nurses Aide.
- Sim's Restaurant as a Waitress

**Education****Graduated 1982****Edward Little High School****Auburn, ME**

- Business Courses were taken at ELHS
- 1995 Reynolds & Reynolds Forms Programming
- January 2000 CMTA EMT Basic Certificate received
- July 2015 Passed class and exam for Personal Support Specialist

**Volunteer Activities**

- May 1999 joined Poland Rescue as Driver
- April 2000 became Maine Licensed EMT for Poland Rescue
- June 2000 elected Secretary for Poland Rescue
- United Way Campaign Manager at Louis Chevy for 10 plus years
- February 2003 joined American Red Cross on Disaster Services Team for Androscoggin County and in 2005 became the Volunteer Coordinator for them
- October 2014 to current Androscoggin Home Care & Hospice helped in the volunteer office and did home visits
- January 2015 to March 2018 Central Maine Medical Center helping in different areas as needed and also did runner duties

Still hold a valid Notary Public with the state of Maine

I have been helping at the Senior Center when needed with different things that might come up, Jamie Longley is my contact.

**References**

Available on request





**ORDER 35-03182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED** that the City Council hereby appoints Steve Buchanan to serve on the Board of Assessment with a 03/31/2027 term expiration as nominated by the Appointment Committee.

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

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

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



**ORDER 36-03182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that the City Council hereby appoints Gerald Samson to serve on the Board of Assessment with a 03/31/2027 term expiration as nominated by the Appointment Committee.

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

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

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



**ORDER 37-03182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that the City Council hereby appoints Kathy Shaw to serve on the Board of Assessment with a 03/31/2026 term expiration as nominated by the Appointment Committee.

---

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

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

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



**ORDER 38-03182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that the City Council hereby appoints Tina Eugley to serve on the Age Friendly Community Committee with a 06/01/2027 term expiration as nominated by the Appointment Committee.

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

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

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

**IN COUNCIL REGULAR MEETING MARCH 4, 2024, VOL. 37 PAGE 141**

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

**I. Consent Items**

**1. Order 27-03042024\***

Re-appointing Robert Cavanagh, full member position, and Renee Cote, alternate member of the Registration Appeals Board as nominated by the Democratic party. Term expirations of March 1, 2027.

**2. Order 28-03042024\***

Appointing Warden's and Ward Clerks for the March 5, 2024, Presidential Primary Election.

**3. Order 29-03042024\***

Setting the date to hold a Special Election to fill the vacated School Committee At-large seat for Tuesday, July 9, 2024.

Motion was made by Councilor Walker, seconded by Councilor Cowan for passage of the three consent items.

Passage 6-0.

**II. Minutes – February 20, 2024, Regular Council Meeting**

Motion was made by Councilor Walker, seconded by Councilor Whiting to approve the minutes of the February 20, 2024, Regular Council meeting.

Passage 6-0.

**III. Communications, Presentations and Recognitions**

- Communication - FERC Response (Eric Cousens)

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

**V. Unfinished Business**

**1. Ordinance 05-01162024**

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance. Public hearing and Second reading.

Motion was made by Councilor Gerry, seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

**VI. New Business**

**1. Order 30-03042024**

Authorizing the City Manager to execute a purchase and sale agreement for property located at 150 Minot Avenue.

Motion was made by Councilor Walker, seconded by Councilor Cowan for passage.

Public comment – No one from the public spoke.

Passage 6-0.

**2. Order 31-03042024**

Authorizing the execution of an amended Intermodal Facility lease.

Motion was made by Councilor Walker, seconded by Councilor Weisner for passage.

Public comment – No one from the public spoke.

Passage 6-0.

**3. Order 32-03042024**

Authorizing the City Manager to execute a purchase and sale agreement for property located at 14 & 16 Newbury Street.

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

Public comment – No one from the public spoke.

Passage 6-0.

**4. Resolve 01-03042024**

Responding to the Planning Board request for information on the delayed applicability date for Ordinance 01-01022024.

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

Public comment – No one from the public spoke.

Passage 6-0.

**5. Ordinance 07-03042024**

Removing Appendix A from Auburn's Code of Ordinances. Public hearing and first reading.

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

Public comment – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

**6. Ordinance 08-03042024**

Adopting language that was inadvertently removed from the code of ordinances (Chapter 52, Traffic and Vehicles, sections 52-238, and 52-239). Public hearing and first reading.

Motion was made by Councilor Cowan, seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

Motion was made by Councilor Whiting, seconded by Councilor Walker to suspend the rules to take up the second reading at tonight's meeting.

Passage 6-0.

Motion was made by Councilor Walker, seconded by Councilor Whiting to amend so the ordinance takes effect immediately upon Council action.

Passage 6-0.

Passage of Ordinance 08-03042024 as amended, 6-0. A roll call vote was taken.

**7. Order 33-03042024**

Directing staff to draft zoning map and text ordinance amendments to Chapter 60, Zoning and prepare the items for public hearing and a recommendation by the Auburn Planning Board pursuant to Chapter 60, Article XVII, Division 2, Amendment to the Zoning Ordinance or Zoning Map.

Motion was made by Councilor Gerry, seconded by Councilor Weisner for passage.

Public comment – No one from the public spoke.

Passage 6-0.

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

**VIII. Reports**

**Mayor Harmon** reported that he and Councilor Whiting participated in the Grand Opening of Michaels located at the Shaw's Plaza. He also reported that he participated in a "Read to Me" challenge at Sherwood Heights school.

**Councilor Gerry** reported on her recent visit to the shelter at the Calgary Church in Lewiston.

**Councilor Whiting** reported that the Auburn Public Library will hold an art auction from 10:00 am until noon on March 16th.

**Councilor Cowan** reported on his visit to the Pleasant Street drop-in-center adding that he is appreciative of the volunteers and encourages anyone involved with youth groups to consider volunteering to help.

**Councilor Weisner** reported on his visit to the shelter at the Calgary Church adding that it was great to see where the funds are going to support this facility.

**Councilor Walker** reported on the Waste to Energy meeting. He noted that they are having a problem with one of the big burners and the inner wall is falling apart, which is an expensive fix.

**Councilor Platz** provided an update on the School Committee meeting. Budget discussions have begun. He also reported that there is a vacancy for one of the At-large School Committee members and encouraged people to consider running for the position. He commented on the passing of Gus LeBlanc, an educator, and coach in the community who recently passed away, asking everyone to keep him in their thoughts.

**City Manager Crowell** reported that planning is underway for the Lobster Fest event, which will be held on May 11<sup>th</sup>. He announced that at the March 18<sup>th</sup> Council meeting there will be a seed giveaway. On March 7<sup>th</sup> the elected officials will be doing a joint meet and greet gathering with officials from the City of Lewiston at the Hilton Garden Inn at 5:30 pm. He reported on the Skate with a Cop event that was held last week at the Norway Savings Bank Arena, adding that there was a good turnout with over 100 kids participating.

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

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

Passage 6-0. Time 7:46 pm.

Council was declared out of executive session at 8:18 pm.

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



**IN COUNCIL REGULAR MEETING MARCH 4, 2024, VOL. 37 PAGE 145**

Passage 6-0. The meeting adjourned at 8:18 pm.

**A TRUE COPY**

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

# DEPARTMENT OF TRANSPORTATION

## DBE PROGRAM – 49 CFR PART 26

### CITIES OF AUBURN AND LEWISTON, MAINE AUBURN-LEWISTON MUNICIPAL AIRPORT



#### Auburn-Lewiston Municipal Airport

80 Airport Drive, Auburn, Maine 04210 207-786-0631

### DBE PROGRAM FOR FFY 2024, 2025, 2026

#### *ATTACHMENTS*

- |               |   |
|---------------|---|
| Attachment 1  | Regulations: Link to 49 CFR Part 26             |
| Attachment 2  | Organizational Chart                            |
| Attachment 3  | Bidder's List Collection Form                   |
| Attachment 4  | State of Maine DBE Directory                    |
| Attachment 5  | Overall Goal Calculations                       |
| Attachment 6  | Demonstration of Good Faith Efforts – Bid Forms |
| Attachment 7  | DBE Monitoring and Enforcement Mechanisms       |
| Attachment 8  | DBE Certification Application                   |
| Attachment 9  | Uniform Certification Program                   |
| Attachment 10 | Small Business Element Program                  |

## **POLICY STATEMENT**

### **Section 26.1, 26.23 Objectives/Policy Statement**

The **Auburn-Lewiston Municipal Airport** has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The **Auburn- Lewiston Municipal Airport** has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the **Auburn-Lewiston Municipal Airport** has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the **Auburn-Lewiston Municipal Airport** to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; contracts
5. To help remove barriers to the participation of DBEs in DOT assisted;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
7. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

**The City of Auburn Transportation Systems Director/Board of Directors Chair, Jonathan P. LaBonté**, has been delegated as the DBE Liaison Officer. In that capacity, Mr. LaBonté is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the **Auburn-Lewiston Municipal Airport** in its financial assistance agreements with the Department of Transportation.

**The Auburn-Lewiston Municipal Airport** has disseminated this policy statement to the **City Councils of Auburn and Lewiston and all the components of the airport organization**. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts **as part of bid packages and contract documents**.

\_\_\_\_\_  
Jonathan P. LaBonté  
Transportation Systems Director, City of Auburn  
Board of Directors Chair

\_\_\_\_\_  
Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

The objectives are found in the policy statement on the first page of this program.

### **Section 26.3 Applicability**

The **Auburn-Lewiston Municipal Airport** is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

The **Auburn-Lewiston Municipal Airport** will use terms in this program that have the meaning defined in Section 26.5.

### **Section 26.7 Non-discrimination Requirements**

The **Auburn-Lewiston Municipal Airport** will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the **Auburn-Lewiston Municipal Airport** will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **Section 26.11 Record Keeping Requirements**

Reporting to DOT: 26.11

We will report DBE participation to USDOT/FAA as follows:

We will transmit to FAA annually by December 1, the “Uniform Report of DBE Commitments / Awards and Payments” form, and the DBE Contractor contact information (if applicable) on the FAA DBE Contractor’s Form or other similar format electronically via dbE-Connect (<https://faa.civilrightsconnect.com/FAA/login.asp>).

Bidders List: 26.11(c)

The **Auburn-Lewiston Municipal Airport** will create and maintain a bidders list. The form is attached as Attachment 3. The purpose of the list is to assist in providing data about contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals.

We will collect this information during the process of selling plans and specifications to prospective bidders via a manual process of requesting data from contractors and subcontractors purchasing these bid sets. Additionally, more detailed information is obtained at the time of bid through completion of required documentation in the bid package.

### Records Retention and Reporting

The Airport is a non-certifying member of the State UCP and will maintain records documenting on-site review, etc. These records will be retained in accordance with all applicable record retention requirements of the Airport's financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years, unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

### **Section 26.13 Federal Financial Assistance Agreement**

The **Auburn-Lewiston Municipal Airport** has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The **Auburn-Lewiston Municipal Airport** shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13(b)

*The **Auburn-Lewiston Municipal Airport** will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:*

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the **Auburn-Lewiston Municipal Airport**

deems appropriate, which may include, but is not limited to: (1) withholding monthly progress payments; (2) assessing sanctions; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding as non-responsible.

### **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

#### **Section 26.21 DBE Program Updates**

The **Auburn-Lewiston Municipal Airport** will receive grant(s) for airport planning or development exceeding \$250,000 in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide updates representing significant changes in the program for approval.

The **Auburn-Lewiston Municipal Airport** is not eligible to receive DOT financial assistance unless DOT has approved our DBE Program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended.

#### **Section 26.23 Policy Statement**

The Policy Statement is elaborated on the first page of this DBE Program.

#### **Section 26.25 DBE Liaison Officer (DBELO)**

We have designated the following individual as our DBE Liaison Officer:

Name:	Jonathan P. LaBonté
Title:	City of Auburn Board of Directors Chair
Address:	60 Court Street, Auburn, ME 04210
Phone:	(207) 786-0631
Email:	j.labonte@auburnmaine.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the **Auburn-Lewiston Municipal Airport** complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the **Board of Directors of the Auburn-Lewiston Municipal Airport** concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.

4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race- neutral methods and contract specific goals attainment and monitors results.
6. Analyzes progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the **Auburn-Lewiston Municipal Airport Board of Directors** on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Acts as referral liaison to the Uniform Certification Process in **the State of Maine**.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

### ***Section 26.27 DBE Financial Institutions***

It is the policy of the Airport to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. We will continue to contact the local Chamber of Commerce and check the State UCP for information on available DBE financial institutions. This will be accomplished tri-annually.

### ***Section 26.29 Prompt Payment Mechanisms***

The **Auburn-Lewiston Municipal Airport** requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR § 26.29, the **Auburn-Lewiston Municipal Airport** established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the **Auburn-Lewiston Municipal Airport**.

The **Auburn-Lewiston Municipal Airport** ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, **Auburn-Lewiston Municipal Airport** has selected the following method to comply with this requirement:

We will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after our payment to the prime contractor.

The Airport will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the Airport. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Airport. This clause applies to both DBE and non-DBE subcontractors.

This prompt payment clause will apply to all DBE and non-DBE subcontractors on DOT-assisted contracts, and will be enforced by the Resident Project Representative (RPR). It may be required to resolve disputes over the holding of certain funds, etc. and assures that payments will be made in a timely fashion. Prime Contractors will be required to provide the RPR with documentation showing that payments to subcontractors have been made within the time limit stated within their contract. Failure to comply will result in the holding of additional monies, until the RPR are assured the payments to subcontractors have been made. Any delay or postponement of payment among parties may take place only for a good cause, with prior written approval from the RPR. It will also be noted in the contract between the Airport and the Prime Contractor that the Prime Contractor will not be reimbursed for work performed by subcontractors unless and until the Prime Contractor ensures that the subcontractor has been promptly paid for the work they have performed.

As required by the FAA, to implement this measure regarding retainage, the Airport includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

The Airport may decline to hold retainage from Prime Contractors and require a contract clause obligating Prime Contractors to make prompt and full payment of any retainage kept by Prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.

- a. No retainage will be held by the Airport from progress payments due the prime.
- b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. Contractor must provide the Airport evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Airport. When the Airport has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.
- c. When at least 95% of the project work has been completed to the satisfaction of the RPR, the RPR shall, at the Airport's discretion and with the consent of the



surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

### **Section 26.31 Directory**

The **Auburn-Lewiston Municipal Airport** is a *non-certifying member of the Maine UCP* and uses the **State of Maine** DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The **State of Maine** constantly updates the Directory. In addition, they provide technical and management assistance to certified businesses through their DBE Supportive Service Program. More information can be found at the **EMDC Website** <http://www.mainedbe.com/>. The DBE Directory may be found at the link provided in Attachment 4.

### **Section 26.33 Over-concentration**

**Auburn-Lewiston Municipal Airport** has not identified that over-concentration exists in the types of work that DBEs perform.

### **Section 26.35 Business Development Programs**

**Auburn-Lewiston Municipal Airport** has not established a business development program.

### **Section 26.37 Monitoring and Enforcement Mechanisms**

The **Auburn-Lewiston Municipal Airport** will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment:

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.

4. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to.

### **Monitoring Payments to DBEs and Non-DBEs**

We will require prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the **Auburn-Lewiston Municipal Airport**. This reporting requirement also extends to all subcontractors, both DBE and non-DBE.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

### **Prompt Payment Dispute Resolution**

The Airport has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage.

All Contractors are required to submit Form MJ-216 with each payment application. This form shows the status of payments made to all Subcontractors and Suppliers, whether they performed work during the reporting period. If it is determined, after review of the submissions, that the Contractor is in violation of prompt payment requirements, the Airport may withhold the amount due to any Subcontractor or Supplier from the Contractor until satisfactory proof of payment is received. If the Contractor is in violation four or more times, the Airport may terminate the Contract for cause and/or may require the Contractor to pay some or all of their Subcontractors or Suppliers and provide proof of payment before the Subcontractor's or Supplier's work can be included on a future pay application. The Airport will work with the RPR and the contractors to discuss any disputes, using records provided for payment confirmation, etc. A meeting will be held with all parties involved and if no resolution is obtained, mediation will be held with a neutral third party to evaluate the dispute.

### **Prompt Payment Complaints**

Complaints by subcontractors regarding the prompt payment requirements or any issues thereon will be discussed with the Airport/DBELO. If the affected subcontractor is not comfortable discussing with prime contractor directly and discussions with the Airport are unable to resolve payment issues, then the subcontractor should contact the FAA operating administrator.

Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

### **Enforcement Actions for Noncompliance of Participants**

The Airport will make prompt determinations regarding contractors' compliance with this Program. Documentation of noncompliance will include the specific areas in which the contractor failed to comply. In these instances, appropriate actions consistent with the DBE Program and other contract provisions will be taken, and may include withholding future payments, suspension of the contract, notification to stop contract work until the contractor comes into compliance, refusal to award the contract or cancellation of the contract and declaration of forfeiture of the performance bond.

A decision by the Airport to invoke the above sanctions shall be issued in writing by registered mail. The contractor shall have ten days from receipt of the decision to appeal the decision.

### **Monitoring Contracts and Work Sites**

The Airport, with assistance from the RPR, will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites. This will be accomplished by regular job meetings, whereas inspections will be made to ascertain personnel, payments, etc., of which will be noted in the job meeting minutes.

### **Section 26.39 Fostering small business participation.**

*The **Auburn-Lewiston Municipal Airport*** has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

*The **Auburn-Lewiston Municipal Airport's*** small business program element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation, doing so is a requirement of good faith implementation of our DBE program.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43 Set-asides or Quotas**

The **Auburn-Lewiston Municipal Airport** does not use quotas in any way in the administration of this DBE program.

### **Section 26.45 Overall Goals**

*The **Auburn-Lewiston Municipal Airport*** will establish an overall DBE goal covering a three-

year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the **Auburn-Lewiston Municipal Airport** will submit its Overall Three-year DBE Goal to FAA by August 1 as required in the schedule established by the FAA:

<https://www.faa.gov/about/dbe-and-acdbe-program-reporting-requirements-recipients>

DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Airport does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, we will not develop an overall goal; however, this DBE Program will remain in effect and the Airport will seek to fulfill the objectives outlined in 49 CFR Part 26.1. The first step is to determine the relative availability of DBEs in the market area, “base figure”.

The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

In establishing the overall goal, the Airport will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by the Airport to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before the Airport is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which the Airport engaged. The proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, the Airport will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the Airport’s official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program.

### **Section 26.45 – Project Goals**

If permitted or required by the FAA Administrator we will express our overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

### **Section 26.45(f) - Prior Operating Administration Concurrent**

The Airport understands that is not required to obtain prior operating administration concurrence with our overall goal. However, if the operating administration's review suggests that our overall goal has not been correctly calculated or that our method for calculating goals is inadequate, the operating administration may, after consulting with us, adjust our overall goal or require that we do so. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to Part 26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** to this program. This section of the program will be updated annually.

### **Section 26.47 Failure to Meet Overall Goals**

The ***Auburn-Lewiston Municipal Airport*** will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, we will do the following in order to be regarded by the Department as implementing our DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis and to enable us to meet fully our goal for the new fiscal year;
- (3) Prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed in 1 and 2 above. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

### **Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The **Auburn-Lewiston Municipal Airport** will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The **Auburn-Lewiston Municipal Airport** follows the State of Maine DBE methodology and the State of Maine aims for 100% race neutral participation.

### **Section 26.51(d-g) Contract Goals**

The **Auburn-Lewiston Municipal Airport** will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39.

If our approved projection estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

### **Section 26.53 Good Faith Efforts Procedures**

#### **Demonstration of Good Faith Efforts (26.53(a) & (c))**

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

**The DBELO** is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and adequately documents the

bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

#### Information to be Submitted (26.53(b))

**Auburn-Lewiston Municipal Airport** treats bidder/offers' compliance with good faith efforts' requirements as a matter of *responsiveness* – *all bidders submit DBE information at the time of bid.*

**Responsiveness** - Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

#### Administrative Reconsideration (26.53(d))

Within 7 business days of being informed by the **Auburn-Lewiston Municipal Airport** that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Derek Boulanger, Director of Facilities and Energy, City of Auburn, 60 Court Street, Auburn ME 04210 (207) 333-6601, x135, [dboulanger@auburnmaine.gov](mailto:dboulanger@auburnmaine.gov). The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

#### Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

We will include in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains your written

consent as provided in this paragraph 26.53(f); and

That, unless our consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

**Auburn-Lewiston Municipal Airport** will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written contract;
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
6. We have determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
8. The listed DBE is ineligible to receive DBE credit for the type of work required;
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
10. Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that



the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to us its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), we may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

### **Section 26.55 Counting DBE Participation**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

If the firm is not currently certified as a DBE at the time of the execution of the contract, the Airport will not count the firm's participation toward any DBE goals, except during the period when removal of its eligibility is under review.

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

## **SUBPART D – CERTIFICATION STANDARDS**

### **Section 26.61 – 26.73 Certification Process**

**Auburn-Lewiston Municipal Airport is a non-certifying member of Maine UCP and the UCP** will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

**Mary Bryant, Civil Rights Office,  
(207) 624-3056 or mary.bryant@maine.gov**

Certification application forms and documentation requirements can be found in the link located in Attachment 8 to this program.

### ***SUBPART E – CERTIFICATION PROCEDURES***

#### **Section 26.81 Unified Certification Programs Disadvantaged Business Enterprises**

The Airport is a member of the MaineDOT UCP and MaineDOT administers the program. The UCP is committed to engaging small disadvantaged, minority and women-owned business enterprises as defined herein in all contracts to the maximum feasible extent, and will continue working to ensure the maximum feasible opportunity for these businesses to participate in contracts financed in whole or in part with federal funds.

The signed agreement with the UCP is attached as Attachment 9.

### ***SUBPART F – COMPLIANCE AND ENFORCEMENT***

#### **Section 26.101 Compliance Procedures Applicable to Airport**

The Airport understands that if it fails to comply with any requirement of this part, the Airport may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

#### **Section 26.109 Information, Confidentiality, Cooperation**

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information.

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

All participants in the Department's DBE program (including, but not limited to, recipients,

DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

The Airport, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Airport understands that it is in noncompliance with Part 26 if it violates this prohibition.

## **ATTACHMENT 1**

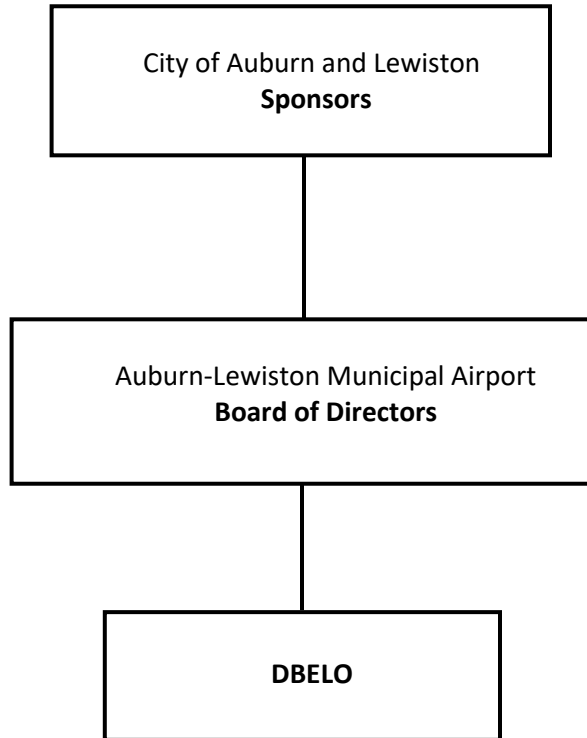
Regulations: 49 CFR Part 26, link to website:

<http://www.gpo.gov/fdsys/pkg/CFR-2010-title49-vol1/pdf/CFR-2010-title49-vol1-part26.pdf>

**ATTACHMENT 2**

*Organizational Chart*

***Auburn-Lewiston Municipal Airport***



### ATTACHMENT 3

#### Bidder's List Collection Form

**[Reminder: the information below must be collected from every bidder who submits a quote/bid to the recipient and every potential subcontractor who submitted a quote/bid to each bidder. §26.11(c) requires recipients to collect information from all bidders and subcontractors, including unsuccessful ones.]**

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status  (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

**ATTACHMENT 4**

***State of Maine DBE Directory***

<https://www.maine.gov/mdot/civilrights/dbe/>

## ATTACHMENT 5 – OVERALL GOAL CALCULATIONS

### *Section 26.45: Overall DBE Three-Year Goal Methodology*

**Name of Recipient:** Auburn-Lewiston Municipal Airport

**Goal Period:** FY-2024-2025-2026 – October 1, 2023 through September 30, 2026

**Overall Three-Year Goal:** Auburn-Lewiston Municipal Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation.

We estimate that, in meeting our overall goal of 1.1%, we will obtain 100% from race-neutral participation and 0% through race-conscious measures.

**Total dollar amount anticipated to be expended on DBE's is \$36,828**

**Projects expected over the three-year period covered by this DBE Plan:**

FY 2024 – Project 1 – Hangar Building - \$2,140,000

FY 2025 – Project 1 – Airfield Pavement Maintenance – Crack Seal - \$135,000

Project 2 – SRE Building Preliminary Design and Permit - \$150,000

Project 3 – Airfield Pavement Maintenance – Pavement Markings - \$360,000

FY 2026 – Project 1- SRE Building Final Design and Construction - \$563,000

### **Market Area:**

The market area was determined to be Statewide, since the substantial majority of the contractors and subcontractors doing business are located in Maine, and the entire state is the area in which the Airport spends the substantial majority of its contracting dollars.

### **Step 1. Actual relative availability of DBE's**

**The Auburn-Lewiston Municipal Airport** has elected to use the STEP 1 Methodology. The 2021 Census Bureau Database and the DBE Directory were reviewed to determine the number of ready, willing and able businesses available and ready, willing and available DBEs in our market area, using the same NAICS codes. We then divided the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in your market.

We examined the anticipated projects for each fiscal year in the Capital Improvement Plan to review the anticipated availability of the DBE firms by trade classification:



**Goal Calculation:**

Auburn-Lewiston Airport							
Fiscal Year #1 - FY 2024 -							
Contract Name	Trade Description	NAICS Description	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Hangar Building	Engineering/Construction Inspection	541330	\$ 739,000.00	304	5	1.6%	\$ 11,824
	Architectural	541310	\$ 91,000.00	126	0		\$ -
	Surveying	541370	\$ 35,000.00	87	1	1.1%	\$ 385
	Geotechnical	541380	\$ 26,000.00	36	1	2.8%	\$ 728
	Site Preparation	238910	\$ 40,000.00	580	1	0.2%	\$ 80
	Trucking	484220	\$ 40,000.00	297	0	0.0%	\$ -
	Paving	238990	\$ 110,000.00	202	1	0.5%	\$ 550
	Landscaping	561730	\$ 35,000.00	953	1	0.1%	\$ 35
	Structural Steel	238120	\$ 550,000.00	12	0	0.0%	\$ -
	Foundation	238190	\$ 250,000.00	26	1	3.8%	\$ 9,500
	Electrical	238210	\$ 104,000.00	622	1	0.2%	\$ 208
	Stormwater	237110	\$ 50,000.00	61	0	0.0%	\$ -
	Plumbing/HVAC	238220	\$ 70,000.00	705	1	0.1%	\$ 70
		<b>FY 2024 Total</b>	<b>\$ 2,140,000.00</b>			<b>1.1%</b>	<b>\$ 23,380</b>
Fiscal Year #2 - FY 2025 -							
Airfield Pavement Maintenance - Crack Seal	Engineering & Planning/ Construction Inspection	541330	\$ 105,000.00	304	5	1.6%	\$ 1,680
	Paving	238990	\$ 30,000.00	202	2	1.0%	\$ 300
							\$ -
<b>Project #1</b>	<b>Total</b>		<b>\$ 135,000.00</b>				<b>\$ 1,980</b>
SRE Building Preliminary Design & Permit	Engineering & Planning	541330	\$ 85,000.00	304	5	1.6%	\$ 1,360
	Surveying	541370	\$ 5,000.00	87	1	1.1%	\$ 55
	Geotechnical	541380	\$ 20,000.00	36	1	2.8%	\$ 560
	Architectural	541310	\$ 40,000.00	126	0	0.0%	\$ -
							\$ -
<b>Project #2</b>	<b>Total</b>		<b>\$ 150,000.00</b>				<b>\$ 1,975</b>
Airfield Pavement Maintenance - Pavement Markings	Engineering & Planning	541330	\$ 120,000.00	304	5	1.6%	\$ 1,920
	Paving	238990	\$ 240,000.00	202	2	1.0%	\$ 2,400
							\$ -
<b>Project #3</b>	<b>Total</b>		<b>\$ 360,000.00</b>				<b>\$ 4,320</b>
		<b>FY 2025 Total</b>	<b>\$ 645,000.00</b>			<b>1.3%</b>	<b>\$ 8,275</b>
Fiscal Year #3 - FY 2026 -							
SRE Building - Final Design & Construction	Engineering & Planning/Construction Inspections	541330	\$ 93,000.00	304	5	1.6%	\$ 1,488
	Surveying	541370	\$ 5,000.00	87	1	1.1%	\$ 55
	Geotechnical	541380	\$ 10,000.00	36	1	2.8%	\$ 280
	Site Preparation	238910	\$ 20,000.00	622	1	0.2%	\$ 40
	Trucking	484220	\$ 15,000.00	705	0	0.0%	\$ -
	Paving	238990	\$ 25,000.00	202	1	0.5%	\$ 125
	Landscaping	561730	\$ 10,000.00	953	1	0.1%	\$ 10
	Structural Steel	238120	\$ 200,000.00	12	0	0.0%	\$ -
	Foundation	238190	\$ 95,000.00	26	1	3.8%	\$ 3,610
	Electrical	238210	\$ 40,000.00	622	1	0.2%	\$ 80
	Stormwater	237110	\$ 20,000.00	61	0	0.0%	\$ -
	Plumbing/HVAC	238220	\$ 30,000.00	705	1	0.1%	\$ 30
			<b>FY 2026 Total</b>	<b>\$ 563,000.00</b>			<b>1.0%</b>
<b>Summary</b>							
Project			Project Breakdown		DBE %		
	FFY 2024		\$ 2,140,000			1.1%	
	FFY 2025		\$ 645,000			1.3%	
	FFY 2026		\$ 563,000			1.0%	
	TOTALS:		\$ 3,348,000			1.1%	

**Step 2. Adjustments to Step 1 Base Figure.**

**Past History Participation**

Other data used to determine the adjustment to the base figure was the median of historical DBE accomplishments as follows:

FY	Total AIP Grant \$ Amount	DBE Goal	DBE Accomplishment	Type of Work
FY 2021	\$1,822,585	2.7	0.9	Administration/Land Acquisition/Construction
FY 2022	0	2.7	0	NA
FY 2023	\$351,900	2.7	0	Planning

Our proposed overall three-year goal accomplishment will be reflected as a median: 0%

After calculating a weighted base figure for the relative availability of DBEs, evidence was examined to determine what adjustment, if any, was needed to be made to the weighted base figure in order to yield an overall goal. Historically, obtaining DBE participation has been challenging despite the good faith efforts being conducted. The Airport is adopting the Step 1 Base Figure of 1.1%.

Further, there are no applicable disparity studies for the local market area or recent legal case information available to show any evidence of barriers to entry or competitiveness of DBEs in Maine.

The **Auburn-Lewiston Municipal Airport** will submit its overall DBE three-year goal to DOT on August 1 as required by the set schedule.

**Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.**

The Airport will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
5. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
6. Assist DBEs and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media; and

The Airport estimates that in meeting the established overall goal of 1.1%, it will obtain 1.1% from RN participation and 0% through RC measures.

### **PUBLIC PARTICIPATION**

As Maine's only Unified Certification Program entity, MaineDOT has done extensive public outreach to ensure that eligible businesses are aware of the DBE Program. For many years, MaineDOT has hired Eastern Maine Development Corporation, a community development and small business development agency, to administer its DBE Supportive Services Program. EMDC's contract with MaineDOT includes a recruitment component that requires the consultant to promote the DBE program to businesses at trade shows, networking and matchmaker events.

Several interested stakeholders were notified directly by e-mail of the goal publication, including contracting groups, and women business organizations. These individuals were also invited to participate in a conference call to discuss the methodology and the DBE program. E-mails were sent out to the following:

Maine Better Transportation Association  
150 Capitol Street, Suite 5  
Augusta, ME 04330  
(207) 622-0526

Associated Contractors of Maine, Inc.  
188 Whitten Road  
Augusta, ME 04337  
(207) 622-4741

Maine Department of Transportation  
Civil Rights Office  
16 State House Station  
Augusta, ME 04333-0016  
(207) 624-3066

Lewiston Auburn Metropolitan Chamber of Commerce  
415 Lisbon Street, Suite 100  
Lewiston, ME 04240  
(207) 783-2249

## PUBLIC NOTICE

The **Auburn-Lewiston Municipal Airport** hereby announces its fiscal year 2024-2026 goal of **1.1%** for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection during normal business hours at **the Auburn-Lewiston Municipal Airport, 80 Airport Drive, Auburn, ME 04210** for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Jonathan P. LaBonté  
City of Auburn Board of Directors Chair  
60 Court Street  
Auburn, ME 04210

Or

Kimberly Robinson Harris  
Federal Aviation Administration Office of Civil Rights  
800 Independence Avenue SW, Room 1030  
Washington, DC 20591

**ATTACHMENT 6**

**Demonstration of Good Faith Efforts**

## ATTACHMENT 7

### DBE Monitoring and Enforcement Mechanisms

The **Auburn-Lewiston Municipal Airport** has a breach of contract action, pursuant to the terms of the contract, option available to enforce the DBE requirements contained in its contracts.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

## **ATTACHMENT 8**

### **DBE Certification Application**

For forms required to initiate the DBE Certification process, visit the State of Maine website:

<https://www.maine.gov/mdot/civilrights/dbe/>

## ATTACHMENT 9

### Uniform Certification Program

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AUB LEW AIRPORT

PAGE 01

#### AGREEMENT

Between the

MAINE DEPARTMENT OF TRANSPORTATION  
OFFICE OF HUMAN RESOURCES

And

Auburn-Lewiston Municipal Airport

This Agreement is made this 4 day of April, 2002, by and between the State of Maine, through its Department of Transportation (MDOT), with an address of 16 State House Station, Augusta, Maine, and Auburn-Lewiston Municipal Airport with an address of 80 Airport Drive, Auburn, Maine.

#### I. AGREEMENT

MDOT and the named party hereby agrees as follows:

1. The named party agrees that as a recipient of USDOT financial assistance it will cooperate fully with the Maine Department of Transportation in the certification of Disadvantaged Business Enterprises.
2. The named party agrees it shall utilize the MDOT Disadvantaged Business Enterprise Certification program.
3. The named party agrees to refer potential applicants for DBE Certification to MDOT.
4. The named party agrees to honor the decisions made by MDOT with respect to certification decisions made in accordance with 49 CFR Parts 23 and 26 Subpart E Certification Procedures.
5. MDOT will accept, review, and make determinations about DBE Certification for those entities referred to it by the named party.

#### II TERMS

This Agreement remains in place indefinitely.

SEEN AND AGREED TO BY:

MAINE DEPARTMENT OF TRANSPORTATION

Penny Plourde

By: Penny Plourde Manager, Small Business Programs

Peter L. Drinkwater, Airport Manager

By: Peter L. DRINKWATER Title  
(207) 786-0631



## ATTACHMENT 10

### SMALL BUSINESS PARTICIPATION

#### A. Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the **Auburn-Lewiston Municipal Airport** will implement a small business element into its DBE policy in accordance with applicable law. **Auburn-Lewiston Municipal Airport** is including this element to facilitate competition by and expand opportunities for small businesses. **Auburn-Lewiston Municipal Airport** is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. **Auburn-Lewiston Municipal Airport** will meet its objectives using a combination of the following methods and strategies:

##### 1. Set asides:

Where feasible, **Auburn-Lewiston Municipal Airport** will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that **Auburn-Lewiston Municipal Airport** and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA- assisted contract, the project manager and small business officer will document why a small business set- aside is inappropriate.

##### 2. Unbundling:

The **Auburn-Lewiston Municipal Airport**, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. **Auburn-Lewiston Municipal Airport** will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. Similarly, **Auburn-Lewiston Municipal Airport** will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

## **B. Definitions**

### **1. Small Business:**

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

### **2. Disadvantaged Business Enterprise:**

A for-profit small business (as defined by the Small Business Administration) —

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the State Department of Transportation (MaineDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the **Auburn-Lewiston Municipal Airport's** DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

## **C. Certification and Verification Procedures**

**Auburn-Lewiston Municipal Airport** will accept the following certifications for participation in the small business element of their DBE Program with applicable stipulations:

1. State DOT DBE Certification – DBE Certification by the State DOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the State DOT.
2. State DOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and page 2 of the State DOT DBE Certification application after contract award.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

**D. Implementation Schedule**

**Auburn-Lewiston Municipal Airport** will implement this small business element within nine months of the FAA's approval of this document describing the element.

**E. Assurances**

The **Auburn-Lewiston Municipal Airport** makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

Greetings,

I am Darlene Conant, director of Salt & Light Community Center. I am sharing our proposal for the Coffee House we would like to open. We have served the downtown Hampshire Street neighborhood now for 4 years supporting youth and hosting several Community Events.

Our 2024 initiative centers around a dual mission for the Coffee House.

- A robust teen mentoring program where we would employ youth from our community to be paired with trained volunteer mentors. Our programming centers around 4 health pillars (Physical, Emotional, Spiritual, & Financial Health) and is trauma based programming supporting the many challenges represented within our community.
  - Contracts with both Mentors and Mentees will support detailed expectations.
- Partnering with agencies and community members supporting homelessness in our community offering a space to service our unhoused population.

The small lot we would like to use in support of this program is currently city owned and sits at the rear of the parking lot located at the end of Hampshire St next to 141 Hampshire St which is an apartment unit I own. The space is a grassy area at the back of the parking lot and would not interfere with any parking capacity. The Coffee House we have available to us for purchase is on wheels and can be moved, it does measure 12X25 which is not considered food truck size.

The goal would be to allow the coffee house to remain on the property year round as it does sit as a gateway into Chestnut park where much of our programming takes place and is also the home of the community sledding hill and would support the year round programming and special events we offer. In the initial stages our goal would be to open on Friday evenings and Saturdays & Sundays. As the program grows, and during the summer months extended hours would be offered.

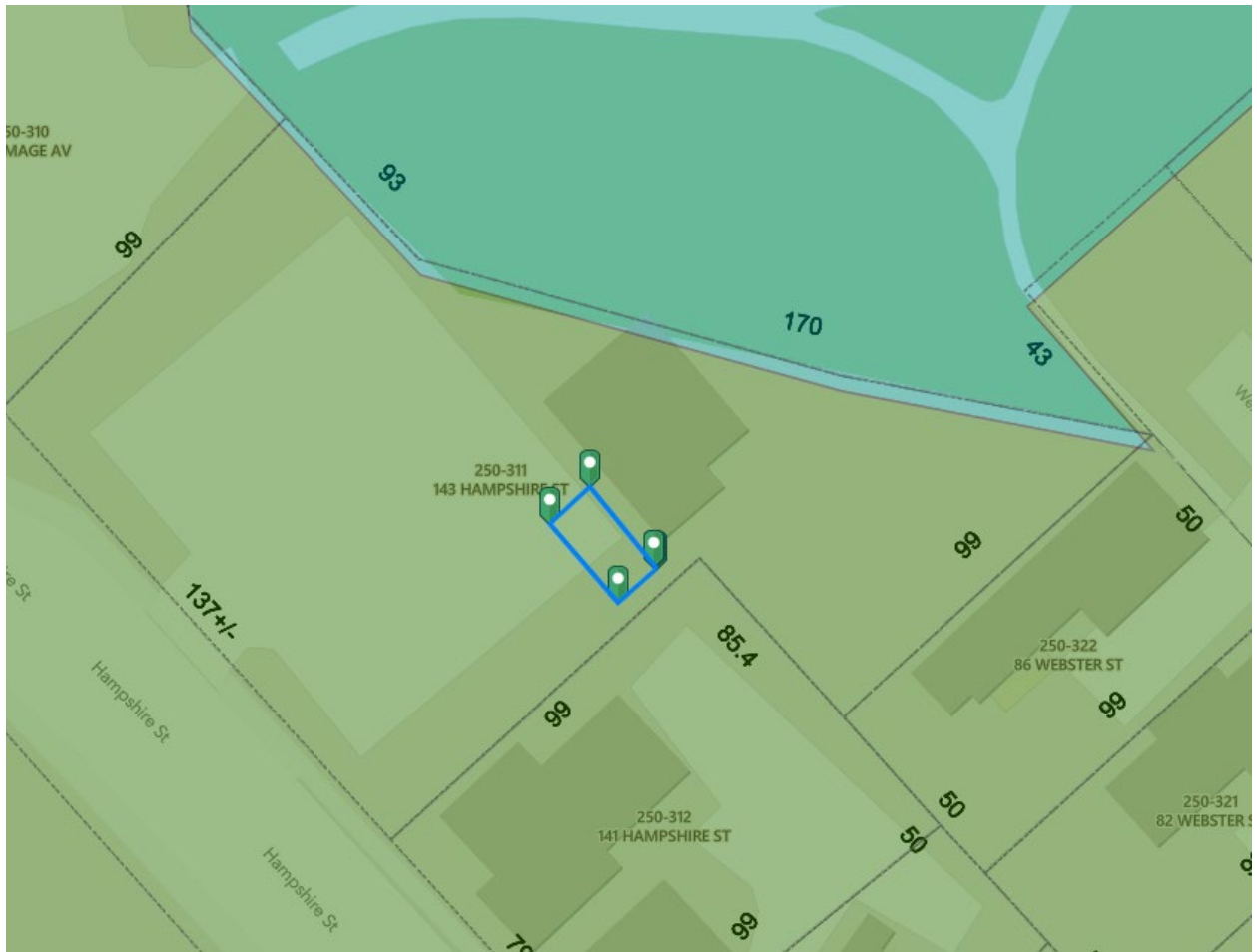
I would also like to submit for consideration, would the city be able to support granting, leasing, or selling the small area to Salt & Light enabling us to serve our community in a greater capacity.

I am available to speak in more detail or answer any question at your convenience.

We appreciate your consideration of this proposal.

Darlene Conant  
Director, Salt & Light Community Center  
207-376-7245  
Saltandlightcommunitycenter@gmail.com









ORDER

PICKUP

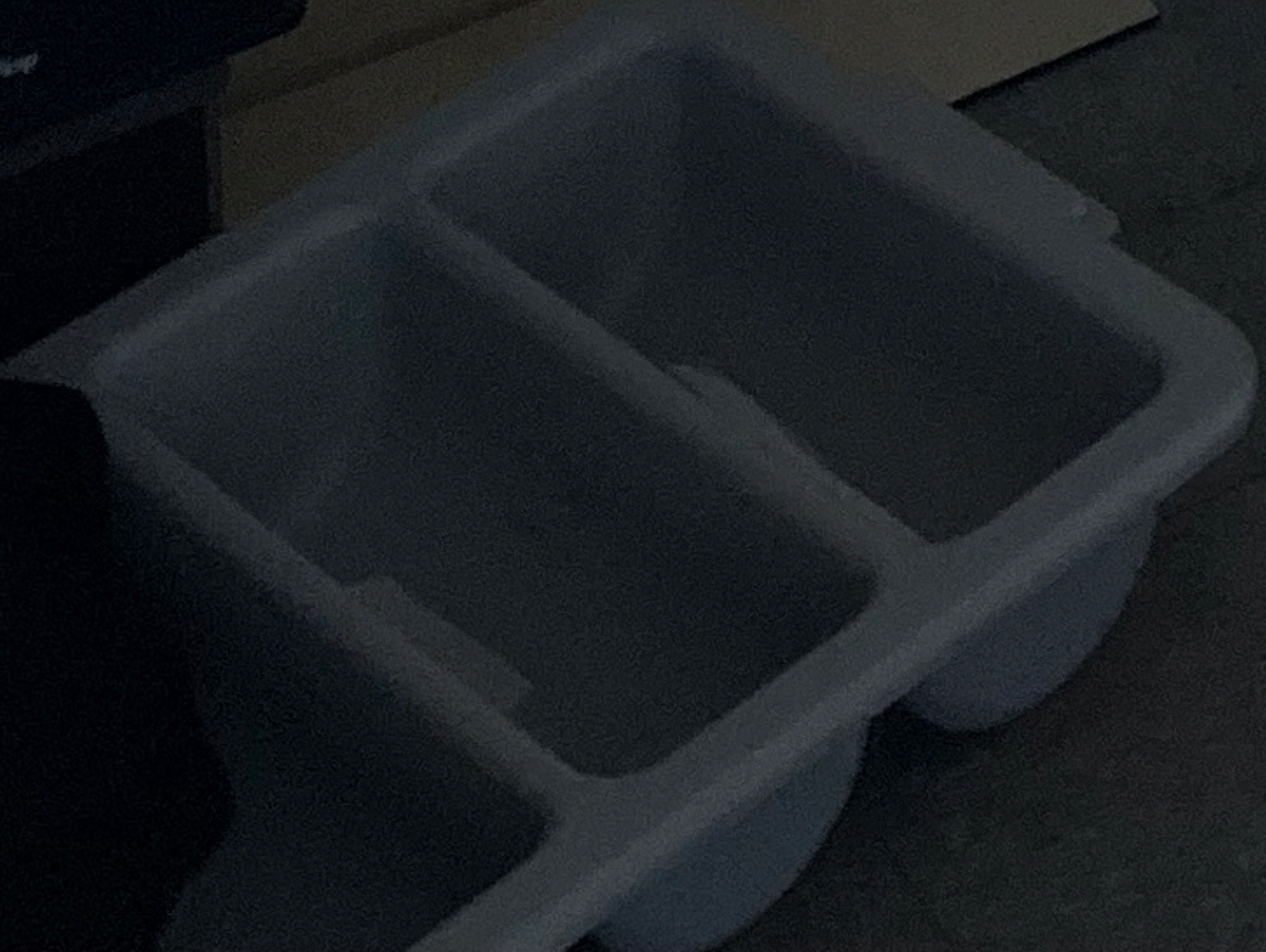
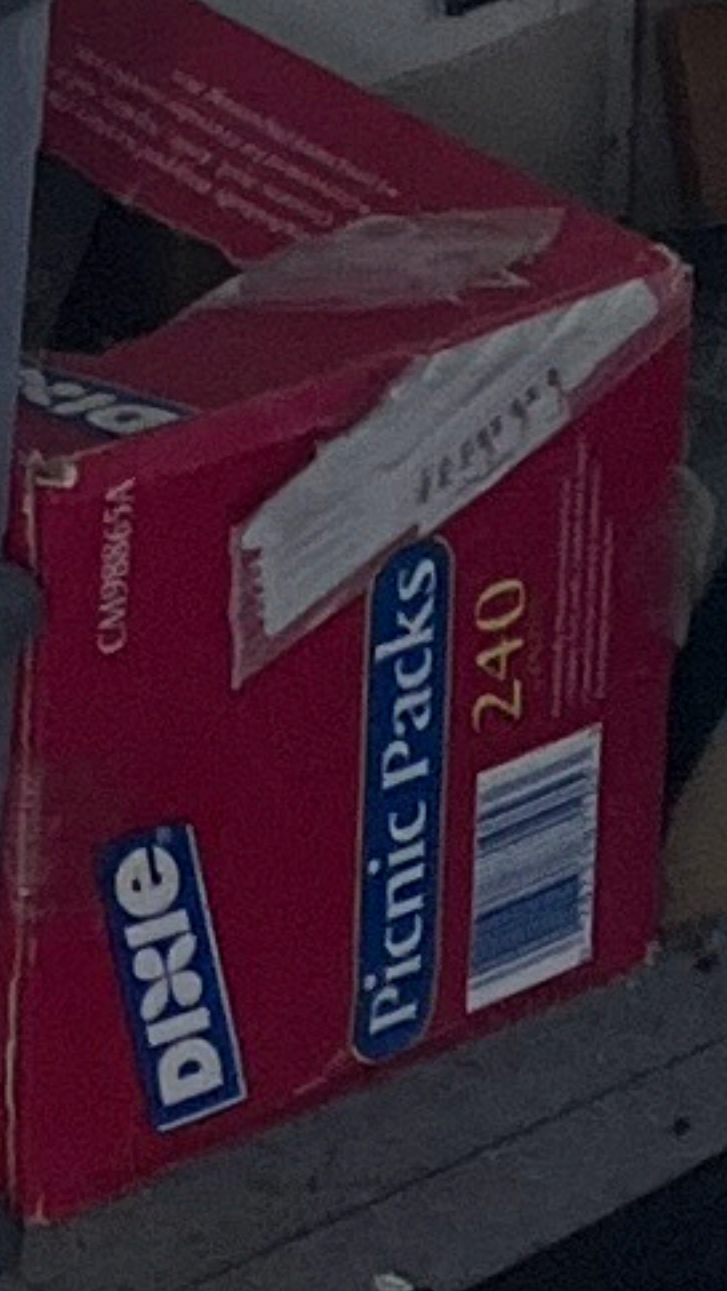
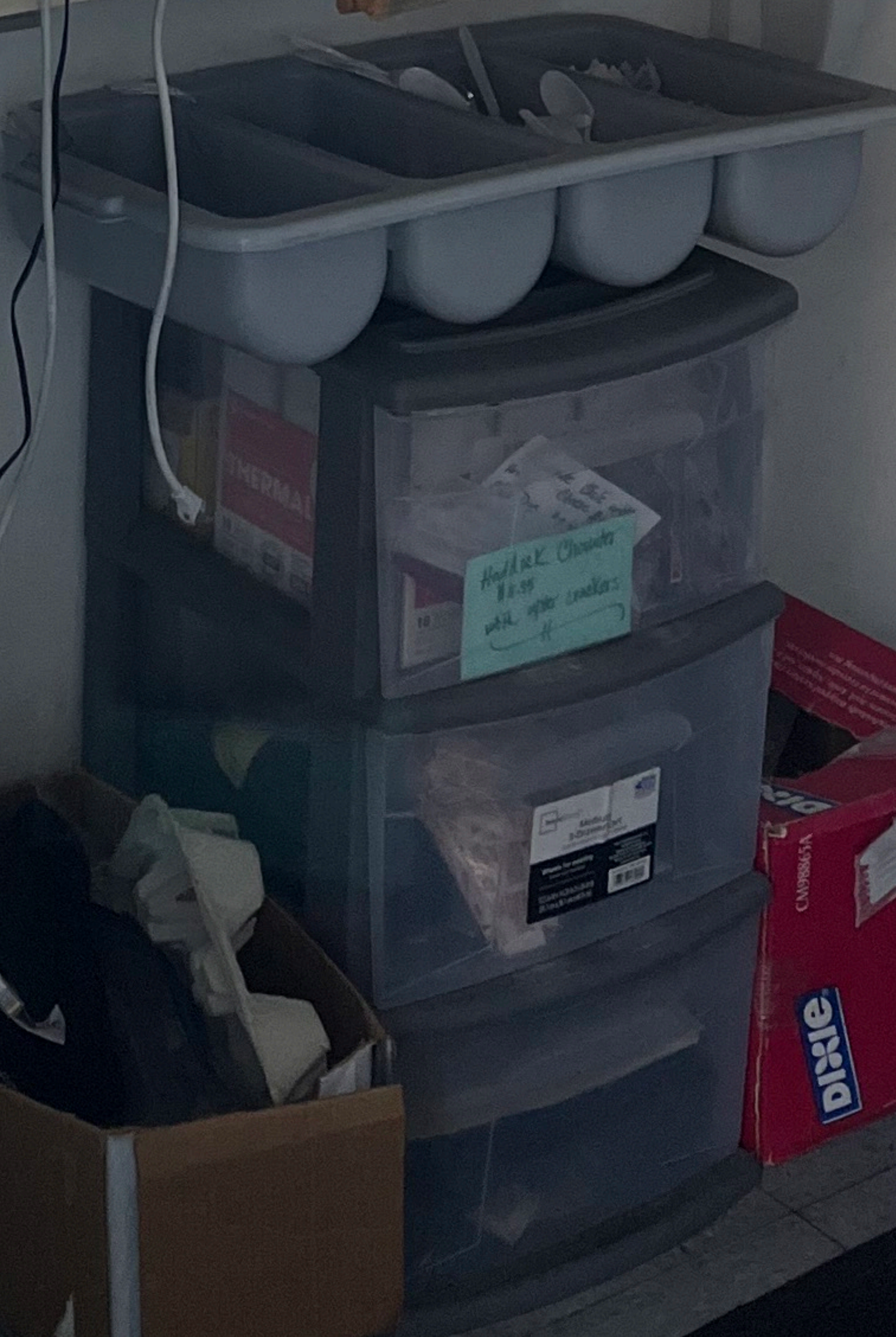
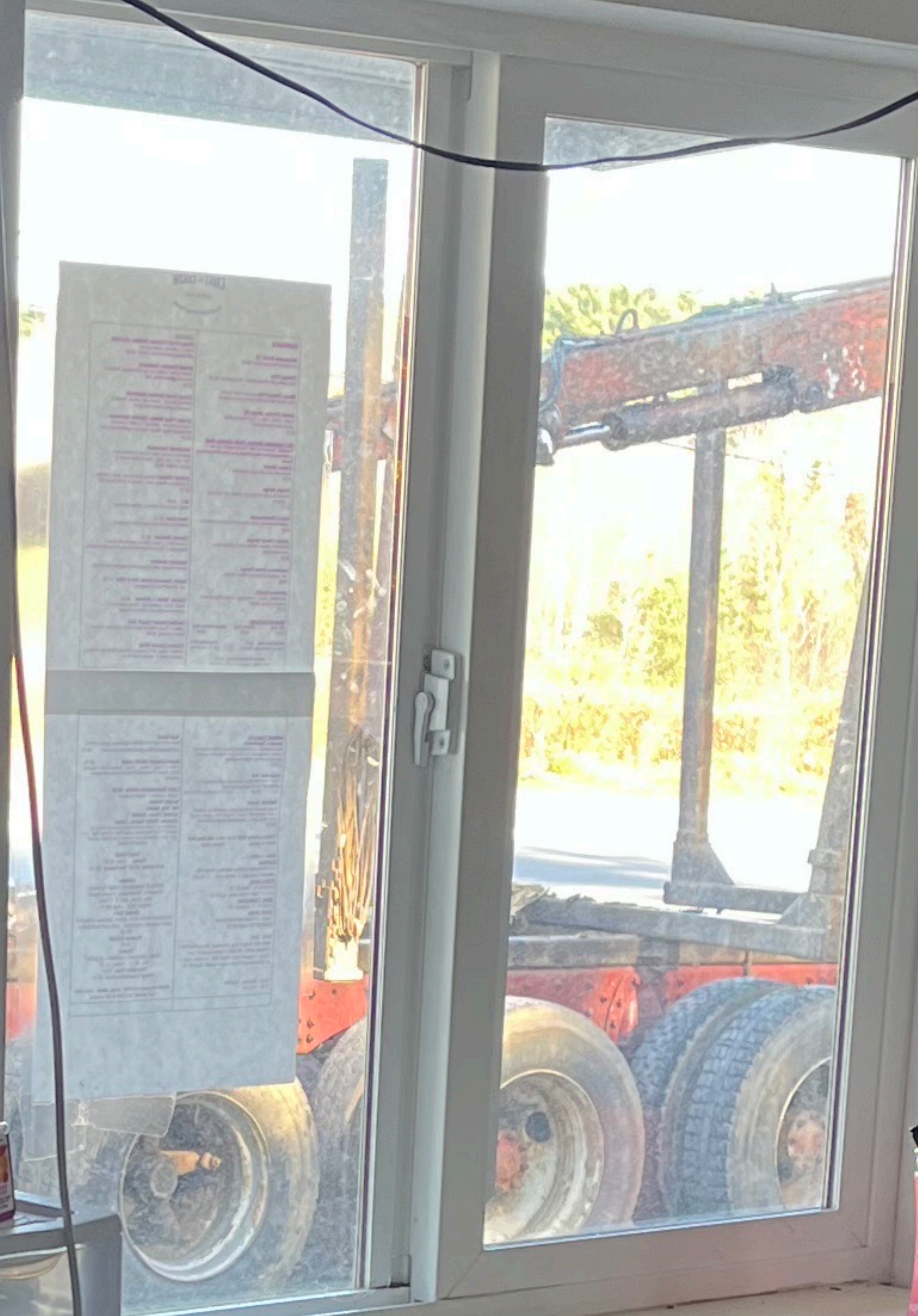
Chickadee  
\* 1/2 hr  
1/2 hr







Guest Check  
Guest Check



Haier



Globe

MOTAK

Robertshaw

CHIT & CHOW  
A detailed menu or order form with multiple columns and rows of text, including item names and prices.



## City of Auburn, Maine

Planning and Permitting  
Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

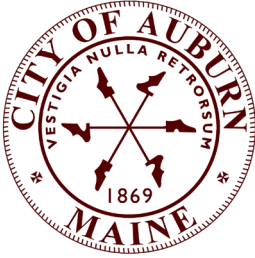
To: Auburn Mayor and City Council

From: Eric J. Cousens, Planning and Permitting Director

Re: Use of City Property – 143 Hampshire Street Parking Area

Date: March 18, 2024 Council Meeting

Darlene Conant with Salt and Light Community Center has been considering and proposing various options to stage a Coffee House on City property at the City Parking lot at 143 Hampshire Street. City staff has been clear from the beginning of the discussion that it may be possible for the use of a parking spot on City land for day use for a food truck or food trailer but the City has not allowed long term placement of a mobile unit or food service structures at CDBG funded neighborhood parking/winter relief lots in the past. This communication includes the additional materials supplied to describe the proposal. The parking lot is regularly used and many parking spaces are occupied on any given day. Staff does not believe long term placement of a food service building or trailer would be in line with past practices for the use of City owned neighborhood parking lots and we don't have an established process to consider this. If the Council wishes to formally consider this proposal then it could be added to a future agenda by a vote of the Council or the normal agenda setting process.



# City of Auburn, Maine

Mayor Jeffrey D. Harmon

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

## Mayor's Ad-Hoc Committee on Homelessness

### Charge

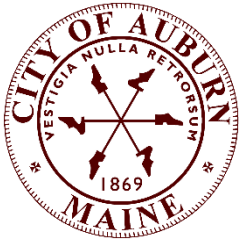
The **Mayor's Ad-hoc Committee on Homelessness** is to assess the current state of homelessness in Auburn. Provide advice and recommendations to the City Council to address the homeless issue by identifying the role of the city government, identifying organizations the city can partner with, and identifying a strategy and priority activities to be undertaken.

### Reporting

The Committee will file a periodic report to the City Council as key milestones are completed. The Committee's webpage will be updated regularly to keep residents informed.

### Members:

Subject Area	Name
City Council	Tim Cowan
City Council	Belinda Gerry
Public Health	Jen Edwards
Student Homelessness	Sasha Anastasoff
Clergy	George Sheats
Addiction Treatment	Bill Lowenstein
Health Care	Elizabeth Fowler
Workforce Navigation	Leslie Torkelson
Response Team	David Bilodeau
Non-Profit	Marianne Veilleux
Non-Profit	Peter Floyd
Community Member	Bonnie Hayes
Community Member	Bruce Noddin



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** March 18, 2024

**Ordinance:** 07-03042024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Removing the Fee Schedule from the Code of Ordinances

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**Information:** The action of Ordinance 07-03042024 removes the fee schedule from ordinance. If passed, an order will come before you to adopt the current fee schedule establishing it as a stand alone document which may be amended by the City Council from time to time as an order, which requires one reading as opposed to an ordinance which requires two separate readings and a public hearing.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Recommend passage of second and final reading.

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**Previous Meetings and History:** Public hearing and passage of first reading on March 4, 2024.

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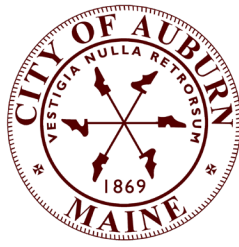
**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**



# City Council Ordinance

## IN CITY COUNCIL

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

### Chapter 1 GENERAL PROVISIONS

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

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

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

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

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

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

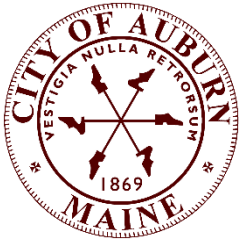
Passage of first reading on 3/4/2024 6-0 (Councilor Milks absent).

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** March 18, 2024

**Order:** 39-03182024

**Author:** Eric J. Cousens, Planning and Permitting Director

**Subject:** 46 Fair Street – Dangerous Building Public Hearing and Order

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**Information:** The City of Auburn staff has responded to complaints of dangerous conditions at the property over an extended period. Dangerous conditions have been confirmed to exist at the property and the owner of the property has been unwilling or unable to resolve the issues.

To address the issues at the property and eliminate the dangerous conditions the Auburn City Council will hold a dangerous building hearing regarding the above-captioned property on March 18, 2024, at 7:00 PM. The hearing will be held at Auburn, Hall, 60 Court Street, Auburn, Maine. During the hearing, the City Council will consider whether the buildings located on the property constitute dangerous buildings under 17 M.R.S. § 2851, with possible actions and orders to follow.

*To adjudge a building to be a nuisance or dangerous, the municipal officers or county commissioners must find that the building is structurally unsafe, unstable, or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or is otherwise dangerous to life or property.*

Proper notice to parties of interest have been made and supporting information is included in the attached information packet. At the meeting staff will provide a review of conditions at the property and explain attempts to convince the owner to remedy the dangerous conditions in order to protect the public from harm. After a public hearing the Council will be asked to review draft findings of fact and determine if an order to abate the hazardous conditions is warranted under 17 M.R.S. § 2851. The draft findings and order are provided in the attached packet. If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should order the abatement of the hazardous conditions within 30-90 days.

As of 3/13/24, the owner has responded and wishes to save the structure by providing a plan for rehabilitation. Staff has instructed the owner on a plan that might gain staff support and a recommendation to modify the corrective actions if certain actions are taken and documentation provided by noon on 3/18/24. Staff will provide an update at the Council meeting and may recommend an alternative order that includes the option of a hazard abatement and rehabilitation plan with defined parameters and timelines.

**City Budgetary Impacts:** NA

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**Staff Recommended Action:** If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should order the abatement of the hazardous conditions. Staff provided draft findings and order that may be modified based on information presented between now and the conclusion of the Hearing.

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**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation.

Signature:

A handwritten signature in black ink that reads "Phillip Crowell Jr." in a cursive script.

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**Attachments:** Information packet for 46 Fair Street, including draft findings and Order.



**46 FAIR STREET DANGEROUS BUILDING HEARING  
MARCH 18, 2024**

Good evening, Mr. Mayor, and Councilors. As you know, my name is Jennifer Dick, and I serve as the City’s Code Compliance Officer. As part of my duties as Code Compliance Officer I am tasked with the enforcement of adopted code and ordinance compliance throughout the City of Auburn. I have served as code compliance officer for the city for approximately the last 18 months with certifications in residential building inspection, internal plumbing, and subsurface wastewater. I have a nearly 15-year history in the implementation of safe housing enforcement with certifications in Housing Quality Standards and Uniform Physical Conditions Standards.

Tonight, I am tasked with explaining to the Council why City Staff has concluded that the structure located at 46 Fair Street in Auburn constitutes a “Dangerous Building” within the meaning of Title 17, Section 2851, of the Maine Revised Statutes. I have made several attempts at giving the owner the opportunity to properly secure the property. I have personally spoken by phone and sent numerous letters. Over the course of the last year, staff have received multiple complaints and concerns regarding the property at 46 Fair Street. I have offered significant opportunity to mitigate the imminent public safety risk that it is today and from an enforcement standpoint, I have exhausted all other options at my disposal for the removal of this risk. That is why we are here tonight, I am asking you to render an order that the structure located at this address be declared a dangerous building within the meaning of the statute, that you order the property to be demolished within 30 days.

**1. Background on the property:**

**A. Property Details:**

Registry of Deeds book and page reference of subject property: Book # 10877 - Page # 16

Property Description: This property contains 0.54 acres of land mainly classified as a colonial single-family home, built about 1870, having wood exterior and an asphalt shingle roof cover, 8 total room(s), 4 total bedroom(s), 2 total bath(s), 0 total half bath(s), 0 total 3/4 bath(s).

**B. Ownership of the Property and Identification of Parties-in-Interest:**

Before preparing the notices of tonight’s hearing, the City attorney conducted a search of the Registry of Deeds to verify ownership of this property. That search discovered that warranty of deed from Alan F Mackey to Red Coral Investments LLC dated September 14, 2021, and recorded in Book 10877, Page 16, in the Androscoggin County Registry. The mortgage identifies Red Coral Investments LLC as the owner. Parties of interest include: 32 Ventures LLC, F and F

Ventures II LLC, Auburn Water District, Auburn Sewer District and City of Auburn. Please reference Exhibit 1 Memorandum

All interested parties have been given notice of tonight's hearing, and at tonight's hearing, they are being given an opportunity to be heard. Notice was provided as soon as staff determined that there is no intention that any of the interested parties planned to mitigate the safety hazards while the conditions of the property continue to deteriorate, that the City could not afford to wait beyond tonight to hold this hearing.

**C. Summary of the dangerous building statute's legal standard and remedies permitted.**

The legal standard you are asked to apply is contained in Title 17 of the Maine Revised Statutes, Section 2851, and the following sections. Section 2851 defines a "Dangerous Building" as one which the municipal officers deem to be "structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." If the municipal officers make such a determination, they may, "after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure," up to and including the demolition of the structure.

I have found that the building onsite satisfies those criteria. If you agree, we request that the Council order Red Coral Investments LLC to demolish the building within 30 days. If the Building is not demolished within 30 days, we ask that the City be authorized to conduct the demolition and to assess a special tax against the property in order to recoup the City's costs and expenses, as permitted by the statute. If you designate such a nuisance and/or order it removed by the owner, State law requires that the City "shall cause said nuisance to be abated or removed in compliance with" your order, and all expenses of the City incurred in connection with this removal, including costs of title searches, service of process, costs incurred in securing the structures pending removal, and all other costs incurred by the City which are reasonably related to the removal of the structure, shall be paid by the owner and may be assessed as a special tax against the property.

**A. History of the City's Enforcement Actions and Interactions with this Property.**

**II. Review affidavit.**

As a result of the conditions described above, I believe 46 Fair Street meets section 2-A. Standard of MRS Title 17 §2851 and qualifies as a Dangerous Building. The 46 Fair Street Property constitutes a hazard to the health and safety of our neighborhoods and community

members due to inadequate maintenance, substandard work practices and a reluctance to properly secure the building. Red Coral Investments LLC having an inability or an unwillingness to remediate the dangerous conditions at 46 Fair Street despite being afforded extensive opportunity to do so.

Therefore, City Staff are requesting that you adopt the proposed findings of fact and conclusions of law that we have provided tonight. We request that you designate the structure at 46 Fair Street as a dangerous building, that you order Red Coral Investments LLC to demolish 46 Fair Street property within 30 days of the date of your order (which would be April 17, 2024, assuming you act tonight).



## MEMORANDUM

TO: Mark Bower  
FROM: Margaret MacLean  
RE: City of Auburn - 46 Fair Street (2526.16)  
DATE: February 2, 2024

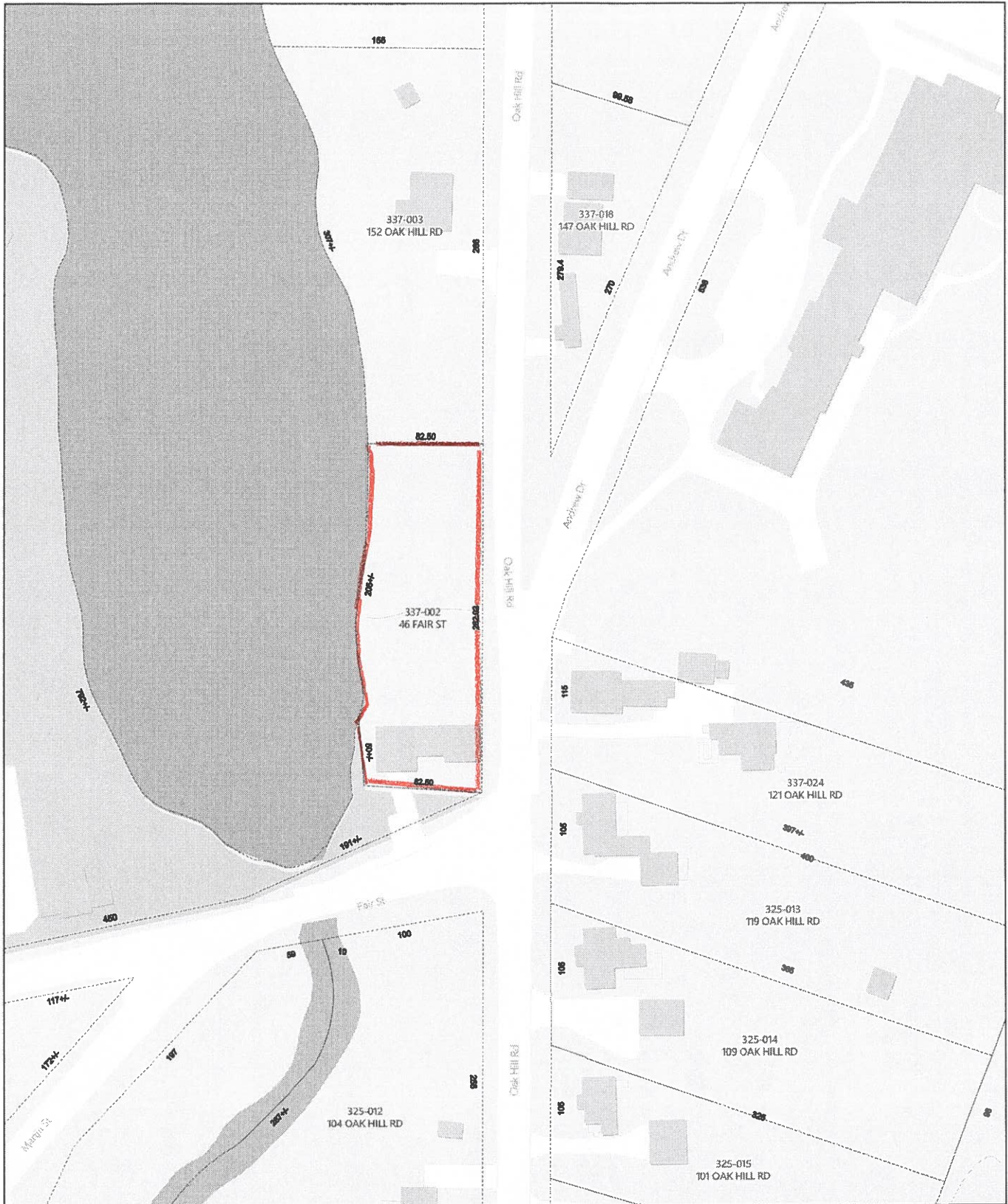
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I have done a current owner search at the Androscoggin County Registry of Deeds for property owned by Red Coral Investments, LLC a/k/a RedCoral Investments, LLC from September 2021 through February 1, 2024 and have found the following regarding 46 Fair Street:

- Warranty Deed from Allan F. Mackey to Red Coral Investments, LLC dated September 14, 2021 and recorded in Book 10877, Page 16
- Mortgage, Security Agreement, Lease Assignment and Financing Statement from RedCoral Investments, LLC to 32 Ventures LLC in the original principal amount of \$90,000.00 dated June 23, 2022 and recorded in Book 11139, Page 27
- Mortgage from RedCoral Investments, LLC to F and F Ventures II, LLC in the original principal amount of \$235,000.00 dated June 26, 2023 and recorded in Book 11402, Page 64
- Municipal Lien due Auburn Water District for property at 46 Fair Street, Account No. 44-8544-002, in the amount of \$438.88, plus any additional fees and interest, dated September 21, 2022 and recorded in Book 11216, Page 186
- Municipal Lien due Auburn Sewer District for property at 46 Fair Street, Account No. 44-8544-002, in the amount of \$511.59, plus any additional fees and interest, dated September 20, 2022 and recorded in Book 11216, Page 192
- Municipal Lien due City of Auburn for real estate taxes for at 46 Fair Street, Tax Map 337, Lot 2, in the amount of 3,209.05, plus any additional fees and interest, dated July 11, 2023 and recorded in Book 11388, Page 11

Please see copies attached.

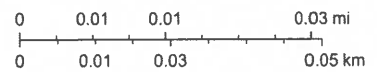
# ArcGIS Web Map



2/2/2024, 9:52:37 AM

Current Parcels \_ Public

1:1,128



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

**WARRANTY DEED  
(Maine Statutory Short Form)**

KNOW ALL PERSONS BY THESE PRESENTS, that I, **Allan F. Mackey**, of Wilton, County of Franklin and State of Maine, for consideration paid, GRANT to **Red Coral Investments, LLC**, a Maine Limited Liability Company, with WARRANTY COVENANTS, the land in the City of Auburn, County of Androscoggin, State of Maine, described as follows:

See Attached Exhibit A

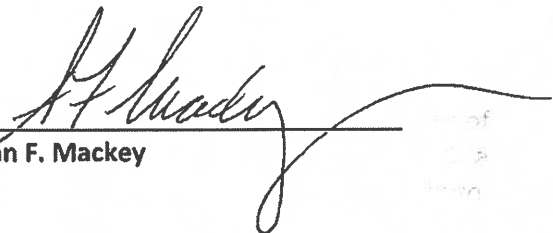
MAINE REAL ESTATE  
TRANSFER TAX PAID

WITNESS, my hand and seal this 14 day of September, 2021

Signed, Sealed and Delivered in the presence of:

\_\_\_\_\_

WITNESS

  
\_\_\_\_\_  
Allan F. Mackey

STATE OF MAINE

Cumberland County, SS.

September 14, 2021

Personally appeared the above named **Allan F. Mackey**, and acknowledged the foregoing instrument to be his free act and deed.

Before Me,

**KENNETH M. LEFEBVRE  
NOTARY PUBLIC-MAINE  
MY COMMISSION EXPIRES 01-22-2025**

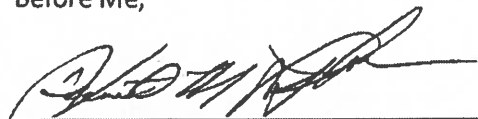
  
\_\_\_\_\_  
Notary Public/Attorney at Law

EXHIBIT A

Two certain lots or parcels of land situated in Auburn on the easterly side of the outlet of Wilson Pond, bounded and described as follows:

Parcel One:

Beginning at a stone post four (4) rods and three (3) links from the great gate of upper dam, on the outlet of Wilson Pond bearing N 64° East from same; thence S 78° E four (4) rods to a stone post on the westerly side of the Old County Road leading from White Oak Hill to Berry's Mills; thence N 17° E on said road nine (9) rods and sixteen (16) links to a stone post; thence N 78° W erroneously called South 78° W in prior deeds, five (5) rods to the brook; thence southerly by the brook to the first mentioned bound.

Parcel Two:

Beginning at a stake and stones at the southeast corner of Alvin Waterman's land on the westerly side of road leading from White Oak Hill to the Court House in Auburn; thence by said road S 16 ½° W six (6) rods and six (6) links to the northeast corner of lot above described; thence, N 78° W five (5) rods to a stake and stones at the brook on outlet of Wilson Pond on the northerly line of said lot; thence, northerly by said brook about seven and one-half ( 7 ½ ) rods to said Waterman's land; thence, South 71 ½° E five (5) rods and twenty (20) links to the first mentioned bound, reserving the perpetual right to flow said land to the extent which the water in said outlet would flow is when raised to the height of the surface of the present waster way in the upper dam across said outlet.

Meaning and intending to describe the same premises as conveyed by a Warranty Deed from Roland E. Mahaffy and Joan S. Mahaffy to Allan P. Mackey dated November 16, 1998 and recorded in the Androscoggin County Registry of Deeds in Book 4110, Page 215.

**MORTGAGE, SECURITY AGREEMENT, LEASE ASSIGNMENT AND FINANCING STATEMENT**

KNOW ALL PERSONS BY THESE PRESENTS THAT REDCORAL INVESTMENTS, LLC, a Maine Limited Liability Company with a mailing address of 3225 McLeod Drive Las Vegas, NV 89121 (Hereinafter called "Grantor")

For consideration paid, the receipt and sufficiency of which is hereby acknowledged, does hereby Give, Grant, Bargain, Sell, Assign and Convey, with MORTGAGE COVENANTS unto **32 Ventures LLC, a Georgia Limited Liability Company** having a place of business at 5 Winding Way Savannah, GA 31419 (hereinafter called "Grantee"), to secure the payment of **NINETY THOUSAND DOLLARS AND 00/100 (\$90,000.00)** (the "Loan") with interest and other charges, as applicable, in accordance with the terms and conditions of a Promissory Note of even date herewith (the "Note") and all other related loan documents given by Grantor to Grantee (the related loan documents, the Note, and this Mortgage hereinafter collectively the "Loan Documents"), and to secure other obligations, all as hereafter set forth, a certain lot or parcel of land, with the buildings and improvements thereon, situated at **46 Fair Street Auburn, Maine**, and all easements and rights appurtenant thereto (the "Mortgaged Premises"), all as more particularly described in Exhibit A attached hereto;

**TO HAVE AND TO HOLD** the aforegranted and bargained Mortgaged Premises, and the other Collateral as provided below, with all the privileges and appurtenances thereof, to Grantee, its successors and assigns, to its and their use and behoof forever;

**PROVIDED NEVERTHELESS**, that if Grantor pays to Grantee the amount of the Loan, together with interest and other liabilities charges under the Loan Documents, as applicable, in accordance with all the terms and conditions of this Mortgage and the aforesaid Loan Documents of even date signed and given by Grantor to Grantee and shall repay when due all other advances which are made by Grantee to or for the benefit of Grantor in accordance with the provisions set forth herein and other provisions hereof, as said Note of even date and any notes or evidences of such advances may be renewed, extended and modified from time to time, and until such payment performs all of Grantor's obligations, covenants and agreements contained herein and contained in said Note, then this Mortgage deed, as also said certain Note, shall be void, otherwise shall remain in full force.

**Section 1. Security Interest in Personal Property.** The Grantor also conveys herewith a security interest in the Grantor's personal property, as provided below:

**Section 1.1. Definitions.** All capitalized terms used herein without definitions shall have the respective meanings provided therefor in the Loan Documents. The term "State," as used in this Mortgage, means the state of the Grantor's organization as identified in the first paragraph of this Mortgage. All terms defined in the Uniform Commercial Code (the "UCC") of the State and used herein shall have the same definitions herein as specified therein; **provided, however**, that the term "instrument" shall be such term as defined in Article 9 of the Uniform Commercial Code of the State rather than Article 3. The term "Obligations," as used in this Mortgage, means all of the indebtedness, obligations, and liabilities of the Grantor to the Grantee, individually or collectively, whether direct



without limitation the items described, if any, as follows: and if the foregoing is left blank, no such items exist as of the date hereof.

**Section 1.3. Authorization to File Financing Statements.** The Grantor hereby irrevocably authorizes the Grantee at any time and from time to time to file in any Uniform Commercial Code jurisdiction any initial financing statements and amendments or addendums thereto that: (a) indicate the Collateral (i) as all assets of the Grantor or words of similar effect, regardless of whether any particular asset comprised in the Collateral falls within the scope of Article 9 of the Uniform Commercial Code of the State or such jurisdiction, or (ii) as being of an equal or lesser scope or with greater detail; and (b) contain any other information required by Part 5 of Article 9 of the Uniform Commercial Code of the State for the sufficiency or filing office acceptance of any financing statement or amendment, including (i) whether the Grantor is an organization, the type of organization and any organization identification number issued to the Debtor and, (ii) in the case of a financing statement filed as a fixture filing or indicating Collateral as as-extracted collateral or timber to be cut, a sufficient description of real property to which the Collateral relates. The Grantor agrees to furnish any such information to the Grantee promptly upon request. The Debtor also ratifies its authorization for the Grantee to have filed in any Uniform Commercial Code jurisdiction any like initial financing statements or amendments thereto if filed prior to the date hereof.

**Section 1.4. Financing Statement.** Grantor hereby acknowledges and agrees that the within Mortgage shall be effective as a financing statement filed or recorded as a fixture filing:

**FINANCING STATEMENT**

-----  
**Name and Address of Debtor:**

**Name and Address of Secured Parties:**

**RedCoral Investments LLC  
3225 McLeod Drive  
Las Vegas, NV 89121**

**32 Ventures LLC  
5 Winding Way  
Savannah, GA 31419**

(a) This financing statement covers the types (items) of property (or goods) hereinabove described; (b) the above goods are, or are to become, fixtures on real estate situated at the Mortgaged Premises, being more particularly described in Exhibit A, attached hereto, and by this reference made a part hereof; and (c) the name of the record owner of the real estate is the Grantor.

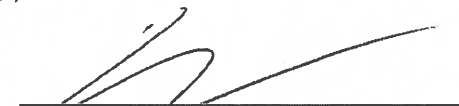
**Section 1.5. Other Actions.** Further to ensure the attachment, perfection, and first priority of, and the ability of the Grantee to enforce the Grantee's security interest in the Collateral, the Grantor agrees, in each case at the Grantor's own expense, to take the following actions with respect to the following Collateral:

**Section 1.5 (a). Collateral in the Possession of a Bailee.** If any goods are at any time in the possession of a bailee, the Grantor shall promptly notify the Grantee thereof and, if requested by the Grantee, shall promptly obtain an acknowledgment from the bailee, in form and substance

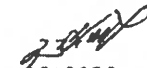
In Witness whereof, I, **Zahid Abid, Member of RedCoral Investments, LLC**  
have hereunto set my hand and seal this ~~June 25~~ <sup>23</sup>, 2022.

Signed Sealed and Delivered

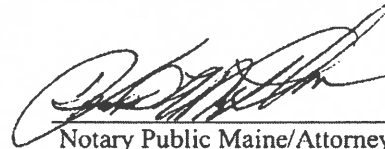
*23 R.C.*

  
\_\_\_\_\_  
RedCoral Investments, LLC  
By: Zahid Abid  
Its: Member

State of Maine  
County of Cumberland, ss.

  
June ~~25~~ <sup>23</sup>, 2022

Then personally appeared the above- named Zahid Abid and acknowledged the foregoing Instrument to be his free act and deed in his stated capacity and the free act and deed of RedCoral Investments, LLC.

  
\_\_\_\_\_  
Notary Public Maine/Attorney at Law

**KENNETH M. LEFEBVRE  
NOTARY PUBLIC-MAINE  
MY COMMISSION EXPIRES 01-22-2025**

EXHIBIT A

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Meaning and intending to describe the same premises as conveyed by a Warranty Deed from Roland E. Mahaffy and Joan S. Mahaffy to Allan P. Mackey dated November 16, 1998 and recorded in the Androscoggin County Registry of Deeds in Book 4110, Page 215.

**MORTGAGE DEED - SHORT FORM DEEDS ACT**  
**33 M.R.S.A. §§ 761, et seq.**

**THIS MORTGAGE DEED INCLUDES A STATUTORY POWER OF SALE PROVISION**  
**PURSUANT TO TITLE 33 §501-A**

**KNOW ALL BY THESE PRESENTS**, that RedCoral Investments, LLC, a Maine limited liability company with a mailing address of 3225 McLeod Drive, Las Vegas, NV 89121 (“Grantor”), for consideration paid, grants to F and F Ventures 11, LLC, a Nevada limited liability company with a mailing address of 15887 Ave. 264, Visalia, CA 93292 (“Grantee”), its heirs, successors or assigns, with Mortgage Covenants, to secure payment of the sum of **Two Hundred Thirty Five Thousand and no/100 Dollars (\$235,000.00)** by the undersigned as set forth in a certain Promissory Note of even date hereof (the “Note”), due and payable on or before **June 26, 2024**, and also to secure the performance of all agreements and covenants herein contained, that certain real property located at **46 Fair Street, Auburn, ME 04210**, as more fully described in Exhibit A attached hereto and fully incorporated herein by reference (the “Premises”).

This mortgage is upon the Statutory Condition, for any breach of which the mortgagee(s) shall have the remedies provided for by law.

Grantor covenants and agrees with Grantee as follows:

1. To keep the Premises in good order, repair and condition, damage from casualty expressly not excepted, and to remove or alter anything which constitutes part of the Premises without the consent of the Grantee;
2. To pay all taxes and assessments on the Premises before interest or penalties accrue;
3. To pay according to their terms all debts and obligations of the Grantor to whomever due, secured by any mortgage, security agreement or other lien affecting the above-described Premises existing prior hereto;
4. Not to commit nor suffer a breach of any term, covenant or agreement of any such debts, obligations, mortgages, security agreements or other liens;
5. To keep the Premises insured (a) under a policy of casualty and extended coverage insurance in an amount at least equal to the total principal amount due on this Mortgage and any other mortgage on the Premises, said policy to show Grantee, and (b) if required by applicable law, under a policy of flood insurance in an amount at least equal to the indebtedness secured hereby;
6. To pay when due all fees and charges incurred by the Note holder incident to (a) the loan transaction evidenced by the Note and secured by this Mortgage, (b) the assurance of security represented by this Mortgage, and (c) the enforcement of the Note and this Mortgage;
7. Not to convey, transfer or encumber the Premises, or to alter, amend, refinance renew or extend or otherwise modify any mortgage presently on the Premises, excluding a transfer by devise or descent, without the prior written consent of the Grantee; and

If the Grantor fails to provide and maintain insurance or pay taxes or assessments as provided in items 2 and 5 above the Grantee may at their sole option, provide such insurance or pay such taxes or assessments and the Grantor promises to pay to the Grantee, upon demand, all costs and expenses incurred by the Grantee in providing such insurance or paying such taxes or assessments together with interest at the rate set forth in the Note.

Upon the occurrence of any event of default as defined in the Note, or upon any breach of any covenant or agreement herein contained, the Grantee, their successors, heirs and assigns shall have all remedies proved by law as of the date of such default, including but not limited to the option to declare all indebtedness secured by this Mortgage due and payable at once. Election by the Grantee, their heirs, successors or assigns not to foreclose or exercise any rights under the Note, as to any one event of default, shall not constitute a waiver of any rights of Grantee, successors, heirs or assigns, as to any subsequent event of default as to which this condition shall remain in full force and effect.

Upon any sale of the Premises upon foreclosure, the Grantee shall be entitled to retain from said proceeds all sums due from the discharge of any indebtedness secured hereby and all reasonable sums due from the expense of foreclosure, repossession, necessary repairs and other costs reasonably sustained in realizing on such security including reasonable attorney's fees.

The covenants contained herein shall bind the heirs, successors, assigns and personal representatives of the Grantor and shall inure to the benefit of Grantee, their heirs, successors and assigns. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. If any portion of this Mortgage Deed is declared to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

#### POWER OF SALE


**Upon any default in the performance or the observance of the foregoing or other condition, the Mortgagee/Grantee, their heirs, successors or assigns, may sell the mortgaged premises, together with all improvements that may be thereon, by a public sale in the County where the real estate subject to the mortgage is situated, first complying with the terms of the mortgage and the statutes relating to the foreclosure of the mortgage by the exercise of a power of sale, including, but not limited to, Title 14, Chapter 713, Subchapter 3, and the Mortgagee/Grantee, their heirs successors or assigns, may convey the premises by proper deed to the purchaser or purchasers absolutely and in fee simple; and such sale forever bars the Mortgagor/Grantor and all persons claiming under it from all right and interest in the mortgage premises, whether at law or in equity.**

This Mortgage shall be governed by and interpreted under the laws of the State of Maine. In the event of any conflict between the provisions of this Mortgage and any applicable law, the provisions of this Mortgage shall be deemed modified to the extent, but only to the extent required to comply with the applicable law.

**IN WITNESS WHEREOF, Zahid Abid, Manager of RedCoral Investments, LLC, duly authorized, has executed this instrument this 26th day of June, 2023.**

**RedCoral Investments, LLC**

Witness 

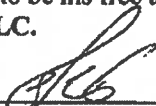
  
Zahid Abid, Manager

**STATE OF MAINE**  
County of Cumberland, ss.

June 26, 2023

Personally appeared before me the above-named **Zahid Abid, Manager of RedCoral Investments, LLC**, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of **RedCoral Investments, LLC**.

**KEVIN J. GERSPACH**  
**MAINE BAR #6477**

  
Notary Public/Attorney at Law

\_\_\_\_\_  
Type or Print Name

**Exhibit A - Property Description**

**Borrower: RedCoral Investments, LLC**

**Property Address: 46 Fair Street, Auburn, ME 04210**

Two certain lots or parcels of land situated in Auburn on the easterly side of the outlet of Wilson Pond, bounded and described as follows:

Parcel One:

Beginning at a stone post four (4) rods and three (3) links from the great gate of upper dam, on the outlet of Wilson Pond bearing N 64° East from same; thence S 78° E four (4) rods to a stone post on the westerly side of the Old County Road leading from White Oak Hill to Berry's Mills; thence N 17° E on said road nine (9) rods and sixteen (16) links to a stone post; thence N 78° W erroneously called South 78° W in prior deeds, five (5) rods to the brook; thence southerly by the brook to the first mentioned bound.

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STATE OF MAINE  
AUBURN WATER DISTRICT  
WATER LIEN CERTIFICATE  
Title 35-A M.R.S.A., Section 6111-A

I, Andrew Titus, Treasurer of the Auburn Water District, a water utility operating pursuant to the laws of the State of Maine and with offices and operations located at 268 Court Street, Auburn, Maine, hereby certify that I am the person to whom water service charges in the amount of \$346.38, due and payable on August 27, 2022, were duly and legally committed to me for collection for water services provided to the following account and property:

**Red Coral Investments LLC**  
Account # 44-8544-002

The property being described at 46 Fair St. and as further described in the deed recorded at the Androscoggin County, Maine Registry of Deeds in Book 10877 Page 16.

I further certify that a lien authorized under Section 6111-A of Title 35-A of the Maine Revised Statutes Annotated is hereby claimed on the above-described real estate to secure payment of these outstanding charges;

That a notice and demand for payment of these charges for water services and interest was given and made in accordance with Section 6111-A of Title 35-A of the Maine Revised Statutes Annotated; and

This notice is being provided in accordance with 11 U.S.C. §362(b)(3). Auburn Water District is continuing the perfection of a lien against your property by giving notice pursuant to 11 U.S.C. §362(b)(3), 546(b). The Auburn Water District reserves its right to seek further relief at a later date pursuant to 11 U.S.C. §362(b). This notice is not intended to be an attempt to collect a debt or a demand for collection of debt in violation of the automatic stay or similar judicial stay or order; and

That these water charges remain outstanding and unpaid in the amount of \$346.38 fees for notices and filing related to this lien claim in the amount of \$92.50, for a total outstanding amount of \$438.88 past due plus miscellaneous and lien fee, as of the date of this notice remain outstanding and unpaid.

**Dated: September 21, 2022**

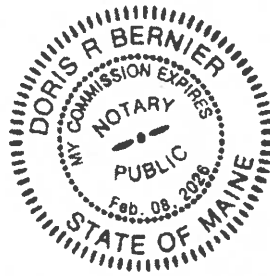


Andrew Titus, Treasurer  
Auburn Water District



State of Maine  
Androscoggin, ss:

Personally appeared the above-named, Treasurer of the Auburn Water District, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Auburn Water District.



Doris R. Bernier  
NOTARY PUBLIC  
Doris R. Bernier  
Notary Public, Maine  
My Commission Expires February 8, 2026

SEAL

STATE OF MAINE  
AUBURN SEWER DISTRICT  
SEWER LIEN CERTIFICATE

**Maine Private & Special Law Chapter 17 Effective 1937 as Updated and Amended**

I, Charles Sheehan, Treasurer of the Auburn Sewer District, a sewer utility operating pursuant to the laws of the State of Maine and with offices and operations located at 268 Court Street, Auburn, Maine, hereby certify that I am the person to whom sewer services charges in the amount of \$419.09 due and payable on **August 27, 2022**, were duly and legally committed to me for collection for sewer services provided to the following account and property:

**Red Coral Investments LLC**  
**Account # 44-8544-002**

The property being described at **46 Fair St.** and as further described in the deed recorded at the Androscoggin County, Maine Registry of Deeds in **Book 10877 Page 16.**

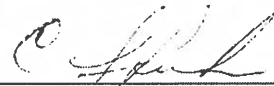
I further certify that a lien authorized under Maine Private & Special Law Chapter 17 Effective 1937 as updated and amended, is hereby claimed on the above-described real estate to secure payment of these outstanding charges;

That a notice and demand for payment of these charges for sewer services and interest was given and made; in accordance with Maine Private & Special Law Chapter 17 Effective 1937, as updated and amended; and

This notice is being provided in accordance with 11 U.S.C. §362(b)(3). The Auburn Sewer District is continuing the perfection of a lien against your property by giving notice pursuant to 11 U.S.C. §362(b)(3), 546(b). The Auburn Sewer District reserves its right to seek further relief at a later date pursuant to 11 U.S.C. §362(b). This notice is not intended to be an attempt to collect a debt or a demand for collection of debt in violation of the automatic stay or similar judicial stay or order; and

That these sewer charges remain outstanding and unpaid in the amount of \$419.09, fees for notices and filing related to this lien claim in the amount of \$92.50, for a total outstanding amount of \$511.59 past due plus miscellaneous and lien fee, as of the date of this notice remain outstanding and unpaid.

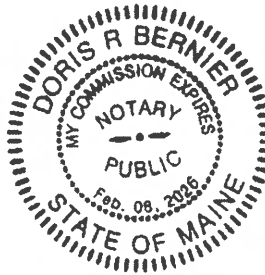
**Dated: September 20, 2022**



Charles Sheehan, Treasurer  
Auburn Sewer District

State of Maine  
Androscoggin, ss:

Personally appeared the above-named, Treasurer of the Auburn Sewer District, and acknowledged the foregoing to be his free act and deed in his said capacity and the free act and deed of said Auburn Sewer District.



Doris R. Bernier  
NOTARY PUBLIC  
Doris R. Bernier  
Notary Public, Maine  
My Commission Expires February 8, 2026

**SEAL**

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

State of Maine  
Tax Collector's Lien Certificate  
Title 36 M.R.S.A § 942 and § 943  
July 11, 2023

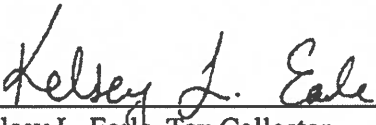
I, Kelsey L. Earle, Tax Collector for the City of Auburn, Maine in the County of Androscoggin, said taxes have been duly and legally committed to me for collection on the 18<sup>th</sup> day of July, 2022, hereby certify that a tax of \$3073.53 together with interest of \$66.52 and lien cost of \$61.33, which have been added to and become part of said tax, a total of \$3209.05 remains unpaid. The tax was assessed against RED CORAL INVESTMENTS LLC as owner of the real estate described as follows:

Map/Lot: 337-002-000-000 of the Assessor's Tax Maps of the City of Auburn, which are on file at the Assessor's office in the City of Auburn, Maine.

Book/Page: 10877-16

Property Location: 46 FAIR ST

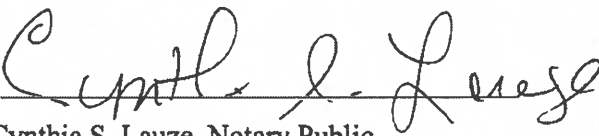
A LIEN IS HEREBY CLAIMED on the above-described real estate to secure payment of said tax. A demand for payment of said tax has been made of the above named assessed owner(s); by sending the certified mail/return receipt requested to their last known address, on the 31<sup>st</sup> of May, 2023, a notice in writing signed by me stating the amount of said tax, and describing the real estate on which said tax is assessed, alleging that a lien is claimed on said tax and demanding payment of said tax and costs within 30 days after the mailing of said notice, in accordance with the provisions in M.R.S.A. Title 36 M.R.S.A § 942 and § 943, as amended.


  
Kelsey L. Earle, Tax Collector  
City of Auburn, Maine

State of Maine  
Androscoggin County, ss.

July 11, 2023

Then personally appeared the above-named Kelsey L. Earle, Tax Collector of Auburn, Maine and acknowledges the foregoing instrument to be her free act and deed in her said capacity.

Before me,   
Cynthia S. Lauze, Notary Public  
My Commission Expires: November 10, 2026

ANDROSCOGGIN COUNTY  
  
REGISTER OF DEEDS

\*\*\* GRANTORS \*\*\*  
 REDCORAL INVESTMENTS LLC

DATE/TIME OF RECEPITION	SURNAME GIVEN NAME	REVERSE PARTY	BOOK-PAGE	DOC TYPE	LOCATION	DOCUMENT DATE	DOC #	VFY
05-06-2022 12:24:34p	SAME SA. 11036.193 - GROSS ST	CLARK & HALL PROPERTIE	11098 296	DEED	AUBURN	05-06-2022	8159	I
05-06-2022 12:24:34p	SAME	CLARK & HALL PROPERTIE	11098 296	DEED	AUBURN	05-06-2022	8159	I
06-24-2022 10:46:01a	SAME	32 VENTURES LLC	11139 27	MORT	AUBURN 45 FAIR STREET	06-23-2022	11759	Y
09-26-2022 1:13:57p	SAME	AUBURN WATER DISTRICT	11216 186	LIEN	AUBURN 46 FAIR STREET	09-21-2022	18691	Y
09-26-2022 1:13:57p	SAME	AUBURN SEWERAGE DISTRI	11216 192	LIEN	AUBURN 46 FAIR STREET	09-20-2022	18694	Y
02-01-2023 8:43:27a	SAME Merrill Rd	MCTIZIC MANAGEMENT GRO	11300 270	MORT	LEWISTON 261 MERRILL ROAD	01-31-2023	1550	Y
02-01-2023 8:43:27a	SAME	LIVE FREE LLZ	11300 274	MORT	LEWISTON 261 MERRILL ROAD	01-31-2023	1551	Y
02-01-2023 8:43:27a	SAME	ASOH, IFEOMA	11300 278	MORT	LEWISTON 261 MERRILL ROAD	01-31-2023	1552	Y
02-14-2023 9:35:49a	SAME SA. 11238. 201 DASH	BENNETT, JANAY M	11306 148	DEED	GREENE	02-14-2023	2051	Y
04-03-2023 11:57:53a	SAME Vernon St	F AND F VENTURES II LL	11328 110	MORT	AUBURN 26 VERNON STREET	03-31-2023	4101	Y
04-14-2023 2:26:49p	SAME SA 11300.268 Merrill Rd	GRAY, JESSICA	11334 213	DEED	LEWISTON	04-14-2023	4629	Y
07-11-2023 3:01:58p	SAME	AUBURN CITY OF	11388 11	LIEN	AUBURN 45 FAIR STREET	07-11-2023	9499	Y
07-13-2023 10:12:48a	SAME Spring St	F AND F VENTURES II LL	11389 283	MORT	LEWISTON 51 SPRING STREET	07-12-2023	9778	Y
07-28-2023 12:15:59p	SAME	F AND F VENTURES II LL	11402 64	MORT	AUBURN 46 FAIR STREET	06-26-2023	10666	Y
09-14-2023 11:30:45a	SAME SA. 11328.108 Vernon St	HILL, MATTHEW S (JR)	11432 235	DEED	AUBURN	09-13-2023	13469	Y
09-21-2023 3:02:46p	SAME Royalborough Rd	F AND F VENTURES II LL	11438 80	MORT	DURHAM 830 ROYALSBOROUGH ROAD	09-20-2023	13857	Y
10-30-2023 8:58:40a	SAME Re 82 Gamage Ave	NOTICE	11461 1	MISC	AUBURN	10-25-2023	15688	I

ANDROSCOGGIN COUNTY REGISTRY OF DEEDS  
 REQUESTED BY (RG).....  
 SURNAME/GIVEN NAME.....RED CORAL  
 TYPES OF NAMES.....\*ALL  
 DOC TYPES.....\*ALL  
 INDEX DATES...Jan 1,1965 thru Feb 2, 2024 #1579 @ 09:55

RECORDED LAND BY NAME  
 TINA M. CHOUINARD  
 INQUIRY PRINT REQUEST  
 PRINTED: 2/02/24 10:05:40  
 TOWN: \*ALL  
 ALL YEARS BY NAME  
 PAGE 2  
 RG340RP  
 WEBSERVER

DATE/TIME OF RECEPTION	SURNAME GIVEN NAME	REVERSE PARTY	BOOK-PAGE	DOC TYPE	LOCATION	DOCUMENT DATE	DOC #	VFY	
01-31-2024 10:15:34a	SAME SA 11389-281 -Spring St	PENLEY, QUENTIN	11514 195	DEED	LEWISTON	01-29-2024	1488	I	
*** GRANTEEES ***									
RED CORAL INVESTMENTS LLC									
09-15-2021 11:06:37a	SAME 2 Barrels Wilson Pond	MACKAY, ALLAN F	10877 16	DEED	AUBURN	09-14-2021	20862	Y	
02-22-2022 9:56:03a	SAME Goss St	OSWALD, KURT M	11036 293	DEED	AUBURN	02-18-2022	3329	Y	
10-25-2022 8:53:10a	SAME Oak St	LALIBERTE, TANENA L	11238 201	DEED	GREENE	10-24-2022	20493	I	
02-01-2023 8:43:27a	SAME Merrill Rd	PAINE, ANTHONY M	11300 268	DEED	LEWISTON	01-31-2023	1549	Y	
04-03-2023 11:57:53a	SAME Vernon St	LARSON, MARK W	11328 108	DEED	AUBURN	03-31-2023	4100	Y	
04-18-2023 11:20:36a	SAME Mtg 11300.270	MCTIZIC MANAGEMENT GRO	11335 291	DIS	11300/270	04-14-2023	4735	Y	
04-19-2023 11:45:42a	SAME Mtg 11300.278	ASOH, IFEOMA	11336 206	DIS	11300/278	04-18-2023	4783	Y	
04-19-2023 11:45:42a	SAME Mtg 11300.274	INDY LIVE FREE LLC	11336 207	DIS	11300/274	04-18-2023	4784	Y	
05-24-2023 12:34:48p	SAME Mtg 11139.27	32 VENTURES LLC	11358 23	DIS	11139/27	05-16-2023	6325	Y	
07-13-2023 10:12:48a	SAME Spring St	BERUBE, JASON R	11389 281	DEED	LEWISTON	07-12-2023	9777	Y	
08-14-2023 10:57:50a	SAME H 51 Spring St	LEWISTON STORMWATER DI LEWISTON	11412 257	DIS	LEWISTON 51 SPRING STREET	08-10-2023	11595	Y	
08-14-2023 10:57:50a	SAME u u u	LEWISTON STORMWATER DI LEWISTON	11412 258	DIS	LEWISTON 51 SPRING STREET	08-10-2023	11596	Y	
09-14-2023 11:46:02a	SAME Mtg 11328.110	F AND F VENTURES 11 LL	11432 258	DIS	11328/110	09-08-2023	13472	Y	
09-21-2023 3:02:46p	SAME Royalborough Rd.	ROSS, CALAUN W	11438 78	DEED	DURHAM	09-20-2023	13856	Y	

----- RUN TOTALS -----  
 18 GRANTORS LISTED  
 14 GRANTEEES LISTED

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 02-16-2024

I have this day made service on Redcoral Investments, LLC, C/O NORTHWEST REG. AGENT  
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

\_\_\_\_\_ by delivering it to him/her personally at \_\_\_\_\_

\_\_\_\_\_ by delivering a copy to \_\_\_\_\_,  
a person of suitable age and discretion then residing at the person's usual place of abode

by delivering a copy to JEFF GNECCO, ESQ,  
an agent authorized by appointment or by law to receive service of process

The said process was served this day at 62 PORTLAND RD, STE 35, KENNEBUNK, ME

  
\_\_\_\_\_  
Deputy Sheriff

Service \_\_\_\_\_ \$  
Travel, \_\_\_\_\_ miles \_\_\_\_\_ \$  
Postage \_\_\_\_\_ \$  
Administrative Fee \_\_\_\_\_ \$

Amount \$ \_\_\_\_\_

**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

REDCORAL INVESTMENTS LLC )  
 )  
**PLAINTIFF** )  
 Vs )  
F AND F VENTURES 11, LLC )  
 )  
**DEFENDANT** )

CASE No. 337002  
SHERIFF CIVIL NO.: 24000855

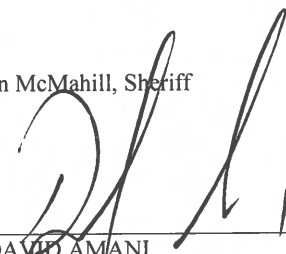
**AFFIDAVIT OF SERVICE**

STATE OF NEVADA }  
 } ss:  
COUNTY OF CLARK }

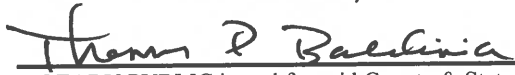
DAVID AMANI, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **2/21/2024**, at the hour of **8:43 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF PUBLIC HEARING** issued in the above entitled action upon F AND F VENTURES 11, LLC the defendant **F AND F VENTURES 11, LLC** named therein, by delivering to and leaving with said defendant **F AND F VENTURES 11, LLC – ATTORNEY, KATHRINE COLOMBO**, personally, at **C/O CMC LAW GROUP, REGISTERED AGENT 8690 S MARYLAND PARKWAY SUITE 220 LAS VEGAS, NV 89123** within the County of Clark, State of Nevada, copy/copies of **NOTICE OF PUBLIC HEARING**

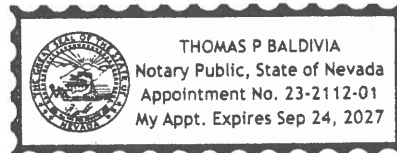
**DATED: February 22, 2024.**

Kevin McMahill, Sheriff

By:  18065  
DAVID AMANI  
Deputy Sheriff

SUBSCRIBED AND SWORN to me before me this  
28<sup>th</sup> day of FEBRUARY 2024.

  
NOTARY PUBLIC in and for said County & State





ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 2-21-21

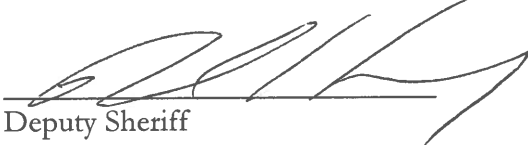
I have this day made service on Auburn Sewerage District  
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

\_\_\_\_\_ by delivering it to him/her personally at \_\_\_\_\_,

\_\_\_\_\_ by delivering a copy to \_\_\_\_\_,  
a person of suitable age and discretion then residing at the person's usual place of abode

by delivering a copy to Michael Broadbent,  
an agent authorized by appointment or by law to receive service of process

The said process was served this day at 268 Court St Auburn ME

  
Deputy Sheriff

Service	\$	<u>40.00</u>
Travel, _____ miles	\$	<u>3.00</u>
Postage	\$	<u>2.00</u>
Administrative Fee	\$	<u>2.00</u>

Amount \$ 47.00

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 2-21-24

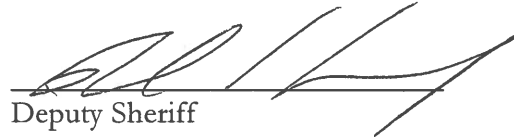
I have this day made service on Auburn Water District  
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

\_\_\_\_\_ by delivering it to him/her personally at \_\_\_\_\_,

\_\_\_\_\_ by delivering a copy to \_\_\_\_\_,  
a person of suitable age and discretion then residing at the person's usual place of abode

✓ by delivering a copy to Michael Broadbent,  
an agent authorized by appointment or by law to receive service of process

The said process was served this day at 268 Court St Auburn Me

  
Deputy Sheriff

Service	\$ _____
Travel, _____ miles	\$ _____
Postage	\$ _____
Administrative Fee	\$ _____

Amount \$ 4000

ACKNOWLEDGEMENT AND RETURN OF SERVICE

DATE OF SERVICE: 2.27.24

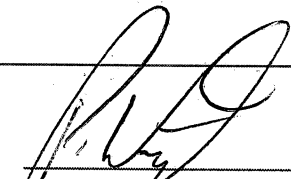
I have this day made service on 32 Ventures, LLC  
of the Notice of Public Hearing Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Building)

by delivering it to him/her personally at \_\_\_\_\_

\_\_\_\_\_ by delivering a copy to \_\_\_\_\_  
a person of suitable age and discretion then residing at the person's usual place of abode

\_\_\_\_\_ by delivering a copy to \_\_\_\_\_  
an agent authorized by appointment or by law to receive service of process

The said process was served this day at \_\_\_\_\_

  
Deputy Sheriff  
Patrick Wright 759

Service \$ \_\_\_\_\_  
Travel, \_\_\_\_\_ miles \$ \_\_\_\_\_  
Postage \$ \_\_\_\_\_  
Administrative Fee \$ \_\_\_\_\_

Amount \$ \_\_\_\_\_

## AFFIDAVIT OF JENNIFER DICK

I, Jennifer Dick, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the "City").
2. In connection with that position, I enforce Housing code and ordinances.
3. In the course of my duties for the City, I have become familiar with the property owned by Red Coral Investments LLC and located at 46 Fair Street (the "Fair Street property") within the City limits.
4. The City has received numerous complaints regarding the condition of the 46 Fair Street property.
5. As I will describe in more detail below, the structural elements of the Fair Street Property have not been maintained in a manner that is hazard free and suitable for the intended use and pose an immediate and serious threat to public health and safety.

### SPECIFIC COMPLAINTS AND FAILURE TO ADDRESS PROPERTY CONDITIONS


6. On October 31, 2022, I received a "Report It" Ticket from a neighbor regarding concerns for the 46 Fair Street property.
7. On November 2, 2022, I called Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC. I explained that the building had become concerning to the neighbors. It had been left chronically unsecure, wide open and the trash and debris was scattered throughout the property. Zahid stated that he would have the building secured within the seven days. I explained that I would be sending a Notice of Violation.
8. On November 2, 2022, I issued Red Coral Investments LLC a Notice of Violation for the conditions that I observed from the public way on November 2, 2022. A true and accurate copy of which is attached as **Exhibit 5**
9. On November 21, 2022, I viewed the property from a public way. With no effort made by the owner to get in compliance. I then issued the First Citation. A true and accurate copy of which is attached as **Exhibit 6**
10. On December 9, 2022, I viewed the property from a public way. With no effort made by the owner to get in compliance. I issued a Second Citation. A true and accurate copy of which is attached as **Exhibit 7**
11. On December 13, 2022, I received an email from staff at the City of Auburn stating that a neighbor had called regarding 46 Fair Street. On December 13, 2022, I returned the call to the neighbor regarding the status of 46 Fair Street. Explaining that a Second Citation had been sent.

12. On December 28, 2022, I viewed the property from a public way. With no effort made by the owner to get in compliance. I issued a Third Citation. A true and accurate copy of which is attached as **Exhibit 8**
13. On January 10, 2023, I viewed the property from a public way. With no effort made by the owner to get in compliance. I issued a Fourth Citation. A true and accurate copy of which is attached as **Exhibit E9**
14. On January 10, 2023, I left a voicemail for Zahid Abid regarding the need to have 46 Fair Street secured.
15. On January 26, 2023, I left a voicemail for Zahid Abid regarding the need to have 46 Fair Street secured.
16. On May 1, 2023, I left a voicemail for Zahid Abid regarding a scheduled inspection at 46 Fair Street for May 5, 2023, at 11:00am.
17. On May 5, 2023, at 11:00am Eric Cousens Director of Planning and Permitting, Cy Wilkinson Code Compliance Officer for the City of Auburn and myself visited 46 Fair Street. The building was wide open. This was concerning due to its proximity to East Auburn Community School, Lake Grove Park, and surrounding neighborhoods. During this inspection the building was found to be unsecure, missing multiple windows and doors. The power was on and in working order with numerous exposed electric components. This building was found to be structurally unsafe, unsanitary and constitutes a fire hazard. To have the immediate dangers remedied. I contacted the City of Auburn's Public Works to have 46 Fair Street secured. Photographs of the inspection are attached as **Exhibit E9 10**
18. On June 6, 2023, I received a call from a neighbor regarding the status of 46 Fair Street. I explained that we had sent citations and that it was recently secured by Public Works.
19. On December 29, 2023, I received a call from a concerned neighbor. They discussed with me their concerns regarding young kids playing in and around the 46 Fair Street property. The building was once again left abandoned, unsecure, and wide open.
20. On January 8, 2024, I viewed the property from a public way. The property was unsecure and left wide open. I then issued a Fifth Citation. A true and accurate copy of which is attached as **Exhibit E9 17**
21. On March 5, 2024, at 3:00pm Eric Cousens Director of Planning and Permitting and myself visited the property at 46 Fair Street. The building was found wide open. We entered confirming that no one was inside. At which time the power was on and in working condition with numerous exposed electric components. There is current evidence of water intrusion, which is seen to be both a fire hazard and compromising to the structural integrity of the property. The inadequate maintenance and continuous abandonment of this property is concerning due to its proximity to East Auburn Community School, Lake Grove Park, and surrounding neighborhoods. In addition to the hazards that the property at 46 Fair Street poses to the community there are also construction materials along with trash and debris throughout the exterior of the

property. To have the immediate dangers remedied. I contacted the City of Auburn's Public Works to have 46 Fair Street secured. Photographs of the site visit are attached as well as an aerial view of the property to show the proximity to East Auburn Community School, Lake Grove Park, and surrounding neighborhoods **ExhibitE9 18**

22. As a result of the conditions described above, I believe 46 Fair Street meets section 2-A. Standard of MRS Title 17 §2851 and qualifies as a Dangerous Building and that Red Coral Investments LLC has no intent of mitigating the hazardous conditions affecting East Auburn Community School, Lake Grove Park, and the surrounding neighboring community.

Dated: March 18, 2024

  
Jennifer Dick

STATE OF MAINE  
COUNTY OF ANDROSCOGGIN

March 18, 2024

Personally, appeared the above-named Jennifer Dick and made oath that the foregoing statements are true to the best of his knowledge and belief.

  
Notary Public/Attorney at Law

Print Name:

Denise L. Spooner  
Notary Public, State of Maine  
My Commission Expires Feb. 09, 2029

**AFFIDAVIT OF KRIS BEAUDOIN**

I, Kris Beaudoin, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the "City").
2. In connection with that position, I enforce Housing code and ordinances.
3. In the course of my duties for the City, I have become familiar with the property owned by Red Coral Investments LLC and located at 46 Fair Street (the "Fair Street property") within the City limits.
4. The City has received numerous complaints regarding the condition of the 46 Fair Street property.
5. As I will describe in more detail below, the structural elements of the Fair Street Property have not been maintained in a manner that is hazard free and suitable for the intended use and pose an immediate and serious threat to public health and safety.

**SPECIFIC COMPLAINTS AND FAILURE TO ADDRESS PROPERTY CONDITIONS**

6. On November 2, 2022, I spoke with Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC. I explained to him that after receiving the complaints about the building being chronically unsecured, and the other hazardous conditions the property poses to the neighborhood, I reviewed the previous building permit application and determined that the work to the property had been abandoned for over 180 days and per section R105.5 of the 2015 IRC the permit was no longer valid. At that time, Zahid Abid was made aware any future work would require re-permitting the
7. On June 21, 2023, I spoke with Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC and followed up the conversation with an email documenting the conversation. A true and accurate copy of which is attached as **Exhibit E9 11**
8. On June 29, 2023, I sent an email to Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC. The email included a Public Works Invoice of the monies due for securing the structure and a brief explanation of the Dangerous Building Statute and an opportunity to make corrections of the hazardous conditions to the neighborhood. A true and accurate copy of which is attached as **Exhibit E9 12**
9. On June 29, 2023, I received an email from Zahid Abid whom the mortgage holder

has referenced as the manager of Red Coral Investments LLC. A true and accurate copy of which is attached as **Exhibit E9 13**

10. On June 29, 2023, I responded to an email sent by Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC that same day. A true and accurate copy of which is attached as **Exhibit E9 14**

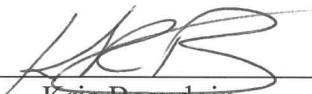
11. On July 18, 2023, I viewed from a public way that work without permits was being conducted at 46 Fair Street and a Stop Work Order was placed on the building. A true and accurate copy of which is attached as **Exhibit E9 15**

12. On July 20, 2023, I received a complaint that work was occurring at 46 Fair Street and the work was adding to the already existing hazard to the neighborhood. On that day, I spoke with Zahid Abid whom the mortgage holder has referenced as the manager of Red Coral Investments LLC and made him aware that work needed to be stopped until a permit had been secured and to obtain the permit, the hazardous conditions to the neighborhood would need to be remedied.

13. On September 11, 2023, I visited the property and observed from a public way that the trash and debris had been removed from the property and issued the building permit by way of email. A true and accurate copy of which is attached as **Exhibit E9 16**

12. Based on my observations of the continued uncured deterioration and the chronically unsecured nature of the structure located at 46 Fair St, I believe this building meets the standards of a dangerous building as defined in section 2-A of The MRS Title 17 §2851.

Dated: March 14, 2024

  
Kris Beaudoin

STATE OF MAINE  
COUNTY OF  
ANDROSCOGGIN

March 14, 2024

Personally, appeared the above-named Kris Beaudoin and made oath that the foregoing statements are true to the best of his knowledge and belief.

  
Notary Public/Attorney at Law

Print Name:

**Denise L. Spooner**  
Notary Public, State of Maine  
My Commission Expires Feb. 09, 2029





City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

NOTICE OF VIOLATION

CODE-1976-2022

November 2, 2022

9489 0090 0027 6269 5854 76

RED CORAL INVESTMENTS LLC
3225 MCLEOD DRIVE, SUITE 100
LAS VEGAS NV 89121

9489 0090 0027 6269 5854 76

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET
AUBURN, ME 04210
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING

Revision: Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

Corrective Action: Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: November 10, 2022

**Violation: Chapter 44, Section 44-32**

**Description:** ACCUMULATIONS OF REFUSE

**Revision:** No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

**Corrective Action:** Remove trash and debris/ Properly store during construction

**Compliance Date:** November 10, 2022

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Therefore, in accordance with the above referenced ordinance requirements, you are hereby ordered to complete the above corrective action by the compliance date given. Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 2, Article VIII of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and five dollars (\$105.00) for the first citation and you will be reordereed to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and ten dollars (\$210.00), the third is four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,



**Jennifer Dick**  
Code Compliance Officer  
**City of Auburn**  
60 Court Street  
Auburn, ME 04210  
(207) 333-6601 Ext. 1160  
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting







# City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

**FIRST CITATION - \$105  
NOTICE OF CIVIL PENALTY  
CODE-1976-2022**

November 21, 2022

RED CORAL INVESTMENTS LLC  
3225 MCLEOD DRIVE, SUITE 100  
LAS VEGAS NV 89121

9489 0090 0027 6269 5854 52

9489 0090 0027 6269 5854 52

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET  
AUBURN, ME 04210  
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

**Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING**

**Revision:** Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

**Corrective Action:** Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

Compliance Date: December 1, 2022

---

**Violation: Chapter 44, Section 44-32**

**Description:** ACCUMULATIONS OF REFUSE

**Revision:** No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

**Corrective Action:** Remove trash and debris/ Properly store during construction

Compliance Date: December 1, 2022

---

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **one hundred and five dollars (\$105)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a second citation with a civil penalty in the amount of two hundred and ten dollars (\$210.00), the third is four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order

please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

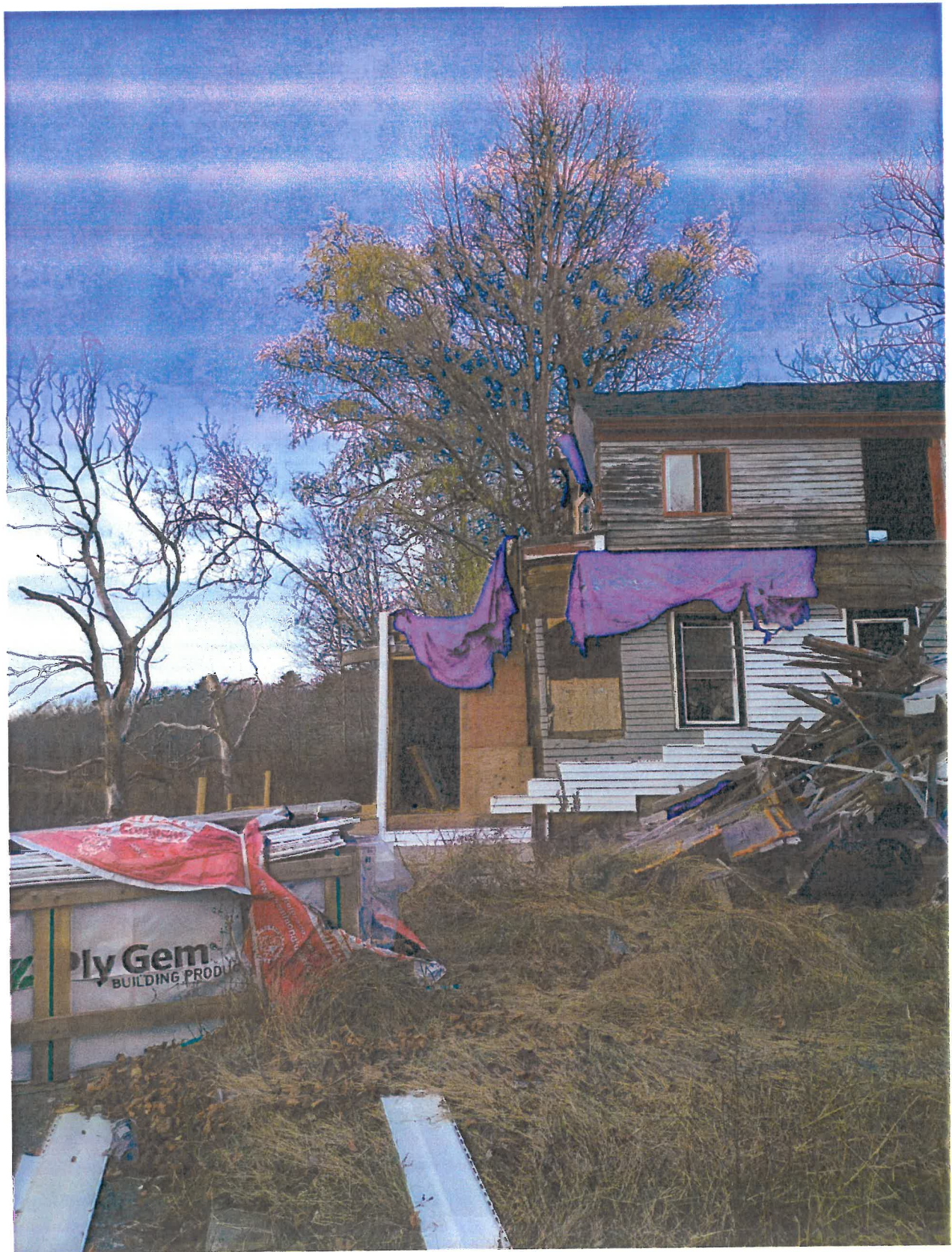
Sincerely,



**Jennifer Dick**  
Code Compliance Officer  
**City of Auburn**  
60 Court Street  
Auburn, ME 04210  
(207) 333-6601 Ext. 1160  
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting









## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

**SECOND CITATION - \$210  
NOTICE OF CIVIL PENALTY  
CODE-0000-2018**

December 9, 2022

RED CORAL INVESTMENTS LLC  
3225 MCLEOD DRIVE, SUITE 100  
LAS VEGAS NV 89121

9489 0090 0027 6269 5854 21

9489 0090 0027 6269 5854 21

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET  
AUBURN, ME 04210  
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

**Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING**

**Revision:** Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

**Corrective Action:** Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

**Compliance Date:** December 17, 2022

**Violation: Chapter 44, Section 44-32**

**Description:** ACCUMULATIONS OF REFUSE

**Revision:** No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

**Corrective Action:** Remove trash and debris/ Properly store during construction

**Compliance Date:** 17, 2022

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Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn you are hereby ordered to pay a civil penalty in the amount of **two hundred and ten dollars (\$210)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a third citation with a civil penalty in the amount of four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,

**Jennifer Dick**  
Code Compliance Officer  
Assessing & Planning Assistant  
**City of Auburn**  
60 Court Street  
Auburn, ME 04210  
(207) 333-6601 Ext. 1160  
Jdick@auburnmaine.gov

Cc: Eric Cousens, Deputy Director of Economic and Community Development







## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

**THIRD CITATION - \$420  
NOTICE OF CIVIL PENALTY  
CODE-1976-2022**

December 28, 2022

RED CORAL INVESTMENTS LLC  
3225 MCLEOD DRIVE, SUITE 100  
LAS VEGAS NV 89121

9489 0090 0027 6269 5838 92

9489 0090 0027 6269 5838 92

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET  
AUBURN, ME 04210  
PID#: 337002000

- 46 Fair Street has been left chronically unsecured.

**Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING**

**Revision:** Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

**Corrective Action:** Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

**Compliance Date :** January 6, 2023

**Violation: Chapter 44, Section 44-32**

**Description:** ACCUMULATIONS OF REFUSE

**Revision:** No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

**Corrective Action:** Remove trash and debris/ Properly store during construction

**Compliance Date:** January 6, 2023

---

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn you are hereby ordered to pay a civil penalty in the amount of **four hundred and 20 dollars (\$420)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a, fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,



**Jennifer Dick**  
Code Compliance Officer  
Assessing & Planning Assistant  
**City of Auburn**  
60 Court Street  
Auburn, ME 04210  
(207) 333-6601 Ext. 1160  
Jdick@auburnmaine.gov

Cc: Eric Cousens, Deputy Director of Economic and Community Development









## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

**FOURTH CITATION - \$840  
NOTICE OF CIVIL PENALTY  
CODE-1976-2022**

January 10, 2023

RED CORAL INVESTMENTS LLC  
3225 MCLEOD DRIVE, SUITE 100  
LAS VEGAS NV 89121

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET  
AUBURN, ME 04210  
PID#: 337002000

---

- 46 Fair Street has been left chronically unsecured.

**Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING**

**Revision:** Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

**Corrective Action:** Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

**Compliance Date: January 16, 2023**

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**Violation: Chapter 44, Section 44-32**

**Description:** ACCUMULATIONS OF REFUSE

**Revision:** No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

**Corrective Action:** Remove trash and debris/ Properly store during construction

**Compliance Date: January 16, 2023**

---

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **eight hundred and forty dollars (\$840)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a citation with a civil penalty in the amount of four eight hundred and forty dollars (\$840.00), and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

Sincerely,



**Jennifer Dick**  
Code Compliance Officer  
**City of Auburn**  
60 Court Street  
Auburn, ME 04210  
(207) 333-6601 Ext. 1160  
Jdick@auburnmaine.gov

Cc: Eric Cousens, Director of Planning and Permitting





















**Kris Beaudoin**

---

**From:** Kris Beaudoin  
**Sent:** Wednesday, June 21, 2023 2:46 PM  
**To:** Zahid Abid  
**Subject:** 46 Fair St

Good afternoon, I wanted to follow up via email after our phone conversation was cut short yesterday.

I was provided your permit application for review for 46 fair St. As you know, there are violations that currently exist at the property. Prior to permit approval, all existing ordinance violations must be remedied and any money owed to the city due to the enforcement actions required to secure the site must be reimbursed. Please be advised that no work that requires a permit should be completed prior to issuance, if such work is existing it will be a violation of Sec. 60-1401 of the City Ordinance and subject to double permit fees as found in Appendix A also found in the City Ordinance. Please let me know if you have any questions or concerns.

Best Regards

**Kris Beaudoin**

Code Compliance Team Leader/Building Inspector/LPI  
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150  
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.  
E-mail sent or received by City employees are subject to these laws.  
Senders and receivers of City e-mail should presume that messages are subject to release.

**Kris Beaudoin**

---

**From:** Kris Beaudoin  
**Sent:** Thursday, June 29, 2023 8:52 AM  
**To:** Zahid Abid  
**Cc:** Eric Cousens  
**Subject:** FW: 46 Fair St  
**Attachments:** 46 Fair St Bill to secure building.pdf

Good morning, I have attached the invoice for the securing of 46 Fair St. Also, I visited the property recently and the violations we have been trying to get you to remedy as part of our enforcement action has gotten significantly worse. As I mentioned before, the building was about to be presented to the City Council as a Dangerous Building (Title 17, §2851: Dangerous buildings) which if ordered, would require the demolition of the structure. We are willing to work with you to avoid this process, but you will need to take care of the issues within the next 7 days to avoid any further action being taken. Please let me know if you have any questions or concerns.

Best Regards

**Kris Beaudoin**

Code Compliance Team Leader/Building Inspector/LPI  
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150  
[kbeaudoin@auburnmaine.gov](mailto:kbeaudoin@auburnmaine.gov)

The City of Auburn is subject to statutes relating to public records.  
E-mail sent or received by City employees are subject to these laws.  
Senders and receivers of City e-mail should presume that messages are subject to release.

---

**From:** Kris Beaudoin  
**Sent:** Wednesday, June 21, 2023 2:46 PM  
**To:** Zahid Abid <[zahid@zandzinvestments.com](mailto:zahid@zandzinvestments.com)>  
**Subject:** 46 Fair St

Good afternoon, I wanted to follow up via email after our phone conversation was cut short yesterday.

I was provided your permit application for review for 46 fair St. As you know, there are violations that currently exist at the property. Prior to permit approval, all existing ordinance violations must be remedied and any money owed to the city due to the enforcement actions required to secure the site must be reimbursed. Please be advised that no work that requires a permit should be completed prior to issuance, if such work is existing it will be a violation of Sec. 60-1401 of the City Ordinance and subject to double permit fees as found in Appendix A also found in the City Ordinance. Please let me know if you have any questions or concerns.

Best Regards

**Kris Beaudoin**

Code Compliance Team Leader/Building Inspector/LPI  
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150  
[kbeaudoin@auburnmaine.gov](mailto:kbeaudoin@auburnmaine.gov)

# Detail

Date Printed: 06/20/2023



Work Order #: 0000001655  
 Title: Secure Structure  
 Origin: Non-PM  
 Priority: Medium

Source Type: Site  
 WO Status: Completed  
 Originator: Mark Kelley  
 Project:  
 Work Type: Reactive Maintenance

Originated: 05/05/2023 09:46:00 AM  
 Expected:  
 Work Category: Carpentry  
 Address: 46 Fair St  
 Auburn, ME  
 United States

Assigned: 05/05/2023 09:46:00 AM  
 Completed: 05/10/2023 08:04:00 AM  
 Area/Room #:

Work requested:

Secure property at 46 Fair St

Action Taken:

Comments:

Total Labor Cost:	120.81	Total Labor Hours:	3.00
Total Part Cost:	75.69	Total Other Hours:	0.00
Equipment Usage Cost:	61.71		
Total Other Cost:	0.00		
External Labor \$:	0.00		
Non-Inv \$:	0.00		
WO Cost:	258.21	Total Hrs:	3.00

### Custom Fields

Contact#  
 Contact Name

### Assigned To

Employee #	Name	Job Title	Phone	Email	Est Hrs	Company Name
1	Mark Kelley	Highway Supervisor		mkelley@auburnmaine.gov	0.00	

### Source

Site #	Site	Postal Code	Country Code	Email	Fax	Phone #1
[N/A]	Facilities	[N/A]	US	[N/A]	[N/A]	[N/A]

### Labor

Employee	Start Date	End Date	Hour(s)	OT	OT Cost Factor	Description
Donald Sjoström		06/20/2023 09:34:00 AM	3.00			

### Parts

Part #	Name	Location	Quantity	Unit	Usage Type	Description
0000000008	3/8" Plywood - 4 x 8 Sheet	PW - Carpenter Shop	3.00	each	Dispatched	

### Equipment Usage

Equipment	Equipment Rate	Start Date	End Date	Cost Per Unit	# of Units
PW-75.16	1 Ton	05/09/2023 12:00:00 AM	05/09/2023 12:00:00 AM	20.57 / Hour	3.00

### Tasks/Steps

None

# Detail

Date Printed: 06/20/2023



Page 2 of 2



0000001655

## Documents

None

## Safety Programs

None

**Kris Beaudoin**

---

**From:** Kris Beaudoin  
**Sent:** Thursday, June 29, 2023 11:55 AM  
**To:** Zahid Abid  
**Cc:** Eric Cousens  
**Subject:** RE: FW: 46 Fair St

Zahid, we can get together if you want to schedule an appointment but I do not believe it is necessary, all we need is for you to come into compliance within 7 days for the violations that were listed in the notices you were sent.

Best Regards

**Kris Beaudoin**

Code Compliance Team Leader/Building Inspector/LPI  
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150  
kbeaudoin@auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.  
E-mail sent or received by City employees are subject to these laws.  
Senders and receivers of City e-mail should presume that messages are subject to release.

---

**From:** Zahid Abid <zahid@zandzinvestments.com>  
**Sent:** Thursday, June 29, 2023 9:18 AM  
**To:** Kris Beaudoin <kbeaudoin@auburnmaine.gov>  
**Cc:** Eric Cousens <ECousens@auburnmaine.gov>  
**Subject:** Re: FW: 46 Fair St

Do we want to get together and get the issues resolved? I am fairly available this week or next week.

Thanks,  
Zahid

On Thu, Jun 29, 2023 at 8:51 AM Kris Beaudoin <[kbeaudoin@auburnmaine.gov](mailto:kbeaudoin@auburnmaine.gov)> wrote:

Good morning, I have attached the invoice for the securing of 46 Fair St. Also, I visited the property recently and the violations we have been trying to get you to remedy as part of our enforcement action has gotten significantly worse. As I mentioned before, the building was about to be presented to the City Council as a Dangerous Building (Title 17, §2851: Dangerous buildings) which if ordered, would require the demolition of the structure. We are willing to work with you to avoid this process, but you will need to take care of the issues within the next 7 days to avoid any further action being taken. Please let me know if you have any questions or concerns.

Best Regards



**Kris Beaudoin**

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Best Regards

Kris Beaudoin

Code Compliance Team Leader/Building Inspector/LPI

60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150

[kbeaudoin@auburnmaine.gov](mailto:kbeaudoin@auburnmaine.gov)

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**From:** Kris Beaudoin

**Sent:** Wednesday, June 21, 2023 2:46 PM

**To:** Zahid Abid <[zahid@zandzinvestments.com](mailto:zahid@zandzinvestments.com)>

**Subject:** 46 Fair St

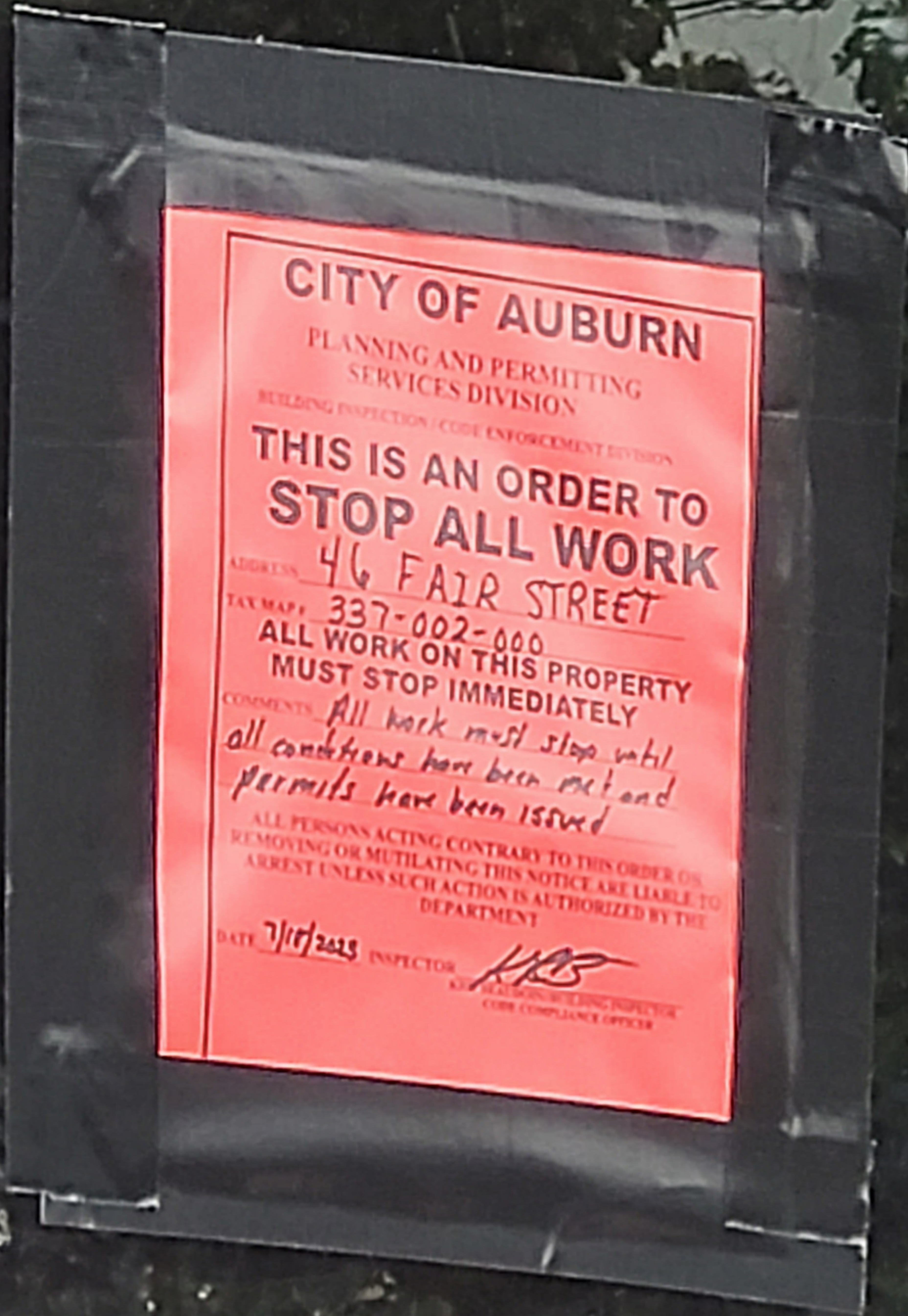
Good afternoon, I wanted to follow up via email after our phone conversation was cut short yesterday.

I was provided your permit application for review for 46 fair St. As you know, there are violations that currently exist at the property. Prior to permit approval, all existing ordinance violations must be remedied and any money owed to the city due to the enforcement actions required to secure the site must be reimbursed. Please be advised that no work that requires a permit should be completed prior to issuance, if such work is existing it will be a violation of Sec. 60-1401 of the City Ordinance and subject to double permit fees as found in Appendix A also found in the City Ordinance. Please let me know if you have any questions or concerns.

Best Regards

Kris Beaudoin

Code Compliance Team Leader/Building Inspector/LPI



**CITY OF AUBURN**

PLANNING AND PERMITTING  
SERVICES DIVISION

BUILDING INSPECTION / CODE ENFORCEMENT DIVISION

**THIS IS AN ORDER TO  
STOP ALL WORK**

ADDRESS: 46 FAIR STREET

TAX MAP: 337-002-000  
**ALL WORK ON THIS PROPERTY  
MUST STOP IMMEDIATELY**

COMMENTS: *All work must stop until  
all conditions have been met and  
permits have been issued*

ALL PERSONS ACTING CONTRARY TO THIS ORDER OR  
REMOVING OR MUTILATING THIS NOTICE ARE LIABLE TO  
ARREST UNLESS SUCH ACTION IS AUTHORIZED BY THE  
DEPARTMENT

DATE: 7/17/2023 INSPECTOR: KJB  
KJB BUILDING INSPECTOR  
CODE COMPLIANCE OFFICER



July 18, 2023 11:13 AM

**Kris Beaudoin**

---

**From:** Kris Beaudoin  
**Sent:** Monday, September 11, 2023 10:00 AM  
**To:** Zahid Abid  
**Cc:** Eric Cousens  
**Subject:** 46 Fair St Permit  
**Attachments:** 46 Fair St 1778509112023.pdf

Good morning Zahid, I noticed that you have had the debris removed from the property so we decided to issue a conditional permit even though the invoice for securing the building has not yet been paid.

I have attached the approved conditional permit for 46 Fair St in Auburn to this email. Please review the conditions on the permit and contact me directly with any questions. Someone will be over either today or tomorrow to remove the stop work placards on the building. In the meantime, please contact Tammy at 207-333-6601 EXT 1133 to schedule a walkthrough of the building so we can get a good assessment of where the structure currently is at in the renovation.

Best Regards

**Kris Beaudoin**

Code Compliance Team Leader/Building Inspector/LPI  
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1150  
kbeaudoin@auburnmaine.gov

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60 Court Street  
 Auburn, Maine 04210  
 Tel: (207) 333-6601 ext. 1158  
 Fax: (207) 333-6625

# Dwelling - 1 & 2 Family PERMIT

**Permit No:** SFD-19695-2023

**Work Class:** Alterations  
**Status:** Approved with Conditions

**Expiration Date:** 09/10/2024

### Permit Information

<b>Job Address</b>	<b>Parcel:</b>	337-002	<b>Square Feet:</b>	0
46 FAIR ST Auburn, ME 04210	<b>District:</b>	City of Auburn	<b>Valuation:</b>	\$30,000.00
	<b>Issue Date:</b>	9/11/2023		

### Description of Work

Interior Renovations - Replaces SFD 17785

### Additional Info

Front Setback: 0.00    Rear Setback: 0.00    Side Setback: 0.00    Shoreside Setback: 0.00

### Contacts

Type	Contact Name	Address	Business Phone
Owner	Red Coral Investment LLC	46 Fair Street Auburn, ME 04210	

### Contractors

--

### Permit Conditions

Conditions	COMMENTS
All Construction shall meet the standards of MUBEC, NEC 2017, State of Maine Internal Plumbing Code 2021, and NFPA 1 and 101, 2018 edition	
An occupancy permit is required to be issued prior to the use of the space affected by this building permit	
Separate permits are required for any plumbing and electrical work.	
*The rear deck that was being constructed must be removed and can not be rebuilt.	
*A certificate of occupancy will not be issued until the unpaid invoice for securing the building has been paid.	
* The following Inspections must be requested by the owner or a representative: Framing, insulation, plumbing, electrical, and final.	
All Property line setbacks shall be met	

<b>Fees Due</b>	<b>Invoice Number: 19492</b>	
	PM: Misc Fee - Building Permit	\$150.00
	PM: SFD New/Addition - new	\$25.00
	<b>Invoice Total:</b>	<b>\$175.00</b>

<b>Fees Paid</b>	<b>Invoice Number: 19492</b>	
	<b>Cash</b>	
	PM: SFD New/Addition - new	\$25.00
	PM: Misc Fee - Building Permit	\$150.00
		<b>\$175.00</b>
<b>Invoice Fees Paid:</b>		<b>\$175.00</b>

<b>Inspections</b>	
--------------------	--



# City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

**FIFTH CITATION - \$840  
NOTICE OF CIVIL PENALTY  
CODE-1976-2022**

January 9, 2024

9489 0090 0027 6269 5816 14

RED CORAL INVESTMENTS LLC  
3225 MCLEOD DRIVE, SUITE 100  
LAS VEGAS NV 89121

9489 0090 0027 6269 5816 14

RE: 46 FAIR STREET AUBURN, ME 04210 PID# 337-002

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

46 FAIR STREET  
AUBURN, ME 04210  
PID#: 337002000

---

- 46 Fair Street has been left chronically unsecured.

**Violation: 17 M.R.S.A § 2851; DANGEROUS BUILDING**

**Revision:** Whenever the municipal officers in the case of a municipality... find that a building or structure or any portion thereof ... is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.

**Corrective Action:** Secure the building envelope, this includes any doors, windows and all other entry points that do not provide protection from vermin, insects, human entry, and exterior elements.

**Compliance Date: January 14, 2024**

---

**Violation: Chapter 44, Section 44-32**

**Description:** ACCUMULATIONS OF REFUSE

**Revision:** No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

**Corrective Action:** Remove trash and debris/ Properly store during construction.

**Compliance Date: January 14, 2024**


---

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **eight hundred and forty dollars (\$840.00)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

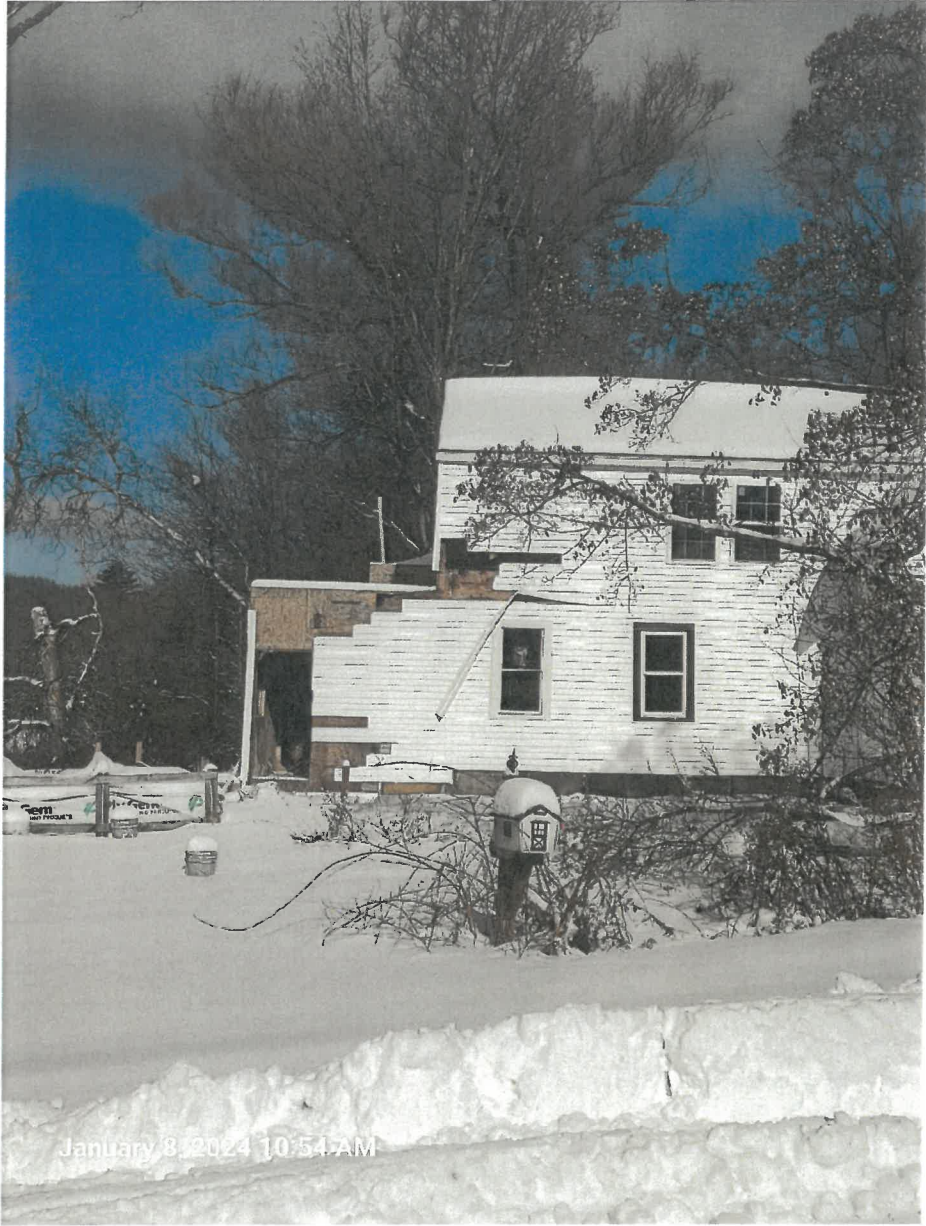
If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1160

  
Sincerely,  
**Jennifer Dick**  
Code Compliance Officer  
**City of Auburn**  
60 Court Street  
Auburn, ME 04210  
(207) 333-6601 Ext. 1160  
[jdick@auburnmaine.gov](mailto:jdick@auburnmaine.gov)



Cc: Eric Cousens, Director of Planning and Permitting





March 5, 2024, 46 Fair Street







































**CITY OF AUBURN  
CITY COUNCIL  
FINDINGS OF FACT  
DANGEROUS BUILDING HEARING  
46 FAIR STREET (PARCEL ID: 337-002)  
March 18, 2024**

1. On February 5, 2024, the City Council voted to set a public hearing under the Dangerous Building Statute (17 M.R.S. §§ 2851-2859) for March 18, 2024 to determine whether the building located on the property at 46 Fair Street in Auburn, Maine (the “Property”) is dangerous or a nuisance as defined in 17 M.R.S. § 2851(2-A).
2. The Property is described as Parcel ID# 337-002 on the City’s maps, copies of which are on file at the Auburn City Hall, and is more particularly described in a deed from Allen F. Mackey to RedCoral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds in Book 10877, Page 16.
3. The Property is subject to (1) a mortgage held by 32 Ventures, LLC, dated June 23, 2022, and recorded in the said Registry in Book 11139, Page 27; (2) a mortgage held by F and F Ventures 11, LLC, dated June 26, 2023, and recorded in the said Registry in Book 11402, Page 64; (3) a water lien held by Auburn Water District, dated September 21, 2022, and recorded in the said Registry in Book 11216, Page 186; and (4) a sewer lien held by Auburn Sewer District, dated September 20, 2022, and recorded in the said Registry in Book 11216, Page 192.
4. An attested copy of the Notice of Hearing was recorded in the Androscoggin County Registry of Deeds in Book 11521, Page 144, as required by 17 M.R.S. § 2857.
5. The record owner of the Property is RedCoral Investments, LLC, and notice of the March 18, 2024 public hearing was served on its registered agent, Jeffrey R. Gnecco, at 62 Portland Street, Suite 25, Kennebunk, Maine, on February 16, 2024.
6. Catherine M. Colombo, Esq. accepted service of the Notice of Hearing on behalf of mortgagee F and F Ventures 11, LLC, on February 21, 2024.
7. Michael Broadbent accepted service of the Notice of Hearing on behalf of both the Auburn Water District and the Auburn Sewerage District on February 21, 2024.
8. The registered agent for 32 Ventures, LLC accepted service of the Notice of Hearing on behalf of the entity on February 27, 2024.
9. On March 18, 2024, the City Council held the public hearing provided for in 17 M.R.S. § 2851. The City Council was represented at the hearing by Mark A. Bower, Esq.
10. City Councilors Richard S. Whiting, Timothy M. Cowan, Stephen G. Milks, Benjamin J. Weisner, Leroy G. Walker, Sr., Belinda A. Gerry, and Adam R. Platz were in attendance and participated in the consideration of this matter.
11. During the hearing, the City Council heard testimony from the following individuals:

- a. Code Compliance Officer (CCO) Jennifer Dick testified regarding her personal knowledge of the condition of the buildings on the Property resulting from her inspections of the Property on various occasions, which is also contained in her affidavit submitted into the record. She provided the City Council with several documents from the City's property file for 46 Fair Street demonstrating its state of disrepair, including: (1) Notice of Violation, dated November 2, 2022; (2) First Citation and Notice of Civil Penalty, dated November 21, 2022; (3) Second Citation and Notice of Civil Penalty, dated December 9, 2022; (4) Third Citation and Notice of Civil Penalty, dated December 28, 2022; (5) Fourth Citation and Notice of Civil Penalty, dated January 10, 2023; and (6) Fifth Citation and Notice of Civil Penalty, dated January 9, 2024. Neither the Notice of Violation nor any of the Citations were appealed to the Auburn Board of Appeals. The CCO also submitted into the administrative record various photographs from her inspections of the Property on May 5, 2023 and March 5, 2024, which demonstrate the significantly deteriorated condition of the Property. The CCO stated that, in her opinion as a certified code professional, the building on the Property is a dangerous building under the meaning set forth in 17 M.R.S. § 2851. The Council accepts and finds credible the facts set forth in the CCO's affidavit and her oral testimony at the hearing.
- b. Code Enforcement Officer (CEO) Kris Beaudoin testified regarding his personal knowledge of the condition of the buildings on the Property, which is also contained in his affidavit submitted into the record. The CEO further testified regarding the City's efforts to secure the buildings on the Property in order to mitigate the risk and danger to the neighborhood and general public, and described the owner's leaving the building unsecured and work on the Property without valid approvals from the City. The CEO also included copies of e-mail correspondence with the owner's manager evidencing the City's efforts to have the owner remediate the Property to no avail. The CEO testified to his opinion that the building is dangerous, and his recommendation is to carry out the condemnation and demolition of the building because it is an dangerous residential structure, not safe for human inhabitation and poses a significant risk to the general public. The Council accepts and finds credible the facts set forth in the CEO's affidavit and his oral testimony at the hearing.
- c. Fire Chief Robert Chase testified regarding his opinion, on behalf of the Auburn Fire Department, that the buildings at the Property are a fire hazard due to various violations of the NFPA life safety codes, including issues with the wiring of the house that are clearly visible in the photos included in the record. Chief Chase further testified that he would have significant concerns about sending his firefighters into the building on the Property in the event of a fire, due to concerns about its structural integrity and the safety of his firefighters.

12. Based on the totality of the evidence presented at hearing, the City Council determines that:

- a. The building located on the Property is a total loss, due to significant deterioration and obsolescence resulting in deferred maintenance and lack of needed repairs, the extended period of time being open to the elements, and the risk of collapse.

b. In its current state, the building is a fire hazard and uninhabitable and therefore not fit for the purpose for which it is intended.

c. Despite the City's best efforts to secure the building, the building's current owner leaves the building chronically unsecured, which makes the building an attractive nuisance for the community and further encourages and proliferates illegal activity, resulting in a significant risk to the general public.

BASED UPON THE ABOVE FINDINGS, the Auburn City Council concludes that the building located at 46 Fair Street is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable and improper for the use or occupancy to which the building has been put; constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; and is otherwise dangerous to life and property within the meaning of 17 M.R.S. § 2851 and is beyond repair.

These findings and conclusions of the City Council shall be appended to and incorporated into the Order of Demolition dated March 18, 2024.

**NOTICE OF PUBLIC HEARING**

**Pursuant to 17 M.R.S. §§ 2851-2859 (Dangerous Buildings)**

<b>Property Location:</b>	46 Fair Street Auburn, Maine	<b>PARCEL ID:</b>	337-002
<b>Owner:</b>	REDCORAL INVESTMENTS, LLC c/o Northwest Registered Agent LLC 62 Portland Road, Suite 25A Kennebunk, ME 04043		
<b>Parties-in-Interest:</b>	32 VENTURES, LLC c/o Billy Lawson, Registered Agent 5 Winding Way Savannah, GA 31419	F AND F VENTURES 11, LLC c/o CMC Law Group, Registered Agent 8690 S. Maryland Parkway, Suite 220, Las Vegas, NV 89123	
	AUBURN WATER DISTRICT c/o Andrew Titus, Treasurer 268 Court Street Auburn, ME 04210	AUBURN SEWERAGE DISTRICT c/o Charles Sheehan, Treasurer 268 Court Street Auburn, ME 04210	

To: REDCORAL INVESTMENTS, LLC, and all other persons and entities having an interest in the premises situated at 46 Fair Street in Auburn, Maine, a parcel of land with a building or structure located thereon, described as Parcel ID 337-002 on the municipal tax maps on file at Auburn City Hall, 60 Court Street, Auburn, Maine, and more particularly described in the Warranty Deed from Allan F. Mackey to Red Coral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds at Book 10877, Page 16 (hereinafter, the "Property").

You are hereby notified that the City Council of the City of Auburn, Maine has voted to hold a Public Hearing on **Monday, March 18, 2024, at 7:00 p.m.** at the Auburn City Hall located at 60 Court Street, Auburn, Maine. The purpose of this public hearing is to hear all persons interested in the condition of the Property, which is alleged to be a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851. At such hearing, the City Council will consider whether they will adjudge said Property, including the buildings thereon, or any part thereof, to be a nuisance or dangerous; and if so adjudged, will record an Order prescribing what disposal shall be made thereof, including, but not limited to, the demolition and removal of the building/structure found to be in violation. You have a right to attend the hearing, to be heard, and to present any documentary and testimonial evidence that you wish the City Council to consider.

If any such Order of the City Council is issued and is not timely complied with and no appeal is taken, the City Council may undertake to abate or remove any such dangerous condition or nuisance as above referenced that is found to exist, which may include the demolition and removal of all buildings located on the Property, and recover all related expenses, including reasonable attorney's fees, by means of a special tax or civil action against the Owner as provided by statute.

Copies of this Notice will be served upon the Owner and all Parties-in-Interest as required by law and, pursuant to 17 M.R.S. § 2857, an attested copy will be recorded in the Androscoggin County Registry of Deeds.

DATED: 2/7/2024

CITY OF AUBURN, MAINE

*Susan Clements-Dallan*

By: *Phil Crowell*  
Phil Crowell, City Manager

ATTEST:



# City Council Order

IN CITY COUNCIL

CITY OF AUBURN, MAINE  
CITY COUNCIL

**Re: Premises at 46 Fair Street, Auburn, Maine  
Parcel ID# 337-002**

## **ORDER OF DEMOLITION PURSUANT TO 17 M.R.S. §§ 2851-2859**

Notice having been given to REDCORAL INVESTMENTS, LLC and all other persons and entities having an interest in the premises situated at 46 Fair Street in Auburn, Maine, described as Parcel ID# 337-002 on the City's maps, copies of which are on file at the Auburn City Hall, and more particularly described in a deed from Allen F. Mackey to RedCoral Investments, LLC, dated September 14, 2021, and recorded in the Androscoggin County Registry of Deeds in Book 10877, Page 16 (the "Property");

Notice also having been given to (1) 32 Ventures, LLC, holder of a mortgage on the Property dated June 23, 2022, and recorded in the said Registry in Book 11139, Page 27; (2) F and F Ventures 11, LLC, holder of a mortgage on the Property dated June 26, 2023, and recorded in the said Registry in Book 11402, Page 64; (3) Auburn Water District, holder of a water lien on the Property dated September 21, 2022, and recorded in the said Registry in Book 11216, Page 186; and (4) Auburn Sewer District, holder of a sewer lien on the Property dated September 20, 2022, and recorded in the said Registry in Book 11216, Page 192.

A hearing having been duly held by the City Council at the Auburn City Hall on March 18, 2024; and

The structure located on said Property having been adjudged to be structurally unsafe; unstable; unsanitary; constituting a fire hazard; unsuitable and improper for the use or occupancy to which they have been put; constituting a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; and otherwise dangerous to life and property within the meaning of 17 M.R.S. § 2851 and beyond repair, for the reasons set forth in the findings and conclusions attached as Exhibit A and incorporated herein;

Now, therefore, it is hereby **ORDERED** that the structure located on the Property be removed within 30 days from the date of this Order, that the removal comply with all State and local requirements, and that the premises be left in a safe and sanitary condition or that the nuisance be abated in a manner satisfactory to the City within 30 days from the date of this Order;

It is further **ORDERED** that the City Clerk cause attested copies of this Order to be served upon the persons and interest holders above-named as required by law;

---

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

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

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





# City Council Order

It is further **ORDERED** that, if this Order is not complied with, then the City Council or its designee is authorized to cause the removal of the said structure described herein and to bill the owner for the cost of all expenses incurred by the City, which bill must be paid within 30 days after demand; and

It is further **ORDERED** that in the event the owner does not pay the City for its expenses within 30 days after demand, a special tax shall be assessed on the premises described as Parcel ID# 337-002 and located at 46 Fair Street, for all expenses as defined in 17 M.R.S. § 2853, incurred by the City in connection with the removal of the said structure and/or the abatement of the nuisance.

Dated: March 18, 2024

CITY OF AUBURN  
CITY COUNCIL

---

Richard S. Whiting

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Timothy M. Cowan

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Stephen G. Milks

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Benjamin J. Weisner

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Leroy G. Walker, Sr.

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Belinda A. Gerry

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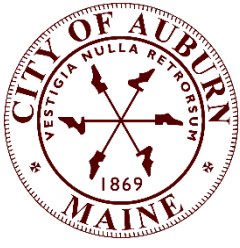
Adam R. Platz

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** March 18, 2024

**Order:** 40-03182024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Adopting the City of Auburn's Fee Schedule

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**Information:** The action of Ordinance 07-03042024 removed the fee schedule from ordinance. Passage of this order adopt the current fee schedule establishing it as a stand alone document which may be amended by the City Council from time to time as an order, which requires one reading as opposed to an ordinance which requires two separate readings and a public hearing.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Recommend passage.

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**Previous Meetings and History:** Public hearing and passage of first reading on March 4, 2024 to remove this from ordinance and the second reading to be voted on at this meeting 3/18/2024.

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 40-03182024**

# City Council Order

**IN CITY COUNCIL**

**Ordered**, that the attached Fee Schedule, as defined in Chapter 1 of the Code of Ordinances and referenced throughout the Code, be and hereby is adopted.

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

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

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

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## City of Auburn

### Fees and Charges

#### Administrative

Notary fee 10.00

Copy fee, per page (8.5 x 11 black and white) 0.10

#### Animals

Dog license fees:

Unaltered dog—annually 11.00

Spayed/neutered dog—annually 6.00

Late fee after January 31 25.00

Impoundment fee—each 50.00

Additional per day for boarding fee TBD

Dangerous dog registration fee—annually 100.00

#### Buildings and Building Regulations

Building permit—single-family:

New construction, additions and mobile homes 25.00

Accessory structure 25.00

Renovation < \$4,000.00 25.00

Renovation > \$4,000.00 25.00 base + 5.00 per \$1,000.00 value

Building permit—multi-family:

New construction and additions 30.00 base + 0.30 per sf

Renovations 30.00 base + 5.00 per \$1,000.00 value

Building permit—commercial:

\*New construction for agricultural building for the storage of crops, housing of livestock are excluded from the building permit fees. This exclusion does not apply to marijuana.

New construction 30.00 base + 0.35 per sf (per floor)

Renovation 30.00 base + 7.00 per \$1,000.00 value

Foundation only 30.00 base + 5.00 per \$1,000.00 value

New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana 25.00 base + 0.07 per sf

Building permit—swimming pools:

\*This includes electrical inspection.

Above ground and in-ground pools 50.00

Building permit—other:

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Fences 25.00  
..... (6 ft or higher)

Underground storage tanks 50.00  
..... (first tank) +  
..... 15.00 (additional tanks)

Moving building 100.00

Driveways 25.00

Change of use 40.00

Certificate of occupancy Included in permit  
..... (\$260.00 penalty)

Signs 25.00 base + 0.50 per sf

Banners, for seven-day period not to exceed 14 days 250.00

Demolition:

Interior demolition not in conjunction with a construction project 50.00  
< 5,000 sf 50.00  
> 5,000 sf 250.00

Belated fee:

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

Building permit fee reimbursement policy:

In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Plumbing fees:

Internal plumbing:

Per fixture (subject to minimum below) 9.00

Minimum 36.00

Subsurface wastewater TBD

Nonengineered systems 150.00

Field only 100.00

Treatment tank only (non-engineered) 75.00

Engineered system 300.00

Treatment tank only (engineered) 120.00

Holding tank 150.00

Other system components 50.00

Separate laundry disposal field 50.00

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Seasonal conversion 75.00  
Variance 50.00  
Primitive system (including 1 alt wc) 150.00  
Alternative toilet only 75.00  
Electrical inspections:  
Minimum TBD  
Residential 32.00  
Commercial 42.00  
Single and multifamily dwellings—per unit (includes service/openings)—each 58.00  
All temporary services 30.00  
Services—single phase—panel and meter:  
Base fee—up to 100 amps (includes cable hookup) 12.00  
Plus-per each additional 100 amps or fraction 7.00  
Plus-per each additional meter 7.00  
Plus-subpanels—up to 100 amps 7.00  
Plus-subpanels—each additional 100 amps or fraction 10.00  
Services—three phase—panels:  
Base fee—up to 100 amps (includes cable hookup) 30.00  
Plus-per each additional 100 amps or fraction 7.00  
Plus-per each additional meter 7.00  
Plus—subpanels, up to 100 amps 10.00  
Plus-subpanels—each additional 100 amps or fraction 10.00  
Wiring openings (total outlets, lights and switches—120 volt):  
1—20 openings 15.00  
21 to 50 openings 20.00  
51+ openings 0.50  
..... per opening  
Appliances in new locations—120 volts—compactors, dishwashers, disposals, air conditioners, etc. 5.00  
Appliances in new locations—240 volts TBD  
Ranges, ovens, water heaters, dryers, air conditioners, etc. 10.00  
Domestic heat:  
Electric—per kilowatt 3.00  
Gas, oil, central air, other 12.00  
Manufactured dwellings—per unit (includes service equipment) 42.00  
Circuses, carnivals, fairs, festivals, etc. 75.00 flat fee  
Transformers, generators and UPS (battery backup) 25.00 flat fee

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Alarm system (copper or fiber):

Fire, burglar—base fee18.00

Plus—per outlet over first 10 outlets0.50

Other low voltage system (computer, phone, cable, satellite dish, sound, closed circuit television, etc.)—base fee18.00

Plus—per outlet over 10 outlets0.50

Motors:

< 25 HP12.00

Plus—for each 5 HP or fraction thereof over 25 HP2.00

Signs (one time fee):

Portable, mobile, permanent—each sign25.00

Emergency lighting battery pack unit—each7.00

Water, sewer, gas or wall pump—each10.00

State business licensing inspections—each40.00

Annual industrial electrical permit—does not include new structures or additions250.00

Fire alarm box connection—annually:

DET electronic units400.00

Mechanical box connections425.00

Belated electrical permit fee—within one calendar year:

First offense100.00

Second offense200.00

Third offense400.00

Fourth offense800.00

Fifth and subsequent offenses—each1,600.00

Inspections and department call outs after normal business hours-minimum (additional time beyond three hours shall be calculated at time plus one-half for the on call electrician)150.00

Notice of intent to sell, transfer or rent property subject to order:

Violation of section 12-199:

Not less than50.00

Not more than100.00

#### **Businesses and Business Regulations**

Lodginghouse, Boardinghouses, rooming houses, hotels, motels, etc.—annually100.00  
..... flat fee

Outpatient addiction treatment clinic—annually200.00

Closeout sales (30-A M.R.S.A. § 3781)—maximum of one per business up to 60 days20.00

Massage licenses—annually:

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Establishment (more than one therapist)—annually150.00  
Therapist—annually, plus cost of background check)150.00  
Solicitation permit (issued by police department)0.00 each  
Mobile or itinerant vendor permit (door-to-door sales):  
One year100.00  
Mobile food distribution unit (roving diner):  
Twelve months100.00  
Vendor use of city property (each three-month period)50.00  
Peddlers:  
Per event75.00  
30-day permit100.00  
Agricultural barn sales—each (maximum of one three-day permit per month between the months of April and October)15.00  
Garage sales—each (maximum of two three-day permits within six months):  
On-line issuance0.00  
In office issuance0.00  
Secondhand dealer license—annually100.00  
Pawnbroker license—annually plus actual cost of advertising hearing100.00  
Junkyard/automobile graveyard (no on-line license)—annually plus actual cost of advertising hearing:100.00  
Taxicabs:  
Taxicab business license—annually100.00  
Call-out inspection fee (establishment requested outside normal hours)—each, plus inspector's overtime hourly rate100.00  
Re-inspection fee100.00  
Flea market, craft fairs, swap meets, and bazaars:  
One day event0.00  
..... application only  
Three months0.00  
..... application only  
Alcohol beverage establishments:  
Class A lounge (liquor)—annually (plus actual cost of advertising hearing)1,000.00  
1,300.00 flat fee  
Tavern license—annually:  
Up to 2,999 square feet150.00  
250.00 flat fee  
Liquor service approval (off-premises catering)—per event10.00  
Food service establishments (plus actual cost of advertising hearing):



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Class I (liquor—beer, wine and spirits, and mixed drinks)—annually500.00  
..... flat fee

Class III/IV (liquor—beer and wine)—annually400.00  
..... flat fee

Class IV (liquor—beer)—annually400.00  
..... flat fee

Class on or off premises (no liquor)—annually200.00  
..... flat fee

Bottle club/BYOB—annually200.00  
..... flat fee

Temporary food service establishment—per event—maximum of 30 days60.00

Off premises retailer—annually200.00  
..... flat fee

Adult amusement devices—each device annually1,100.00

Beano/bingo (EnerGov—no online license)No fee

Carnival, circus, or other traveling amusement—per day150.00

Coin-operated amusement device—annually—per device:  
Per unit up to 10 devices0.00  
Per unit for 10 or more devices0.00

Jukeboxes—each device—annually0.00

Motion picture theater—per screen—annually0.00

Pool halls—annually per table0.00

Roller skating rinks—annually:  
With partial or full kitchen90.00

Dances and dancehalls—per event35.00

Mass gathering permit application fee—determined for each event (EnerGov—no on-line license)N/A

Tattoo (background check required):  
Tattoo artist license fee—annually100.00  
Tattoo exhibitions or shows—per event250.00

Race trackN/A

Special amusement (background check required)—annually plus cost of advertising hearing125.00

Game of chance (EnerGov—no on-line license):  
Six months10.00  
Up to three-year blanket approval20.00

Relicensing upon late renewal by any existing licensed business:  
30—45 days late50.00  
More than 45 days late100.00

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Reoccurring 200.00

**Emergency Management and Services**

Security (alarm) system permit:

Issuance 30.00

**Environment**

Fill permit—original issuance:

Up to 7,000 square feet of fill area 25.00

7,001 to 22,500 square feet of fill area 35.00

Over 22,500 square feet of fill area 50.00

Fill permit renewal—annually—if not delinquent 0.00

**Fire Prevention and Protection**

Fire department services:

Reports—per copy 10.00

Research—per hour (1 hour minimum) 20.00

Old hose—per foot 1.00

Coverage of a fire/EMS event—per person-per hour 50.00 plus apparatus rate

Accident or fire photos—each—unless otherwise determined by fire chief 10.00

Photos printed outside of agency—each—plus actual costs 20.00

Environmental reviews—each 20.00

Fireworks standby—per hour 200.00

Training burns resulting in demolition 2,500.00

Fire investigations—per hour 100.00

Hazard material incidents:

Cost of response—see apparatus costs—plus cost of materials and supplies used.

Illegal/unauthorized burning response—per hour 250.00

Out of control burn response:

Cost of response—see apparatus costs.

Vehicle accidents—per hour 250.00

Extrication of patients from vehicle 300.00

Spill control and clean-up 100.00

Salvage calls—residential:

Labor—per hour 150.00

Sump pump—each—per hour 50.00

Salvage calls—commercial—per hour 500.00

False alarms—received in one calendar year:

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Second 100.00

Increase in first alarm fee for each subsequent alarm 100.00

Fireworks:

Use or possession with intent to use in the city:

First offense (plus costs):

Not less than 200.00

Not more than 400.00

Second and subsequent offenses (plus costs):

Not less than 300.00 per violation

Not more than 600.00 per violation

Sale or possession with intent to sell in the city:

First offense (plus costs):

Not less than 500.00

Second and subsequent offenses (plus costs):

Not less than 1,000.00 per violation

Apparatus rates: includes normal crew assignment

Engine—per hour 250.00

Aerial device—per hour 350.00

Rescue—per hour 150.00

Boat—per hour 150.00

Command unit 100.00

Forestry/brush truck 150.00

#### **Solid Waste**

Solid waste fees shall be as determined annually by the city council base on prior years' financial information.

#### **Streets, Sidewalks and Other Public Places**

Display of goods permit—each 0.00

Excavation/Street Opening Permits—per square foot\* :

Newly constructed, reconstructed or repaved street 6.00

Paved streets 5.00

Gravel streets and shoulders 3.00

Construction areas (streets scheduled for full-depth construction) 5.00

\* *Applicability Date*: Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

Sidewalk openings—per square foot:

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Concrete, brick, bituminous1.50

Other openings:

1.00 for all other materials

Entrance permit—each20.00

Private propertyN/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements2%

Private streets—as percentage of estimated costs of required public-type improvements2%

Special exceptions—the greater of:

Minimum200.00

Percentage of public type improvements2%

#### **Traffic and Vehicles**

Parade or procession permit—each0.00

Parking in city owned parking lot and mechanics row parking garage—monthly45.00

#### **Zoning**

Zoning text amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning map amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning board—appeals, interpretation, variance, conditional use permit, etc.:

Base fee—each application150.00

Additional for required advertising—each application200.00

Site plan review:

Minor projects—interdepartmental/staff review—each application200.00

Major projects and subdivision of existing structures—planning board review/special exceptions:

Base fee—each application500.00

Additional for required advertising200.00

Site plan amendment:

Minor projects—staff approved amendments—each100.00

Major projects—planning board approved—amendments:

Base fee-each application100.00

Additional for required advertising200.00

Subdivision review—new lots and structures:

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First three lots 750.00

Each additional lot over three 100.00

Delegated review (in addition to site plan or subdivision fees when required)—includes one or all areas (stormwater, TMP, site law, etc.) 25% of the fee that would be charged by the state department of environmental protection and state department of transportation for the same permits based on state adopted fee schedules at the time of application.

Zoning conformance/rebuild letter—each 50.00

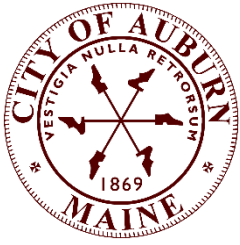
Independent professional review fees TBD

Engineering inspection fees TBD

Required advertising (unless otherwise specifically provided above) 100.00

**Other General Information:**

- Applicants are responsible for the cost of all public hearing advertisements and background checks required for various licenses. Failure to list that additional expense in the fee schedule shall not eliminate that requirement from the licensing process.
- Applicants are responsible for providing background checks, not older than 3 days prior to submission of application for all licenses that require such checks or, alternatively, applicants may pay \$100.00 to the city with the application to cover the cost of the background check.
- License fees established in this appendix include two routine or pre-operational inspections and one follow-up inspection. When additional inspections are required, the city may charge an additional \$100.00 per inspection to cover the costs of each additional inspection or visit.
- All first time applications must be made in person, unless otherwise specifically stated herein.
- All on-line licenses will receive a 10% discount unless otherwise indicated herein.
- No on-line renewal of liquor licenses, special amusement licenses, or tattoo or massage licenses is permitted.
- Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state fees administered by the city.
- Commercial construction. A veteran owned business\* or subcontractor hired by a veteran owned business\*, will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state fees administered by the city.
  - \* Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.
  - \*\* Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** March 18, 2024

**Subject:** Executive Session

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